

PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

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

Vol. LXXII (Nos. 1 to 4)

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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. On other duty as Viceroy and Acting Governor-General of India.

His Excellency Khan Bahadur Sir MAHOMED USMAN, K.C.I.E., Acting. Took his seat on the 16th May 1934.

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.

1. Land Revenue administration as described under the following heads, namely :—
 - (a) Assessment and collection of land revenue.
 - (b) Maintenance of land records ; survey for revenue purposes ; records of rights.
 - (c) Laws regarding land tenures ; relations of landlords and tenants ; collection of rents.
 - (d) Court of Wards, encumbered and attached estates.
 - (e) Land improvement and agricultural loans.
 - (f) Colonization and disposal of Crown lands.
 - (g) Management of Government estates.
 - (h) Panchayat forests.
2. Yeomias, 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.
5. Economic condition including wages and prices and famine-relief.
6. Land acquisition, excepting notifications under subsection (1) of section 4 and declarations under subsection (1) of section 6 of the Land Acquisition Act, 1894, where the public purpose referred to in the said subsections appertains to a transferred subject.
7. Development of mineral resources.
8. Protection of wild birds and animals.
9. Pounds and prevention of cattle trespass.
10. Provincial gazetteers.
11. Agency tracts.
12. Fortnightly reports and preliminary special reports to the Government of India.
13. General service questions.
14. Office procedure.
15. Secretariat.
16. Elections for Indian and Provincial Legislatures.
17. 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 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. | 8. Port quarantine and marine hospitals. |
| 4. Criminal law. | |
| 5. Major ports. | |

4. The Hon. Mr. G. T. H. BRACKEN, I.C.S., Home Member. Took his seat on the 16th May 1934 and is in charge of the following portfolios :—

I.—Provincial Subjects.

- | | |
|--|--|
| 1. Police, including Railway Police and C.I.D. | 12. Government Houses, Staff and equipment of His Excellency the Governor. |
| 2. Regulation of betting and gambling. | 13. Government Presses. |
| 3. Prevention of cruelty to animals. | 14. 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. Laccadives. | (e) Smoke nuisances. |
| 9. European vagrancy. | (f) Welfare of labour including depressed classes. |
| 10. European and Anglo-Indian education. | 15. Criminal tribes. |
| 11. Regulation of medical and other professional qualifications and standards. | 16. 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> Tinnevelly, 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 Gopalswami Mudaliyar, Diwan Bahadur M.	Belary, N.-M. Rural.
25 Harischandrudu Nayudu, A.	Godavari East, N.-M. Rural.
26 Indrayya, C.	Godavari West, N.-M. Rural.
27 Iswaran Pillai, I. C.	Tinnevelly N.-M. Rural.
28 Jagannadha Raju, Rao Bahadur G. (<i>Deputy President</i>).	Vizagapatam, N.-M. Rural.
29 Jagannatham, H. M.	NOMINATED.

Name of member.	Name and class of constituency.
30 Jayaram Nayudu, Rao Sahib C.	Chingleput, N.-M. Rural.
31 Jones, I.C.S., C. E.	NOMINATED.
32 Kesavaramamurti Nayudu, K.	Cocanada City, N.-M. Urban.
33 Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Madura and Trichinopoly <i>cum</i> Srirangam, Muhammadan Urban.
34 Kolanda Reddi, Rai Sahib C.	Kistna, N.-M. Rural.
35 Koti Reddi, K.	Cuddapah, N.-M. Rural.
36 Krishnamurti, Rao Bahadur D.	NOMINATED.
37 Krishnan, C.	NOMINATED.
38 Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi.	NOMINATED.
39 Krishnayya Choudari, P. V.	Guntur, N.-M. Rural.
40 The Kumararaja of Venkatagiri (Raja Velugoti Sarvagnya Kumara Krishnayachendrula Bahadur Varu).	Nellore, N.-M. Rural.
41 Kumaraswami Reddiyar, The Hon. Diwan Bahadur S. (<i>Minister</i>).	Tinnevelly, N.-M. Rural.
42 Kuppuswami Choudari, J.	Guntur, N.-M. Rural.
43 Ladden, W. W.	Madras Trades Association.
44 Lakshmana Reddi, G.	Anantapur, N.-M. Rural.
45 Langley, W. K. M.	Madras Planters.
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, Rao Bahadur A. T.	Tanjore and Trichinopoly cum Madura, Christian.
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 Sahajanandam, Swami A. S. ..	NOMINATED.
99 Sami Venkatachalam Chetti ..	Madras City, N.-M. Urban.
100 Sengodaiyan, I.C.S., S. G. (a) ..	NOMINATED.
101 Sessa Reddi, Rao Bahadur B. P.	Kurnool, N.-M. Rural.
102 Shetty, A. B.	South Kanara, N.-M. Rural.
103 Simhachalam Pantulu, Gade.	Guntur, N.-M. Rural.
104 Singam Ayyangar, K. ..	Trichinopoly cum Srirangam, N.-M. Urban.
105 Siva Raj, Rao Sahib N. ..	NOMINATED.
106 Sivasubrahmanya Ayyar, K. S.	Tanjore, N.-M. Rural.
107 Smith, C.I.E., I.C.S., E. Conran.	NOMINATED.
(b)	
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.C.I.E., C.S.I., I.C.S., The Hon. Sir Hopetoun.	EX OFFICIO.
114 Subbarayan, Dr. P. (The Zamin-dar 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.

(a) Nominated with effect from 2nd August 1934.
(b) Resigned with effect from 2nd August 1934.

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

Special Members.

134 Smith, W. Erlam	} Nominated for the consideration of the Madras Public Libraries Bill.
135 Krishnaswami Ayyar, K. V. ...	
136 Javad Hussain Sahib Bahadur, Khan Bahadur.	Nominated for the consideration of the Madras City Municipal Act (Amendment) Bill.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

OFFICIAL REPORT.

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

Wednesday, the 1st August 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.	Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
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.
Bracken, C.I.E., I.C.S., The Hon. Mr. G. T. H.	Krishnan Mr. C.
Bobbili, The Hon. the Raja of.	Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi.
Rajan, The Hon. Mr. P. T.	Kumararaja of Venkatagiri, The.
Kumaraswami Reddiyar, the Hon. Diwan Bahadur S.	Ladden, Mr. W. W.
Abdul Hameed Khan Sahib Bahadur.	Lakshmana Reddi, Mr. G.
Ahmed Meeran Sahib Bahadur.	Madanagopal Nayudu, Mr. R.
Alagannan Chettiyar, Rao Sahib A. S.	Maharaja of Venkatagiri, The.
Alamelumangathayaramma, Mrs. K.	Mahboob Ali Baig Sahib Bahadur.
Annamalai Chettiar, Mr. S. A. A.	Manikkavelu Nayakar, Mr. M. A.
Appadurai Pillai, Diwan Bahadur A.	Metherell, Mr. J. K.
Arasu, Mr. V. T.	Moses, Mr. P. C.
Ari Gowder, Mr. H. B.	Muniswami Nayudu, Diwan Bahadur B.
Basheer Ahmed Sayeed Sahib Bahadur.	Muniswami Pillai, Rao Sahib V. I.
Basu Dev, Mr. C.	Muthiah Chettiyar, Mr. M. A.
Bayappa Reddi, Mr. P.	Muthu Chettiyar, Rao Bahadur P. C.
Beyabani Sahib Bahadur, S. M. K.	Nachiyappa Gounder, Mr. K. A.
Bhanoji Rao, Mr. A. V.	Nadimuthu Pillai, Mr. A. Pl. N. V.
Birley, Mr. F.	Nanjappa Bahadur, Subadar-Major S. A.
Boag, C.I.E., I.C.S., Mr. G. T.	Narasa Reddi, Mr. T.
Brock, O.B.E., V.D., Lieut.-Col. C. H.	Narasimhaswami, Rao Sahib D. V.
Davis, Mr. J. A.	Narayanan Nambiyar, Mr. V. P.
Devadasan, Mr. M.	Narayanawami Pillai, Rao Bahadur T. M.
Dharmalingam Pillai, Rao Sahib V.	Natesa Mudaliyar, Rao Bahadur C.
Duraiswami Reddiyar, Mr. K. M.	Palat, Mr. R. M.
Ellappa Chettiyar, Diwan Bahadur S.	Parthasarathi Ayyangar, Mr. C. R.
Foulkes, Mr. R.	Patnaik Mahasayo, Sriman M. G.
Harischandrudu Nayudu, Mr. A.	Patro, Kt., Rao Bahadur Sir A. P.
Jones, I.C.S., Mr. C. E.	Pattagar of Palayakottai, The.
Indrayya, Mr. C.	Peddi Raju, Mr. P.
Iswaran Pillai, Mr. I. C.	Pocker Sahib Bahadur, B.
Jagannatha Raju, Rao Bahadur G.	Premayya, Mr. G. R.
Jagannatham, Mr. H. M.	Rajagopala Pillai, Mr. P. V.
Jayaram Nayudu, Rao Sahib C.	Ramachandra Padayachi, Mr. P. K.
Kesavaramamurti Nayudu, Mr. K.	Ramakrishna Reddi, Mr. A.
	Ramalingam Chettiyar, Rao Bahadur T. A.

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PRESENT—cont.

Ramamurti, Rao Sahib Pandit Ganala.
 Raman Menon, Mr. K. P.
 Ramaswami Ayyar, Mr. T. S.
 Ramaswami Mudaliyar, Mr. V. M.
 Ranganatha Mudaliyar, Mr. A.
 Ranganatha Mudaliyar, Mr. G.
 Ranganatha Mudaliyar, Mr. M. D. T.
 Rangaswami Reddi, Mr. M. B.
 Ratnasabhapati Mudaliyar, Diwan
 Bahadur C. S.
 Sahajanandam, Swami A. S.
 Sami Venkatachalam Chetti, Mr.
 Sesha Reddi, Rao Bahadur B. P.
 Shetty, Mr. A. B.
 Singam Ayyangar, Mr. K.
 Siva Raj, Rao Sahib N.
 Sivasubrahmanya Ayyar, Mr. K. S.
 Smith, C.I.E., I.C.S., Mr. E. Conran.
 Soundara Pandian, Mr. W. P. A.
 Sreshta, Mr. M. S.
 Srinivasa Ayyangar, Mr. T. C.
 Srinivasan, Rao Bahadur R.
 Sriramulu, Mr. G.
 Subrahmanya Chetti, Rao Sahib P.
 Subrahmanya Bhatt, Mr. U. C.
 Sundara Rao Nayudu, Mr. T.
 Thangal, Mr. P. M.
 Thomas, Mr. Daniel.
 Thorne, C.I.E., I.C.S., Mr. J. A.
 Vedachala Mudaliyar, Mr. M.
 Venkatarama Ayyar, Mr. K. R.
 Venugopal Nayudu, Rao Bahadur R. K.
 Viswanatha Rao, Diwan Bahadur V. N.
 Yakub Hasan Sahib Bahadur.
 Zamindar of Chemudu, The.
 Zamindar of Kirlampudi, The.
 Zamindar of Mirzapuram, The.
 Krishnaswami Ayyar, K. V.
 Javad Hussain Sahib Bahadur, Khan
 Bahadur.

I.—SWEARING IN OF MEMBERS.

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

Lieut.-Col. C. H. BROCK, O.B.E., V.D.
 M.R.Ry. I. C. ISWARAN PILLAI AVARGAL.
 C. E. JONES, Esq., I.C.S.
 G. T. BOAG, Esq., I.C.S.
 Khan Bahadur JAVAD HUSSAIN SAHIB Bahadur.

II.—RESOLUTION OF CONDOLENCE.

The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, before we proceed with the business of the House, I beg to move the following motion:—

'that an expression of the sincere regret of this Council at the death of M.R.Ry. Jaga Veera Rama Kumara Venkateswara Ettappa Nayakar Ayyan Avargal, Zamindar of Ettiyapuram, M.L.C., and of deep sympathy with his bereaved family be placed on record and conveyed to them.'

"The late Zamindar succeeded to the important estate of Ettiyapuram in September 1928 on the death of his father, though he had been closely associated with the management of the estate even during his father's lifetime from the year 1925. He became a Member of the Legislative Council for the first time at the General Election in 1930 when he was returned to this House by the Non-Muhammadan Rural Constituency of Tinnevely. He continued to be a Member of the House until he died on the 28th of May this year at the age of 53, but owing to indifferent health he was prevented from attending the meetings of the Council regularly. An educated and enlightened man, he associated himself with many public movements in the district of Tinnevely such as the Discharged Prisoners' Aid Society and the Boy Scouts Association and rendered valuable services whenever his assistance was

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required. He was particularly interested in music and architecture. It is a matter for very great regret that this House should have lost his valuable services within so short a time of his becoming a Member of it. I am sure that all parties in the House will desire to be associated with the motion which I have made."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Mr. President, Sir, on behalf of the Opposition I associate myself with everything that has fallen from the Hon. the Leader of the House, the Hon. the Revenue Member. It is indeed a very regrettable thing that an enlightened Zamindar like the late Zamindar of Ettiyapuram who played an important part in public affairs should have been lost to this country at this time."

The Hon. the RAJA OF BOBBILI:—"Mr. President, Sir, I consider it a privilege to associate myself on behalf of my Party with the sentiments expressed by the Hon. the Leader of the House and the Hon. the Leader of the Opposition."

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

'that an expression of the sincere regret of this Council at the death of M.R.Ry. Jaga Veera Rama Kumara Venkateswara Ettappa Nayakar Ayyan Avargal, Zamindar of Ettiyapuram, M.L.C., and of deep sympathy with his bereaved family be placed on record and conveyed to them.'"

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

III.—ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

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

- | | | |
|--|-----|------------------|
| (1) The Madras Co-operative Societies Amendment Act, 1934 | ... | 11th April 1934. |
| (2) The Madras Nurses and Midwives Amendment Act, 1934 | ... | 30th April 1934. |
| (3) The Madras Estates Land (Amendment) Act, 1934 | ... | 2nd May 1934. |
| (4) The Madras Co-operative Land Mortgage Banks Act, 1934 | ... | 17th May 1934. |
| (5) The Madras Local Authorities Entertainment Tax (Amendment) Act, 1934 | ... | 19th May 1934." |

IV.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

General

Acceptance of addresses by certain Revenue officers in contravention of Government Order.

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

(a) whether the Government are aware that certain Revenue officers are continuing to receive addresses in contravention of the Government Order directing them not to receive addresses;

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(b) what action has been taken by the Government on officers who have not adhered to the Government Order; and

(c) what action has been taken by the Government to prevent officers from receiving addresses in the future; if not, why not?

A.—(a) & (b) One such case was brought to the notice of the Government and the officer concerned has been suitably dealt with.

(c) As the rules on the subject are clear the Government do not consider that any further action is called for.

Land Revenue Administration

Representations for the postponement of the introduction of resettlement in South Kanara.

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

(a) whether Government have considered the representations made by the Landholders' Association of South Kanara, for postponing the introduction of resettlement in the district till the present economic depression passes off; and

(b) whether they have come to any decision in the matter?

A.—(a) & (b) The attention of the hon. Member is invited to the answers given against resolution I in clause (c) of question No. 650 on the 21st February 1934 and to clause (b) of question No. 684 on the 24th February 1934. The scheme report for the resettlement of the South Kanara district has not yet been taken up for consideration.

Mr. U. C. SUBRAHMANYA BHATT:—" May I know, Sir, as to whether the Government have at least considered the question of extending the time for putting in objections? "

The Hon. Sir ARCHIBALD CAMPBELL:—" Yes, Sir. We have extended the time up to 1st September."

Mr. A. B. SHETTY:—" May I know, Sir, whether the Landholders' Association of South Kanara has asked for a further extension of time by three months on the ground that copies of the report have not been made available to the people? "

The Hon. Sir ARCHIBALD CAMPBELL:—" Yes, Sir. A representation was received and we have extended the time to the 1st September."

Orders of Government on the resettlement proposals for South Kanara.

* 3 Q.—Mr. A. B. SHETTY: Will the Hon. the Member for Revenue be pleased to state when the Government propose to pass orders on the resettlement proposals for South Kanara, submitted by the Special Settlement Officer?

A.—After the expiry of three months from the date of publication of the report and after all representations received within that period have been considered.

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Publication of the resettlement report of the Guntur district.

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

(a) whether the resettlement report of the Settlement Officer for Guntur district has been received by the Government and the Board of Revenue;

(b) whether the Government will be pleased to place it on the table of this House for information; and

(c) whether they will give an opportunity to this House to discuss the report before passing final orders on it?

A.—(a) The Government have not yet received the scheme report for the resettlement of the Guntur district. They understand that the report has been received by the Board of Revenue.

(b) & (c) The attention of the hon. Member is invited to the answer given to clauses (b) and (c) of his question No. 209 on 31st October 1933.

Tax on palmyra and fruit trees in the Tinnevely district.

* 5 Q.—Mr. DANIEL THOMAS: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the ryotwari land revenue for the current fasli is collected in the Tinnevely district on the footing that the palmyra tax and the taxes on fruit trees on poramboke lands are not entitled to the benefit of the Government Order, dated 10th January 1934, granting partial suspension of ryotwari land revenue;

(b) whether a memorial has been received by the Government from the Tinnevely Mahajana Sangham about this matter;

(c) what orders, if any, have been passed on the same; and

(d) whether the Government will be pleased to state the reasons for excluding the above taxes from the benefit of the Government Order?

A.—(a) & (b) Yes.

(c) As regards palmyra tax no action was taken as the Government decided on a representation from the Nadar Maha Jana Sangham, Madura, that no concession was necessary in respect of this tax in the Tinnevely district. As regards taxes on other trees, a report from the Board of Revenue is awaited.

(d) The concessions sanctioned in G.O. No. 72, Revenue, dated the 10th January 1934, are intended to apply only to land revenue assessment and water-cess and not to palmyra and tree taxes. The reasons for the decision regarding the tax on palmyra trees mentioned in the answer to clause (c) are that the present prices of palmyra produce are still

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higher than those prevailing at the time of the resettlement of the district (when the existing rates of tax were fixed) and that the trees have still an appreciable lease value.

Mr. DANIEL THOMAS:—" May I know, Sir, from the Hon. the Revenue Member whether the Government are aware that in the Tinnevely district it has become increasingly difficult to get palmyra climbers? As a matter of fact, palmyra climbers have been imported from the State of Travancore."

The Hon. Sir ARCHIBALD CAMPBELL:—" I have no information on the point, Sir."

Mr. DANIEL THOMAS:—" Will the Government be pleased to make enquiries in this direction and revise their orders? "

The Hon. Sir ARCHIBALD CAMPBELL:—" I do not think it is necessary to make any enquiries on this matter."

Mr. DANIEL THOMAS:—" I understand from the answer to clause (d) that the refusal to include palmyra trees is that the price of palmyra sugar has remained the same. But, may I ask the Hon. the Revenue Member whether the cost of obtaining palmyra climbers has been increasing more and more and proportionate allowance has not been made in the concession regarding land revenue? "

The Hon. Sir ARCHIBALD CAMPBELL:—" The reason given by the hon. Member is not the reason for not giving a concession in respect of these palmyra trees. The rates of tax on them are already very low."

Issue of pattas on lands classified under ' Miscellaneous Cultivation.'

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

(a) whether the Government are aware that many holdings which have been under cultivation for very long periods are still classified under ' Miscellaneous Cultivation ';

(b) whether it is a fact that in certain cases in Guntur district the holdings have been classified under ' Miscellaneous Cultivation ' for over twenty-five years;

(c) why do the Government allow holdings under this head for a very long period without granting pattas after the lapse of a fixed period;

(d) whether the Government have any proposal to grant pattas automatically after a fixed period; and

(e) whether the Government will be pleased to lay on the table of this House a statement of their policy on this matter?

A.—(a), (b) & (c) The Government presume that by 'miscellaneous cultivation' the hon. Member refers to occupation of assessed, unassessed and poramboke lands. According to paragraph 12 of the jamabandi report for fasli 1342 the extent of poramboke occupied and charged with taram

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assessment in the Guntur district was 14,167 acres, the occupation being mostly by members of depressed classes and by longstanding sivaizamadars. It is there stated that assignments of these cases were pending subdivision and transfer to ayan.

(d) No. Each case has to be examined on its merits.

(e) The policy of Government has been to regularize by assignment such unauthorized occupation of land as is unobjectionable. The attention of the hon. Member is invited to paragraphs 7 and 36 of Board's Standing Order No. 15 and to Board's Standing Order No. 26.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know why the Government is allowing this practice, if it is objectionable, for over 20 years, of keeping it under the occupation of the Depressed Classes? "

The Hon. Sir ARCHIBALD CAMPBELL:—" If the hon. Member draws my attention to any particular case, I shall be glad to enquire into it."

Applications from certain villages in Guntur district for the remission of land revenue for fasli 1342-43.

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

(a) whether the Government have received any petitions from the people of Alluru and neighbouring villages in Ongole taluk of the Guntur district for remission of land revenue on the lands under Chapaya and Chakraya tanks for the fasli 1342-43;

(b) whether such petitions have been received by the District Collector, Guntur;

(c) if so, what the orders are of the Government or the District Collector thereon; and

(d) whether the Government will be pleased to place on the table of this House the report of the District Collector, Guntur, on the matter?

A.—(a) No.

(b) In a report submitted in February 1934, the Collector of Guntur stated that the ryots holding lands under the tank applied for remission in fasli 1342.

(c) No remissions were granted in fasli 1342; but on the recommendations of the Collector and the Board of Revenue the Government remitted in fasli 1343 the assessment on the ryotwari wet area under the tank amounting to Rs. 4,546-14-0.

(d) As the Government have sanctioned remission for fasli 1343, they consider that no useful purpose would be served by laying the Collector's report on the table of the House.

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Supply by karnam of details of land revenue dues to the village munsif.

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

(a) whether it is a fact that mostly village karnams do not hand over the kistbandi to the village munsifs for land revenue collection with full details about patta number and the dues from each of the holders as per possession in the same patta;

(b) whether it is a fact that the mention of only one holder in the patta handicaps the village munsif in the quick realization of land revenue;

(c) whether the Government are aware that in certain cases the only holder mentioned in the kistbandi has been made to pay the entire amount due from the patta either because of the personal enmity of the village munsif or due to other causes;

(d) what action, if any, has been taken by the Government to remedy the grievance of the village headman being supplied with insufficient details in the kistbandi and the grievance of the ryot who is made to pay the whole amount due from the patta when several people are holding it conjointly;

(e) whether the Government are aware that variations occur in the amount of 'kist' to be paid year after year because of the insufficient details given in the kistbandi; and

(f) if Government have no information, whether they will be pleased to call for it?

A.—(a) The Government have no information that the fact is as stated.

(b) If the name of only one among a number of joint holders is furnished to the village munsif, the effect might be as stated.

(c) The Government have no definite information of any such cases; each of the registered holders of a joint patta is, however, liable to be called on to pay to the Government the whole assessment on the land held on joint patta.

(d) The rules in the Village Officers' and Ryots' Manual require the karnam to render all necessary help to the village munsif; so far as ryots are concerned it is open to each ryot to have the land in his possession subdivided and the land revenue thereon fixed. The Government do not consider that any further action is necessary.

(e) The Government have no information.

(f) The Government do not consider it necessary to call for a report. It is open to any village headman or ryot who has a definite grievance to make his representation in the proper quarter.

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Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether the Government will take action if there are specific cases where they are not following the rules in the Manual? "

The Hon. Sir ARCHIBALD CAMPBELL:—" Yes, Sir. But I would suggest that such cases may be brought to the notice of the Collectors concerned."

Joint liability of the village munsif and the karnam for loss of trees on poramboke.

* 9 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 village munsif and the karnam are held jointly responsible for any loss of trees in the 'poramboke';

(b) if so, whether the village munsif is supplied by the karnam with a duplicate list of the trees for purposes of verification;

(c) if not, whether the village munsif is authorized to call for the registers from the karnam for the necessary verification;

(d) whether the Government have issued any instructions on this matter to the village officers; and

(e) if so, whether the Government will be pleased to place on the table of this House a copy of the circular or circulars on the subject?

A.—(a) Yes.

(b) & (c) Under the rules contained in Chapter I of the Village Officers' and Ryots' Manual, the village munsif is entitled to get the requisite help from the karnam.

(d) & (e) No instructions other than those contained in section 24 of Chapter V of the Village Officers' and Ryots' Manual have been issued by the Government.

Control of village servants by the village headman exclusively.

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

(a) whether it is a fact that according to the Village Manual in force in this Presidency, all village servants are placed under the direct control of the village headman;

(b) whether the Government are aware that some Tahsildars in Guntur district are in the habit of distributing the services of the village menials between the village headman and the karnam against the clear provisions in the Village Manual;

(c) if so, under what provision or rule is the distribution of servants made; and

(d) if Government have no information, whether they will be pleased to call for the same from the District Collector, Guntur?

A.—(a) All village servants act under the orders of the village headmen.

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(b), (c) & (d) The Government have no information as to the correctness of the statement made in (b). But as there is no provision in the Village Officers' and Ryots' Manual which prohibits such action, the Government see no need to call for a report.

Cattle mortality on account of wild animals.

* 11 Q.—Mr. A. B. SHETTY: Will the Hon. the Member for Revenue be pleased to state the number of cattle killed last year by tigers and panthers in each district of this Presidency?

A.—The Government have not the information but have called for a report.

Commerce

Orders, if any, of the Government of India regarding prevention of the import of foreign rice into this Presidency.

* 12 Q.—Mr. A. B. SHETTY: Will the Hon. the Member for Finance be pleased to state whether any orders have been received by the Local Government from the Government of India as the result of the representations made by the Madras Government to prevent the import of foreign rice into this Presidency?

A.—No.

Mr. A. B. SHETTY:—“ May I know whether the Government are aware that consignments of rice are continuing to be received in Madras and as a result of it the price of rice and paddy is remaining low in this Province? ”

The Hon. Sir HOPETOUN STOKES:—“ The Government are aware of the former, but they are not aware of the latter.”

Mr. ABDUL HAMEED KHAN:—“ In view of the fact that it is nearly three months since this representation has been made to the Government of India, will the Government write to the Government of India again and try to impress upon them the need for early action? ”

The Hon. Sir HOPETOUN STOKES:—“ I am sure, Sir, the Government of India are already aware of the need and I do not think we shall gain much by sending weekly reminders to them.”

Mr. V. T. ARASU:—“ May I know whether the Hon. Member is in a position to state whether the Government of India have any intention to take steps to prevent the import of rice into this Province in particular and into India in general anywhere in the near future? ”

The Hon. Sir HOPETOUN STOKES:—“ No, Sir.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask whether the Hon. Member will take this House into his confidence and tell us what measures are under contemplation either by the Local Government or

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the Government of India, or whether the Local Government has been consulted in regard to measures that may be necessary for the prevention of the import of rice into this Province? ”

The Hon. Sir HOPETOUN STOKES:—“ I think the answer to the second part of the question has been already given in the word ‘ No.’ As regards the first, I am unable to take the House into confidence regarding a matter of which I have no knowledge.”

Mr. B. POCKER SAHIB:—“ Is it not a fact, Sir, that the source of information for the Government of India as regards what is happening in this Province is only this Local Government and there is no other source? ”

The Hon. Sir HOPETOUN STOKES:—“ I am not aware that that is the position, Sir.”

Mr. V. T. ARASU:—“ Will the Hon. Member be pleased to place before this House the communication sent by the Government of Madras to the Government of India in regard to this subject? ”

The Hon. Sir HOPETOUN STOKES:—“ I do not think any useful purpose will be served by doing so. But I shall be glad at the proper time to consider that suggestion.”

Mr. B. POCKER SAHIB:—“ May I know what are the other sources from which the Government of India receive information, except the Madras Government? ”

The Hon. Sir HOPETOUN STOKES:—“ It has got its own Commerce department.”

Reply, if any, from the Government of H.E.H. the Nizam of Hyderabad, regarding the imposition of duty on rice.

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

(a) whether the Government have received any reply from the Government of H.E.H. the Nizam of Hyderabad, regarding the imposition of the duty on rice over and above the terms of the treaty of 1802;

(b) if so, whether the Government will be pleased to lay the reply on the table of this House; and

(c) what action the Madras Government have taken thereon?

A.—(a) & (b) Intimation has been received that His Exalted Highness the Nizam's Government have recently reduced the duty from 12 to 10 annas per palla.

(c) The matter is under consideration.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether the reduction made by the Government of His Exalted Highness the Nizam is consistent with the terms of the treaty made by them with the India Government? ”

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The Hon. Sir HOPETOUN STOKES:—"It has not according to our calculation come down to the stipulated amount, and the question of further reduction is, as stated in the answer to clause (c), under consideration."

Views of the Local Government on the proposal to levy an extra excise duty on cotton.

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

(a) whether the Government of Madras have expressed their views on the question of the levy of an extra excise duty on cotton; and

(b) whether the Government will be pleased to lay on the table of this House the views forwarded by them to the Government of India on the levy of the proposed tax on cotton for the benefit of Bombay?

A.—(a) No.

(b) Does not arise.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know, Sir, whether any reference has been received by the Local Government from the Government of India?"

The Hon. Sir HOPETOUN STOKES:—"I think not, Sir."

Forests

Orders, if any, of the Government on the memorandum of the Landholders' Association of South Kanara, regarding the withdrawal of forest concessions.

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

(a) with reference to the answer to questions Nos. 593, 560 and 561 of the last session of the Council, whether any orders have been passed on the memorandum of the Landholders' Association of South Kanara, regarding the withdrawal of the forest concessions in South Kanara;

(b) if so, what orders have been passed and whether a copy of the same will be placed on the table of the House;

(c) whether before passing the said orders any report was called for from the Collector of South Kanara and the Chief Conservator of Forests; and if so, whether a copy of their reports will be placed on the table of the House;

(d) whether the Collector and the Chief Conservator of Forests were asked to enquire and report or merely to report on the allegations in the memorandum setting out the case for the department and whether they were asked to enquire and report whether any notice was given to the landholders' association of the enquiry conducted by them; and

(e) whether the Government are aware of the promise of the Hon. Member's predecessor in office made to the hon. Members representing the district of South Kanara in this Council to discuss the matter on the receipt of the reports of the said officers before passing final orders; if so, whether any such opportunity was given to the hon. Members before orders were passed?

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A.—(a) The memorandum is still under the consideration of the Government.

(b) Does not arise.

(c) & (d) The Collector and the Conservator had arranged for a joint tour in January 1934 in the Coondapoor taluk to hear complaints, if any, connected with the withdrawal of the concessions. Ample notice of the tour and the object of it was given to the ryots in advance. As the President of the South Kanara Landholders' Association had submitted a memorandum to the Government on the subject, he was specially informed by the Collector of the proposed tour. The Government have obtained a joint report from the Collector and the Conservator on the results of the enquiry conducted by them. The report is under the consideration of the Government. The question of placing it on the table of the House will be considered by them.

(e) It is not clear when the promise referred to in this question was made. If the hon. Member's reference is to the speech made by Sir M. Krishnan Nayar in this House on 12th March 1934 it will be found that all that the Hon. the Law Member promised was that as soon as the Government received the reports of the Chief Conservator of Forests and the report of the Collector they will consider them (the reports) very carefully and even with sympathy wherever possible. This promise will certainly be fulfilled.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know, Sir, as to whether the Conservator of Forests and the Collector of South Kanara have found in their report that the question of the alleged abuses of the concessions is not true?"

The Hon. Rai Bahadur Sir K. V. REDDI:—"The impression that I have at present, at any rate, is that they found that the concessions are being abused."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know, Sir, as to what exactly the finding of the Collector and the Conservator of Forests is?"

The Hon. Rai Bahadur Sir K. V. REDDI:—"It will be known as soon as the Government pass their orders. The matter is still under the consideration of the Government. As soon as the Government come to a decision, both the findings as well as the decision of the Government will be published."

Mr. SAMI VENKATACHALAM CHETTI:—"May I know what the financial loss involved is by the abuse of the privileges?"

The Hon. Rai Bahadur Sir K. V. REDDI:—"The financial loss, if it is calculated only by the mere leaves, might be little but the financial loss might extend to anything if the forests are denuded and destroyed."

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Mr. A. B. SHETTY:—" May I know whether the Government do not consider it desirable that this report should be published for the information of the people affected by the withdrawal of the concessions to enable them to have their say in the matter before Government pass their orders in this matter? "

11-15 a.m. The Hon. Rai Bahadur Sir K. V. REDDI:—" That can be decided only when the final decision is taken by the Government."

Mr. SAMI VENKATACHALAM CHETTI:—" Will the Hon. Member state whether the violation of concessions is still going on and whether the forests continue to be denuded? "

The Hon. Rai Bahadur Sir K. V. REDDI:—" The forests are not growing in the same way in which they would have grown if the abuses had been stopped."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know when the withdrawal was given effect to? "

The Hon. Rai Bahadur Sir K. V. REDDI:—" I want notice."

Mr. M. S. SRESHTA:—" May I know whether it is not more than a year since these concessions were withdrawn? "

The Hon. Rai Bahadur Sir K. V. REDDI:—" Very nearly, I take it."

Orders, if any, of the Government for the restoration of forest concessions in South Kanara.

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

(a) whether Government have considered the representations made regarding the restoration of forest concessions in South Kanara; and

(b) whether they have passed any orders in the matter?

A.—(a) & (b) The matter is still under consideration of Government.

Arms and Ammunition

Restrictions on the issue of licences for firearms.

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

(a) whether it is a fact that instructions or circulars were issued to all District Magistrates to be strict in issuing gun licences in general and revolvers in particular; if so, whether a copy of the same will be placed on the table of the House; and

(b) whether it is a fact that revolver licences given to Indians in the Presidency were ordered to be cancelled?

A.—(a) (i) Yes.

(ii) The instructions are of a confidential nature which it is not advisable to place on the table of the House.

(b) No such orders have been issued.

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B. POCKER SAHIB Bahadur:—" What are the reasons which made the Government issue these instructions of a confidential nature as is referred to in the answer to clause (a)? "

The Hon. Mr. G. T. H. BRACKEN:—" The hon. Member is aware that unfortunately in this Presidency there has been some terrorism. It has therefore been necessary to tighten the rules for the grant of licences."

Mr. ABDUL HAMEED KHAN:—" May I know whether, in the instructions Government have given, anything has been said about the nationality of people whose licences have to be refused? "

The Hon. Mr. G. T. H. BRACKEN:—" It has been already answered 'no.' "

Mr. A. RANGANATHA MUDALIYAR:—" May I know whether the non-purchase of ammunition for a year or years has been treated as a good reason for the cancellation of a licence? "

The Hon. Mr. G. T. H. BRACKEN:—" Not necessarily."

Mr. V. T. ARASU:—" May I know whether any distinction is being made between the possession of revolvers and pistols, and, if so, why the latter have been particularly prohibited? "

The Hon. Mr. G. T. H. BRACKEN:—" Automatic pistols are somewhat more dangerous than revolvers. Therefore, there is greater strictness in the case of pistols than for revolvers."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether even in cases where Government granted arms as a reward for public services rendered, the licence was cancelled in the course of the scrutiny? "

The Hon. Mr. G. T. H. BRACKEN:—" I am not aware of any such case."

Mr. SAMI VENKATACHALAM CHETTI:—" May I know whether there have been cases where the licences have been refused on the sole ground that the owner has not purchased ammunition? "

The Hon. Mr. G. T. H. BRACKEN:—" Not necessarily, Sir."

Mr. SAMI VENKATACHALAM CHETTI:—" It is not a question of 'not necessarily.' Has it been refused on that sole ground? "

The Hon. Mr. G. T. H. BRACKEN:—" There may be instances in South Kanara where they may have dealt on such a basis."

Mr. BASHEER AHMED SAYEED:—" May I know whether there are cases where the licences have been connected with terrorist movement? "

The Hon. Mr. G. T. H. BRACKEN:—" Notice, Sir."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know what has been done with reference to the licences cancelled in South Kanara? "

The Hon. Mr. G. T. H. BRACKEN:—" I have no information. Most of them must have been already restored."

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Mr. U. C. SUBRAHMANYA BHATT:—"In cases where the licensees are not connected with the terrorist movements, may I know whether the licences would be restored to them?"

The Hon. Mr. G. T. H. BRACKEN:—"That is not the point. The question is the danger of weapons being left about carelessly by persons who have no necessity for them."

Local Self-Government

Enforcement by local bodies of the principle of communal representation in the services.

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

(a) what action has been taken by the Government to give effect to the resolution passed in Council on the 1st February 1934 regarding the enforcement of the principle underlying the communal Government Order in the local bodies in the Presidency;

(b) whether there are figures showing the distribution of appointments among the various communities in the several district boards and municipalities of this province; and

(c) if not, whether the Government have called for the required information from all district boards and municipalities and if so, whether they will be pleased to place it on the table of the House?

A.—(a) The attention of the hon. Member is invited to the statement of action taken on the resolution, which has already been placed on the table of the House.

(b) No.

(c) The Government do not propose to call for the information as no useful purpose will be served thereby. The rules which will be issued for the representation of different communities in the services under local bodies will apply only to appointments made in the future.

Mr. M. S. SRESHTA:—"May I know, Sir, whether in framing rules the principles underlying the resolution of 1934 are borne in mind?"

The Hon. the RAJA OF BOBBILI:—"The principles that are now being observed are based upon principles laid down in 1934, regarding their services."

Mr. M. S. SRESHTA:—"May I know whether the exact terms of that resolution are being followed?"

The Hon. the RAJA OF BOBBILI:—"I do not exactly remember every word of the resolution. As I have already stated, I understand that the general sense of the resolution is being followed."

Mr. M. S. SRESHTA:—"I think there is a slight difference between the communal order and the resolution that was passed in the House."

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Therefore, I ask that the principles underlying the communal Government Order may be followed. There may be certain municipalities and district boards where the ratio of population of the Muslims or Christians to the total population may be more than elsewhere and the ratio fixed by Government communal order might be inadequate."

The Hon. the PRESIDENT:—"The hon. Member cannot now make a speech."

The Hon. the RAJA OF BOBBILI:—"I do not consider the Government will be violating the resolution if they adopt rules as they do in the case of Government servants. I may also say that Government are not prepared to issue separate rules for each municipality or district board."

B. POCKER SAHIB Bahadur:—"May I know if the rule has been observed in respect of appointments already made regarding commissioners?"

The Hon. the RAJA OF BOBBILI:—"The question does not arise, Sir. This refers to applying the rules for recruitment to district board services."

Diwan Bahadur C. S. RATNASARHAPATI MUDALIYAR:—"May I know if any legislation will be passed with reference to this?"

The Hon. the RAJA OF BOBBILI:—"No legislation is necessary. Recently, the Council passed an amendment empowering Government to frame rules on the basis of communal representation."

Mr. BASHEER AHMED SAYEED:—"May I know when the Government propose to issue the rules?"

The Hon. the RAJA OF BOBBILI:—"The Government cannot fix a date. It will be done in the course of a month or two."

Mr. BASHEER AHMED SAYEED:—"May I know, Sir, whether the draft rules will be placed on the Table of the House before they are made final?"

The Hon. the RAJA OF BOBBILI:—"I do not see how that will help matters. But I will see that publicity is given to the rules before they are finally confirmed."

Qualifications prescribed for the post of Commissioner of Municipality.

* 19 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased to state what the qualifications laid down by the Government are for commissioners of municipalities?

A.—The Government have not laid down any qualifications for appointment to the post of Commissioners. Under sub-section (8) of section 12-C of the Madras District Municipalities Act, the Commissioner shall be appointed from among persons who are in active Government, municipal or local fund service.

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Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether Government have prepared a list of qualified commissioners from municipal and local fund service? "

The Hon. the RAJA OF BOBBILI:—" Yes, there is a list, Sir."

List of municipalities to which Commissioners are yet to be appointed.

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

(a) in how many municipalities, districtwar, have municipal commissioners been appointed;

(b) in how many, districtwar, municipal commissioners have yet to be appointed; and

(c) when do Government propose to appoint commissioners for the remaining municipalities?

A.—(a) & (b) The attention of the hon. Member is invited to the appended statement.^a

(c) Government propose to notify the remaining municipalities for the appointment of a commissioner before the end of the current year, if possible.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether any petition has been received from the councillors or people of Tiruppur for the appointment of a commissioner? "

The Hon. the RAJA OF BOBBILI:—" I am not aware of any petition."

Mr. A. RANGANATHA MUDALIYAR:—" May I know, with reference to clause (c), whether Government intend to notify all the other municipalities which have none now to have commissioners hereafter? "

The Hon. the RAJA OF BOBBILI:—" Yes, Sir. Government propose to do so before the end of the year."

Government Order regarding submission direct to Government of cases of difference of opinion between the District Board Engineers and the presidents of district boards.

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

(a) whether it is a fact that a Government Order has been issued that in all matters where there is a difference of opinion between the president of a district board and the district board engineer, the latter should submit a report direct to the Government; and

(b) if so, what the reasons of the Government are for issuing the same?

^a Printed as Appendix I on pages 96-97 infra.

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A.—(a) & (b) No. District board engineers have not been asked to report all cases of difference of opinion, but only cases of material irregularity in procedure or violation of rules which presidents of district boards fail to rectify even after they are brought to their notice.

Withdrawal of the subsidy paid to district boards on account of the salaries of accountants employed.

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

(a) whether a Government Order has been issued withdrawing the payment from Provincial funds the salaries of the Provincial accountants under district boards;

(b) if so, what the reasons of the Government are for taking this action;

(c) whether these accountants will continue under district boards or can the district boards discharge them from service;

(d) what the estimated savings are to the Government under this head for the whole Presidency; and

(e) whether the savings effected are proposed to be utilized for aiding local boards, and if so, in what manner?

A.—(a) & (b).—Apparently the hon. Member refers to the accountants employed by district boards for the compilation of the accounts of district and taluk boards. The Government were paying up to July 1934 a subsidy to district boards towards the cost of the accountants employed by them. As the duty of compiling the taluk board accounts ceased owing to the abolition of taluk boards from 1st April 1934 the Government ordered in * G.O. No. 2370, L. & M., dated 15th May 1934, the discontinuance of the subsidy from July 1934. A copy of the order is laid on the Council table.

(c) There will be no need to discharge the accountants from service.

(d) The savings in the current year are Rs. 29,900 and the ultimate annual savings are about Rs. 39,900.

(e) There is no proposal to utilize the savings for aiding local boards.

Extension of the duty of checkmeasurement by Local Fund overseers to works executed by panchayat boards without Government contribution.

* 23 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 local fund overseers have to measure and checkmeasure only those works of panchayat boards for which Government contribution is made; and

^a Printed as Appendix II on pages 97-98 infra.

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(b) what the reasons of the Government are for not extending this provision to other works executed by panchayat boards for which Government contribution is not paid?

A.—(a) No.

(b) Does not arise.

Proposals, if any, for the revival of tolls on non-motor vehicles.

* 24 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased to state whether the Government intend proceeding with their Bill for revival of tolls on non-motor vehicles?

A.—The question is under consideration.

MR. A. B. SHETTY:—“ May I know whether this Bill was not proposed to be introduced last year in this Council and, if so, why this Bill has been held up? ”

The Hon. the RAJA OF BOBBILI:—“ The matter is under the consideration of the Government.”

Proposals, if any, for the revival of tolls on non-motor vehicles.

* 25 Q.—MR. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state, whether the Government propose to reintroduce tolls for non-motor vehicles and if so, when the Bill for this purpose will be brought before the Council?

A.—The attention of the hon. Member is invited to the answer to question No. 24.

MR. BASHEER AHMED SAYEED:—“ May I know when Government will finish consideration of this matter? ”

The Hon. the RAJA OF BOBBILI:—“ Of course, I cannot give any exact date; but as far as the Government are concerned, the difficulty is that some of my friends who expect Government to bring forward the measure are not prepared to support it in the Legislative Council. (Laughter).”

Medical Administration

Proposal, if any, for taking over by Government all taluk headquarter hospitals.

* 26 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have come to a decision with regard to taking over all taluk headquarter hospitals under them; and

(b) if so, when they will take these hospitals under their control?

A.—(a) The Hon'ble Member's attention is invited to the answer to question No. 616 given at the meeting of the Legislative Council on 5th February 1934.

(b) The question does not arise.

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MR. V. M. RAMASWAMI MUDALIYAR:—“ Is it not a fact that this subject has been receiving the attention of Government for the past 18 months.”

The Hon. the RAJA OF BOBBILI:—“ It is receiving my most serious consideration.”

MR. P. V. KRISHNAYYA CHOUDARI:—“ Will they utilize the savings in regard to the accountants by taking over charge of the headquarters hospitals? ”

The Hon. the RAJA OF BOBBILI:—“ I do not see that there is any connexion between the two.”

MR. P. V. KRISHNAYYA CHOUDARI:—“ Government can utilize it as they are in need of money? ”

The Hon. the RAJA OF BOBBILI:—“ They can utilize money from other sources.”

Public Health

Proposal for the appointment of an outsider as the Director of Public Health.

* 27 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 are contemplating to replace the present acting Director of Public Health by an officer from outside the Presidency;

(b) if so, whether the officer from outside is a junior or senior to the present incumbent;

(c) what the reasons of the Government are for contemplating to replace the present acting Director;

(d) on how many occasions and for what periods the present incumbent has acted in this post; and

(e) whether there were any serious defects in the administration of the Public Health Department during the term of office of the present incumbent, and if so, what they are?

A.—(a), (b), (c), (d) & (e) The question of the appointment of a Director of Public Health is under the consideration of the Government.

MR. J. A. DAVIS:—“ May I know whether on a previous occasion an assurance was given to the House that a person ought to be appointed for a definite period of five years and that the Government would consider the claims of the local people when a vacancy arose? ”

The Hon. the RAJA OF BOBBILI:—“ As far as I know, Sir, a statement was made that Col. Webb was being appointed for a term and that when the next vacancy arose if any competent officers were available under the Local Government, their claims would be considered. But as far as I know, no undertaking was given that the claims of particular individuals will be preferred.”

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Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether the Hon. Minister realizes that, if the claims of the present incumbent is overlooked, the Presidency will be losing the benefit of the large experience that he has gained in the department? "

The Hon. the RAJA OF BOBBILI:—" In making an appointment, Government will certainly take the interests of the Presidency."

Mr. V. M. RAMASWAMI MUDALIYAR:—" Do other Provinces apply for officials to this Presidency? "

The Hon. the RAJA OF BOBBILI:—" This is a case of an officer of All-India Service who is outside the Presidency."

Mr. V. M. RAMASWAMI MUDALIYAR:—" Will such a course, to a certain extent, impede the prospects of the present incumbent? "

The Hon. the RAJA OF BOBBILI:—" Government have not come to any conclusion. The Government will take into consideration public interests."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the present acting incumbent is a member of the Indian Medical Service? "

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

Mr. BASHEER AHMED SAYEED:—" May I know whether the next Director of Public Health will be an Indian or non-Indian? "

The Hon. the RAJA OF BOBBILI:—" May be an Indian or may be a non-Indian."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask why, if the present incumbent is not qualified, the Government permitted him to act two or three times? "

The Hon. the RAJA OF BOBBILI:—" Government have nowhere stated that he is unqualified for the post."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Then, where is the necessity to consider the question of appointment if he is a competent man for the discharge of the duties? "

The Hon. the RAJA OF BOBBILI:—" To say that a man is qualified is quite different from saying that a man is competent. No decision has yet been reached."

Diwan Bahadur C. S. RATNASABHAPATHI MUDALIYAR:—" May I know, Sir, whether the Government have made up their mind not to permit him to act? "

The Hon. the RAJA OF BOBBILI:—" They have not yet been able to make up their mind either way."

Mr. SAMI VENKATACHALAM CHETTI:—" What other or additional qualifications are required to make this gentleman competent for the post? "

The Hon. the RAJA OF BOBBILI:—" I have already stated that Government have not decided whether he is competent to hold this post or not."

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Municipalities which have not enforced compulsory vaccination for smallpox.

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

(a) which are the municipalities, districtwar, that have not yet adopted compulsory vaccination for smallpox; and

(b) what steps do the Government propose to take to make these municipalities take up compulsory vaccination?

A.—(a) & (b) Under section 300 of the Madras District Municipalities Act, 1920, vaccination is compulsory in every municipality.

Appointment of qualified midwives in all rural dispensaries.

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

(a) whether the Government have directed all rural dispensaries to appoint qualified midwives; and

(b) if not, why not?

A.—(a) & (b) In view of financial stringency, the Government prohibited in 1932, the appointment of midwives in subsidized rural dispensaries in which they had not been employed before 3rd March 1932. The question of removing this ban was subsequently considered and dropped as any such removal would involve the Government in increased commitment in recurring expenditure. There is no objection, however, to the employment of qualified and registered midwives in such dispensaries provided the local boards concerned meet from their own funds the whole of the expenditure involved.

Mr. V. M. RAMASWAMI MUDALIYAR:—" Is not the decision far from the intention of the scheme? "

The Hon. the RAJA OF BOBBILI:—" It is part of the scheme, and I should be very glad if every rural dispensary has a qualified midwife."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask if the Government have not already considered and provided subsidies for rural dispensaries for making the changes in the appointment of midwives, and given them to local bodies? "

The Hon. the RAJA OF BOBBILI:—" Before financial depression, Government have sanctioned many posts for qualified midwives."

Agriculture

Statement of work done by the marketing officer.

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

(a) whether the Government will be pleased to lay on the table of this House a statement of the work done till now by the marketing officer from the time of his appointment;

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- (b) what the results have been of his efforts to raise the price of rice;
- (c) what the recommendations are, if any, submitted by the officer for improving the level of prices; and
- (d) what action the Government have taken thereon?

A.—The marketing officer will not enter on his duties before the 1st August 1934.

Mr. B. POCKER SAHIB:—“ May I know what the functions of the marketing officer are? ”

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

Mr. V. T. ARASU:—“ Will the Hon. Minister give an idea of the nature and the result of the work carried out by this Special Officer of the Co-operative Department who has been travelling throughout this Presidency investigating the price levels of paddy? ”

The Hon. Mr. P. T. RAJAN:—“ The officer has not as yet submitted his report.”

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Is there any officer investigating into the price levels of groundnut? ”

The Hon. Mr. P. T. RAJAN:—“ Not that I am aware of, Sir. There is only one officer, who is dealing with the question of rice.”

Mr. B. POCKER SAHIB:—“ Has the Hon. Minister appointed the marketing officer without realizing what his functions are? ”

The Hon. Mr. P. T. RAJAN:—“ No, Sir. His business is to improve the marketing conditions.”

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Has the report of the Special Officer been received? ”

The Hon. Mr. P. T. RAJAN:—“ No, Sir.”

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ With reference to groundnuts, is it not the fact that a report has been submitted by the Deputy Director of Agriculture, Cuddalore? ”

The Hon. Mr. P. T. RAJAN:—“ I should like to have notice.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask whether the Government have any information with regard to the prices in the case of rice? ”

The Hon. Mr. P. T. RAJAN:—“ Government have no information, Sir.”

Constitution, personnel and functions of the Marketing Board.

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

- (a) whether the Government have constituted a Marketing Board for this Province;
- (b) what its personnel and functions are; and
- (c) what work has been done till now by the Board?

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A.—(a) The Marketing Board has not yet been constituted.

(b) The attention of the hon. Member is invited to G.O. No. 448, Development, dated the 4th April 1934, which defines the functions of the Board. The personnel of the Board will consist of the Directors of Agriculture and Industries, the Registrar of Co-operative Societies and two non-official gentlemen conversant with the problems of marketing agricultural produce.

(c) Does not arise.

Consultation with the Marketing Board with regard to Crop-planning in the Presidency.

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

- (a) whether the Government have consulted the Marketing Board with regard to Crop-planning for this Presidency; and
- (b) if so, what the views are of that Board?

A.—(a) The Provincial Marketing Board has not yet been constituted.

(b) Does not arise.

Mr. V. T. ARASU:—“ Will the Hon. Minister be pleased to give an idea of the nature of the work that the Special Officer has been doing for the last three months? ”

The Hon. Mr. P. T. RAJAN:—“ I will refer my Hon. Friend to the Press Note issued under date 17th February 1934.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask, Sir, whether, in view of the fact that the Director of Agriculture has been doing propaganda work in the press as well as on the platform, the Hon. Minister thinks it also necessary to enunciate his policy likewise? ”

The Hon. Mr. P. T. RAJAN:—“ The Director has been giving his experiences in Europe as regards agriculture in general and not with reference to crop planning. As regards crop planning, that is for growing better commercial crops including sugarcane, the Government have been taking special steps in that direction.”

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Are there not opportunities for Government to utilize the experience of the Director of Agriculture in the matter? ”

The Hon. Mr. P. T. RAJAN:—“ His experience will be utilized.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ When will the Marketing Board be constituted? ”

The Hon. Mr. P. T. RAJAN:—“ In the near future.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Can the Hon. Minister give the date? ”

The Hon. Mr. P. T. RAJAN:—“ I can approximately say, in the immediate future.”

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Mr. B. POCKER SAHIB:—“ Have any rules been framed by the Government as to the qualifications to be possessed by the members of the Board to be constituted? ”

The Hon. Mr. P. T. RAJAN:—“ I do not think any rules have been prescribed with regard to qualifications for the members of the Board.”

Economic development of the Province with reference to the discussions at the Economic Conference.

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

(a) whether the Government have formulated any proposals for the economic development of the Province as a result of the discussions at the Economic Conference; and

(b) if so, whether the Government will be pleased to place on the table of this House a statement of such proposals?

A.—(a) No.

(b) Does not arise.

Mr. C. R. PARTHASARATHI AYYANGAR:—“ May I know whether the Government think it would be better to formulate proposals for this Province on the basis of the discussions in the Economic Conference? ”

The Hon. Mr. P. T. RAJAN:—“ That is a Conference held by the Government of India. The discussions in that Conference will be applied so far as they are helpful to this Province.”

Mr. C. R. PARTHASARATHI AYYANGAR:—“ What is the Madras Government going to do? ”

The Hon. Mr. P. T. RAJAN:—“ The Madras Government are doing all that they can to implement the discussions.”

Mr. C. R. PARTHASARATHI AYYANGAR:—“ Any concrete proposals? ”

The Hon. Mr. P. T. RAJAN:—“ The appointment of a Marketing Officer is one of the concrete proposals.”

Mr. B. POCKER SAHIB:—“ Was the Madras Government represented at that Conference, Sir? ”

The Hon. Mr. P. T. RAJAN:—“ Yes, the Madras Government was represented.”

Mr. B. POCKER SAHIB:—“ Who were the representatives, please? ”

The Hon. Mr. P. T. RAJAN:—“ Sir Archibald Campbell, Mr. Hood and myself were there.”

Mr. B. POCKER SAHIB:—“ Is there any report of that Conference available to this House? ”

The Hon. Mr. P. T. RAJAN:—“ A report appeared in the Press. A short note was issued by the Government of India.”

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Mr. B. POCKER SAHIB:—“ Will the Government place that note issued by the Government of India on the table of the House? ”

The Hon. Mr. P. T. RAJAN:—“ I am afraid I cannot.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know what the Hon. Minister thinks about the Conference? ” (Laughter.)

The Hon. Mr. P. T. RAJAN:—“ I am not here to give my opinion about the Conference.”

The Hon. the PRESIDENT:—“ The hon. Member cannot ask for an expression of opinion.”

Mr. B. POCKER SAHIB:—“ What are the conclusions of that Conference? ”

The Hon. Mr. P. T. RAJAN:—“ As I said, the Conference was convened by the Government of India. Any detailed information regarding the Conference could be had only from the Government of India.”

Mr. SAMI VENKATACHALAM CHETTI:—“ Has the Madras Government put forward any particular proposal before the Government of India at that Conference? ”

The Hon. Mr. P. T. RAJAN:—“ I do not think the Conference arrived at any decisions, though this Government took part in the discussions. So, there was no question of any particular proposal being put forward.”

Mr. B. POCKER SAHIB:—“ Has the question of the low prices obtaining in this Province been brought to the notice of the Conference and that subject discussed there? ”

The Hon. Mr. P. T. RAJAN:—“ Yes, it was brought to the notice of the Conference? ”

Mr. B. POCKER SAHIB:—“ What is the conclusion come to at that Conference on that matter? ”

The Hon. Mr. P. T. RAJAN:—“ It was suggested that the Government of India would take such steps as would be helpful to improve the conditions of trade.”

Mr. BASHEER AHMED SAYEED:—“ May I ask whether it is possible for the Hon. Minister in charge of Development and also for the Hon. Sir Archibald Campbell to give a brief report to this House of the work they did at that Conference and also of the expressions of opinions that they gave there? ”

The Hon. Mr. P. T. RAJAN:—“ As I have already said, a short-note has been issued by the Government of India about the work of the Conference; and I do not think we can do anything more than that.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Are the Government aware that the India Government, in answer to one of the questions put in

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the Legislative Assembly, stated that it is more the duty of each Provincial Government to improve the economic conditions of their own Province than of the Government of India? "

The Hon. Mr. P. T. RAJAN:—" I suppose my hon. Friend refers to the questions and answers in the Legislative Assembly. I am afraid I am not aware of those things. In so far as this Government are concerned, it is their duty I believe. The Government of India also are indirectly concerned in the matter of economic improvement."

Education

Grant to the Municipal Council, Bellary, for extensions to the High School buildings.

* 34 Q.—MR. A. RANGANATHA MUDALIYAR: Will the Hon. the Minister for Education and Excise be pleased to state whether the Municipal Council, Bellary, applied to the Government for a grant to extend the High School building; and if so, when, for what sum and how the request has been disposed of?

A.—The Council did not apply for a grant. It has asked that extensions to the existing building of the high school should be carried out by Government. The request was last made in August 1933. As it has not been possible to provide funds for the scheme in the budget estimate for 1934-35 the Council has been informed that the scheme should be postponed.

MR. A. RANGANATHA MUDALIYAR:—" May I know what the cost of the proposed extensions to the high school building is? "

The Hon. Mr. P. T. RAJAN:—" If my recollection is right, it is about Rs. 20,000."

G.O. No. 47, Education, dated 6th January 1934, regarding fee concessions under rule 92 of the Madras Educational Rules.

* 35 Q.—MAHBOOB ALI BAIG SAHIB Bahadur: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) when the recommendations by the Retrenchment Committee, in regard to fee concessions under rule 92 of the Madras Educational Rules were made;

(b) whether the recommendations of the said Committee in regard to all matters have been adopted by the Government;

(c) the number of pupils and students belonging to the community referred to in the said rules, who would be affected by the recent G.O. No. 47, Education, dated 6th January 1934; and

(d) the total expenditure incurred by the Government under the said rule 92 in the year prior to the said Government Order?

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A.—The Honourable Member is referred to the Press Communiqué published as a Supplement to Part I-B of the *Fort St. George Gazette* of July 3rd last in which orders were passed holding in abeyance G.O. No. 47.

In view of this Press Communiqué it does not seem necessary to collect the information asked for in the question.

MAHBOOB ALI BAIG SAHIB Bahadur:—" May I know whether the Government had calculated the total expenditure on fee concessions before G.O. No. 47 was passed? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" In fact, the Retrenchment Committee did."

MAHBOOB ALI BAIG SAHIB Bahadur:—" Then may I know what prevents the Hon. Minister from giving the information regarding fee concessions? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" We have stated in the answer that, in view of the fact that the Government Order has been kept in abeyance, this information need not be gathered at present. If my hon. Friend is anxious to get all the information, he can find them in the report of the Retrenchment Committee which has been placed in the hands of hon. Members."

Rao Sahib V. I. MUNISWAMI PILLAI:—" May I ask the Hon. Minister the reason for keeping the Government Order in abeyance for one year only? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The reasons are mentioned in the Press Communiqué itself."

MR. ABDUL HAMEED KHAN:—" May I know whether it is a fact that the Retrenchment Committee wanted a reduction of only one lakh of rupees in the sum that was spent on fee concessions and that the Government Order of 7½ per cent reduction would, if ultimately calculated, reduce the amount by much more than one lakh of rupees? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not sure if the Hon. Member's statement as to what the Retrenchment Committee said is correct. It must be verified before I could answer him."

MR. ABDUL HAMEED KHAN:—" May I know whether it is not a fact that the Government is now spending Rs. 5 lakhs, and that the Retrenchment Committee suggested that only four lakhs should be spent? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not at all sure that these figures are correct."

MR. M. DEVADASAN:—" May I know whether the Government propose to bring this Government Order into operation from next year forward? "

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The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"What they should do next year is the point which they say they will consider. If it had been decided to bring it into effect next year, they would have said that."

Mr. A. B. SHETTY:—"May I ask whether Government have not received numerous representations from public bodies asking for the cancellation of this Government Order and whether, in view of the large volume of public feeling in this matter, the Government will consider the advisability of cancelling this Government Order?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The receipt of numerous representations and the substance of what they contained is briefly mentioned in the Press Communiqué."

Mr. B. POCKER SAHIB:—"May I know whether in view of the numerous representations received by the Government, the Government have collected the information referred to in clause (c) of the question?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"We are collecting figures under this as well as under various other heads. I cannot say at present exactly what all figures have been collected."

Mr. M. A. MANIKKAVELU NAYAKAR:—"Is the Hon. Minister aware that the Government of Bombay is spending double the sum that this Government spends on fee concessions?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am not aware."

MAHBOOB ALI BAIG SAHIB Bahadur:—"In view of the fact that the Government Order is only suspended and not cancelled and also in view of the agitation on the part of the communities affected, will the Hon. Minister be pleased to give the information which is necessary for a consideration of that question?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I have said, Sir, that in the opinion of the Government the compilation of these figures is not going to serve any useful purpose."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know whether the Hon. Minister is aware that owing to this Government Order the fee concessions that would otherwise have been granted to certain schools in this Presidency not being subsidized by the Government have been kept in abeyance?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am not aware."

Mr. A. B. SHETTY:—"May I know whether the keeping of this Government Order in abeyance is to be taken to mean that the Government are further considering the question of cancelling the Government Order?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The whole question is being reconsidered. That is what it means."

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Mr. BASHEER AHMED SAYEED:—"May I know whether the Government are aware that even during the current year the education of the backward and depressed classes has received a serious set-back on account of this Government Order and whether a Government Order is proposed to be issued early cancelling that Government Order?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"If the Government Order has done any harm at all during the year, it has already been done. I do not think any early orders are going to rectify that."

Mr. B. POCKER SAHIB:—"May I ask the Hon. Minister that for the cancellation of the Government Order the information asked for in this question will be very useful if furnished?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"If my hon. Friend will repeat the question, I will try to furnish it on another occasion."

Mr. M. A. MANIKKAVELU NAYAKAR:—"Is the Government considering the question of revising the list of backward communities?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot give any undertaking. The revision will probably result in the removal of some communities."

Mr. ABDUL HAMEED KHAN:—"Is the Hon. Minister prepared to consult the opinions of representatives of those various backward communities which are affected by this Government Order before coming to a definite conclusion?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I shall consider that suggestion."

MAHBOOB ALI BAIG SAHIB Bahadur:—"In view of the importance of this matter, will the Hon. Minister be pleased to enlighten this House on the several points raised in this question?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I have already answered the questions; and I am not at the present moment prepared to give any further information."

Mr. B. POCKER SAHIB:—"Has Government come to any conclusion with reference to the resolution that is on the agenda to-day?" a.m. 11-45

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"We shall wait till the resolution comes."

UNSTARRED QUESTIONS

Minor Irrigation

Repairs to the spring channel irrigating Toluppedu village, Cheyyar taluk.

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

(a) whether there is a spring channel to irrigate Toluppedu village in Cheyyar taluk of North Arcot district;

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(b) whether the lands irrigated by it are registered as wet and even compounded for second crop;

(c) whether the ryots have frequently petitioned for carrying out certain improvements to the channel which are of a capital nature and which could not be carried out by the ryots themselves;

(d) whether the Government have repaired the channel at any time before;

(e) whether two Revenue Divisional Officers of Cheyyar personally inspected the channel and were impressed with the necessity for improving the same;

(f) the revenue collected from the above ayacut per year; and

(g) whether the Government intend to carry out any improvements to the channel in the near future?

A.—(a) The hon. Member presumably refers to the Cheyyar Attukkal.

(b) Yes.

(c) to (e) The Government have not the information.

(f) The assessment on the area registered as wet under the source is Rs. 944-6-0 according to the resettlement register prepared in 1916.

(g) The Government are not aware whether there are any proposals for the improvement of the work.

Forests

Functions of the Forest Utilization Division.

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

(a) whether there is a Forest Utilization Division still working;

(b) what the nature of the work that it does is;

(c) why a separate division is necessary for doing the work; and

(d) what the net income is to Government by the work of this division during 1930-31?

A.—(a) Yes.

(b) The present activities of the Forest Utilization Division are in the nature of those of a centralized selling agency. The Forest Utilization Officer is mainly concerned with the conduct of log sales at the departmental depots, organization of sleeper supply, sleeper passing and realization of the revenue therefrom, arrangement for the sale of good logs in special markets, to the railways, Government departments, etc., handling of all overseas sales, study of the market conditions and the requirements of the various localities, correspondence relating to minor forest products, arrangements for the supply of specimens for tests or identification at the Forest Research Institute, Dehra Dun, and technical advice on matters relating to timber, minor forest products, etc.

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(c) A separate division is necessary because the ordinary territorial staff cannot properly undertake to do the several items of work detailed above.

(d) The net income in 1930-31 was Rs. 11,84,865-6-6.

Police

Sale of copies of the Madras Police Gazette to the public.

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

(a) whether there is any publication called “The Madras Police Gazette”;

(b) if so, who edits and publishes it;

(c) whether the Government will allow it to be sold to the public;

and

(d) if the answer to clause (c) is in the negative, the reasons therefor?

A.—(a) Yes.

(b) The Inspector-General of Police.

(c) No.

(d) The gazette is intended for circulation among officials only.

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

V.—PANEL OF CHAIRMEN.

* The Hon. the PRESIDENT:—“I have to announce to the House that, under Rule 3 of the Madras Legislative Council Rules, I have nominated the following four Members of the Council to be on the Panel of Chairmen for this session of the Council:—

(1) Rao Sahib V. I. Muniswami Pillai,

(2) Mr. U. C. Subrahmanya Bhatt,

(3) Mr. Mahboob Ali Baig,

(4) Mr. Daniel Thomas.”

NON-OFFICIAL BUSINESS.

VI.—A BILL TO AMEND THE MADRAS IMPARTIBLE ESTATES ACT, 1904 (BILL No. 11 OF 1932).

Sriman M. G. PATNAIK Mahasayo:—“I move that this Bill as reported on by the Select Committee and partly discussed * in this House be taken into consideration.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“I second it.”

The motion was carried and the Bill was taken into consideration.

Clause 1.

* The Hon. Sir ARCHIBALD CAMPBELL:—“Sir, I move—

‘For the words “The Madras Impartible Estates (Amendment) Act, 1934” the words “the Madras Impartible Estates (Second Amendment) Act, 1934” be substituted.’

* Vide Proceedings of the Legislative Council, dated 1st February 1934.

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The reason for this is that there is already another amendment to this Act.

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

The amendment was put and carried.

Clause 1, as amended, was put and carried.

Clause 2.

* The Hon. Sir ARCHIBALD CAMPBELL:—"At the commencement of clause 2 of new section 9 (a) of the Bill, I beg to move that the word 'the' be inserted."

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

The amendment was put and carried.

Sriman M. G. PATNAIK Mahasayo:—"I move that—

'In sub-clause (a) substitute the following for the proviso:—

"Provided that where maintenance is payable to a son or grandson, by or under any decree or order of court, award, contract, family arrangement, or other instrument in writing, and such instrument, expressly or by necessary implication, makes it clear that the maintenance is payable to such son or grandson as representing his branch of the family, it shall not be open to a son or grandson of such son, or to a son of such grandson as the case may be, during the period for which such maintenance is payable, to claim maintenance either in his individual right or as representing his branch of the family.'"

Mr. SAMI VENKATACHALAM CHETTI:—"I second it."

The amendment was put and carried.

Sriman M. G. PATNAIK Mahasayo:—"I move that—

'In sub-clause (b) delete the following words "and the widow of a son of the proprietor or any previous proprietor thereof".'

Mr. SAMI VENKATACHALAM CHETTI:—"I second it."

The KUMARARAJA OF VENKATAGIRI:—"Sir, there is a slight amendment which I have to move to the amendment moved by my Friend, Mr. Patnaik. This amendment is the result of our discussion and it is an agreed amendment. It proposes to add to the amendment moved by my Friend, Mr. Patnaik, these words: 'so long as she does not remarry' and also to omit the word 'and' at the end of sub-clause (b) and insert 'of' at the end of new clause (b)."

* The Hon. the PRESIDENT:—"The hon. Member may hand over the amendment to me."

The KUMARARAJA OF VENKATAGIRI:—"This has just now been decided, therefore, I am sorry I am not in a position to have the amendment circulated. But I will hand it over to the Hon. the President."

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Mr. SAMI VENKATACHALAM CHETTI:—"May I suggest that this clause be taken up after other clauses are disposed of."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"There are some more amendments also and so it will be better if the whole thing be taken after lunch. In the meanwhile, notice of amendments of other Members also may come in."

* The Hon. the PRESIDENT:—"Does the hon. Member suggest that the whole Bill be taken up after lunch?"

Diwan Bahadur B. MUNISWAMI NAYUDU:—"There seem to be some more amendments. So it would be better if we take it up after lunch."

The KUMARARAJA OF VENKATAGIRI:—"Other amendments have already been placed before the House and the House is in possession of them. It is only a few alterations that have now been proposed to be added. Anyhow, I have no objection to have the Bill discussed after lunch."

The House signified its consent to take up the Bill after lunch.

The Madras Public Libraries Bill (Bill No. 11 of 1933), which was the next item on the agenda, was not taken up as the Mover of the Bill, Mr. Basheer Ahmed Sayeed, was not present when called by the Hon. the President.

VII.—THE MADRAS DEBTORS' PROTECTION BILL (BILL No. 21 OF 1932).

* Mr. C. BASU DEV:—"I move that the Madras Debtors' Protection Bill (Bill No. 21 of 1932), as amended by the Select Committee, be taken into consideration."

Rao Sahib N. SIVA RAJ:—"I second it."

Mr. SAMI VENKATACHALAM CHETTI:—"Having regard to the sudden postponing of the Impartible Estates Act Amending Bill, it is quite likely that some of those who have given notice of amendments with regard to this Debtors' Protection Bill may be absent here, and will it not be proper to give them some time?"

The Hon. Sir K. V. REDDI:—"If we adjourn this also the same objection would hold good for the next Bill, and if my hon. Friend is prepared to have the whole agenda rearranged until lunch, I have no objection."

Mr. SAMI VENKATACHALAM CHETTI:—"If there are such Bills as have got to be read only for the first time, they may be taken up now."

* The Hon. the PRESIDENT:—"I do not know if all the Members who are going to move for introduction are available in this House. When the subjects have been placed on the agenda, it is incumbent on every Member to be present here till the whole agenda is gone through expecting his motion to come up at any time. I, therefore, think it advisable to get through the Bill unless it be found impossible to get through it at this stage."

Mr. SAMI VENKATACHALAM CHETTI:—"I move that the Debtors' Protection Bill be taken up after lunch."

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

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* The Hon. Sir K. V. REDDI:—"I can accept it if every other contentious Bill is to be adjourned till after lunch."

* The Hon. the PRESIDENT:—"Can the Hon. the Law Member tell the Chair which are the other contentious Bills?"

The Hon. Sir K. V. REDDI:—"For instance, item 6, the Madras Debt Conciliation Bill. If that is not to be taken up before these two Bills, I have no objection."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I think, Sir, Government cannot reasonably object to the Debt Conciliation Bill being taken up. At least, I do not think this side of the House will object."

The Hon. Sir K. V. REDDI:—"I do not object to its being taken up but I would like it to be taken up after lunch."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Mr. Sami Venkatachalam Chetti referred to some amendments to be moved by some Members who are not here. As for the Debt Conciliation Bill, there is no question of amendments. The Bill is to be discussed and the Member is always there. I do not see any reason why it has to be put off."

* Mr. C. BASU DEV:—"As regards my Bill, I do not know who are the members to whose absence the hon. Member is referring. The Kumararaja of Chettinad is in the Council premises across the passage."

* The Hon. the PRESIDENT:—"It is not the concern of the Chair or the House to find out who is absent or who is present. It is for the House to decide. If the House so decides, we shall go on with this Bill."

* Sir A. P. PATRO:—"I think it is reasonable that Members of the House should expect the agenda to be gone through regularly unless there is any extraordinary reason why a particular item should be postponed. Therefore, I venture to submit that the President may take up the agenda as it is, and call upon the Mover of each Bill to move his Bill. If they are not prepared, of course you have got the right to dispose of the matter. Therefore, I beg to suggest that the agenda be gone through, item by item, instead of being postponed for no reason whatever."

Mr. SAMI VENKATACHALAM CHETTI:—"I have to point out to Sir Patro that it is because of the sudden postponement of this Bill of Mr. Patnaik that this question has cropped up. I am sorry that while there is an agreed matter and there is no objection raised, the hon. Member Sir Patro, has raised a serious objection."

12 noon. * The Hon. the PRESIDENT:—"At any rate, there is the motion before the House of Mr. Sami Venkatachalam Chetti that the Bill be adjourned till after lunch. The question is that item No. 3 (The Madras Debtors' Protection Bill) be adjourned till after lunch."

The motion was lost.

* The motion that the Report of the Select Committee on the Madras Debtors' Protection Bill be taken into consideration was put and carried and the Bill was taken into consideration.

Clause 1 was put and carried.

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Clause 2.

Sub-clause (1).

Mr. M. A. MUTHIAH CHETTIYAR:—"I move that—

'In sub-clause (1) the following words, viz., "or in an Indian State" be added after the words "British India".'

Sir, in doing so, I wish to say that this amendment only seeks to exempt banks and companies functioning in Indian States from the operation of the Bill."

Mr. T. C. SRINIVASA AYYANGAR:—"I second it."

The amendment was put and carried.

Sub-clause (2).

Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, I move—

'Add the following words:—

"or in an Indian State" after the word "British India".'

Mr. T. C. SRINIVASA AYYANGAR:—"I second it."

The amendment was put and carried.

Mr. C. BASU DEV:—"Sir, I beg to move—

'In sub-clause (2) add at the end the following:—

"but shall not include 'private company' as defined in the Indian Companies Act of 1913".'

Mr. President, the reason for this amendment is that private companies are not under a statutory obligation to have their accounts audited by certified auditors and so it is not desirable to exempt them from the operation of this measure."

Rao Sahib N. SIVA RAJ:—"I second it."

Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, I desire to point out to the hon. Mover that the private companies are governed by the same regulations as public companies, and, in the same manner their accounts also are audited by the same set of certified auditors. The only difference between a private company and a public company is that the shares of the former would not be in the market. Except this there is no difference. The administration of a private company is carried on in the same way as a public company. I do not therefore see the reason why a private company alone should not be exempted."

The amendment was, by leave, withdrawn.

Sub-clause (5).

Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, I move that—

'For the words commencing with "the legal representative" and ending with "who advanced the loan" substitute the following words:—

"an assignee inter vivos".'

48 THE MADRAS DEBTORS' PROTECTION BILL (BILL NO. 21 OF 1932)

[Mr. M. A. Muthiah Chettiyar] [1st August 1934]

This is a most contentious part of this Bill. Though the Select Committee did its very best to give a suitable definition, it did not completely succeed and left the definition thus:—

'Creditor' means a person including a pawnbroker who in the regular course of business advances a loan and includes the legal representative and the successor-in-interest whether by inheritance, assignment or otherwise of the person who advanced the loan.'

"This definition, besides roping in a banker or money-lender who lends money, also seeks to bind, after his death, the banker's minor child or widow. In certain cases this will work a great deal of hardship. Sometimes the business may not be continued, but wound up. For no fault of the minor child or the widow of the late business man, are we to penalize them? I think not and that is why I am attempting to restrict the scope of the word 'creditor.' I suggest that it shall be restricted to the person carrying on business during his lifetime. Sir, at the same time, I agree that any assignment made by the creditor fraudulently should not be binding on the debtor. Later on I have given notice of another amendment by which I intend to give protection to the debtor against fraudulent assignments by the creditor."

Rao Sahib D. V. NARASIMHASWAMI:—"I second it."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, this aspect of the question was sufficiently discussed in the Select Committee. We did not find it necessary to make a distinction between a fraudulent person and a non-fraudulent person in the matter of their successors escaping or suffering from the result of their action. I do not think the suggestion made by the Kumararaja of Chettinad is satisfactory. So long as the beneficiary enjoys the benefits of the transaction, he should also be heir to the other consequences. Therefore, if we exclude the person who inherits a property from the operation of the law, we will be placing the debtor at the mercy of the legal heir of the person who fraudulently commits certain deceitful acts in order to defraud the debtor. I think in the interests of the debtor this amendment ought not to be agreed to."

* MAHBOOB ALI BAIG SAHIB Bahadur:—"Sir, I also oppose this amendment which strikes at the very root of this Bill. If really a creditor has been dishonest, there is no reason why his heir should be benefited, by the dishonest act of the creditor. It is for the purpose of protecting the debtors that this Bill has been introduced. If the creditor was dishonest at the time the debt was contracted, the debtor should surely be protected. It is common knowledge of those who know the intricacies of the law that it is very difficult to prove whether a transaction has been fraudulent or not, or whether an assignment has been fraudulent or not. If this amendment is passed, it will leave a loophole in the Act. I therefore oppose it."

* Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, I do not know whether the amendment will improve matters. The scheme of the Act seems to be that people who carry on money-lending business of the class contemplated in the Bill shall keep certain accounts, observe certain conditions and be responsible for certain irregularities, if any. That

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being so, a creditor, as defined, is a professional money-lender. But, if in the definition of 'creditor' we have to include other persons, naturally a money-lender's legal representative should come in. He will be a money-lender himself and shall be obliged to keep accounts, etc. He will inherit not only one item but the sum total of the business carried on.

"I would rather like that in a case like this the assignee of a single item of the assets of a creditor should not be visited with all the obligations which the law imposes upon him. On the other hand, I think that the legal representative who takes up the sum total of the business of the creditor should be subject to all the obligations to which the creditor himself was subject. Therefore, to substitute for the latter portion of the definition the words 'as assignee *inter vivos*', may work hardship and may not improve matters. Particularly, the omission of the legal representative does not appear to me to be according to the spirit of the Bill. But before we proceed any further, we should like to hear the views of the learned author of the Bill himself, so that the Council may be in a position to decide the question."

* Mr. C. BASU DEV:—"Sir, I was just rising to speak when the hon. Member caught your eye and he has anticipated my arguments. It was for the very reasons advanced by him that the Select Committee decided to retain the definition as it stands at present. The hon. Mover of the amendment evidently wanted to appeal to the sympathy of this House by referring to a minor son or a widow of a deceased creditor and thus to canvass support for his amendment. We all have sympathy for them and for the difficult position which the death of a creditor puts them in. But, Sir, I must submit at the risk of repetition that every right has a corresponding responsibility. Does my hon. Friend, the Mover of this amendment, suggest that, even if the creditor's business is to be wound up by his legal representative, no receipt need be passed for monies received, or the debtor need not be furnished with a copy of a statement of account? How can anyone wind up a business without knowing how much is due from his debtors? If the legal representative is a minor or a widow, there must surely be some one capable of winding up that business on behalf of the legal representative and he must certainly comply with the provisions of this Act. As regards an assignment *inter vivos*, I think it is already included in the definition. I, therefore, oppose the amendment."

Mr. M. A. MUTHIAH CHETTIYAR:—"I am thankful to my hon. Friend for having pointed out the difficulties in accepting my amendment. But I wish to point out that in the case of insolvencies, the Official Assignee is in charge of many estates and, if some of the estates happen to be estates of creditors coming under this Bill, the Official Assignee also will be a creditor and it will be difficult for him to comply with the provisions of this law. That is one difficulty which I wish to point out. My hon. Friend, Mr. Srinivasa Ayyangar, said that if we introduced the words 'as assignee *inter vivos*' even bona fide assignees would be affected. I have just given notice of another amendment—I believe it is being circulated—which will protect bona fide assignees. That amendment, which I will move in due course, will give ample protection to bona fide assignees."

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* The Hon. Sir K. V. REDDI:—"Sir, may I put in a word? Perhaps there is not much difference between the Mover of the amendment and those who oppose it. I think that the clause, as amended by the Select Committee, certainly protects persons who get a transfer of the interest *inter vivos*. The words 'successor-in-interest' need not necessarily refer to successor after death. The successor-in-interest may include a person to whom the interest is transferred *inter vivos*. If the main object be to impose the obligations and liabilities of the creditor on those who inherit the property or the debt from the creditor, certainly, in the interests of the debtors it is necessary to do so. Because, as has been pointed out by my hon. Friend, Mr. Srinivasa Ayyangar, certain responsibilities and liabilities are cast upon the creditor according to the terms of this Bill and it is not intended, I take it, that only the creditor should be under those responsibilities and liabilities during his lifetime and that his son who may succeed him and shall be entitled to recover the debt should not be subject to those liabilities. The successor-in-interest should maintain an account, give receipts for amounts received by him and, if he is a pawn-broker, return the jewels and other things pledged with the person from whom he inherited the business. I should think that the hon. the Mover of the amendment might be satisfied with the wording of the clause as it is. The main object of bringing in assignees *inter vivos* also is achieved, because the word 'assignment' also appears in the clause as it is."

The amendment was, by leave, withdrawn.

* The Hon. the PRESIDENT:—"The Hon. the Law Member is not moving his amendment ^a to sub-clause (4)?"

* The Hon. Sir K. V. REDDI:—"About the High Court? No, Sir. We have since received legal opinion to the effect that it is not necessary to make this amendment. Only one word has to be changed in this clause and that will be done. I may mention, Sir, for the information of this House that we thought that according to section 112 of the Government of India Act, this Legislature ought not to do anything which would affect the jurisdiction of the High Court and so we gave notice of this amendment. Later on we consulted the Advocate-General and he is of opinion that though the word 'contract' appears in section 112, it does not necessarily follow that the jurisdiction of the High Court would in any way be interfered with by this Bill as it stands and therefore such an amendment is unnecessary. There is one amendment in respect of the word 'court.' I am getting it typed and I shall place it before you shortly."

Sub-clause (7).

Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, I move that the following be added as item (vii):—

'(vii) a loan advanced to a trader.'

^a The Hon. Sir K. V. REDDI:—"Add the following:—
'but does not include the High Court of Judicature at Madras in the exercise of its ordinary original jurisdiction.'

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"The Punjab Act, which my hon. Friend, the Mover, has taken as the basis of his Bill, excludes transactions of traders from its scope. As the Mover has copied the other provisions from that Bill, I think this also should be copied in this Bill. It is for that reason that I move the amendment."

Mr. H. M. JAGANNATHAM:—"I second it."

* Mr. C. BASU DEV:—"Sir, if this amendment is accepted, it would take out of the operation of the Bill almost all the persons except salaried servants and wage earners. Later on, the hon. Member has given the definition of a trader as—

'A person who in the regular course of business buys and sells goods or other property whether movable or immovable and shall include a wholesale or retail merchant, a commission agent, a broker, a manufacturer, a contractor, factory owner.'

"This is a very comprehensive definition and includes all sections of humanity except perhaps as I have stated wage-earners and salaried employees. Therefore I very strongly urge that this definition should not be accepted by this House."

Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, I have nothing else to add except to say that this will not take out of the operation of the Bill all the persons to whom protection is sought to be given by it. As is stated in the Statement of Objects and Reasons, this Bill is intended to protect mainly the poorer classes of borrowers—the wage-earners and the working classes. With this object in view the Select Committee has shaped the Bill so that it may apply to petty borrowings with which is always associated the pledge of jewels. That being the case, I see no reason why the trader should be brought under the purview of the Act."

* Mr. C. BASU DEV:—"If I may correct the hon. Member, 'middle classes' includes traders also and the term 'middle classes' appears in the Statement of Objects and Reasons of the Bill."

The amendment was put and lost.

Sub-clause (8).

Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, I move that the following be added as an explanation to sub-clause (8):—

'The following persons shall be deemed to be persons carrying on business of taking goods in pawn, that is to say, every person who takes in goods by way of security for money advanced thereon and who purchases or receives and takes in goods and pays or advances or lends thereon any sum of money not exceeding Rs. 500 in any one transaction with or under any agreement or understanding expressed or implied or to be, from the nature and character of the dealing reasonably inferred that those goods may be afterwards redeemed or repurchased on any terms and every such transaction, article, payment, advance, and loan shall be deemed a pawning, pledge, and loan, respectively within this Act.'

12-30 p.m.

[Mr. M. A. Muthiah Chettiyar] [1st August 1934]

Sir, the explanation is intended to make the definition of pawnor more explicit."

Mr. H. M. JAGANNATHAM:—"I second it."

Mr. SAMI VENKATACHALAM CHETTI:—"I should like the hon. Member to say something more about his amendment and show how it is explanatory of the definition of pawnor, instead of merely stopping with saying that it is explanatory of the definition of pawnor. His definition is too long to follow easily and I should like to know why he did not bring it forward in the Select Committee and show to the Select Committee that his definition is necessary."

Mr. M. A. MUTHIAH CHETTIYAR:—"The Select Committee discussed the various kinds of pawn-broking and the various stages of pawn-broking, but they decided not to have any elaborate definition of pawn-broking inserted in the Bill. I think this will only help to clear the position of a pawn-broker. Anyhow it is not a matter on which I am very particular. I leave it to the hon. the Mover himself to consider whether it is not desirable to have a definition like this."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, more words mean more confusion. I would like that the short definition in the Bill recommended by the Select Committee be retained."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, it seems to me that the amendment of Mr. Muthiah Chettiyar is worthy of greater consideration than has been given to it up till now. He seems to think that there are some transactions which on the surface may not appear to be pawns but in reality are nothing but pawns. Some transactions appear to be ordinary sales on the surface, but there is an agreement to return the goods on payment of the money taken and therefore they are nothing but pawns. If that is really the case—I do not know how the business is done in Madras and elsewhere—I think such transactions also should be included in the definition. Anyway, the definition put forward by Mr. Muthiah Chettiyar should not be lightly dismissed like that. As I said before, I for one do not know the procedure followed by pawn-brokers in such cases."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I now see the very serious complication that will set in by accepting this amendment. This amendment will make every commission agent and every mandi merchant a pawn-broker. These people give up to Rs. 200 on small consignments of goods and charge only a nominal commission. According to the definition, if goods are received with a view to sell them or return them to the owners if they are not sold, the person who receives such goods is a pawn-broker. I think that this is entirely different from the definition of a recognized pawn-broker in any country in the world. I do not see why Mr. Muthiah Chettiyar wants this curious definition of pawn-broker and rope in all commission agents and mandi merchants under the opprobrious title of pawn-broker. I very strongly protest against this definition."

The amendment was, by leave, withdrawn.

Clause 2, as amended, was put and carried.

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Clause 4.

Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, I move the alternative amendment I have given notice of:—

'Add the following after the words "such payment" in sub-clause (1) (b):—

"except when the payment is endorsed on the document evidencing the loan or noted in the account by the debtor."

"We have provided in this Bill that receipts for all payments should be given to the debtor. With that principle I am in entire agreement. Even poor people, both when they borrow and when they repay any amount, are very anxious to see the document first executed and to enter on the reverse side of the promissory note what amount they have paid; even illiterate people want to have their thumb-impression put on the pro-note when they make any payments. Once that is done, I do not see any reason why the creditor should be asked to give another receipt in such cases. I am in entire agreement with the principle that for all payments the creditor is bound to give receipts; but in cases where the debtor himself has made a note of the payment on the promissory note itself, there is no necessity to give a receipt for the amount paid. As I said, most of the people are most anxious to make entries with their own hand on the document itself or in the account book itself; they will be more pleased to do so than take a receipt from the creditor."

Mr. H. M. JAGANNATHAM:—"I second it."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, creditors avoid to show the pro-notes when payments are made. Moneys are collected just on the pay day at the office doors of some of these employees. When the employees demand the pro-notes to be produced so that they might endorse the payment they make, these money-lenders very cleverly avoid it so that when there is default in the matter of the payment of any amount, the total amount becomes the subject-matter of a suit. That is how the creditors always defraud the debtors. In order to protect these debtors against the studied negligence and avoidance of the production of the promissory notes for proper endorsement, it is necessary that the creditor should issue a receipt for every payment that he receives from the debtor. Of course it sounds very reasonable indeed, when once endorsement is made on the pro-note itself, another receipt need not be given. Having regard to the extremely disadvantageous circumstances in which the debtor is placed by persons who carry on this kind of trade, it is very desirable that even when endorsement is made on the document itself, a receipt should be given by the creditor, no doubt making note of the fact that the payment of the same amount has been endorsed on the pro-note. That would not really affect the amount that may be due to the creditor from the debtor. This would be a check on the negligence of the creditor in producing the pro-note for proper endorsement."

* Mr. C. BASU DEV:—"Sir, to the arguments advanced by the previous speaker, I wish to add one or two. There have been suits on lost promissory notes. If all the payments towards amounts due thereon are recorded on their backs what is there to support the plea of payment?

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The defendant-debtor will have absolutely nothing to prove his statements. Further many debtors are illiterate and do not know what is written on the back. For this reason and for the reasons urged by my hon. Friend, I think it is highly desirable that the amendment should not be accepted."

The Hon. Sir K. V. REDDI:—"Sir, in addition to the arguments that have been advanced, may I bring to the notice of the Mover of this amendment that his amendment is not helpful even in the case of illiterate debtors whose thumb-impression is generally taken on the document. Where a certain payment is made, even if it is endorsed on the back of the promissory note, there is nothing to show to the illiterate debtor that the exact figure has been entered there. On the other hand, if a receipt is given, he has the opportunity of taking it to a friend of his and to see that the figure mentioned there was exactly the amount that he has paid. As this Bill is intended to help small debtors, I think the hon. Mover will agree with me that there will be real hardship if this amendment is passed."

Mr. M. A. MUTHIAH CHETTIYAR:—"In view of the new argument advanced by the Hon. the Law Member, I withdraw my amendment."

The amendment was, by leave, withdrawn.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I move that

'In lines 2 and 3 of sub-clause (1) (c), omit the words "and on tender by him of the sum of annas eight for expenses".'

The Bill is intended for the benefit of small debtors below Rs. 500. Every time a statement of account is asked for, if the money-lenders are to collect eight annas, it is impossible for the small borrower to pay that amount. I move that the words, I refer to, be omitted, because the money-lender is charging heavy interest and so they can incur one anna for postal charges. I commend my amendment to the acceptance of the House."

MAHBOOB ALI BAIG SAHIB Bahadur:—"I second the amendment."

* Mr. C. BASU DEV:—"Sir, I beg to move the following amendments:—

'In line 3 of sub-clause (1) (c), for the words "annas eight" substitute the words "annas two plus postal charges, if any".'

I think not to levy any charge at all will work a hardship on the lender. Borrowers may deliberately and frivolously ask for a statement of account very often. It will be very embarrassing to the money-lender. Therefore, if a small amount of annas two is fixed; it will be an equitable arrangement both to the lender and to the borrower. Postal charges also should be paid by the borrower if the statement of account is to be sent by post. I think my amendment is reasonable and it may be accepted by the House."

Mr. M. A. MUTHIAH CHETTIYAR:—"I second the amendment."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I wish to ask the House for whose benefit this Bill is intended; the big money-lender is excluded; the small money-lender and the small borrower are brought in

1st August 1934] [Mr. B. Muniswami Nayudu]

in the provisions of this Bill. If the borrower has to pay eight annas each time the statement of account is asked for, it seems to be rather hard. What is the position of the parties? There is the powerful money-lender dealing with large amounts of money and there is the ordinary helpless borrower who borrows probably for his needs; the borrower goes there to pay the money; he says 'I have got eight annas; please receive it.' The lender says 'come to-morrow; my clerk is not here to-day.' The borrower has to prove with the help of witnesses, that he has tendered the amount of eight annas. The money-lender may say that he did not receive it; then there is great difficulty. The borrower must go to the house of the lender and tender the amount. What will be the result? If the tender is not proved, the case will be dismissed. The cost that would be incurred to prove the tender will be very great. It will be really difficult for the ordinary borrower to prove that eight annas was tendered. If the money-lender refuses to receive the tender, the liability will be upon the borrower. After all, what is the object of providing for receipts being given, for endorsements being made on the pro-note and for a statement of account being kept? If an account is kept, it must be kept in a manner so that the borrower may know easily what amount he has to pay. If you say that an extract of the account can be given only by tendering eight annas, that will be placing the tenderer at the entire mercy of the creditor. If the debtor is asked to pay the postal charges or if he asks that a copy of the account may be sent through somebody, that is a different matter. To make the whole thing dependent upon the tender and the proof of the tender would be really to deprive the benefit to the debtor. If the hon. Mover of the Bill has got the interest of the poor borrowers at heart as against the rich pawn-brokers or lenders, he should provide for copies of these accounts being given with all possible facilities and not upon the tender of eight annas. I would for that reason support Mr. Krishnayya Choudari to omit the words 'and on tender by him of the sum of annas eight for expenses.' It should be sufficient if we provide for the maintenance of accounts and for giving copies of the same to the borrowers. Pages after pages of accounts would not have to be written for debts below Rs. 500. I would therefore submit that the provision for the tender being made and then alone accounts being given should be deleted."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, our sympathy for the debtors should not blind us to the necessity of protecting honest creditors. Of course it is necessary to protect debtors from unscrupulous creditors. It is also equally necessary to protect honest creditors from unscrupulous debtors. I have known of instances where persons carrying on the transaction for a number of years, and when a balance of Rs. 50 or 60 is found at a particular time, they will be demanding the whole statement of accounts not with a view to pay but only to avoid payment. Such cases may arise in the case of these petty debtors. Every time a creditor demands money, the one way of immediate excuse is to demand for a statement of account. What is the position of a creditor who may have a number of debtors, if he has to produce and give a copy

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of the transaction which the debtor had entered into. That would be very unreasonable. It is often possible that a statement of account that might have been given by the creditor to the debtor may be denied; the debtor may completely ignore it; the debtor may even deny having received the statement. It is just to avoid denial both on the part of the debtor who might have received the statement and on the part of the negligent creditor that such a provision is necessary. To satisfy reasonable demands, a fee has been imposed on the debtor so that human nature being what it is, people cannot avoid payment. I think that the fee of eight annas that is imposed on the debtor is a reasonable amount if he wants a statement of account. Every time the debtor makes a payment, he is given a receipt; there is provision to this effect in the Bill. When he wants to know from the statement of account, he can himself know it from the amounts that are put in the receipts which have been given by the creditor for the amounts paid to him. It is not the business of the creditor to supply a statement of account every time it is asked for. The person who borrows money must himself feel some responsibility. The absence of such a provision would go to help deceitful and cheating debtors. I therefore support the recommendation made by the Select Committee. I do not know any reason why the Mover should reduce the fee from eight annas to two annas."

Mr. B. POCKER SAHIB:—"Sir, I would like to say a word or two on this point. I am rather surprised that my friend, Mr. Sami Venkatachalam Chetti, who, I took it, was more solicitous to protect debtors, all on a sudden has become protector of creditors and that too with the argument he has advanced. As the law stands at present, it is the elementary right of every debtor to demand a statement of account from the creditor when he demands a certain amount of money from the debtor. My hon. Friend is denying that right to the debtor, by insisting that this provision should be put in. Whenever the creditor asks for a certain amount of money from the debtor, is it not the elementary right of the debtor to ask him 'how you arrived at that amount?' Is it right that he should be penalized to pay eight annas or whatever amount? If my hon. Friend's plea that there are unscrupulous debtors is correct, if one is unscrupulous, certainly he would not mind paying eight annas not only once but many times, and demanding statement of account and thus harass the creditor. To impose this fine of eight annas and to interfere with such an elementary right would mean giving protection to the creditor. I say that is quite unreasonable. I do not think there is any justification for this House to introduce this provision and to levy a fee of eight annas and that too for the purpose of denying the elementary right which the debtor possesses under the present law of knowing what amount he has to pay and how the amount claimed from him is made up of."

12-45 p.m. "Now, Sir, it has been said by my hon. Colleague that it is the duty of the debtor to maintain accounts; but it has been acknowledged on all hands that it is not only the people that are able to maintain such accounts but also those who cannot do so, that have to borrow money

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now and again. It may be that a person is incompetent to maintain such accounts either of the money that he receives or of the money that he pays. And if he wants to know from the creditor how the amount that he demands is made up of, I think he should not be penalized in this way, by being asked to pay 8 annas. In the case of unscrupulous debtors, they won't mind paying 8 annas; they would even be prepared to pay Re. 1, if their object is to harass the creditors. Therefore, this provision is no provision against unscrupulous debtors. On the other hand, I think it will be a great injustice done to all debtors. As has been already pointed out by my hon. Friend, Mr. Muniswami Nayudu, it will cost much greater hardship to produce evidence as to how much money was tendered, etc., and will thus be causing great hardship to the debtors."

* Mr. MAHBOOB ALI BAIG SAHIB:—"Sir, apart from the consideration whether the debtor is honest or dishonest, or whether the creditor is honest or dishonest, we know this Bill applies only to professional creditors, money-lenders and pawn-brokers who do this money-lending business. Just as in the case of the traders, accounts have to be maintained and produced whenever demanded, so also the money-lenders who carry on this business, especially when they get interest up to 18 or 24 per cent, should have no objection to supply accounts whenever the debtors ask for the same. The purpose of this Bill seems to be to give some little protection to the debtors; and I do not therefore see why the debtors should be penalized to pay 8 annas whenever they want their accounts. It may be that sometimes some of the debtors are not able to pay 8 annas; in such cases, it will be a real hardship on them. Moreover, as has already been pointed out, it is the duty of the creditor to keep accounts clearly, and whenever the debtors want copies of such accounts, he must be compelled to give such accounts. Just as the creditor by giving registered notices to the debtor can demand repayment of the money he has lent, so also the debtor when demanding the creditor for a copy of his accounts should be enabled to get it. It might even be stated in court that because no money has been tendered, therefore no accounts have been supplied. In such a case, the court will have to consider whether money has been so tendered or not. Thus, complications will arise unnecessarily and the protection which is sought to be given to the debtor will be denied to him. Therefore, Sir, I submit that it will be a great hardship on the debtors if we accept this provision for levying a fee of 8 annas."

* Mr. K. P. RAMAN MENON:—"Sir, even supposing that both the parties are honest people, there is still the fact that the money-lender is a business man who has necessarily to keep accounts, who has got a staff who can make copies whenever necessary; while every borrower is not likely to be literate, nor can he engage the services of a clerk. In these circumstances, is it reasonable to suppose that a person who borrows a petty sum of money, when he wants to know how his accounts stand, should be asked to pay a fee? Is it not fair that he should be supplied with the accounts by the creditor who has got a staff to prepare

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them? The creditor can, by a mere scrutiny of his account books, be in a position to know how the accounts of any debtor stand and give the information to that person. The possibility of a long series of accounts being demanded by all debtors—which was referred to by my Friend, Mr. Sami Venkatachalam Chetti, will not occur at all. Especially when the sum borrowed is small, and when the payments towards the loan are also small, there is no question of pages after pages of accounts having to be copied, etc. Such a thing can never occur in practice. I therefore submit that such a contingency need not be thought of at all. When a trader deals with another who buys his goods, there is what is called the 'Pattika' or bill which is sent to the purchaser, giving a regular statement of the goods sold and their prices. It is that practice that is sought to be included here in the case of these creditors and debtors. Here the debtors are also expected to pay an extra fee for such copies; and they will have to find this money in addition to finding money for repayment of the principal, interest, etc. I submit, Sir, that no charge should be levied for this purpose and that the provision for payment by the debtor of 8 annas or even 2 annas should be dropped."

* Mr. M. DEVADASAN:—"Sir, I support the amendment moved by my Friend, Mr. Basu Dev. In the first place, Sir, this provision is safe both for the creditors and the debtors. The creditors while filing suits include even time-barred debts as being due to them; and sometimes they correct their accounts or make interlineations and interpolations in the account books. The result is that the courts find it difficult to go through all these things. If, as is suggested, here, a copy of the accounts is given on demand to the debtor that can be later produced in court by the debtor to safeguard his interests. This provision is also in the interests of the creditor in that he can produce the original accounts in court at any time for verification with the copies granted by him, whenever there is any necessity for it and the debtor may also be directed to produce the accounts given to him. This provision will therefore simplify the procedure and prevent complications and justice will be meted out to both the parties without difficulty.* With these words, I support Mr. Basu Dev's amendment."

* Mr. T. C. SRINIVASA AYYANGAR:—"I am afraid the provisions in clauses 4 (1), both (b) and (c) and 4 (2) and 4 (3) are not in the best interests of the debtor and will work considerable difficulty. Arguments have of course been adduced for both sides of the question, only with this difference that if in any particular case, the Judges want to come to a decision, they cannot easily do so. That is the difficulty in which we find ourselves. One would rather like to follow the practice of native bankers familiar to those who have invested money with them. They generally send the customers periodical statements of accounts, showing the details of the transactions, etc., and they do not charge anything except perhaps incurring some small amount for postage. Oftentimes debtors seek information from creditors only where the accounts involve many items of debts and credits. This is a matter

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which has to be considered. I suggest that after putting in in this clause a provision that on a requisition, the creditor should supply the debtor with a copy of the accounts and that it is obligatory on the creditor to do so, we leave the questions as to what shall be charged as fees, in what way the tender should be made, whether the creditor is to charge a specific amount as fees for the full accounts or a varying amount according to the folios, etc., to be regulated by rules to be framed by the Government. That, I think, will be more appropriate rather than introduce a small matter of detail here and create complications. For example look at the sub-clauses. If you look into the Bill, the earlier clause (c) says that a debtor can call for a statement of account and the creditor is bound to give it, but in a later sub-clause the debtor is deliberately told that he need not acknowledge it."

* Mr. C. BASU DEV:—"I submit, Sir, he is referring to the whole clause, instead of to the amendments before the House, of a sub-clause."

* Mr. T. C. SRINIVASA AYYANGAR:—"I am only illustrating my statement. We must go through the whole provision before us and then we will be in a position to discuss the amendments. Mr. President, we are dealing now with one sub-clause. Apparently the hon. the Mover of the Bill is very sensitive about clause (c). I am not discussing of clause (c) at all. Yet I am inviting your attention to clause (c) for the purpose of showing that this provision which seems to be conceived in the interests of the debtor is likely to create trouble. There are honest creditors and honest debtors. After all, if on the whole this business were not carried on fairly honestly, at any rate to the satisfaction of both the parties, this business of money-lending could not have survived in this country. Of course there may be irregularities and we are providing against them. Therefore, the proper procedure would be to relegate most of these small details to the rules that may be framed by the Government from time to time. If the hon. the Mover of the Bill and the Hon. Member of Government in charge of the portfolio were to consider and omit unnecessary details from this clause, I think it would be to the advantage of all concerned."

* Mr. M. A. MANIKKAVELU NAYAKAR:—"Sir, the opposite points of view on this question were fully discussed at the Select Committee stage. It was finally decided to fix the amount at 8 annas. If the hon. Members are aware of the number of small customers that a creditor has got, they will realize the enormous difficulty of writing out statements of account for being furnished to debtors. In this Bill, there is also a provision for the grant of receipt whenever demanded by the debtor, I do not think it is advisable to allow the debtors to demand the statement of account without any payment. I think also that the amount 8 annas is quite reasonable. If the amount is lowered or if it is completely wiped out, it will undoubtedly entail a good deal of hardship to the creditor. Therefore, I would appeal to the House to reject both the amendments and accept the clause as moved by my Friend."

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Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, several hon. Members have explained the disadvantage of introducing the eight annas rate for the supplying of accounts. Already the money-lender is getting a lot of benefit by way of interest to the extent of 18 or 24 per cent. It is not desirable to add to his profit by asking the debtor to pay him a fee when there is a demand for the supply of accounts. I therefore request the hon. the Mover not to accept the amendments fixing any extra levy."

1 p.m. * Mr. C. BASU DEV:—"I am in entire sympathy with my Friend, Mr. Krishnayya Choudari, when he says that eight annas would be too much to pay for a statement of account. But if Mr. Krishnayya Choudari or Mr. Muniswami Nayudu would only look into the next page they will find that the non-supply of a statement of account is visited with a penalty by which the money-lender loses the interest for the period during which he has committed the default in the supply of the statement of account. Therefore the supply of the statement of account has become a serious matter to the creditor and if the borrowers are allowed to make demands for statements of accounts without any fee, it may lead to frivolous use of that privilege much to the annoyance of creditors. Of course generally honest demands may be made, but at other times it may happen otherwise, and they may make frivolous demands. The creditor is therefore entitled to some protection from this legislature. I am certainly not very much enamoured of the money-lender. During the short period in which I practised in the Small Cause Court, I came across cases of very dishonest creditors, but during the same period I may also confess that I came across disgusting cases of false pleas of the defendant-debtors. Therefore the lender as well as the borrower should be protected. I do not claim that this Bill is perfect. It seeks to protect the borrower as far as possible, without injuring the interests of the money-lender. To prevent frivolous demands for the supply of statements of accounts, I suggested the tender of two annas. I am certainly alive to the difficulty of proving the tender and also the refusal of the money-lender to give a statement of accounts. Mr. Muniswami Nayudu was a Member of the Select Committee, but unfortunately we were denied the privilege of his wisdom and guidance in the Select Committee. If he had taken part, I am sure this clause would have come out in a better form. But, as it is, I think my amendment is a very reasonable and a very necessary one."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, the question consists really of two parts. One is the question of payment for any accounts that are supplied and the other is the question of the tender by the debtor of the amount for copy of accounts. What Mr. Muniswami Nayudu says is that it is very difficult to prove the question of tender if it happens that the creditor is not an honest man. There may be honest men generally, but there may also be black sheep here and there. If there is a dishonest creditor, it is very difficult for the debtor who presumably is a poor man to prove easily the tender made of this eight annas. So that is the main objection raised by Mr. Muniswami

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Nayudu and Mr. Krishnayya Choudari, and I do not think the Mover of the Bill really met that point. He was only anxious that the creditor should not be pestered with too many applications for copies and he wanted that some charge should be levied. If we want to provide for such a charge, it can be easily done this way. The words 'on tender by him of the sum of eight annas for expenses' in clause (c) may be omitted. And under clause 8 wherein Government are empowered to prescribe fees for giving copies of entries in a pawn-broker's account, the words 'and a creditor's' may be added. Clause 8 (2) (b) runs thus:

"The sum which may be charged for a copy of the entries in a pawn-broker's account to be delivered . . .

"Before the word 'pawn-broker' we can insert the word 'creditor.' I think this would satisfy the Mover of the Bill. I would therefore suggest the acceptance of Mr. Krishnayya Choudari's amendment now and, when we come to clause 8, the insertion of 'creditor' in clause 8 (2) (b). I would also suggest the omission of the words 'and on tender by him of the sum of eight annas for expenses' in clause 4 (1) (c)."

Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, I quite realize the force of the argument that the creditor should not be at a great advantage and the debtor should be given all the facilities for getting copies of accounts, etc. But I may say, Sir, that if the words now proposed to be omitted are taken away, there will be difficulty in dealing with innumerable cases of requests for copies. I agree with Mr. Ramalinga Chettiyar that tender is very difficult to prove. But I may suggest that 'payment' is a word of doubtful significance. It is not definite. I would suggest instead the word 'charge.' I would suggest that instead of 'and on tender by him of the sum of eight annas for expenses,' the words 'on a charge of eight annas being levied' or some such words. The word 'payment' may mean that unless the money is paid, the creditor will not give the copy of account. On the other hand, if we put in the word 'charge,' even if the amount is not paid, the creditor may credit the amount in his account. I would also suggest that two annas may be provided for postal expenses."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, the suggestion made on this side has apparently been misunderstood. What we wanted to suggest was that in this sub-clause the words 'on tender by him of the sum of eight annas for expenses' may be omitted. By that suggestion it is not intended that no charge should be made at all. We cannot fix a definite charge for all accounts. There may be in particular cases a large number of pages to be copied, whereas in other cases one or two lines only need be copied. So there cannot be a flat rate for all cases. It would be much better to provide for these things in the rules which the Government are authorized to make under clause 8. In that clause the word 'creditor' may also be included in addition to the pawn-broker in the matter of furnishing of accounts. What the charge should be and how it will be levied will be provided for by the rules. It is a suggestion thrown out to arrive at an equitable arrangement."

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* Mr. C. BASU DEV:—"I may say, Sir, that the inclusion of the word 'charge' may meet the difficulty which Mr. Muniswami Nayudu raised. The money-lender may charge two annas or any reasonable amount the Legislature may fix instead of the tender of the said amount by a debtor. It is not as if I am reluctant to leave it into the hands of the Government to prescribe the rate, by framing rules in that behalf. But I think the difficulties mentioned by Mr. Muniswami Nayudu will be met if, as Mr. Muthiah Chettiyar suggests, the word 'charge' is included in the clause itself. So that the clause as thus amended would run thus:

'On requisition in writing made by the debtor, supply to the debtor or, if he so requires, to any person mentioned by him in that behalf in his requisition, a statement of account signed by himself or his agent showing the particulars referred to in clause (a) and also the amount which remains outstanding on account of the principal and of interest and charge for the same, the sum of two annas and postal charges if any, under such rules as may be prescribed by the Government.'

* Mr. M. A. MANIKKAVELU NAYAKAR:—"May I say a word on this amendment, Sir? The exact implication of the amendment proposed by the hon. Member for Ramanad is not clear. He wants to omit the word 'on tender by him of a sum of 8 annas for expenses' and says that under the rule-making powers of the Government they will prescribe the charges for copying and supplying the statement of account. That means the Government will have to prepare a schedule of fees leviable for the preparation of accounts. Now we are not in a position to know what scale the Government will fix. It may be that they will fix a high scale or it may be that a very low one will be fixed. Unless we know that, how can we accept this amendment?"

Mr. M. A. MUTHIAH CHETTIYAR:—"I move, Sir, a definite amendment. After the word 'interest' in sub-clause (c) of clause 4 (1) *add* the words 'and charge such sum as the Local Government may prescribe as the charge therefor.' And *omit* the words 'on tender by him of the sum of 8 annas for expenses.'"

* The Hon. the PRESIDENT:—"I would first put Mr. Krishnayya Choudari's amendment to the vote of the House, and if that is carried, I will put Mr. Muthiah Chettiyar's amendment to the vote.

"The question is: In clause 4 (1) (c) *omit* the words 'and on tender by him of the sum of 8 annas for expenses'."

The amendment was carried.

Mr. C. BASU DEV:—"I withdraw my amendment."

The amendment was, by leave, withdrawn.

1-15 p.m. Mr. M. A. MUTHIAH CHETTIYAR:—"I now move that in sub-clause (1) (c) of clause 4 after the word 'interest' the following words be added: 'and charge such sum as the Local Government will prescribe as a fee therefor'."

* Mr. BASHEER AHMED SAYEED:—"This amendment, Mr. President, is just the reverse of what has not been carried. The amendment of

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Mr. Choudari is to the effect that no fee should be levied at all. There should be no burden on the poor debtor whose interests are sought to be protected by this measure. Therefore it is not just that we should pass the present amendment. This should not be accepted in consistency with the action of the House which has just now taken place, that is to say there should be no eight annas and no two annas. If that is the spirit of the House I do not see how this could be accepted now by the House, and particularly when it is really the case that the debtors interests should be protected. So far what has been done is good in the interests of the debtor. But now to add that he should pay any fee that he might be charged makes it indefinite and he may be charged eight annas or even one rupee. I should say that the creditor who lends money gets profit out of it. What is the labour that he spends for getting this profit? Nothing; merely breeding money and for this no exertion he gets very large profit of 18 to 36 per cent. Money breeds money and that without any effort. This is why in Islamic law usury is prohibited."

* The Hon. PRESIDENT:—"I may intervene for a moment and tell the hon. Member that when the other motion was carried it was the express intention of the House that that portion should be omitted so that the new amendment might be added. When that is the case I do not see that there is any inconsistency in the procedure followed."

* Mr. BASHEER AHMED SAYEED:—"I thank you, Sir, I am pleading that the question should be reopened. That attitude is quite consistent from one point of view. The debtor ought not to be burdened. So far all well and good. But to say again that he should be burdened does not seem to be in keeping with the spirit of the legislation. I therefore plead that the House should not make him pay so long as the creditor is earning adequate interest which must be sufficient for him and that any expenditure that he incurs must come out of the large income that he earns without any effort therefor. I therefore say that it is in the interests of the debtor and therefore quite in keeping with the spirit of the legislation that the amendment of the representative of the South Indian Chamber of Commerce should be rejected."

* Mr. V. P. NARAYANAN NAMBIYAR:—"My hon. Friend, Mr. Basheer Ahmed Sayeed, has a happy knack of creating difficulties where none exists at all. He said that he was aware that the amendment of my hon. Friend, Mr. Krishnayya Choudari, was accepted by the House only with a view to facilitate further modification of the section. Yet, my hon. Friend, Mr. Basheer Ahmed Sayeed, opposes further modification of the section, because of the acceptance by this House of the amendment of my hon. Friend, Mr. Krishnayya Choudari. That position cannot be accepted. Moreover, I am certain that the Hon. the Law Member will respect the wishes of this House when prescribing the rules. I, therefore, support the amendment."

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* The Hon. the PRESIDENT:—"The question is: 'Add at the end of the sub-clause the following words "and charge such sum as the local Government may prescribe as the fee therefor".'"

The amendment was put and carried.

Sub-clause (3).

Mr. M. A. MUTHIAH CHETTIYAR:—"I move that sub-clause (3) be omitted. In doing so, I beg to point out that the provision made here is that even after a copy of the account is given to the debtor, the debtor is not bound. This is a very curious provision in the Bill. I can never understand this provision. The creditor gives a copy of the account and he ordinarily presumes that the debtor will write or inform him whether it is correct or not correct. If it is not correct, he will protest. Generally, the banks tender a copy of their account only for the purpose of informing the debtor or constituent of the nature of the account. Once the copy is given, the debtor should acknowledge receipt of the same and accept the account or deny its correctness. Otherwise, the penalty should be only on the part of the debtor. But here it is the other way even if he does not protest. Look into the wording and see whether it is an unreasonable or reasonable clause. If the House should feel that this clause should not be omitted, I will suggest the alternative that I have given."

* The Hon. the PRESIDENT:—"I think it is much better to dispose of the amendment already moved."

Mr. M. A. MUTHIAH CHETTIYAR:—"I will withdraw the first amendment as I feel that the second is more useful from the point of view of the debtor and the creditor and move the following:—

"Omit the words from the beginning up to the word "shall," in line 5 and substitute the following:—

"If a person to whom a statement of account has been supplied under clause (c) of sub-section (1) fails to object to the correctness of the said account within one month of his receipt thereof, such failure."'"

The amendment was duly seconded.

* Mr. C. BASU DEV:—"Mr. President, Sir, in opposing this motion I would make this observation. I do not think this clause by itself raises any extra presumption or otherwise in favour or against the borrower. It leaves it to the court to draw its own inference from the fact that the account was supplied and that the debtor did not protest. The clause reads thus:

A person to whom a statement of account has been supplied under clause (c) of sub-section (1) shall not be bound to acknowledge or deny its correctness and his failure to object to the correctness of the account shall not by itself be deemed to be an admission of the correctness of such account.

"I request the House to note the words 'by itself.' The whole purport of the clause centres round those two words. The clause is quite

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harmless. In the course of the arguments that my hon. Friend, the Mover of the amendment advanced, he mentioned that the banks send their statements and that if within a certain time the constituent does not admit or deny the correctness of the account, the bank shall presume that correctness is admitted. It is the bank that will presume and not the court. If to-day I have the presumption of sending a notice to my hon. Friend, Mr. Muthiah Chettiyar, saying that he owes me so much money and if he treats it as frivolous and does not reply, am I to ask the court to presume that my claim is admitted by Mr. Muthiah Chettiyar? The statement of account is brought by the debtor and if this amendment is accepted, it will mean that the debtor is purchasing a liability. I therefore very strongly urge that the clause as it stands may be retained."

Mr. B. POCKER SAHIB:—"I entirely agree with my hon. Friend, Mr. Basu Dev, in opposing this amendment. What is sought to be done by the amendment is that if the debtor keeps quiet after receiving a copy of the statement of accounts for one month, the parties are bound by the statement. I ask the Mover of the amendment, suppose no demand is made for the statement of account and the creditor just sends a statement of account to the debtor and the debtor keeps quiet for a month—is he also to be visited with the effects of this amendment? If the answer is in the negative, I would ask him what the rationale of the distinction between the two cases is. If a person asks for an account and it is furnished, it is *concluded*. Without asking, if the creditor furnishes the account and if the debtor keeps quiet for a month, it is not *concluded*. I would ask you, Sir, to consider whether there is any reason for this distinction at all. The furnishing of a statement of account by the creditor is a unilateral act and I do not see it must be considered binding on the parties. When it is sought to be an admission, it is tantamount to an agreement between the creditor and the debtor that this amount is due. It will work very great hardship, particularly in view of the fundamental objects with which this legislation is being enacted and in view of the fact that the borrowers will be mostly illiterate and poor men. He will not be in a position to deny or admit the correctness of that statement of account as required by this section within the period prescribed. As it stands the creditor is not bound to make a statement so that the debtor will be in entire ignorance. Until he gets the help of somebody he may not know what the contents are. In such a state of affairs to pin him to the statement will be the greatest hardship and I think, Sir, the fundamental object of this Bill will be defeated if this amendment is carried."

At this stage the House rose for lunch.

After Lunch (2-30 p.m.)

* Mr. V. P. NARAYANAN NAMBIYAR:—"Mr. President, I support the amendment that has been moved by my hon. Friend, Mr. Muthiah

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Chettiyar. My reasons are as follows. The Minute of Dissent submitted by Sir William Wright and two other hon. Members, records thus:—

“When the Punjab Act was considered by the Legislative Council, Mr. Mukand Lall Puri, M.L.C., quoted the opinion of the High Court and Mr. Blacker, District and Sessions Judge, Montgomery, and objected to a clause of this kind. He stated that the High Court was of opinion that a clause of this kind was ‘one-sided and unjust.’ If it is made obligatory on the creditor to keep accounts in a particular manner and furnish the debtor with copies thereof on a requisition being made therefor, it is but fair that the failure of the debtor to deny its correctness within a reasonable time should raise a presumption in favour of the correctness of the account.”

“Again, the same Minute of Dissent states:—

“If, for instance, the creditor has furnished a statement of account and the debtor while acknowledging the receipt of the same, does not dispute its correctness, it is possible that the creditor may assign and transfer his debt to third parties, even after such assignment, if the correctness is challenged by the debtor, it may work a hardship on a bona fide assignee.”

The section, as it stands, is therefore entirely one-sided, and also bona fide assignees would be hard hit. Apart from all that, when a borrower asks for a statement of account, he does so with a purpose. When he finds that the statement of accounts is not as it ought to be, he must object to it. The only question to be considered is time should be allowed for so objecting.”

* Mr. M. DEVADASAN:—“Mr. President, Sir, I feel it my duty to oppose the amendment moved by my hon. Friend, Mr. Muthiah Chettiyar. I wish to say that the clause as recommended by the Select Committee should be passed without any alteration. In doing so, I want to make a few remarks. By removing the clause as it is from the Bill and by accepting the amendment of my hon. Friend, Mr. Muthiah Chettiyar, we will be over-riding the provisions of the Evidence Act. The Evidence Act lays down provisions about estoppel, admission and confession, and it is for the court to deal with them. Our legislature is not concerned with the rules of evidence. It is within the purview of the Indian Legislature. What we are concerned with here is that we should protect the interests of the debtors as well as those of the creditors. Regarding the correctness or otherwise of the account referred to in the clause, we cannot make hard-and-fast rules and cannot ask the court which decides a case that the account should be admitted as true because it was not objected to by the party. Suppose the account that is sent by the creditor to the debtor is wrong, and if the party has not objected to the correctness or otherwise of the account, does it follow that the party to whom the account was sent should be made to admit that the account was correct, because it was sent and not objected to? The point that the debtor has not chosen to question the validity or correctness, or challenge the truth of the account will be considered in favour of the creditor who sent the account. That is the law of presumption. The law of presumption is defined in the Evidence Act. That being the case, I do not see any

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[Mr. M. Devadasan]

reason why, we should make a hard-and-fast rule in this case and presume the correctness of the account sent by the creditor to the debtor so long as it is not challenged. By allowing this amendment to be embodied in the Bill, we will be doing injustice to the debtors, and the courts also will be embarrassed under certain conditions when the account is found to be false. So, I oppose the amendment moved by my hon. Friend and support the main clause as it is in the Bill.”

* Mr. DANIEL THOMAS:—“Mr. President, Sir, when the present Bill becomes an Act and is placed on the Statute Book, I believe a good deal of difficulty in the matter of settling accounts between creditors and debtors will have been obviated. Every payment made by the debtor to the creditor will be supported by a voucher in the possession of the debtor in the handwriting of the creditor, and therefore I believe that a real case of false accounts will have become a thing out-of-the-ordinary. But we have to contemplate even out-of-the-ordinary cases and possibilities and in taking into consideration such cases, on the present issue, balancing considerations of course come into play. Of course, when a debtor asks for accounts from a creditor, and the creditor submits a statement of account to the debtor which has been duly received by a debtor, and if after receipt of that statement he keeps quiet, he will be taken to have acquiesced in the accounts given to him by the creditor as ordinary things go. Naturally, that will go a great way against the debtor, and the account would be taken ordinarily to be a correct account if it was not objected to by the debtor. Therefore in most cases, judging things under ordinary circumstances, non-objection by a debtor after receipt of the accounts from the creditor will for all practical purposes be taken to be an admission of the correctness of the accounts given by the creditor. To state that position is one thing; but to put on the Statute Book a conclusive and irrebuttable presumption, a statement which cannot under any circumstances be gone back upon, that when once a debtor after receiving the accounts from the creditor does not object within a period of one month, he becomes absolutely debarred under any conditions whatsoever from questioning the correctness of the accounts, is another. That will be going too far. That will be creating a difficulty in his way by which he would be debarred from offering any plea questioning the correctness of the accounts. I believe this is a Bill, as has been over and over again said, intended for the protection of the debtors. If it were a case of the debtor and the creditor being on an equal footing, equally capable of protecting their own interests, then I would not join in objecting to such an amendment as the one moved by my hon. Friend, Mr. Muthiah Chettiyar, being put on the Statute Book. But taking into consideration the illiteracy, the ignorance, incapacity of the very large percentage of the debtors in our country, I believe we should safeguard these people against their own ignorance and illiteracy, and incapacity.

“Therefore, I would say that to accept the amendment of the hon. 2-45 Member, the Kumararaja of Chettinad, would in certain particular P.M.

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cases work hardship. There may be cases in which a man may go out of the country and there may be circumstances which may prevent a man from objecting to the correctness of the account within a period of one month. To say that even in such exceptional cases the period of one month should stand as a bar to the right of questioning the correctness of the account would be a handicap and a peculiarly hard handicap against the debtors. Even the language of the Bill as it now stands does not preclude the courts from taking into consideration the failure of the debtor to object to the correctness of the account. All that this clause enacts is that the failure by itself shall not be deemed to be an admission of the correctness of the accounts, but anything falling short of an admission may be taken into consideration against the debtor in subsequent legal proceedings. That is not excluded or prevented by the language of the clause as it now stands. I would suggest the amending of the language of the Kumararaja to the effect that, if a person to whom a statement of accounts has been supplied under clause (c) of sub-section (1) fails to object to the correctness of the said account, such failure may be taken into consideration against the debtor in subsequent legal proceedings but shall not be deemed to be conclusive. I only want that the matter should be made clearer. And so I suggest this amendment. I object to the amendment of my hon. Friend, the Kumararaja."

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, I am constrained to oppose the amendment. As it is, there would be an irrebuttable presumption that, if the debtor fails to enter his objection within a certain period, then the account furnished by the creditor should be taken as correct. That is a tall order. A Bill like this is intended for the protection of the interests of the debtor as well as the creditor. Now, there would be a presumption that the debtor has accepted the correctness of the account furnished by the creditor. That is not giving protection to the debtor at all. This Bill is intended to protect small debtors, most of them illiterate. Now, if a copy is furnished to them, it may not be possible for them to check it and give a reply to the creditor within a month. The presumption of liability is there. The courts would have to consider what value to attach to each particular case in regard to the dealings between the parties and the position of the parties. To say, by legislation, that a presumption should be drawn that if within one month the debtor does not raise any objection the whole account should be taken to be correct would work great hardship to the debtors. Therefore, the amendment is wholly wrong and ought not to be accepted by the Council."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sub-clause (3) involves the rule of evidence. The whole discussion has turned on the question whether the supplying of a copy of the account would enable the court to draw the presumption in favour of the correctness of the account and against the debtor by the latter's silence; such a position is sought to be avoided by putting in specifically in clause (3) that silence by itself shall not enable the court to draw a presumption of correctness

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against the debtor. But there are in clause (3) certain points which seem to aggressively suggest to the debtor that even though he may ordinarily be disposed to communicate with the creditor and tell him his consent or his objection he need not do so but may keep quiet and that when the creditor comes forward with the claim he can trot out all those objections. That is the difficulty which the language of the section will give rise to. According to the language of the section, a person who holds a statement of account supplied under clause (3) is not bound to acknowledge or deny its correctness. That is one portion. There is another portion, viz., his failure shall not by itself be deemed an admission of its correctness. Why this double dose of precaution? The debtor, if he is a common sense man, if he is a capable man, a cautious man and a courteous man, will certainly communicate with the other party. So the statutory warning appears to be too much. Without altering the substance of the recommendation of the Select Committee and following the trend of the discussion by so many hon. Members of this House, I think it would be proper if a slight alteration is made. It may be like this. 'A person to whom a statement of accounts has been supplied under clause (c) of sub-section (1) and who fails to object to the correctness of the account shall not by itself be deemed to have admitted the correctness of such an account.' If you, Mr. President, will allow me to move such an amendment I shall move it.

"I formally move—

'After sub-section (1) omit all the words and substitute the following:—

"Who fails to object to the correctness of the account shall not by such failure alone be deemed to have admitted the correctness of such account".'"

Mr. SAMI VENKATACHALAM CHETTI:—"I second it, Sir. I think there is no difference between the idea contained in the Select Committee's recommendations and that in the amendment of my hon. Friend, Mr. T. C. Srinivasa Ayyangar. I should rather consider the present amendment to be an improvement. I should like to answer one or two points with regard to the special protection that is intended to be afforded to the debtors under this Act. Even ordinarily the transactions between creditor and debtor may be reduced to writing and statements may be furnished by creditors to debtors. But they could not confirm the correctness of the statements once for all. They are subject always to errors of omissions being rectified later on. For instance, if a pass-book is sent by a bank to a person who keeps an account there and if he does not check the entries in the pass-book and write to the bank, whether those items are correct or not, that by itself does not absolve the bank or the person who keeps the account from the liabilities which may arise therefrom. Therefore the protection now given in this Act is not a special protection. It is a protection generally afforded to every person who has got any money transaction

[Mr. Sami Venkatachalam Chetti] [1st August 1934]

with another person. But the amendment moved by the Kumararaja is really a very serious curtailment of the ordinary right of a person to raise an objection to the correctness of the statement later on. It is just possible that the debtor who has received a particular statement from the creditor knowing that it contains wrong entries or that the creditor has omitted certain items might intentionally keep quiet so that when the creditor goes to the court he may prove them against him. So it is not necessarily on account of the inability or ignorance to correct the statement that is furnished by the creditor that he stands to lose, but owing to those items which are deliberately and wrongly mentioned in the written statement that has been given. I do not think it is necessary to deny the ordinary right of any person to question the correctness of a statement by other evidence, by other proofs, in a court of law. I therefore strongly oppose the amendment moved by the Kumararaja of Chettinad, and have great pleasure in seconding the amendment of Mr. T. C. Srinivasa Ayyangar."

Mr. M. A. MUTHIAH CHETTIYAR:—"In view of the discussion, I withdraw my amendment and welcome the amendment of my hon. Friend, Mr. T. C. Srinivasa Ayyangar."

The amendment was, by leave, withdrawn.

The amendment of Mr. T. C. Srinivasa Ayyangar was put and carried.

Clause 4, as amended, was put and carried.

Clause 4-A.

Sub-clause (2).

* Mr. C. BASU DEV:—"Sir, in clause 4-A, sub-clause (2), after the word 'pawn' in line 3, omit all the words and substitute the following: 'and the pawner be charged pies six for the same.' This is the amendment standing in my name."

"Sir, I am willing to leave the amount to be charged in the hands of the Government. I only wanted to draw the attention of the Government that in fixing this amount they should not fix an excessive fee but only that which may be just sufficient to meet the needs of the case. In view of the decision of the House with regard to the fee to be charged for the supply of a statement of account, I do not want to move my amendment, but request the Government to fix as low a fee as possible for the supply of copy of entries."

* The Hon. the PRESIDENT:—"The hon. Member has not therefore, moved his amendment."

3 p.m. Mr. SAMI VENKATACHALAM CHETTI:—"May I know if there will be any difficulty in numbering clause 4-A as clause 5 and renumbering the rest of the clauses?"

* The Hon. the PRESIDENT:—"That may be done later on."

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New sub-clause (3).

Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, I move—

'Add the following as sub-clause (3):—

"If a person to whom a copy of the entries has been supplied under clause 2 fails within one week after his receipt thereof to object to the correctness of the said entries, he shall be deemed to have admitted the correctness of the same."

"I wish to point out to the House that this is an entirely new provision from the one just now adopted by the House. This stands on a different footing. In the former case the creditor sends a copy of the accounts and even if the debtor does not acknowledge the correctness of the same, he is at liberty to question the details. There, it will be all right. But in this case, the borrower goes to the pawn-broker to pledge some jewels and then borrows. He should be expected to challenge the accuracy of the entry with regard to the weight of the jewels, etc., promptly. It is with that object that I move this amendment to the effect that the debtor should bring to the knowledge of the creditor his objections immediately. Otherwise this will have to be gone into by the advocates later on when the case goes to court. I should certainly say that at the earliest possible opportunity the debtor and creditor should clear their difficulties with regard to the jewels pawned."

The amendment was duly seconded.

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I am afraid the hon. Mover is labouring under a misapprehension. I do not think any time should be given for the person who pledges a jewel to question the correctness of the entry by the creditor. He must be satisfied on the spot. This will raise a difficulty to the pawn-broker himself. If you give a week's time, it will give rise to all sorts of difficulties. For instance, it will be open for the pawnee to say that he handed over a certain jewel, whereas the pawn-broker might say something different. I would therefore request the hon. Mover to withdraw his amendment."

* Mr. C. BASU DEV:—"Sir, I rise to support the amendment. (Laughter.) If you only remember that most of the pawnees are illiterate men and sometimes illiterate women, you will agree that it will not be possible for them to raise any objection then and there when the pledge is made. I am really very grateful to my hon. Friend, the Kumararaja, for having moved this amendment. It certainly gives time for the person pledging to go home and find out if the entry has been correctly made or not. If my hon. Friend, Mr. Sami Venkatachalam Chetti, thinks that a week's time is unnecessary, the period may be made shorter. Anyhow this amendment is absolutely necessary."

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Mr. M. A. MUTHIAH CHETTIYAR:—"I must certainly express my thanks to Mr. Sami Venkatachalam Chetti. While I am of opinion that, as he says, one week's time is not necessary, but that objection, if any, might be made immediately on the spot, I have no objection to withdraw my amendment." (Laughter.)

The amendment was, by leave, withdrawn.

* Mr. C. BASU DEV:—"Sir, I move—

'Add the following sub-clause after sub-clause (2):—

"(3) The pawn-broker shall deliver every article pledged for a sum not exceeding Rs. 500 and unredeemed at the time agreed upon for redemption thereof to an auctioneer appointed by the Local Government in this behalf and shall not sell the same except through such auctioneer."

"This new sub-clause is absolutely necessary. Most of the pawn-brokers are selling the jewels at private auction with an understanding between bidders and the yield is practically next to nothing. Therefore, unless we have a provision prohibiting such sales, it will not be possible to safeguard the interests of the borrowers. They have absolutely no remedy against the pawn-broker who sells the articles and appropriates the money towards his dues. Very often the sale-proceeds of the articles do not at all cover even the principal and interest. In view of the fact that the borrower has absolutely no protection against such action on the part of the pawn-broker, this new sub-clause is very necessary. I therefore commend it very earnestly for the acceptance of the House."

The amendment was duly seconded.

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, it appears to me that this amendment, instead of being a help to the borrowers, will only be a hindrance. It is cruel to place their fate in the hands of an army of official auctioneers. In the first place it will put a very heavy duty on the Local Government in that they will have to appoint a number of auctioneers all over the Presidency. In the second place, there is commission to be given to the auctioneers and this will certainly fall on the debtors. In most cases, even in the absence of this commission, the amount realized at an auction barely equals the sum due to the creditor. Now, if in any case a small balance is left, it will be appropriated by the official auctioneer who will more or less be an official receiver. I admit that there is some truth in the statement that most of the pawned articles are sold in so-called auctions. At such auctions, the pawnee himself buys most of the articles. But it is an unavoidable evil. We cannot really go to the extent of appointing an official auctioneer for every article pawned. For the present the protection now afforded by this Bill seems to be sufficient. I therefore oppose the amendment."

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* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, this is one of the provisions which will act very oppressively on the debtor and, sometimes, on the creditor also. Mr. Sami Venkatachalam Chetti gave us the case of a sale leaving a small surplus and that small surplus going to the auctioneer towards his commission. But what is to happen to cases where the amount does not even cover the dues to the creditor? There, neither the creditor nor the debtor will be the better for the intervention of this person, the auctioneer. This amendment is not in the interests of the debtor. I oppose it."

* Mr. C. BASU DEV:—"Sir, I am obliged to my hon. Friend for the remarks that he made in opposing this amendment. He is mistaken if he thinks that the commission for the auction of these petty articles will be high. In my opinion there will not be any difficulty in appointing these auctioneers. As it is, in the matter of selling the jewels, etc., we have the usual *madhyasthas*. Their estimates of these articles and their weighments are considered to be absolutely correct. Their charges are not exorbitant and these are willingly paid by persons who have to go to them. The commission paid to the certified auctioneers will not be high. And it is not at all difficult for the Government to appoint any number of these men. This will be a real help to the pawners."

* Sriman M. G. PATNAIK Mahasaya:—"Sir, the first thing to be considered in this connexion is this: will there be wide publicity, and will the property fetch the proper price. The difficulty is that even the auctioneer may not be able to give wide publicity. If the creditor is a dishonest man, in spite of the efforts of the auctioneer to give wide publicity to the sale, he will see that not many people attend the sale. In that case, the debtor will not be benefited and the creditor himself may take the article for a low value. There will not be very many bidders. If a man is dishonest the appointment of an auctioneer will not help the debtor. I trust that this will be a convincing argument to my hon. Friend, the Mover."

The amendment was put and lost.

* Mr. C. BASU DEV:—"I move that the following be added as a 3-15 p.m.
new sub-clause:—

'The pawn-broker shall keep a book in which he shall enter or cause to be entered a true and correct account of every pledge sold under the power conferred to him showing the date on which and the person by whom the articles were pledged, the number of the page in his book in which the original transaction is entered, the amount due at the time of sale, the sum realized on the sale, the date of the sale and in any case where the amount realized on the sale exceeds the amount lent and the interest or other profit due thereon at the date of sale and the expenses attending such sale, the surplus due to the pawner or owner as the case may be.'

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Sir, I do not think this amendment requires any argument on my part, because it is clear enough and its object is very obvious. It is for the purpose of showing clearly what has been done with the articles pledged. The pawnier has absolutely no power to find this out unless he goes to court. This is a very harmless provision and will help to increase the clarity of the accounts kept by the pawn-brokers. I do not think the House will have any difficulty in accepting the amendment."

Mr. ABDUL HAMEED KHAN:—"I second it."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I dare say that Mr. Basu Dev has acknowledged that most of us are as much interested as he is in protecting the interests of the debtors against unscrupulous money-lenders. But the conditions which he is now seeking to impose are far too cumbrous and troublesome to the equally ignorant and illiterate pawn-broker. I am afraid he is over-estimating the capacity of the pawn-broker. Most of them are illiterate Marwadis. They come here, take money from big sowcars and lend it at high rates of interest to poor people. No doubt they are greedy and want to make as much money as possible. But to maintain accounts so clean and so up-to-date as is suggested by my hon. Friend, Mr. Basu Dev, is something which is impossible of being done by them. It is all well and good to ask them to maintain accounts in order to see that the debtor is not over-charged or over-debited, but once the jewel or other property which has been pawned becomes an item of auction, it should be taken for all practical purposes that the pawnier has lost interest in it on account of the accumulation of debt on that property. After that, if anything remains of the amount got in auction after paying the debt and other charges, it should go to the pawn-broker. He should have the profit or the loss. On the other hand, if we expect the pawn-broker to keep an account showing several particulars such as the date of auction, the amount realized, the amount owed to or owed by the debtor, we would be creating a liability on the pawn-broker which the pawnier has no right to expect. Supposing at a particular time the value of gold or silver is at a very high level. Just then, the creditor may think of auctioning the properties so that he may realize the amount advanced by him or the amount outstanding against the debtor. He may adopt the procedure prescribed in the Bill and auction the property and be able to write off the debts owed by the debtor or even save a few rupees by the transaction. If we ask the pawn-broker to keep the sort of accounts mentioned by the hon. Mover, it will be open to the pawnier even after some months or even years, to come and claim the money that is to his credit in the accounts although he is really not entitled to it after he has abandoned his right to the property at the time of auction. It would certainly be loading the dice against the pawn-broker and will not in any way help money transactions between debtors and creditors. After all, we cannot say that persons will not be driven to the necessity of borrowing money. Therefore we should see that any restrictions that we impose should be such as not to make it difficult for needy persons to get the money they want. I am afraid that the elaborate amendment suggested by Mr. Basu Dev will work

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a hardship not only on the illiterate and ignorant pawn-broker but also upon those who want to raise loans. I therefore oppose the amendment."

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

Ayes.

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| 1 Mr. T. Narasa Reddi. | 12 Mr. Daniel Thomas. |
| 2 " G. Ranganatha Mudaliyar. | 13 Swami A. S. Sahajanandam. |
| 3 " M. Devadasan. | 14 Mr. H. M. Jagannatham. |
| 4 Rao Sahib N. Siva Raj. | 15 " B. Pocker Sahib. |
| 5 Rao Bahadur R. Srinivasan. | 16 " M. A. Manikkavelu Nayakar. |
| 6 Rao Sahib V. I. Muniswami Pillai. | 17 " Abdul Hameed Khan. |
| 7 Mr. G. Sriramulu. | 18 " Basheer Ahmed Sayeed. |
| 8 " P. V. Rajagopal Pillai. | 19 " U. C. Subrahmanya Bhatt. |
| 9 Diwan Bahadur A. Appadurai Pillai. | 20 " Ahmed Miran Sahib. |
| 10 Mr. W. P. A. Soundara Pandian. | 21 Rao Bahadur Sir A. P. Patro. |
| 11 " A. V. Bhanoji Rao. | 22 Mr. C. Basu Dev. |

Noes.

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| 1 The Hon. Sir Archibald Campbell. | 28 Rao Sahib Pandit Ganala Ramamurti. |
| 2 " Sir Hopetoun Stokes. | 29 Mr. A. Harischandrudu. |
| 3 " Sir K. V. Reddi. | 30 " K. Kesavaramamurti Nayudu. |
| 4 " Mr. G. T. H. Bracken. | 31 " A. Ramakrishna Reddi. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 32 " Yakub Hasan. |
| 6 " Mr. P. T. Rajan. | 33 " K. R. Venkatarama Ayyar. |
| 7 " the Raja of Bobbili. | 34 Rao Bahadur T. A. Ramalingam Chettiyar. |
| 8 Rao Bahadur G. Jagannatha Raju. | 35 Mr. T. C. Srinivasa Ayyangar. |
| 9 Mrs. Alamelumangathayaramma. | 36 " Sami Venkatachalam Chetti. |
| 10 Diwan Bahadur V. N. Viswanatha Rao. | 37 " V. T. Arasu. |
| 11 Mr. J. A. Thorne. | 38 " A. B. Shetty. |
| 12 " C. E. Jones. | 39 Diwan Bahadur B. Muniswami Nayudu. |
| 13 " R. Madanagopal Nayudu. | 40 Mr. K. P. Raman Menon. |
| 14 " E. Conran Smith. | 41 " M. S. Sreshta. |
| 15 " T. Sundara Rao Nayudu. | 42 " P. V. Krishnayya Choudari. |
| 16 Subadar-Major S. A. Nanjappa Bahadur. | 43 Sriman M. G. Patnaik Mahasayo. |
| 17 Rao Bahadur B. P. Sesha Reddi. | 44 The Zamindar of Chemudu. |
| 18 Mr. P. Bayappa Reddi. | 45 Mr. C. Indrayya. |
| 19 " K. Ramachandra Padayachi. | 46 " Mahboob Ali Baig Sahib. |
| 20 " T. Lakshmana Reddi. | 47 " P. M. Thangal. |
| 21 Rao Sahib V. Dharmalingam Pillai. | 48 Diwan Bahadur S. Ellappa Chettiyar. |
| 22 The Kumararaja of Venkatagiri. | 49 Mr. R. M. Palat. |
| 23 Mr. M. A. Muthiah Chettiyar. | 50 " Lieut.-Col. C. H. Brock. |
| 24 " J. A. Davis. | 51 " W. W. Ladden. |
| 25 Rao Bahadur D. Krishnamurti. | 52 " R. Foulkes. |
| 26 Rao Sahib P. Subrahmanya Chetti. | 53 " V. P. Narayanan Nambiyar. |
| 27 " C. Jayaram Nayudu. | |

Neutral.

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| 1 The Zamindar of Mirzapuram. | 6 Rao Sahib A. S. Alagannan Chettiyar. |
| 2 Mr. I. C. Iswaran Pillai. | 7 Mr. K. S. Sivasubrahmanya Ayyar. |
| 3 " K. M. Duraiswami Reddi. | 8 " P. Peddiraju. |
| 4 The Zamindar of Kirlampudi. | 9 " K. Singam Ayyangar. |
| 5 Rao Sahib D. V. Narasimhaswami. | 10 Rao Bahadur C. Natesa Mudaliyar. |

Ayes 22.

Noes 53.

Neutral 10.

The amendment was lost.

Clause 4-A was put and carried.

[1st August 1934]

New Clause 4-B.

3-30 p.m. * Mr. C. BASU DEV:—"Sir, I beg to move the following new clause:—

Add the following as the new clause 4-B:—

"4-B. In the receipt to be furnished under 4 (b) in the statement of account to be furnished under 4 (c) and the copies of entries to be furnished under 4 (a) (2) the figures shall be entered only in the Arabic numerals."

"In the Bill, as originally introduced by me, there was a clause whereunder the Government were to prescribe the form, the script and the numerals in which the accounts were to be kept. But in the Select Committee stage we came across much evidence which disclosed that it would work great hardship if the language in which the accounts should be kept is to be prescribed. In consideration of this difficulty, the Select Committee dropped the question of language as also the form, but by oversight the question of numerals were not discussed at all. The object of my clause in the original Bill is that we should have a common medium by which both the lender and the borrower could understand the accounts. In view of the difficulty in the way of a common language as also the form, I am not pressing for them. But I wish that the figures should be in Arabic numerals, which everybody knows, and understands. There will be no hardship either to the borrower or to the lender if this Legislature should say that Arabic numerals should be used in the accounts to be kept by the creditor and the pawn-broker. The amendment only says that when copies of accounts or receipts or statement of accounts are asked for, the numerals used in them should be only Arabic numerals. I think this is a very reasonable amendment and the House will accept it."

Mr. ABDUL HAMEED KHAN:—"I second it."

The amendment was put and carried.

Clause 5.

Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, I beg to move the following amendment:—

"Substitute the word "may" for the word "shall" in line 5 and the words "the whole or any portion of" between the words "disallow" and "his"."

In the Bill as it is, it is said that the cost shall be disallowed. I only want that it should be optional and that we should give the discretion to the court. I think that such a proposition is simply fair. I do not see any reason why the courts should be compelled to disallow the whole costs. The court will consider each case upon the circumstances of that case; we may leave it to the court to disallow the entire cost or only a portion of it. With that object, I have moved this amendment."

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

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* Mr. C. BASU DEV:—"I oppose the amendment, Sir. For non-compliance of the provisions in this Bill with regard to the maintenance of accounts, a light penalty is fixed and this is the disallowance of costs. Costs for suits for sums of Rs. 500 and under will be small. If my hon. Friend's amendment is accepted, courts may allow or disallow the whole or portion of the costs and the money-lenders will go merrily along their old way. In view of the fact that the penalty is not at all severe, I do not think it is advisable to interfere with this provision. This provision is expected to prevent frauds being committed by money-lenders. In the English Lenders Act, a lender cannot even sue for non-compliance of the provisions of that Act and surely the penalty here is very light. I beg that this House will not further whittle it down."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I support the amendment moved by my hon. Friend, Mr. Muthiah Chettiyar. If the irregularity in maintaining an account is on a very trivial point and if it does not involve any frauds or lead to very serious consequences, disallowance of whole costs would be too much. If you do not give any discretion to the court as to the cost, and insist on disallowance of the entire cost irrespective of a light irregularity or serious irregularity, it would work very serious hardship. I think discretion may be given to the court and instead of the word 'shall,' the word 'may' may be inserted; that will serve every purpose and certainly the courts can be trusted to deal equitably and fairly."

* Mr. MAHBOOB ALI BAIG SAHIB:—"Sir, I am constrained to remark that the penalty has been considerably whittled down and if this amendment of my hon. Friend, Mr. Muthiah Chettiyar, is accepted its effect will be that the court may or may not disallow the costs and it will have to go into several questions to decide whether the cost should be disallowed or not. In that case the very purpose of this Legislature requiring creditors to keep accounts will be defeated. It is after all a very small penalty, the disallowance of the cost only; the creditors make much money by way of interest and this small penalty will not affect them at all. I think this House should propose greater penalty. Instead of that, if this amendment is accepted by this House, no effect will be left on the creditors at all and the borrowers will not be benefited by this measure."

Mr. ABDUL HAMEED KHAN:—"Sir, I have to oppose this amendment of my hon. Friend, Mr. Muthiah Chettiyar. I hope my hon. Colleagues will not consider this amendment of his separately from his attitude with regard to this Bill from the beginning to the end. It was a very special case that he made out for Judge's rights; he, of course, advanced a very good argument in support of his amendment, and it will certainly capture the imagination of some of us, particularly the gentlemen belonging to the legal profession, because if we leave the law undecided, it gives good deal of opportunity for the legal profession to thrive. We must consider the provisions of the Bill before us. After all what is sought to be done by this Bill is very

[Mr. Abdul Hameed Khan] [1st August 1934]

little to help the debtor. Even the effect of that mild legislation is sought to be taken away by this amendment; if you take away the only small penalty that is imposed in the Bill on the money-lenders, you can scrap the whole Bill altogether. The provisions of this Bill have been very much whittled down; the amount has been reduced; the interest has been increased; the only thing that is left in this Bill is the insistence on the maintenance of accounts and on giving receipts to the debtor. If we do not impose a compulsory penalty on the money-lender and if it is left to the discretion of the Judge, the very object of the Bill is frustrated."

* Sriman M. G. PATNAIK Mahasaya:—"Mr. President, Sir, this clause clearly says that certain accounts should be maintained as a safeguard against possible frauds on the part of the creditor. Nobody says that in every case fraud is practised by the creditor. If the amendment of my hon. Friend, Mr. Muthiah Chettiar, is accepted, even though the creditor knows that he has to maintain the accounts, he will not do so and he may think that he can persuade the Judge to give a decree in his favour. Therefore the very object of the Bill to provide certain safeguards against frauds being practised upon the debtors will go. It is, therefore, absolutely necessary that the legislature should, as a disciplinary measure, penalize the non-maintenance of accounts. In a matter like this, no discretion ought to be given to the Judge. Otherwise accounts will never be maintained; the creditor may hope to persuade the Judge to give a decree in his favour even without the maintenance of the accounts. If the creditor does not comply with the provisions of this Bill in the matter of maintenance of accounts, I think our sympathy should not go to the creditor; if he does not maintain the accounts he should be penalized; only then he will maintain the accounts. If there is any hardship to the creditor, it will not last long. If a penalty is imposed in one or two cases, creditors will be careful enough thereafter and then there will be no hardship; if there is any hardship it will be only short-lived. As a disciplinary measure this penalty must be provided in the Bill."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, in considering this amendment, we must go back to the provisions of the original Bill as proposed by the hon. Member, Mr. Basu Dev. The Bill contained some provisions which would enable courts to levy a penalty upon the creditor if he does not maintain proper set of accounts or if he does not keep a proper description of the articles pledged.

"With a view to avoid such penalties either by Magistrates or by the Police, we came to an agreed conclusion that the penalty must be of a civil nature and that it should be to the least possible extent. That is why it was provided that the court should be given the power to disallow costs in cases where the creditor was proved not to have maintained an account of the articles pledged. In making this observation, I have great hesitation because my esteemed Friend, Mr. Srinivasa Ayyangar, has seconded the amendment of Mr. Muthiah Chettiar. But I venture to believe that I will be able to persuade him

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to my view if I point out that this so-called penalty relates only to the maintenance of full and detailed description of articles pledged, etc. That is a fundamental duty imposed on the creditor with a view to find out the genuineness and the value of the article pledged. If that duty is to be removed, the debtor will practically be at the mercy of the creditor and the whole scheme of the Bill will be frustrated by giving permissive authority to the courts either to disallow or not to disallow costs. Viewed from that point, that is, instead of treating non-maintenance of accounts as a penal offence and treating it as a civil lapse or violation and punishing the offender with a civil penalty, I dare say Mr. Srinivasa Ayyangar's view-point may be changed. But with regard to the latter portion of Mr. Muthiah Chettiar's amendment, I am in hearty agreement, because the maintaining of a record as contemplated in section 4-A may be faulty in a minor respect. To disallow the whole of the costs for a technical violation such as that would work great hardship. Moreover, Sir, it will not be a proper and equitable punishment to offenders of various descriptions. If a person commits a mistake intentionally and wants to cheat a debtor, he should not be punished in the same manner as one who does it unintentionally. That won't be fair; that is why the court may be given the power of disallowing such portion of the costs as it deems fit in each case. In any case, it is bound to disallow a portion of the costs in case the record contemplated under section 4-A is not kept. Therefore, while I am against the first part of the amendment moved by Mr. Muthiah Chettiar, I am in hearty sympathy with the latter part thereof."

* The Hon. Sir K. V. REDDI:—"Mr. President, I may perhaps intervene at this stage and make an appeal to the hon. the Mover of the amendment. The words 'the court shall disallow his costs' are very important here. If the word 'shall' is not there, the word 'may' will have no effect at all, because as the law stands at present, costs are always at the discretion of the court. Therefore, the whole provision in the clause itself might disappear. But as pointed out by Mr. Sami Venkatachalam Chetti, the whole scheme and the purpose of the law is to compel the creditors to keep accounts as a safeguard against any fraud being committed on the poor debtors. Consequently, there must be some provision like that here. I would therefore appeal to the mover to withdraw his amendment.

"There is also another point which I would like to mention; it is a small drafting amendment. I think it is better that instead of the words 'the court shall disallow his costs' we have the words 'he shall not be allowed his costs.' I think the mover of the amendment and the mover of the Bill will have no objection to this."

Mr. SAMI VENKATACHALAM CHETTI:—"I am afraid, Sir, that the Hon. the Law Member is not allowing the latter part of Mr. Muthiah Chettiar's amendment to come in?"

Mr. M. A. MUTHIAH CHETTIYAR:—"I quite see the amendment of the Hon. the Law Member in order to rectify the drafting. But I

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would request him to fit in Mr. Sami Venkatachalam Chetti's suggestion also in the amendment. Otherwise, the meaning will not be quite clear. The intention is that the costs should be disallowed; but the court may be given discretion to disallow any portion of the costs."

MR. SAMI VENKATACHALAM CHETTI:—"May I appeal to the Hon. the President to split this proposition into two?"

* MR. BASHEER AHMED SAYEED:—"Sir, there is not much point in the argument of the hon. Member for the City of Madras. He has raised a very moot question. He said that these are very elementary duties prescribed in clause 4-A and clause 4: these are duties imposed on the creditor or the pawn-broker that he should do such and such things. My Friend wanted to make out a point by saying that for technical omissions, a man need not be punished in the same fashion as one who commits a deliberate default. The courts, Sir, always ignore technical omissions or minor negligence. They do not attach the same importance to them as they do to serious and deliberate or intentional omissions or gross failure in the discharge of duty. If it can be shown to the court that by a little oversight an unintentional omission has been caused by a person who is called upon to keep accounts, the courts will not declare that they are accounts not properly maintained at all. I would invite the attention of the hon. Member for the City of Madras to read clause 4 (1) (a). It describes in detail the duties any of which cannot be omitted by a creditor ordinarily; and if any one of them is omitted by a slight indifference or negligence, it may not be taken serious note of by the courts. Even the items in clause 4-A are of an elementary nature and are the minimum. And if the pawn-broker is not to conform even to those items, why have this legislation at all? These are the things which the Committee thought were the minimum if any protection was to be given to the debtors. If these items are not going to have any sanction behind them of a substantial nature, I think it is better not to have this legislation at all. Very pertinently the hon. Member for the City of Madras reminded the House that there were other and more severe penal clauses and that those clauses were taken away by the Select Committee and instead this civil liability was imposed. That being the case, the House can easily realize how this Bill has been whittled down. If this the only sanction for the clauses 4 and 4-A, viz., the entire costs being disallowed, is also taken away, then there is nothing in the Bill left. I would therefore appeal to the House to retain the amendment as proposed by the Hon. the Law Member and not accept the amendment that any portion or part of the costs may be disallowed."

MR. M. A. MUTHIAH CHETTIYAR:—"I move my amendment incorporating the Hon. the Law Member's amendment and the other one suggested by my Friend . . ."

* THE HON. THE PRESIDENT:—"Before he does it, it is better that he withdraws his first amendment already moved."

The amendment of Mr. M. A. Muthiah Chettiyar was, by leave, withdrawn.

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THE HON. SIR K. V. REDDI:—"There is my amendment, Sir."

MR. M. A. MUTHIAH CHETTIYAR:—"I am moving an amendment, Sir,—

'that instead of the words "the court shall disallow his costs" the words "he shall not be allowed the whole or such portion of his costs as the court deems fit" be substituted'."

* THE HON. THE PRESIDENT:—"I shall explain matters. The Hon. the Law Member has moved his amendment that 'he shall not be allowed his costs' be substituted for the words 'the court shall disallow his costs.' Mr. Muthiah Chettiyar has moved an amendment that for the words 'the court shall disallow his costs,' the words 'he shall not be allowed the whole or such portion of his costs as the court deems fit' be substituted. Both the amendments are for the discussion of the House."

MR. SAMI VENKATACHALAM CHETTI:—"Sir, I second the amendment moved by Mr. Muthiah Chettiyar. I think there is some misunderstanding of the actual position. I would like to invite attention of my hon. Friends to the wording of the section as it is:

"In any suit or proceeding relating to a loan, if the court finds that a creditor has not maintained an account as required by clause (a) of sub-section (1) of section 4 or by sub-section (1) of section 4-A, the court shall disallow his costs.

"Section 4-A is:

"Every pawn-broker shall regularly record and maintain an account in which, in addition to the particulars referred to in clause (a) of sub-section (1) of section 4, he shall record or cause to be recorded . . ., etc.

"With regard to the three items, here, I beg of the Members to see how far it is conceivable that a person would commit certain penal offences. With regard to the giving of a 'full and detailed description,' it may be a jewel that is pledged which is said to contain a particular description of stones. That description might be correct or might not be correct. At the time of taking the jewels, both the pawn and the pawn-broker might be of the opinion that it contained a particular description of stones; but later on, the pawn-broker might discover that it contained something of less or no value. And when such a matter comes up to court, the onus of proving the correctness of the description is naturally upon the creditor. He ought to have taken the precaution of putting down the correct description of the jewel. He might have paid the amount honestly, without knowing the real value of the stones set in that jewel or without knowing that it was set with an inferior type of stones. In such a case, there is no intention on the part of the creditor to defraud the debtor. Why should that person on that ground be disallowed his costs? The disallowance of costs should be in view of dishonest intentions and dishonest acts. If no dishonesty is proved, if it is only an error, and honest error, it would be very wrong to affect that person by imposing the penalty of disallowing the whole costs. It has been said that the whole of the costs might not exceed Rs. 40. Rupees 40 on a transaction of Rs. 500 even for a creditor, however rich he may be, is certainly very heavy,

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because, when he goes to the court, surely he will not expect that he will get the full Rs. 500 he has lent. So he stands to lose a portion of even the capital he lent. And along with it, to ask him to suffer the penalty of disallowance of costs is really an intolerable thing. Moreover, equity requires that an honest man should not be penalized in the same manner as a dishonest man. Supposing a creditor deliberately gives a wrong description of the jewel and does not maintain a proper record of the description of the article, he stands on the same footing as an honest man who has committed an honest mistake. It is that aspect of the question that I want hon. Members to consider. If they are going to provide for a dishonest creditor a higher penalty, then I would rather like that the disallowance of the whole costs should be inflicted on the person who commits an honest mistake. But if they are going to maintain the same standard of punishment to a dishonest man, I expect that in the case of honest persons who commit only clerical errors there should be more considerate treatment for the simple offence of not giving a correct account. I should think that the Government must, on behalf of the honest creditor, a person who does not deliberately commit a mistake, give liberty to the court to find out whether the particular mistake that has been committed by the creditor has affected the bona fide character of the transaction that existed between the creditor and the debtor. And I dare say a lawyer friend, like Mr. Basheer Ahmed must teach us, laymen, that there is gradation of punishment with regard to gradation of offences.

“With regard to the question of enforcing discipline, it is not with a view to avoid discipline. It is because of this. If in the course of conforming to the discipline laid down in the Act some honest mistakes are committed, you must save him from being penalized in the same manner as a dishonest man. I only make this appeal with the expectation that the sense of fairness and justice of my lawyer friends will come in in support of honest persons and that they might be relied upon to plead on their behalf.”

* Sriman M. G. PATNAIK Mahasayo:—“Sir, I want to touch on only one point. My hon. Friend, Mr. Sami Venkatachalam Chetti, said that when a man gives a wrong description of the property in the accounts, he would be punished. There is no such thing here. If a creditor fails to give to the debtor or his agent a receipt, there is penalty provided. The account may no doubt be kept wrongly. But the difficulty is this. When it was kept wrongly, fraudulently or otherwise, it is very difficult to judge. If once you disallow the costs in a few cases, everybody will be careful, and that sort of negligence won't be in evidence thereafter.

“My hon. Friend also said that as a disciplinary measure this should not be done. He also said so in his previous speech. He now wants to avoid the effect of his own speech by saying that the penalty should be lighter than what is provided for here. The only point I wish to urge is that if it is enforced in the beginning with great severity there may be no chance for anybody for negligence at all

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thereafter. Even negligence should be punished because this Act is intended to provide against possible fraud. It is very difficult to judge whether an act done is purely due to negligence or is a result of an intended fraud. Therefore the best thing is that safeguards should be enforced with great severity. Then everybody will be very careful and all possibility of fraud being perpetrated will disappear. Therefore I think the wording relating to 'a portion of the costs' may be rejected and in other respects the amendment may be accepted.”

* Mr. V. P. NARAYANAN NAMBIYAR:—“Mr. President, Sir, in spite of the appeal of my hon. Friend, Mr. Sami Venkatachalam Chetti, to his lawyer friends, I am constrained to oppose the amendment that he has seconded. The question is not so much whether honest mistakes should not be treated differently from fraudulent acts. But the point for determination is whether it is advisable, whether it is wise to allow a loophole that would frustrate the whole scheme of the Act. (Hear, hear.) From that point of view the section should stand as it is.”

* Mr. C. BASU DEV:—“Sir, if I rise, it is only to clear a misapprehension, I think, under which my hon. Friend, Mr. Sami Venkatachalam Chetti is labouring. Where is the gradation of any offence in this matter at all? The wording of the clause is this: ‘If the court finds that a creditor has not maintained an account as required by clause (a) of sub-section (1) of that section, a statement of account as required therein within one month . . .’ The finding must be a substantial finding that the accounts have not been maintained at all. If there was some irregularity, if there was some mistake committed in the keeping of these accounts or maintaining them, that is a different matter. But the finding referred to here is a substantial finding that account contemplated in the Act is not kept at all. If such a finding is there, the lender has no right to complain of the loss of his costs. In the English Act for non-compliance a similar provision that the creditor cannot even go to court. Therefore this amendment must be rejected.”

MAHBOOB ALI BAIG SAHIB Bahadur:—“Sir, whether the mistake was due to a mere clerical error or negligence due to a dishonest intention is a question of fact, which should be gone into by the court. Evidence must be adduced on both sides, and it may be possible to make a dishonest omission appear as an honest omission. And especially in view of this provision here, if the court finds that the creditor has not maintained accounts at all, this penalty should follow. There is no place for arguing that it is an honest omission or a dishonest omission. It will involve a lot of time of the court and also the time of the parties. When the provisions of the Act have not been complied with by the creditor the question whether the omission was an honest one or a dishonest one does not arise at all. In a case where a pro-note has not been affixed with a stamp the question whether the failure to affix the stamp is due to an honest omission or a dishonest omission does not arise at all.

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When provision has been made that a certain procedure should be followed, then the penalty must follow, the sanction must follow. The fact that there is no sanction for such a failure on the part of the parties only ensures due obedience of the law."

MR. M. A. MANIKKAVELU NAYAKAR:—"Sir, I am afraid the hon. Member for the City has given an incorrect interpretation of this clause. Here the costs are disallowed for non-compliance with the provisions relating to the keeping of accounts, etc. The costs will not be disallowed for non-compliance to keep accounts in a certain manner. The costs will be disallowed only for not keeping the accounts but not for not keeping them in a particular manner. For instance, one may write from left to right or in black ink or red ink or blue ink. It is not for that the costs are disallowed. They are disallowed only for not complying with the keeping of accounts. Therefore, Sir, I do not think there is any point in this."

* MR. BASHEER AHMED SAYEED:—"Sir, as has been pointed out, I said that even this concession will take away the real effect of this half-hearted measure so far as these sections are concerned. I may remind the House that only two clauses in section 5 contemplate any penalty at all, namely, sub-clauses (1) and (2) of clause 5. These are the only clauses which provide for any penalty all over the Act. And having included and passed provisions calling upon the creditors to perform certain duties and discharge certain obligations, if the slight penal provisions are going to be modified in this fashion, then I say, Sir, the effect will be entirely lost."

"Then, Sir, with regard to this very sub-clause, it says: 'the court shall find.' If the court finds that a creditor has not maintained accounts as required by the foregoing clause, then he shall not be allowed his costs. The finding is always on facts and materials placed before the court. The court does not do it in a capricious manner. The finding ought to be proper and reasonable. The court always finds favour of the party if there has been a substantial compliance with the provisions of the Act, it does not penalize the party who might have omitted a comma here or a dot there. The finding is always made on sound basis; and if there has been a substantial compliance with the provisions of the Act or if the transaction has not been materially affected by the omissions or its nature has not been converted by these simple omissions, then the court will not come to the conclusion that the party has not complied with the provisions of the Act. That being the case, the court always finds only on reasonable facts and grounds and where it is convinced to the contrary then only it will decide that the accounts have not been properly maintained as required by the section. In the circumstance, I do not think there is much ground for the fear that the creditors will lose. The hon. Member for the City of Madras said that Rs. 40 will be the costs for a transaction of Rs. 500. Rs. 40 may be very little compared to the point of view of the creditor, but the allowance of the costs, or the wilful or deliberate omission or

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failure to comply with the provisions of clause 4 or clause 4 (a) may substantially affect the position of the debtor. It is the debtor's protection chiefly that we are now trying to ensure here. Of course we do not mean that any unnecessary penal provisions should be imposed upon the creditors. The creditors' rights are substantially safeguarded and when the creditor keeps proper accounts and gives proper descriptions and full details about the articles and the nature of the transaction, there is nothing for the creditor to fear. He will not lose a pie of his costs if he complies with these meagre provisions. If he involuntarily makes any omissions under circumstances beyond his control, then also the courts will be prepared to overlook such minor omissions and in practice that is the case. I do not think that my Friend need have any apprehensions with regard to the finding of the court. Only if the failure or omission is substantial or wanting in material particulars or materially affects the nature or the implication or the significance of the transaction, then and there only the courts will find that there has been a failure to perform the obligations imposed by the Act. Under these circumstances I would only request my Friend not to press for his amendment."

* MR. T. C. SRINIVASA AYYANGAR:—"After a good deal of discussion, two points arise for consideration, whether the penalty under clause 5 (1) is for non-maintenance of the accounts referred to in clause 4 (a) or while maintaining accounts, for irregular maintenance of accounts is the reason. This distinction ought to be borne in mind. If the accounts are not maintained then the penalty of disallowance of cost—the entire cost—or obligatory disallowance of cause should be provided, for it may be easily recollected that a pawnee may seldom have an opportunity of going to court. He could sell the property pawned. From the point of view of the man who pawned the property, the maintenance of an account is of fundamental importance. If the accounts are not maintained, there must be a penalty and very good penalty, but the whole trouble arises when an account is maintained and it is irregularly maintained. An irregularity in the maintenance may be on material point or may not be material. In these circumstances, the punishment must be proportionate to the heinousness of the irregularity. After I listened to the speech of the mover Mr. Basu Dev, it occurred to me that what he was aiming at was to punish the non-maintenance of accounts. I desire to know if that is so. If it is the non-maintenance of accounts that is sought to be penalised, we can make the provision by merely making a verbal alteration. That will certainly remove the ambiguity. The other portions may remain as they are. If it is irregularity in the maintenance of accounts, appropriate punishment is necessary and amendments of the type of Mr. Muthiah Chettiyar's amendment may be necessary. I desire to know from the mover his intention. (Mr. C. Basu Dev: 'It is non-maintenance of the accounts.') If that is so, permit me to move for the insertion of the words 'referred to in clause (a)' instead of the words 'as required by clause (a)'."

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Mr. SAMI VENKATACHALAM CHETTI:—"It is accepted that it is non-maintenance of the accounts that could be punished. So, I second the amendment."

Mr. B. POCKER SAHIB:—"I stand to oppose the amendment proposed by my hon. Friend, Mr. Srinivasa Ayyangar. The whole mistake arises out of some misconception as regards the nature of the object intended by this clause. There is no penalty imposed by this clause at all. In the first place, though it was not relevant my hon. Friend, Mr. Sami Venkatachalam Chetti, was propounding the theory of criminal law and pointing out that the punishment of a crime must be in gradation and according to the degree of intention of the offender. But, in the first place, there is no criminal penalty imposed. Even apart from that, neither clause 4 nor clause 4 (a) for the failure of which this section is intended states that every creditor shall regularly record or maintain an account without any fraudulent intention or any such thing. The question of intention does not arise. I may tell Mr. Sami Venkatachalam Chetti that even criminal offences are of two kinds. For some of the offences, intention is necessary. Innumerable criminal offences are committed without any motive for non-compliance of law, even though the person might have acted honestly. If you go through the Municipal Act or the District Municipalities Act, you will find innumerable offences of this kind. For, so many of them are deemed criminal offences by law even without any intention. Here, the question of intention does not arise at all. The law requires that we must maintain an account. It may be that this law might have resorted to for the sins of his predecessors. Therefore the question of intention or otherwise is certainly irrelevant. As to how the non-compliance should be penalized according to the degree of non-compliance will be the question. As has been already pointed out with reference to that, what is really intended by clause 1 is that if the court finds that a creditor has not substantially maintained an account as required by clause (a), it does not mean if the account is violating grammatically or by spelling mistake. The court will find that the creditor has not maintained an account. If the court finds that the creditor has not substantially maintained accounts, it means as required by clause 4 and clause 4 (a). It has nothing to do with the intention at all. I do not think my hon. Friend is right in contending that the penalty imposed must be in a gradation. I would like to point out to him that if this amendment is carried, the result will be the court, if it so chooses, may disallow only one pie of the cost, even though the degree of non-compliance may go to a large extent. What is intended is this: that there seems to be some statutory penalty imposed so that the creditor will find it necessary to maintain the account. It is only irregularity in the accounts kept or in the keeping of the accounts by the creditor all along that is responsible for this present legislation. Therefore, just to circumscribe this provision by giving the discretion to the court will be to defeat the very purpose of this legislation. I would only point out to my hon. Friend,

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Mr. Srinivasa Ayyangar, that he is not right in going to Mr. Basu Dev alone for the object of this clause. He is wrong in thinking that this clause as it stands is Mr. Basu Dev's production. It is not so. The Bill before us now is the Bill as amended by the Select Committee. It is not a Bill as it was drafted by Mr. Basu Dev. So, if the intention is to be gathered, it must be from the representative of the Select Committee rather than Mr. Basu Dev. But, since the Select Committee has submitted the report, it is absolutely irrelevant to refer to Mr. Basu Dev. As it has come out of the Select Committee, the creditor has escaped with the most lenient punishment and the creditors must thank their stars that the Select Committee has been so lenient with them and I hope the creditors' advocates will have the discretion to allow the clause as it is."

* Mr. C. BASU DEV:—"Mr. President, Sir, at the outset, I would like to apologise to my hon. Friend, Mr. Pocker, on my behalf and on behalf of the hon. Member from Ramnad if we have given him the impression that my opinion is all important with regard to the Bill. Certainly, the whole House is seized of it and I will not be presumptuous enough to think that my consent is sufficient to cut and carve the Bill as I like. Sir, with regard to the amendment the hon. Member from Ramnad has proposed, I must say that he is trying to import an ambiguity where none exists. When I referred to the account that the creditor has to maintain, I did not mean the ordinary account which the creditors has to keep. I meant the account under this Bill. If the court finds that the creditor has failed to maintain this account, then the court shall disallow the costs of the creditor. My Friend from the city suggested graded punishment for irregularity, mistakes, etc., in the accounts. Those questions are not contemplated in this clause. What is contemplated is the accounts that are to be recorded and maintained by the creditor under the provisions of this Bill. If these are not maintained, then the cost shall be disallowed. I cannot understand where the ambiguity, which my hon. Friend refers to, is to be found. I do not see why there should be any objection to this clause. What Mr. Sami Venkatachalam Chetti refers to perhaps irregularities, mistakes, etc., in the keeping of accounts, while the court will always excuse honest mistakes; in cases, where those irregularities and mistakes are dishonestly and deliberately made with a view to cause wrongful loss to the debtors the court certainly shall have other and more drastic methods of dealing with them than the mere disallowance of costs. I oppose the amendment."

* The Hon. Sir K. V. REDDI:—"I think, Mr. President, it will be better at this stage to express the views of the Government on this matter. So far as the amendment of my hon. Friend, Mr. Srinivasa Ayyangar, is concerned that the penalty should attach only when no account at all is maintained but that it should not apply when an account was maintained but was not in accordance with all the requirements of this clause, so far as that is concerned, I must say that I cannot accept it. The reason is this. The whole purpose of this Act is

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to see that accounts are maintained in a particular manner, but if you omit the whole substance of it and if you merely rely upon the shell, I should think that the purpose of the Bill would be lost. I therefore regret that I am unable to accept that amendment.

"As for the amendment of my hon. Friend, Mr. Sami Venkatachalam Chetti, I must admit that there is reason in his argument. His plea is that there might be different stages of wrong doing, different stages of omissions, and that it would not be proper that the same punishment should be fixed for the varying and various degrees of violation of this Act. But when he went into details, I am afraid he has weakened his position. He took up the case of a pawn broker who takes a jewel and lends some money on it. It is possible that in describing the jewel he might make some mistake. If it is not a fraudulent mistake, it would be wrong to call it a mistake. Assuming it is not a fraud upon the debtor, he considers that it would be a very hard thing to punish him with this penalty. But may I bring to his notice that, as stated by Mr. Srinivasa Ayyangar, it is very rarely that a pawn broker goes to a court of law? He has the security in his hands; he could sell it and recover the amount, and in a hundred per cent of cases he takes care to lend only that much of money which would cover both the principal and the interest, which he could recover by selling the pawned article. In fact, this case contemplates only the case when he goes to court, though the wording is wide enough to cover cases where the debtor also can go to court. But that sort of cases will be rare. After all the stamp duty will have to be paid by the debtor. It is only the summons batta and the advocate's fees that will fall on the creditor. So far as the first amendment is concerned, I would oppose it. As regards the latter, I would leave it to the judgment of the House."

Mr. T. C. SRINIVASA AYYANGAR:—"I do not press my amendment."

The amendment was, by leave, withdrawn.

* The Hon. the PRESIDENT:—"I will put the amendment of Mr. Muthiah Chettivar to the vote of the House. The question is: For the words 'the court shall disallow his costs,' the following words be substituted:—"he shall be allowed the whole or such portion of the costs as the court thinks fit"."

The amendment was lost.

* The Hon. the PRESIDENT:—"I will now put the amendment of the Hon. the Law Member to the vote of the House. The question is: for the words 'the court shall disallow his costs,' the following words be substituted:—"he shall not be allowed his costs"."

The amendment was carried.

* The Hon. Sir K. V. REDDI:—"Sir, in clause 5 (2), a similar verbal amendment has to be made as in clause 5 (1)—

'In lines 9 and 10 for the words "he shall not be entitled to claim or recover any interest", substitute the words "he shall not be entitled to any interest".'

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"The word 'claim' might bring in questions of jurisdiction. It is purely a verbal amendment. Hence I beg to move it."

Mr. G. T. H. BRACKEN:—"I second it."

The amendment was put and carried.

Clause 5, as amended, was put and carried.

Clause 6.

* The Hon. Sir K. V. REDDI:—"Mr. President, I beg to move—
'Omit the clause and the explanation thereunder.'

"Sir, 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 here. I therefore beg to move that it may be omitted."

Mr. G. T. H. BRACKEN:—"I second it."

Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, if a Bill of this nature has to be passed without any reference to the rate of interest, I am afraid I will have to say that it would be a law without reality. The whole crux of the situation is not only with regard to the accounts but also in regard to the difficulties caused on account of the excessive rate of interest that is charged either openly or stealthily by which the poor labourer suffers. There is no doubt there are insurmountable difficulties according to the Hon. the Law Member. But it seems to me that difficulties will always be there. The very fact that we pass the legislation should prevent and check the easy manner with which the money-lenders are carrying on their nefarious methods charging high rates of interest stealthily. So when a legislation of this character is put on the Statute Book, such a practice on the part of the money-lenders would be very greatly minimized.

"Further, Sir, with regard to the Government of India coming forward with an all-India measure restricting the rate of interest for the whole country, I might suggest that already there are any number of Acts of this character in the various Provinces, and I am sure the latest Act of this character, if this Province passes this Bill fixing a certain reasonable rate of interest, will certainly go to help the Government of India with the information as to how far, at what rate, in this Province we are prepared to fix the rate of interest. Therefore, I think, it would certainly not be helping the poor debtor if we do not fix the rate of interest."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I fear there are two objections to this clause in the Bill. One is that pointed out by the Hon. the Law Member, viz., that the Government of India are

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going to bring in legislation. Our passing this Bill in this Council would have no result whatsoever because it would be held up by the Government of India. The Law Member is telling us that he has received intimation from the Government of India that they are going to legislate for the whole of India. So they have informed this local Government. Secondly, I fear the fixing of a rate of interest in a legislation like this is always dangerous because we have to fix always the maximum. What happens in the court is this. In several courts the rate of interest that is allowed is not more than 12 per cent. Several Munsifs and Sub-Judges make it a rule that they will invariably allow only a particular rate of interest. It is very rarely that they allow 24 per cent. If we are going to fix 24 per cent as the maximum rate of interest, their hands will be tied, and I do not know whether they will be justified in allowing rates below 24 per cent. Instead of the present ruling rates of interest which are less than 24 per cent in many places, what will happen is that this 24 per cent will be stereotyped throughout the Province, and people enjoying the advantage of the lower rates will suffer. This difficulty exists everywhere. Even when the Usurious Loans Act was passed, though several attempts were made to fix a reasonable rate of maximum interest, it was always found that fixing the rate of interest at a maximum makes the people getting lower rates suffer. It seems to me that it is not a very good policy to fix the rate of interest unless you are going to fix it at a very low figure. It will be difficult to fix a sufficiently low interest which will satisfy everybody. I understand that in some courts the rate of interest is 24 per cent. After all, it is a question of getting money at that rate of interest. So, that is the trouble in fixing the rate of interest. The utmost we can do in a legislation like this is to leave it to the courts to fix as low a rate as possible. So it seems to me that to fix the rate of interest by a legislation like this is always dangerous to those who are getting lower rates. The Government of India are also contemplating to bring forward a comprehensive measure on this matter."

* Mr. V. P. NARAYANAN NAMBIYAR:—"Mr. President, I rise to support the amendment that has been moved by the Hon. the Law Member. Apart from the fact that the Government of India would shortly be taking up the question for consideration, the present Bill according to the Hon. Mover is practically the Punjab Regulation of Accounts Act of 1930. There is no provision in the Punjab Act limiting the rate of interest. Again, the Contract Act and the Usurious Loans Act can always be availed of to afford the necessary relief in fit and proper cases. The evidence given before the Select Committee by persons who held judicial positions was to the effect that the Usurious Loans Act was quite enough to give the necessary relief. As was observed by Cozens Hardy, L.J., in *Pincione v. Higgins* 'It is obviously not possible to lay down a fixed general rule as to rate of interest.' Again, Lord James said: 'The word "excessive" applied to interest, is, of course, a relative and elastic term impossible of

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absolute definition.' The evidence given before the Select Committee by some of the witnesses also tends to show that persons other than professional money-lenders charge similar high rates of interest. The history of similar legislation in other countries also points to the fact that any attempt at fixing the rate of interest has invariably failed to secure its object."

* Mr. C. BASU DEV:—"Mr. President, Sir, I had always considered that a legislation of this kind ought to have been initiated by the Government. In view of the fact that Government have not come forward with a Bill like this, I thought it my duty to introduce a Bill of this nature. I gratefully and heartily welcome the assurance given by the Hon. the Law Member that the Government of India are undertaking a measure of this nature not only to affect the Presidency of Madras but also to affect the money-lending business throughout this country. This assurance, I hope, will be received with considerable satisfaction by the whole House and I look forward to a translation of that assurance into practice in the near future. As clause 6 at present stands, the maximum fixed for interest on secured and unsecured loans is to my mind certainly very high, and unless it is reduced considerably, it is not going to benefit the borrowers. I hope very many hon. Members of this House will join me in wishing the disappearance of this clause as otherwise it would adversely affect the interests of the borrowers. Another thing is: the courts might presume that we thought 24 per cent a reasonable rate of interest to be charged for loans. For these reasons, I think, the House may accept the amendment of the Hon. the Law Member.

"One thing I would like to say. I heard some hon. Members say that without the clause restricting the interest, the Bill has nothing to commend itself to this House. I am afraid that is an opinion with which I cannot at all associate myself. People who live in urban centres will certainly know of the very many malpractices which the money-lenders resort to for the purpose of defeating the legitimate claims of the borrowers. The keeping of accounts, the issue of receipts, the supply of statement of accounts and copies of entries in the pawn-broker's book—all these will certainly very greatly protect the interests of the borrowers at least in urban centres. To that extent I am sure the Bill will be beneficial. But if some hon. Members insist upon their dignity and say 'We have every right to pass the measure as we like' then I respectfully tell them that it is no good passing a measure which has the certain chance of the Governor-General's assent being withheld and thus ruin even the limited protection which this will afford to debtors. Therefore, in all humility, I request my hon. Friends to accept the amendment of the Hon. the Law Member.

"One word more and I am done. I may assure the House that I am one of those who believe that lending money on interest is certainly a very objectionable practice and especially at a time when we are stressing the commercial development of the country and are very anxious to put a limit on the income from idle money."

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MR. SAMI VENKATACHALAM CHETTI:—"I am not surprised at the considerable felicity that has been shown by the Mover of the Bill at the suggestion of the Hon. the Law Member on clause 6 of the Bill. Though he is nominally the author of this Bill, at every time, during the procedure of this Bill, he has shown considerable adaptability. As a matter of fact, the present Bill is entirely different from the one that he has introduced. In the first instance, he wanted to rope in money-lenders, big bankers, merchants, sowcars and others. In the Select Committee evidence was shown in an abundant measure as to the very, very objectionable methods adopted by certain class of bankers who lend moneys not on the pledge of jewels but on pro-notes. The difficulty of discovering these transactions and bringing them under law was so considerable that the Select Committee thought at one time that the whole thing had got to be dropped. But then very handy came in the pawn-brokers at the suggestion of my hon. Friend, the Kumara-raja, who said that in Rangoon and other places there are pawn-brokers and therefore we may smuggle that in here also. Mr. Basu Dev there again very readily assented to the withdrawal of every provision concerning unscrupulous money-lenders and other bankers whom he wanted to rope in, and put in the pawn-brokers.

"Then there is the fundamental provision on which he at least relied. Some of us were of opinion that the retention of the percentage of interest in the Act would act as a deterrent against the courts awarding less rate of interest and that what we considered to be the maximum might easily become the minimum allowable by the courts. From that point of view some of us objected. But the Mover of this Bill was so vehement and so insistent upon the retention of this clause, that if the clause was removed from this Bill the scope of the Bill would be lost and the Bill would be frustrated. I would rather welcome the Bill which is contemplated by the Government of India so that it may offer great relief to all persons concerned instead of putting on the Statute Book a futile measure like this which would please nobody. I do not think either money-lenders or borrowers would be in a better position on account of this measure. Probably, it might immortalize the name of my hon. Friend, Mr. Basu Dev, as a legislator. But he can certainly avail himself of another opportunity to bring in a better measure in order to benefit the class of people he has in mind. I suggest that the further consideration of the Bill be postponed to a day next year within which time I expect the Government of India would bring in the much-needed measure. In conclusion, I can only say that this measure would practically be of no value to anybody."

* Rao Bahadur Sir A. P. PATRO:—"I must congratulate the Mover of this Bill on the readiness with which he has accepted the amendment. I think that this Bill ought to be scotched at the very beginning. The amendment of the Government was readily accepted by the Mover of the Bill and I do not know why he should have wasted the time of this House from this morning. He should have realized the responsibility that the time of the House is very valuable and there

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[Sir A. P. Patro]

are other important non-official Bills awaiting consideration. If this vital clause in the Bill, the protection of the debtor from the money-lender, is deleted, what useful purpose is the Bill going to serve? And with what sense of responsibility would an hon. Member of this House place the Bill on the Statute Book? It passes my understanding why at this stage the whole principle of the Bill is destroyed and the poor debtors are left to suffer. It was to relieve the misery of the debtors and the drastic action against them on the part of the creditors and sowcars that this Bill was brought. I first congratulated my Friend for I thought it would be a very useful measure. Now I find that he has changed his position altogether from the position where he posed to be the protector of debtors and a reliever of the miseries of all classes of people who go to the sowcars. Instead of that, what do we find? And what is this Bill for? It is absolutely useless and futile, has wasted the time of the House and is not worth the paper on which it is printed. I therefore consider, Sir, that it is a very important matter that the Mover of this Bill should have plodded on so long and so strenuously in spite of all the obstruction that was raised by Mr. Muthiah Chetti who wanted to obstruct it at every stage for his advantage, that in spite of those endeavours, the Bill has gone on so far and so long. Now he realizes it. Therefore, I move with your leave—

'that we pass on to the next business on the agenda'."

MR. SAMI VENKATACHALAM CHETTI:—"I second it."

MR. C. BASU DEV:—"May I offer a word of explanation?"

* THE HON. THE PRESIDENT:—"The further discussion on the amendment will continue on the next non-official day."

Rao Bahadur Sir A. P. PATRO:—"I made a formal motion, namely, that we pass on to the next business; it was seconded by Mr. Sami Venkatchalam Chetti and the motion is before you."

* THE HON. THE PRESIDENT:—"That will be taken up on the next non-official day."

* THE HON. SIR ARCHIBALD CAMPBELL:—"I should like to announce that it has been suggested that possibly the official business coming up tomorrow will not occupy the whole day and in the event of the official business finishing before the time of the rising of the House the Government agree that non-official business may then be taken up."

* THE HON. THE PRESIDENT:—"In view of what the Hon. the Leader of the House has said, I wish to say that the items left over from the non-official agenda to-day will be taken up after the official work, if any time is left, to-morrow."

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

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VIII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

^a 1. G.O. No. 1221, L. & M., dated 12th March 1934, notifying the exemption of one motor-car belonging to His Highness the Maharaja of Kolhapur from payment of tax.

^b 2. G.O. No. 192, Finance, dated 28th March 1934, communicating the corrections in the first edition of the Civil Budget Estimates—1934–35.

^a 3. G.O. No. 1494, L. & M., dated 24th March 1934, extending the term of members of certain panchayats.

^b 4. Proceedings of the eighth meeting of the Finance Committee held on 7th March 1934.

^c 5. Second Quinquennial Report on the condition of Affiliated Colleges, etc.

^d 6. G.O. No. 277, Finance, dated 3rd May 1934, regarding the constitution of Public Accounts and Finance Committees for 1934–35.

^e 7. List of posts on Rs. 500 per mensem and above created during the quarter ending 31st March 1934.

^a 8. G.O. No. 2064, L. & M., dated 30th April 1934, notifying the exemption from payment of tax of road-rollers belonging to Government or local bodies.

^b 9. G.O. No. 785, Revenue, dated 24th April 1934, regarding the Scheme Report on settlement in 113 rented villages of Yellavaram taluk (East Godavari district).

^a 10. G.O. No. 2345, L. & M., dated 14th May 1934, notifying the exemption of one motor-car in the personal use of His Highness the Maharaja of Bijawar.

^a 11. Notification regarding the supersession of Nandyal Municipal Council for two years from the 5th June 1934.

^d 12. G.O. No. 376, Development, dated 20th March 1934, publishing an amendment to rule XXII (4) (h) under the Madras Co-operative Societies Act, 1932.

^e 13. G.O. No. 852, Revenue, dated 30th April 1934, regarding further additions to articles exempt from attachment.

^b 14. G.O. No. 487, Development, dated 10th April 1934, recording the Audit Report on the accounts of the Kerala Soap Institute, Calicut, for the year ending 31st March 1933.

^a Published in the Fort St. George Gazette.

^b Printed separately.

^c Printed as Appendix III at pages 98–102 infra.

^d Printed as Appendix IV at pages 102–103 infra.

^e Printed as Appendix V at pages 103–104 infra.

^f Printed as Appendix VI at page 105 infra.

^g Placed on the Editors' Table.

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^a 15. Notification regarding the postponement of dates for the election of members and presidents of the Aminjikarai panchayat in the Chingleput district and the Tapeswaram panchayat in the East Godavari district.

^a 16. Notification, dated Fort St. George, June 19, 1934, regarding the supersession of the Trichinopoly Municipal Council for two years.

^b 17. U.O. Note No. 1272-B/34-3, Revenue, dated 1st June 1934, forwarding forms of lease deeds for A class lankas and for B and C class lankas in the Godavari river.

^a 18. G.O. No. 2860, L. & M., dated 15th June 1934, regarding motor vehicles registered in French-India and using the public roads in the Madras Presidency.

^c 19. G.O. No. 1202, Revenue, dated 18th June 1934, publishing a summary of the principal floods reported from various districts during 1933–34.

^d 20. G.O. No. 1509, P.H., dated 13th June 1934, regarding the printing of a note entitled "Enquiry into certain Public Health Aspects of village life in India."

^e 21. Statement of action taken on resolutions passed by the Council during the fourth session of the Fourth Council.

^a 22. G.O. No. 3213 [109(S)], L. & M., dated 5th July 1934, exempting the members of the Southern Provinces Mounted Rifles from payment of tax under the Madras Motor Vehicles Taxation Act, 1931.

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

^a Published in the Fort St. George Gazette.

^b Printed as Appendix VII at pages 106–116 infra.

^c Placed on the Editors' Table.

^d Printed as Appendix VIII at pages 117–118 infra.

^e Printed as Appendix IX at pages 119–120 infra.

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APPENDIX I.

[Vide answer to question No. 20 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 1st August 1934, page 28 supra.]

Name of district.	Serial number.	Name of municipality.
Anantapur	1	Anantapur.
	2	* Hindupur.
	3	* Tadipatri.
	4	Gudiyattam.
	5	* Tirupattur.
Arcot, North	6	* Tiruvannamalai.
	7	* Vaniyambadi.
	8	* Vellore.
	9	Walajapet.
	10	Chidambaram.
Arcot, South	11	* Cuddalore.
	12	Villupuram.
	13	* Adoni.
Bellary	14	* Bellary.
	15	† Hospet.
Chingleput	16	Chingleput.
	17	* Conjevaram.
	18	* Saidapet.
Chittoor	19	* Chittoor.
	20	* Tirupati.
	21	* Coimbatore.
Coimbatore	22	* Dharmapuram.
	23	Erode.
	24	Pollachi.
	25	Tiruppur.
	26	Udumalpet.
Cuddapah	27	* Cuddapah.
	28	* Proddatur.
Ganjam	29	Berhampur.
	30	Chencole.
	31	Parlakimedi.
Godavari, East	32	* Cocanada.
	33	* Peddapuram.
	34	* Rajahmundry.
Godavari, West	35	Ellore.
	36	Palacole.
	37	* Chirala.
Guntur	38	* Guntur.
	39	Narasaraopet.
	40	* Ongole.
	41	* Tenali.
Kanara, South	42	* Mangalore.
	43	* Bezwada.
Kistna	44	* Masulipatam.
	45	* Kurnool.
Kurnool	46	* Nandyal.
	47	* Bodinayakanur.
Madura	48	* Dindigul.
	49	* Kodakanal.
	50	* Madura.
	51	* Palni.
	52	Periyakulam.

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Name of district.	Serial number.	Name of municipality.
Malabar	53	* Calicut.
	54	Cannanore.
	55	Cochin.
	56	* Palghat.
	57	Tellicherry.
Nellore	58	Nellore.
	59	* Coonoor.
Nilgiris, the	60	* Ootacamund.
	61	Karaikudi.
	62	Sivakasi.
	63	Srivilliputtur.
Ramanad	64	Virudunagar.
	65	* Salem.
Salem	66	* Kumbakonam.
	67	Mannargudi.
	68	Mayavaram.
	69	* Negapatam.
Tanjore	70	* Tanjore.
	71	Tiruvarur.
	72	* Palamcottah.
Tinnevely	73	* Tinnevely.
	74	* Tuticorin.
	75	Srirangam.
Trichinopoly	76	Karur.
	77	* Trichinopoly
	78	* Anakapalle.
Vizagapatam	79	Bimlipatam.
	80	Vizagapatam.
	81	* Vizianagram.

NOTE.—(i) Municipalities to which commissioners have been appointed are indicated by an asterisk.
(ii) Municipalities which have been notified for the appointment of a commissioner but to which the posting of nominees has not yet been made are indicated by † sign.
(iii) All the other municipalities have not yet been notified for a commissionership.

APPENDIX II.

[Vide answer to question No. 22 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 1st August 1934, page 29 supra.]

G.O. No. 2370, L. & M., dated 15th May 1934.

READ—the following papers:—

G.O. No. 2135, L. & M., dated 27th September 1923.

G.O. No. 2583, L. & M., dated 17th November 1923.

G.O. No. 202, Finance, dated 10th March 1924.

G.O. No. 46, Finance, dated 16th January 1925.

G.O. No. 3275, L. & M., dated 11th September 1925.

G.O. No. 332, L. & M., dated 27th January 1932.

Order—No. 2370, L. & M., dated 15th May 1934.

The Government are now paying a subsidy at the rate of Rs. 134 a month to each district board other than the Nilgiris and Rs. 87 a month to the Nilgiri District Board towards the cost of the accountants employed by them for the compilation of the accounts of district and

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taluk boards. Although it is the duty of each local body to maintain its accounts properly and to employ the necessary staff for the purpose at its own cost, the Government have hitherto refrained from ordering the discontinuance of the above subsidy in view of the consideration that the district boards were required to maintain, in addition to their own accounts, the accounts of all the taluk boards in their districts. In view of the abolition of all taluk boards from 1st April 1934, the above consideration will no longer apply and there will be no justification for the continuance of the provincial subsidy, since the district boards have in future to compile only their own accounts which they should do at their own cost. The Government have, therefore, decided to discontinue the payment of these subsidies.

2. The Examiner of Local Fund Accounts considers that two months should ordinarily suffice for the compilation of the accounts of the taluk boards for the year 1933-34 and that the period should not in any case exceed three months. The subsidy will, therefore, be continued for the three months April to June 1934 and will cease from July 1934.

3. The Accountant-General is requested to issue the necessary instructions to treasury officers in the matter.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To all Presidents of District Boards.

„ all Collectors.
„ the Examiner of Local Fund Accounts.
„ the Inspector of Municipal Councils and Local Boards.
„ the Accountant-General, through the Finance Department.
„ the Finance Department.
„ the Revenue Department.
„ the Finance (Budget-General) Department.

APPENDIX III.

[Vide item VIII—Papers laid on the Table of the House at page 94 supra.]

UNIVERSITY OF MADRAS.

Report to Government under Section 53 of the Madras University Act of 1923.

Under Section 53 of the Madras University Act of 1923, the Senate presents the second quinquennial report on the condition of Affiliated Colleges and the desirability or otherwise of establishing other Universities outside the limits of the University. The first quinquennial report was presented in 1929. On that occasion a General Inspection of Colleges was made by the Commission specially appointed for the purpose by the Syndicate in pursuance of a resolution adopted by the Senate. In the present instance the Senate resolved that a Commission of Inspection of Colleges was not necessary as sufficient materials were already available.

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Colleges.—At the time of the last General Inspection, the number of Colleges affiliated to the University classified according to their managements was:—

<i>Arts and Science—</i>					
Government Colleges	...	...	...	...	5
Colleges under the Government of Indian States	...	...	...	...	6
<i>Aided Institutions—</i>					
Mission Colleges	...	...	...	...	20
Colleges under the management of Educational Boards or Committees	...	...	...	...	6
Municipal College	...	...	...	...	1
					38
<i>Professional—</i>					
Government College	...	...	...	...	1
Colleges under the Government of Indian States	...	...	...	...	2
					3
Total					41

The number of Affiliated Colleges at present is as follows:—

<i>Arts and Science—</i>					
Government Colleges	...	...	...	...	6
Colleges under the Government of Indian States	...	...	...	...	6
<i>Aided Institutions—</i>					
Mission Colleges	...	...	...	...	20
Colleges under the management of Educational Boards or Committees	...	...	...	...	6
Municipal College	...	...	...	...	1
					39
<i>Professional—</i>					
Government College	...	...	...	...	1
Colleges under the Government of Indian States	...	...	...	...	2
					3
Total					42

The difference in number from that of the last report is due to (1) the automatic disaffiliation of the Sri Minakshi College, Chidambaram, on the founding of the Annamalai University in 1929, and (2) the re-affiliation of the Ceded Districts College, Anantapur, and the Theosophical College, Madanapalle, consequent upon the amendment of the Andhra University Act, excluding the colleges in the Ceded Districts area and Chittoor from the jurisdiction of that University.

Constitution of Colleges.

It was mentioned in the last report that the constitution of many colleges was not entirely satisfactory. Steps were taken during the period under review to remedy defects in particular colleges noted in the previous report. It is worthy of note that managements have, in all cases, given effect to the recommendations of the University and specially with regard to the representation of the teaching staff on the managing body.

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Scales of salaries and conditions of service.

The wide differences in salaries which were noted at the time of the last general inspection have been to a large extent removed and the managements of most colleges have agreed to give effect to the scales of salaries put forward by the Inspection Commission and approved by the Syndicate. Conditions of service have been improved and with the exception of colleges in Indian States, all managements have instituted Provident Funds for the members of their staffs. It is, however, noted with regret that changes in staff during the course of the year are frequently made by Government and State Colleges to the detriment of efficient teaching. As a result, posts are often kept vacant for several months. The University realizes that conditions of service in a cadre may necessitate frequent changes of members from one college staff to another but would press upon the managements the need, in the interests of efficient and continuous teaching, of reducing such changes to the minimum.

Buildings and accommodation.

One of the most unsatisfactory aspects noted during the previous general inspection was the poor accommodation provided in the matter of class rooms and laboratories by many colleges in the mufassal. Accommodation was often cramped and meagre, and laboratories were described as being inadequate to the numbers yearly admitted. Attempts have been made to remedy many of the defects by requesting managements to provide more spacious accommodation and by restricting the numbers admitted to science classes. Both Government and private managements, reported their inability owing to financial depression to embark on new building schemes. There are, however, still some colleges whose accommodation can only be described as quite inadequate. It is gratifying to report, however, that the Salem College has provided new and enlarged accommodation and that the Maharajah's College, Ernakulam, and the St. Berchman's College, Chengannacherry, have already embarked on new building schemes. The Ernakulam College new buildings are expected to be ready for occupation in July 1934.

Finance.

It was pointed out in the previous report that apart from Government and State Colleges whose finances were guaranteed by Government and the States, the finance of the colleges under private management and missionary or educational bodies was not very satisfactory.

The position has now been very much improved. In the case of missionary bodies, assurances were received that the home bodies would guarantee the financial stability of the colleges for the next five years. Legally enforceable guarantees were also obtained from colleges whose finances were not considered adequate. It is regretted, however, that despite considerable improvement since the last report the financial condition of the Madura College and the Hindu College, Tinnevely, is not altogether satisfactory. Two of the colleges whose financial position was

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not quite satisfactory no longer give ground for criticism, as the management has for reasons of policy in one case decided to close down, and in another case to merge with the Madras Christian College and to share eventually in the Tambaram Extension Scheme.

Hostels, libraries, common room and other conveniences for students.

The recommendations made in the previous report were communicated to the managements and have been more or less uniformly adopted.

Play-grounds and physical welfare of students.

Since the presentation of the last report all colleges other than colleges for women have added to their staffs qualified Physical Directors. The inadequate nature of provision for games was noted in the last report and considerable improvement has been made in providing increased facilities in this direction. Medical inspection now finds a regular place in Intermediate and B.A. colleges. The University regrets that, despite the increased popularity of the University Training Corps, so far it has not been found possible by Government to extend its scope to other colleges.

Colleges in general.—The undernoted Affiliated Colleges which were advised on several grounds in accordance with the recommendations of the General Inspection Commission Report of 1929 to close down their collegiate departments have, on improving their financial position, accommodation, staffs and methods of instruction, been permitted to continue as Affiliated Colleges of this University:—

Sarah Tucker College, Palamcottah.
Sacred Heart College, Bangalore.
Municipal College, Salem.
Voorhees College, Vellore.
Islamiah College, Vaniyambadi.
Government College, Coimbatore.

Their progress is being watched very carefully by the Syndicate.

Since the last report, the Protestant Missionary Colleges have been inspected by the Lindsay Commission. The findings of that Commission have in certain directions coincided with the recommendations of the General Inspection Commission of 1929 and in accepting the suggestions of the Lindsay Commission, the Findlay College, Mannargudi, and the Bishop Heber College, Trichinopoly, have decided to abolish their Collegiate Departments. The Findlay College, Mannargudi, has decided to restrict its scope to High School teaching, while the Bishop Heber College, Trichinopoly, is in process of amalgamation with the Madras Christian College, and will, in due course, share in the Tambaram Extension Scheme.

Apart from the St. Joseph's College, Trichinopoly, which was affiliated in B.Sc. (Pass and Honours) courses, and the Holy Cross College, Trichinopoly, which was raised from a second grade to a first-grade college,

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no new affiliations were granted in Intermediate or B.A. groups. Affiliations in additional groups and subjects in the case of colleges already affiliated in the grade for which additional affiliation was applied for were, however, granted.

No new affiliations in Honours subjects were granted during the present quinquennium. It is worthy of mention that in pursuance of the policy recommended by the Lindsay Commission, the management of the American College, Madura, has applied for affiliation in Honours Economics.

The inadequate arrangements for the teaching of the Indian Languages were noted by the General Inspection Commission of 1929, and considerable improvement in the manner of imparting instruction in Indian Languages has been made in the period under review.

Conclusion.—The University has considered carefully the question of recommending the establishing of new University centres, and feels that in the present stage of University development in this Presidency, the establishment of other Universities is not desirable or practical.

(By order)

SENATE HOUSE,
MADRAS,
23rd March 1934.

WILLIAM McLEAN,
Registrar.

APPENDIX IV.

[Vide item VIII—Papers laid on the Table of the House at page 94 supra.]

The Public Accounts Committee and the Standing Finance Committee of the Legislative Council for the year 1934–35 will be constituted as follows:—

A. PUBLIC ACCOUNTS COMMITTEE.

Nominated by His Excellency the Governor.

- (1) The Hon'ble the Finance Member (*Chairman*).
- (2) W. W. Ladden, Esq., M.L.C.
- (3) M.R.Ry. Diwan Bahadur A. Appadurai Pillai Avargal, M.L.C.

Elected by the non-official Members of the Council.

- (4) M.R.Ry. V. T. Arasu Avargal, M.L.C.
- (5) „ A. Harischandrudu Nayudu Garu, M.L.C.
- (6) „ Rao Bahadur C. Natesa Mudaliyar Avargal, M.L.C.
- (7) „ G. R. Premayya Garu, M.L.C.
- (8) „ P. V. Rajagopala Pillai Avargal, M.L.C.
- (9) „ G. Sriramulu Garu, M.L.C.
- (10) „ U. C. Subrahmanya Bhatt Avargal, M.L.C.

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B. STANDING FINANCE COMMITTEE.

Nominated by His Excellency the Governor.

- (1) The Hon'ble the Finance Member (*Chairman*).
- (2) J. K. Metherell, Esq., M.L.C.
- (3) M.R.Ry. M. A. Muthiah Chettiyar Avargal, M.L.C.

Elected by the non-official Members of the Council.

- (4) M.R.Ry. G. Lakshmana Reddi Garu, M.L.C.
- (5) „ Rao Bahadur A. T. Pannirselvam Avargal, M.L.C.
- (6) B. Pocker Sahib Bahadur, M.L.C.
- (7) M.R.Ry. K. P. Raman Menon Avargal, M.L.C.
- (8) „ Sami Venkatachalam Chetti Garu, M.L.C.
- (9) „ Rao Bahadur R. Srinivasan Avargal, M.L.C.
- (10) Khan Bahadur Yahya Ali Sahib Bahadur, M.L.C.
- (11) Zamindar of Mirzapuram.

(By order of the Governor in Council)

H. M. Hood,
Secretary to Government.

To all the Departments of the Secretariat.
„ the Accountant-General.
„ all Secretaries to Government.
„ all Members of the Public Accounts Committee and the Finance Committee.
„ the Secretary to the Legislative Council (for communication to Members of the Legislative Council).

APPENDIX V.

[Vide item VIII—Papers laid on the Table of the House at page 94 supra.]

FINANCE DEPARTMENT.

List of posts on Rs. 500 per mensem and above created during the quarter ending 31st March 1934.

Department and designation of the post.	Pay per mensem. RS.	Period of tenure.	Remarks.
		PERMANENT.	
		Nil.	
		TEMPORARY.	
		Extension of previous sanction.	
Public (Special) Department— Additional District Judge, East Godavari.	Pay in the regular line of Indian Civil Service.	From 24th February 1934 to 21st December 1934.	

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Department and designation of the post.	Pay per mensem. RS.	Period of tenure.	Remarks.
Law Department— Assistant Secretary, Law (Drafting).	500—50— 800	From 30th July 1933 to 31st March 1934.	For assisting Under Secretary, Law (Drafting).
Additional Sub-Judge, Kumbakonam.	650	Up to the commencement of the summer recess 1934.	
Additional Sub-Judge, Guntur.	650	One year from 1st January 1934.	
Additional Sub-Judge, Bapatla.	650	Do.	
Additional Sub-Judge, Cuddalore.	650	Till 31st December 1934.	

Posts newly created.

Public Works and Labour Department— Broadcasting Adviser to Government.	£100.	One year from 26th February 1934.	For investigating a Provincial broadcasting scheme for the Madras Presidency.
Executive Engineer.	625—1,375	From 15th January 1934 to 22nd March 1934.	For work connected with the preliminary investigation of the Tungabhadra Project.
Local Self-Government Department— Special Officer to implement the scheme for the abolition of taluk boards and the division of district boards.	1,000	Six months from 1st March 1934.	
Public Department— Additional Under Secretary to Government.	800	From 4th March 1934 to 20th April 1934.	Mr. Appu Nair was appointed to this post.
Additional District and Sessions Judge, East Godavari.	Pay in the regular line.	From 5th February 1934 to 19th April 1934.	Rao Bahadur A. V. Govinda Menon was appointed to this post.
Collector.	2,500 plus £30 overseas pay.	From 16th January 1934 to the end of Delhi Session.	A. R. Cox, Esq., I.C.S., was appointed on special duty as nominated member of the Assembly.
Law Department— Additional Judge, High Court.	4,000	Three months from 8th January 1934.	

S. A. VENKATARAMAN,
Deputy Secretary to Government.

1st August 1934]

APPENDIX VI.

[Vide item VIII—Papers laid on the Table of the House at page 94 supra.]

G.O. No. 376, Development, dated 20th March 1934.

READ—the following papers:—

G.O. No. 932, Development, dated 1st August 1933.

G.O. No. 154, Development, dated 1st February 1934.

Order—No. 376, Development, dated 20th March 1934.

In notification No. 56, dated 1st February 1934, published at page 325 of Part I of the *Fort St. George Gazette*, dated 13th February 1934, the Government, under sub-sections (1) and (2) of section 65 of the Madras Co-operative Societies Act (VI of 1932), published as required by sub-section (3) of the said section an amendment omitting clause (k) of sub-rule (4) of rule XXII of the rules issued under the Act. No objections or suggestions were received by Government within the period allowed in the notification. The amendment published is hereby confirmed. The Superintendent, Government Press, is requested to publish the appended notification in the *Fort St. George Gazette*.

(By order of the Government, Ministry of Public Works)

C. A. HENDERSON,
Secretary to Government.

To the Registrar of Co-operative Societies.
" Superintendent, Government Press, for publication.
" Copy to other Local Governments and Administrations except the North-West Frontier Province (with C.L.).
" the Secretary, Legislative Council, for placing on Council table.

APPENDIX.

Notification.

In exercise of the powers conferred by sub-sections (1) and (2) of section 65 of the Madras Co-operative Societies Act (VI of 1932), the Governor acting with the Ministers is hereby pleased to make the following amendment to the rules published in the notification of this department, No. 264, dated 1st August 1933, at pages 1178–1185 of Part I of the *Fort St. George Gazette*, dated 1st August 1933, the same having been previously published as required by sub-section (3) of section 65 of the said Act:—

Amendment.

Clause (k) of sub-rule (4) of rule XXII of the said rules shall be omitted.

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APPENDIX VII.

[Vide item VIII—Papers laid on the Table of the House at page 95 supra.]

REVENUE DEPARTMENT.

U.O. Note No. 1272 B/34-3, dated 1st June 1934.

COMMUNICATION TO THE COUNCIL.

[Lankas (Godavari)—Leases—Lease-deeds—Forms.]

With reference to the answer given to clause (b) of question No. 854 at the meeting of the Legislative Council held on 24th March 1934, the appended forms of lease-deeds for A class lankas and for B and C class lankas in the Godavari river are laid on the table of the House.

J. A. THORNE,
Secretary to Government.

To the Legislative Council Office (with enclosures).

Form of lease-deed for A class of lankas in the Godavari river.

THE INDENTURE made the day of one thousand nine hundred and BETWEEN THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL hereinafter called the lessor (which term shall be taken to mean and include where the context admits the said Secretary of State and his successors and assigns) of the one part and

in the district in the Presidency of Madras hereinafter called the lessee (which term shall be taken to mean and include where the context admits the said and his executors administrators legal representatives and assigns) of the other part.

WHEREAS the lessee is the approved highest bidder at the sale held on the day of 19 for the lease of the lanka land for the purpose of cultivation more particularly described in the schedule hereto and has deposited Rs. with the Collector of as security for the due performance of the terms and conditions herein contained.

AND WHEREAS the Government of Madras acting for and on behalf of the lessor has agreed to grant to the lessee and the lessee has agreed to accept a lease of the said lanka land upon the terms and conditions hereinafter contained.

NOW THIS INDENTURE WITNESSETH that, in consideration of the rent covenants and agreements on the part of the lessee hereinafter contained,

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the lessor doth hereby demise unto the lessee ALL THOSE several pieces or parcels of land or lankas situate in the village of in the

in the sub-registration district of and being respectively more particularly mentioned and described in the schedule hereunder written to have and to hold the said lands or lankas unto the lessee for the term of five years from the first day of July one thousand nine hundred and to the thirtieth day of June, one thousand nine hundred and yielding and paying therefor during the said term the yearly rent of Rs.

such rent to be payable by two equal instalments on the tenth day of March and the tenth day of April in each year the first of such payments to be made on the tenth day of March one thousand nine hundred and the said rent to be paid clear of all deductions and subject to the lessee's covenants conditions and payments hereinafter appearing.

The lessee hereby covenants and agrees with the lessor as follows:—

1. The lessee will during the said term pay the said rent on the days and in manner aforesaid.

2. The lessee will also pay to the proper authority the local cess and railway cess (if any) which may be imposed during the said term calculated on the said rent and any other cess except water-cess which may be due under any law for the time being in force such cesses to be paid in equal instalments on the following dates in each year:—

10th March—half of such cess.

10th April—half of such cess.

3. The lessee will pay interest at the rate of 6 per cent per annum on all payments for rent or cess that may be in arrears.

4. All arrears of rent and cess together with interest as aforesaid shall be recoverable under the provisions of Madras Act II of 1864.

5. If at any time during the currency of the lease owing to the doubtful solvency of the lessee or for any other reason the Collector so directs, the lessee shall within such time as may be prescribed by the Collector, deposit an amount not exceeding one-half of the rental or furnish one or more sureties for the full amount of the rental or execute a mortgage of his immovable properties in favour of the lessor with the power of sale to be exercised in default of payment of the rental as the case may be, if he had not already done so.

6. The lessee shall have no right whatever to any accretion to or abutting on the said land hereby demised outside the limits mentioned in the statement of boundaries at the time of the said sale and described in the schedule hereto that may form subsequent to the said sale.

7. The lessee may with the consent of the Conservator of Rivers appointed under the Madras Rivers Conservancy Act, 1884 (hereinafter called the Conservator) for and on behalf of the lessor and subject to the

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provisions of section 14 of the Madras Rivers Conservancy Act VI of 1884 erect such buildings on the lands as may be necessary as an aid for cultivation; such buildings shall if not removed by the *lessee* before the expiry or sooner determination of the said term become the property of the lessor unless otherwise stipulated for when the consent to their erection is obtained.

8. The lessee shall not without the consent of the Conservator construct or interfere with any groyne or other works on the demised premises.

9. The lessee will be bound by all subsisting rules framed under the Madras Rivers Conservancy Act VI of 1884 or that may during the term hereof be framed thereunder or any statutory modification thereof.

10. The lessee will not use the lands hereby demised for any purpose other than cultivation.

11. The lessee will not plant any nanal nuth grass brushwood rellu or any other plant the growth or planting of which is in the opinion of the Conservator likely to cause obstruction to the course of the stream of the said river or remove any of the same now planted thereon or cut any of the same below a height of 2 feet 6 inches from the ground without the previous permission in writing of the Conservator.

12. The Conservator and his duly authorized employees shall at all times during the said term have full power to enter on the said lands or any of them for the purpose of inspecting the condition of the banks and margins of the same or of removing or planting nanal grass or other plants or carrying out any protection work of any kind whatsoever which in the opinion of the Conservator shall be advisable or necessary for the conservancy of the said banks or margins as aforesaid provided always that except in cases of emergency one week's notice in writing shall be served upon the lessee of any work to be carried out under the provisions of this clause and provided also that the decision of the Conservator as to the necessity of any work or the emergency thereof shall be final.

13. The Conservator may do or cause to be done any acts in connexion with the river which may appear to him to be necessary in the interests of the conservancy of the river or to prevent erosion or breach of embankments encroachment by the stream or danger to life or property and for such purpose he may alter the course of the river.

14. The Conservator may remove at the cost and expense of the lessee any nanal unauthorizedly planted by the lessee or any work unauthorizedly constructed by the lessee and not removed by him on being required so to do by the Conservator.

15. The lessee shall have the option of relinquishing any land which the Collector is satisfied to be seriously damaged by reason of any acts done by the Conservator other than those referred to in clause 14 hereof.

16. The lessee may surrender the whole of the demised premises instead of relinquishing a part thereof as provided for in clause 15 hereof

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if the Collector is satisfied that the relinquishment of the part only will make the remaining part unserviceable to the lessee for the purpose of the lease.

17. The lessee will not claim any compensation for any loss or damage sustained by the lessee in cases other than those hereinafter provided for and will in such cases accept the decision of the Collector as final as to the amount of compensation payable.

18. In case of failure by the lessee to observe or perform any of the covenants agreements and conditions herein contained or in case of his breach thereof the lessor and his authorized officers may without prejudice to the right of re-entry hereinafter contained impose a money penalty therefor and recover the same out of the deposit made by the lessee as aforesaid.

19. The lessee shall make good all sums so deducted from the deposit within 30 days after such deduction.

20. In the event of the Government of Madras requiring the lands hereby demised or any part thereof to be handed over to Government for the purposes of the conservancy of the said river or for any other public purpose or in the event of the Government of Madras or a competent court in any suit or proceeding to which the lessor is a party, adjudging that the lands hereby demised or any part thereof, belong to a private person, the lessee will within one month after receiving notice in writing requiring him to relinquish all or any of such lands deliver possession of such lands to the Collector on behalf of the lessor provided always that in any such case the Government of Madras shall pay to the lessee compensation in respect of any crops that may be standing on such lands at the time of such possession being delivered and provided also that if a part only of the lands is required to be relinquished and the Collector is satisfied that relinquishment of that part will render the remaining part unserviceable to the lessee for the purpose of the lease the lessee may surrender the whole of the demised premises.

21. The lessee will not without the permission of the Conservator fell any trees that may be standing on the said lands a list of which at the time of auction was furnished to the lessee nor plant any trees on the said lands without such permission. All trees planted by the lessee during the term and not removed by him before the expiry of the lease shall become the property of the lessor.

22. The lessee will not without the written permission of the Collector for and on behalf of the lessor assign underlet or part with the possession of the said lands or any part thereof.

23. The lessee will not interfere in any manner with the existing pathways on the demised premises and will preserve the same in their integrity.

24. The lessee will at the expiration or sooner determination of the said term deliver up to the said Collector for and on behalf of the lessor

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the said lands in all respect in such state and condition as shall be consistent with the due performance of the several covenants and agreements hereinbefore contained. Provided always and these presents are upon the express condition that if and whenever there shall be a breach of any of the covenants and agreements by the lessee herein contained the lessor may through the Collector re-enter upon any part of the said lands in the name of the whole and thereupon the said term of five years shall absolutely determine.

The lessor hereby covenants and agrees with the lessee as follows:—

1. That save as is hereinbefore provided the lessee performing and observing the several covenants and agreements by the lessee hereinbefore contained may peaceably hold and enjoy the said premises during the said term without any interruption by the lessor or any person lawfully claiming through him.

2. To pay the lessee as compensation the cost of any trees nanaal or works planted or constructed by him with the permission of the Conservator which he may be required to remove and also for the crop standing on lands relinquished in manner aforesaid by the lessee.

3. In the event of the demised premises being surrendered or resumed by the lessor as herein provided the lessee shall not be liable to pay rent therefor from the date of such surrender or resumption and in the event of a portion only of the same being so surrendered or resumed the lessee shall be allowed a proportionate reduction in such rent PROVIDED ALWAYS that the amount of such reduction will bear the same ratio to the total annual rent as the extent of land relinquished or resumed by the lessor as the case may be bears to the total extent of the demised premises.

4. To refund the deposit or such portion thereof as may be repayable six months after the expiration of the lease or sooner determination of the term.

5. That the lessor will on the written request of the lessee made six calendar months before the expiration of the term hereby created and if there shall not at the time of such request be any existing breach or non-observance of any of the covenants and agreements on the part of the lessee herein contained at the expense of the lessee grant him a lease of the demised premises for a further term of five years subject to the following conditions:—

(1) Remeasurements to be made on such written requests and if on such remeasurements the demised premises are found to have varied in extent either greater or less than by 10 per cent of the original area the difference in area to be ignored. If the diminution of the area is found to be greater than 10 per cent of the original area a proportionate reduction of rent at the average rate per acre will be made. If the lands are found to be more than 10 per cent in excess of the original lease area any such excess shall be deemed to be an accretion to which the lessee shall have no right.

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(2) The lessor may grant to the lessee a lease of all or any of the said accretions to the demised premises on such terms as may be agreed upon and subject to the condition that the said grant shall terminate with the lease of the demised premises.

(3) That the renewed lease will contain a clause for renewal for two further terms of five years each so that the total periods of the renewals shall not in any event exceed 15 years.

IN WITNESS whereof the Collector of _____ by order and direction of His Excellency the Governor-General of India in Council for and on behalf of the lessor and the lessee have hereunto set their respective hands and seals the day and year first above written.

The schedule above referred to.

List of trees.

Signed sealed and delivered by the abovenamed
in the presence of

Signed sealed and delivered by the abovenamed
in the presence of

[1st August 1934]

*Form of lease-deed for B and C classes of lankas in the
Godavari river.*

THIS INDENTURE made the _____ day of _____ one thousand nine hundred and _____ between THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL hereinafter called the lessor (which term shall be taken to mean and include where the context admits the said Secretary of State and his successors and assigns) of the one part and _____ of _____ in the _____ district in the Presidency of Madras hereinafter called the lessee (which term shall be taken to mean and include where the context admits the said _____ and his executors administrators legal representatives and assigns) of the other part.

WHEREAS the lessee is the approved highest bidder at the sale held on the _____ day of _____ 19 _____ for the lease of lands for the purpose of cultivation more particularly described in the schedule hereto and has deposited Rs. _____ with the Collector of _____ as security for the due performance of the terms and conditions hereinafter contained.

AND WHEREAS the Government of Madras acting for and on behalf of the lessor has agreed to grant to the lessee and the lessee has agreed to accept a lease of the said lanka land upon the terms and conditions hereinafter contained.

NOW THIS INDENTURE WITNESSETH that in consideration of the rent covenants and agreements on the part of the lessee hereinafter contained the lessor doth hereby demise unto the lessee ALL THOSE several pieces or parcels of land or lankas situate in the village of _____ in the _____ in the sub-registration district of _____ and being respectively more particularly mentioned and described in the schedule hereunder written TO HAVE AND TO HOLD the said lands or lankas unto the lessee for the term of _____ ^{year} _{years} from the first day of July one thousand nine hundred and _____ to the thirtieth day of June one thousand nine hundred and _____ YIELDING AND PAYING therefor during the said term the yearly rent of Rs. _____

such rent to be payable by two equal instalments on the tenth day of March and the tenth day of April in each year the first of such payments to be made on the tenth day of March one thousand nine hundred and _____ the said rent to be paid clear of all deductions and subject to the lessee's covenants and other conditions and payments hereinafter appearing.

The lessee hereby covenants and agrees with the lessor as follows:—

1. The lessee will during the said term pay the said rents on the days and in the manner aforesaid.
2. The lessee will also pay to the proper authority the local cess and railway cess (if any) which may be imposed during the said term calcu-

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lated on the said rent any other cess except water-cess which may be due under any law for the time being in force such cesses to be paid in equal instalments on the following dates in each year:—

10th March—half of such cess.

10th April—half of such cess.

3. The lessee will pay interest at the rate of 6 per cent per annum on all payments for rent or cess that may be in arrears.

4. All arrears of rent and cess together with interest as aforesaid shall be recoverable under the provisions of Madras Act II of 1864.

5. If at any time during the currency of the lease owing to the doubtful solvency of the lessee or for any other reason the Collector so directs, the lessee shall within such time as may be prescribed by the Collector, deposit an amount not exceeding one-half of the rental or furnish one or more sureties for the full amount of the rental or execute a mortgage of his immovable properties in favour of the lessor with the power of sale to be exercised in default of payment of the rental as the case may be, if he had not already done so.

6. That the lessee shall have no right whatever to any accretion to or abutting on the said lands hereby demised outside the limits mentioned in the statement of boundaries at the time of the said sale and described in the schedule hereto that may form subsequent to the said sale or to any privileges or rights over any uncultivable sandy waste adjoining the leased premises PROVIDED nevertheless it shall be open to the Conservator of Rivers appointed under the Madras Rivers Conservancy Act (hereinafter called the Conservator) to allow grazing on such sandy waste from such date as he may determine).

7. The lessee may with the consent of the Conservator for and on behalf of the lessor and subject to the provisions of section 14 of the Madras Rivers Conservancy Act VI of 1884 erect such buildings on the lands as may be necessary as an aid for cultivation. Such buildings shall if not removed by the lessee before the expiry or sooner determination of the said term shall become the property of the lessor unless otherwise stipulated for when the consent to their erection is obtained.

8. The lessee shall not without the consent of the Conservator construct or interfere with any groynes or other works on the demised premises.

9. The lessee will be bound by all subsisting rules framed under the Madras Rivers Conservancy Act VI of 1884 or that may during the term hereof be framed thereunder or any statutory modification thereof.

10. The lessee will not use the lands hereby demised for any purpose other than cultivation.

11. The lessee will not plant any nanal nuth grass brushwood rellu and any other plant the growth or planting of which is in the opinion of the Conservator likely to cause obstruction to the course of the stream of the said river or remove any of the same now planted thereon or cut any of the same below a height of 2 feet 6 inches from the ground without the previous permission in writing of the Conservator.

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12. The Conservator and his duly authorized employees shall at all times during the said term have full power to enter on the said lands or any of them for the purpose of inspecting the condition of the banks of same or of removing or planting nanal grass or other plants or carrying out any protection work of any kind whatsoever which in the opinion of the Conservator shall be advisable or necessary for the conservancy of the said banks or margins as aforesaid provided always that except in cases of emergency one week's notice in writing shall be served upon the lessee of any work to be carried out under the provisions of this clause and provided also that the decision of the Conservator as to the necessity of any work or the emergency thereof shall be final.

13. The Conservator may do or cause to be done any acts in connexion with the river which may appear to him to be necessary in the interests of the conservancy of the river or to prevent erosion or breach of embankments encroachment by the stream or danger to life or property and for such purpose he may alter the course of the river.

14. The Conservator may remove at the cost and expense of the lessee any nanal unauthorizedly planted by the lessee or any work unauthorizedly constructed by the lessee and not removed by him on being required so to do by the Conservator.

15. The lessee shall have the option of relinquishing any land which the Collector is satisfied to be seriously damaged by the reason of any acts done by the Conservator other than those referred to in clause 14 hereof.

16. The lessee may surrender the whole of the demised premises instead of relinquishing a part thereof as provided for in clause 15 hereof if the Collector is satisfied that the relinquishment of the part only will make the remaining part unserviceable to the lessee for the purpose of the lease.

17. The lessee will not claim any compensation for any loss or damage sustained by the lessee in cases other than those hereinafter provided for and will in such cases accept the decision of the Collector as final as to the amount of compensation payable.

18. In case of failure by the lessee to observe or perform any of the covenants and conditions herein contained or in case of the breach thereof the lessor and his authorized officers may without prejudice to the right of re-entry hereinafter contained impose a money penalty therefor and recover the same out of the deposit made by the lessee as aforesaid.

19. The lessee shall make good all sums so deducted from the deposit within 30 days after such deduction.

20. The lessee shall permit the lessor to appropriate 75 per cent of the deposit towards the payment of the last rent.

21. In the event of the Government of Madras requiring the lands hereby demised or any part thereof to be handed over to Government for the purposes of the conservancy of the said river or for any other public purpose or in the event of the Government of Madras or a competent

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Court in any suit or proceeding to which the lessor is a party, adjudging that the lands hereby demised or any part thereof, belong to a private person, the lessee will within one month after receiving notice in writing requiring him to relinquish all or any of such lands deliver possession of such lands to the Collector on behalf of the lessor provided always that in any such case the Government of Madras shall pay to the lessee compensation in respect of any crops that may be standing on such lands at the time of such possession being delivered, and provided also that if a part only of the lands is required to be relinquished and the Collector is satisfied that relinquishment of that part will render the remaining part unserviceable to the lessee for the purpose of the lease the lessee may surrender the whole of the demised premises.

22. The lessee will not without the permission of the Conservator fell any trees that may be standing on the said lands and will before the 15th May of each year remove all stumps roots and other remains of cultivation if so required in the interests of the conservancy of the river.

23. The lessee will not without the written permission of the Collector of _____ for and on behalf of the lessor assign underlet or part with the possession of the said lands or any part thereof.

24. The lessee will not interfere in any manner with the existing pathways on the demised premises and will preserve the same in their integrity.

25. The lessee will at the expiration or sooner determination of the said term deliver up to the said Collector for and on behalf of the lessor the said lands in all respects, in such state and condition as shall be consistent with the due performance of the several covenants and agreements hereinbefore contained: Provided always and these presents are upon the express condition that if and whenever there shall be a breach of any of the covenants or agreements by the lessee herein contained the lessor may through the Collector re-enter upon any part of the said lands in the name of the whole and thereupon the said term of

$\frac{\text{year}}{\text{years}}$ shall absolutely determine.

The lessor hereby covenants and agrees with the lessee as follows:—

1. That save as is hereinbefore provided the lessee performing and observing the several covenants and agreements by the lessee hereinbefore contained may peaceably hold and enjoy the said premises during the said term without any interruption by the lessor or any person lawfully claiming through him.

2. To pay to the lessee as compensation the cost of any trees nanal or works planted or constructed by him with the permission of the Conservator which he may be required to remove and also for the crops standing on lands relinquished in manner aforesaid by the lessee.

3. In the event of the demised premises being surrendered or resumed by the lessor as herein provided the lessee shall not be liable to pay rent therefor from the date of such surrender or resumption and in the event of a portion only of the same being so surrendered or resumed

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the lessee shall be allowed a proportionate reduction in such rent PROVIDED ALWAYS that the amount of such reduction will bear the same ratio to the total annual rent as the extent of the land relinquished or resumed by the lessor as the case may be bears to the total extent of the demised premises.

4. To refund the balance of the deposit if any as may be repayable at the expiry or sooner determination of the term.

IN WITNESS thereof the Collector of by order and
direction of His Excellency the Governor-General of India in Council
for and on behalf of the lessor and the lessee have hereunto set their
respective hands and seals the day and year first above written.

The schedule above referred to.

List of trees.

Signed sealed and delivered by the abovenamed
in the presence of

Signed sealed and delivered by the abovenamed
in the presence of

1st August 1934]

APPENDIX VIII.

[Vide item VIII—Papers laid on the Table of the House at page 95 supra.]

G.O. No. 1509, P.H., dated 13th June 1934.

READ—the following papers:—

From the Surgeon-General, dated 1st December 1933,
R. No. 1969-Hospls.

From the Surgeon-General, dated 27th February 1934,
R. No. 1969-Hospls.

Order—No. 1509, P.H., dated 13th June 1934.

The Government sanction the printing of 1,000 copies of a note entitled "An Enquiry into certain Public Health Aspects of Village Life in India" by Major-General Sir John Megaw, K.C.I.E., K.H.P., I.M.S., together with a paper on "Population and Health in India" read by the same author at a meeting of the East India Association held on the 27th February 1934 for free distribution to the following officials and non-officials:—

- (1) All officers of the Revenue Department of and above the rank of Deputy Tahsildars.
- (2) All District Medical Officers and Civil Surgeons.
- (3) All District Health Officers and Municipal Health Officers.
- (4) All Presidents of District Boards and Chairmen of Municipal Councils.
- (5) All Members of the Madras Legislative Council.

The Superintendent, Government Press, is requested to distribute the copies as shown below:—

	Number of copies.
The Board of Revenue for distribution to all officers of the Revenue Department of and above the rank of Deputy Tahsildars	504
The Director of Public Health for distribution to all District Health Officers and Municipal Health Officers	100
The Surgeon-General for distribution to all District Medical Officers and Civil Surgeons	50
The Sanitary Engineer	5
The Director of Town-Planning	5
Registrar of Co-operative Societies	4
The Director of Agriculture	5
Do. Veterinary Services	4
Do. Industries	5
Inspector of Municipal Councils and Local Boards	4
Mayor, Corporation of Madras	2
Local Self-Government (spare copies)	70
Revenue Department	2

[1st August 1934]

	Number of copies.
Development Department	2
All Presidents of District Boards	25
All Executive Authorities of Municipalities	81
All Members of the Madras Legislative Council	132
Total	1,000

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To the Board of Revenue through the Revenue Department.
 „ the Surgeon-General.
 „ the Sanitary Engineer.
 „ the Director of Public Health.
 „ the Director of Town-Planning.
 „ the Director of Agriculture.
 „ the Director of Industries.
 „ the Director of Veterinary Services.
 „ the Registrar of Co-operative Societies.
 „ the Revenue Department.
 „ the Development Department.
 „ the Inspector of Municipal Councils and Local Boards.
 „ all Presidents of District Boards.
 „ all Executive Authorities of Municipalities.
 „ all Members of the Madras Legislative Council.
 „ the Mayor, Corporation of Madras.
 „ the Accountant-General.
 „ the Superintendent, Government Press.

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APPENDIX IX.

[Vide item VIII—Papers laid on the table of the house at page 95 supra.]

Statement of action taken on Resolutions passed during the third session of the fourth Madras Legislative Council.

Serial number and subject of resolution.	When passed by the Council.	Nature of action taken by Government.
1 That this Council recommends to the Government that the communities now called Madiga, Chakkiliyan, Mathanga, Gosangi, Adi-Jambuva (including Kommu, Chindu, Mastingu) be hereafter entered in Government records as Arundhathiya with the suffix of 'Ayya Garu' or 'Ayya Avargal'.	5th August 1932.	Orders were issued in G.O. No. 3351, Law (General), dated the 10th September 1932.
2 That this Council recommends to the Government that the names of the communities now recorded as Kammalans, Kamsalins and Thattans be hereafter entered in Government records as Viswa-Brahmans with the suffix of 'Acharyar Avargal' or 'Acharyulu Garu' to the names of the Tamil and Telugu members respectively, and the honorific prefix of 'Brahma Sri' instead of 'M.R.Ry.' according to the prevailing custom except in cases where a desire in writing is definitely expressed otherwise.	1st November 1932.	Orders were issued in G.O. No. 315, Law (General), dated the 27th January 1933.
3 This Council recommends to the Government to appoint a committee of both officials and non-officials not exceeding five in number to enquire into and report on the alleged atrocities committed by the Nattars of Devakottai subdivision of the Ramnad district on the depressed classes in June and July 1932.	1st November 1932.	In the absence of any further reports of trouble from the area since July 1932 the Collector of Ramnad, Mr. J. Gray, O.B.E., I.C.S., who was previously Labour Commissioner was in December 1932 asked to report on the then state of feeling in the area and as to whether the compromise effected by the previous Collector was working satisfactorily. He has reported that the bitterness between the parties is subsiding and that, provided agitators do not stir up further trouble, there is no reason why the parties should not maintain friendly relations on the basis of the compromise. The agitators have been warned and are being watched and the Collector has suggested to them ways in which they may do constructive work for the Adi-Dravidas. In the circumstances the Government see no need to appoint a committee since the appointment of a committee may serve only to revive dead or dying animosities.

Statement of action taken on Resolutions passed during the third session of the fourth Madras Legislative Council—cont.

Serial number and subject of resolution.	When passed by the Council.	Nature of action taken by Government.
4 "This Council recommends to the Government that they may be pleased— (1) to recognize the strong and growing public feeling in the Hindu community that disabilities hitherto imposed by usage on certain classes of the community in regard to social intercourse and common worship at temples, should be removed and justice rendered to them, (2) to take advantage of the great impetus given in this respect by the settlement arrived at, at Poona and the Bombay Conference, among the leaders of the communities and the consequent agitation in the country that places of public worship should be thrown open to the so-called depressed classes, and (3) to bring up legislation setting at rest and removing, if necessary, the doubts and disabilities which trustees and other persons holding authority in the administration of Hindu temples feel in regard to throwing them open to the said classes, with necessary safeguards for the making of regulations for maintaining order and cleanliness in temples and also the performance of ceremonies according to the usage of the temple."	1st November 1932.	The Legislative Council proceedings connected with the resolution were forwarded to the Government of India.

5 Remission in fact 1342 of at least 12½ per cent in the existing rates of assessment of ryotwari lands in the Presidency.

January 1933.

For reasons given in the Press Communiqué, dated the 17th February 1933, the Government were unable to accept the resolution, but decided to explore all possible avenues in order to improve the marketing of produce both within the Presidency and outside it.

The Government, however, continued to observe the trend of prices in the various districts of the Presidency and in G.O. No. 476, Revenue, dated the 15th March 1933, they have directed that in those districts where the resettlement rates were introduced in or after the year 1918-19, the collection of two annas in the rupee the land revenue due in the current fasli should be suspended.

[1st August 1934

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

18th July 1933.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Thursday, the 2nd August 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.
Bracken, C.I.E., I.C.S., The Hon. Mr.
G. T. H.
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.
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.
Bhanoji Rao, Mr. A. V.
Birley, Mr. F.
Boag, C.I.E., I.C.S., Mr. G. T.
Brock, C.B.E., Lieut.-Col. C. H.
Devadasan, Mr. M.
Dharamalingam Pillai, Rao Sahib V.
Duraiswami Reddiyar, Mr. K. M.
Ellappa Chettiyar, Diwan Bahadur S.
Foulkes, Mr. R.
Gopalaswami Mudaliyar, Diwan Bahadur M.
Harischandrudu Nayudu, Mr. A.
Indriah, Mr. C.
Jagannatha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Jones, C.I.E., I.C.S., Mr. C. E.
Kesavaramamurti Nayudu, Mr. K.
Khalif-ud-din Sahib Bahadur Khan Bahadur, P.
Kolanda Reddi, Rai Sahib C.
Koti Reddi, Mr. K.
Krishniah Choudari Mr. P. V.
Krishnamurti, Rao Bahadur D.
Krishnan, Mr. C.
Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi.
Kumararaja of Venkatagiri, The.
Kuppuswami Choudari, Mr. J.
Ladden, Mr. W. W.
Lakshmana Reddi, Mr. G.
Madanagopal Nayudu, Mr. R.
Maharaja of Venkatagiri, K.C.I.E., Lieut.-Col., The.
Mahboob Ali Baig Sahib Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Metherell, Mr. J. K.
Moses, Mr. P. C.
Muniswami Nayudu, Diwan Bahadur B.
Muniswami Pillai, Rao Sahib V. I.
Muthiah Chettiyar, Mr. M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Rao Sahib D. V.
Narayanan Nambiyar, Mr. V. P.
Narayanaswami Pillai, Rao Bahadur T. M.
Natesa Mudaliyar, Rao Bahadur C.
Palat, Mr. R. M.
Pannirselvam, Rao Bahadur A. T.
Parthasarathi Ayyangar, Mr. C. B.
Patnaik Mahasayo, Sriman M. G.
Patro, Kt., Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Pattagar of Palavakottai, The.
Peddi Raju, Mr. P.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Raigonala Pillai, Mr. P. V.
Ramachandra Padavachi, 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.

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PRESENT—cont.

Ranganatha Mudaliyar, Mr. A.	Srinivasan, Rao Bahadur R.
Ranganatha Mudaliyar, Mr. G.	Sriramulu, Mr. G.
Ranganatha Mudaliyar, Mr. M. D. T.	Subrahmanya Chetti, Rao Sahib P.
Rangaswami Reddi, Mr. M. B.	Subrahmanya Bhatt, Mr. U. C.
Ratnasabhapat Mudaliyar, Diwan	Sundara Rao Nayudu, Mr. T.
Bahadur C. S.	Thangal, Mr. P. M.
Sahajanandam, Swami A. S.	Thomas, Mr. Daniel.
Sami Venkatachalam Chetti, Mr.	Thorne, C.I.E., I.C.S., Mr. J. A.
Schamnad Sahib Bahadur, Khan Baha-	Vedachala Mudaliyar, Mr. M.
dur Muhammad.	Venkatarama Ayyar, Mr. K. R.
Sengodaiyan, I.C.S., Mr. S. G.	Venugopal Nayudu, Rao Bahadur R. K.
Sesha Reddi, Rao Bahadur B. P.	Viswanatha Rao, Diwan Bahadur V. N.
Shetty, Mr. A. B.	Yakub Hasan Sahib Bahadur.
Simhachalam Pantulu, Mr. G.	Zamindar of Chemudu, The.
Singam Ayyangar, Mr. K.	Iswaran Pillai, Mr. I. C.
Siva Raj, Rao Sahib N.	Zamindar of Kirlampudi, The.
Sivasubrahmanya Ayyar, Mr. K. S.	Zamindar of Mirzapuram, The.
Soundara Pandian, Mr. W. P. A.	Javad Hussain Sahib Bahadur, Khan
Sreshta, Mr. M. S.	Bahadur.
Srinivasa Ayyangar, Mr. T. C.	

I.—SWEARING IN OF A NEW MEMBER.

The undermentioned new Member took the prescribed oath or affirmation of allegiance to the Crown and took his seat:—

Mr. S. G. Sengodaiyan, I.C.S.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Education

Continuance of certain Educational Officers in the same station for periods longer than three years.

* 39 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that officers in the Educational Department are often kept on in the same place for very long periods even after completing three years; and

(b) what the reasons of the Government are for doing so?

A.—(a) & (b) It is not unusual for officers of the Educational Department to be kept on in the same post for more than three years when their continuance is considered to be in the general interests of efficiency and good administration.

MR. P. V. KRISHNAYYA CHOUDARI:—“ With reference to the answer to this question, am I to take it, Sir, that the Government transfer their officers after three years only if they are not doing their duties in the general interests of efficiency and good administration? ”

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—“ My hon. Friend seems to assume that officers are transferred automatically after three years. I may tell him that transfers are made only in the interests of the service when necessary.”

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MR. V. T. ARASU:—“ May I ask the Hon. Minister whether he is aware of the fact that in regard to certain departments, this rule of periodical transfer is being strictly observed? ”

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—“ In some departments probably that is done.”

DIWAN BAHADUR C. S. RATNASABHAPATI MUDALIYAR:—“ May I know whether there is no rule that ordinarily for more than three years an officer should not be allowed to remain in one place? ”

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—“ There is no such rule.”

MR. V. T. ARASU:—“ May I ask whether the Hon. Minister thinks that this rule is not salutary? ”

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—“ It is a matter of opinion. I am not prepared to answer the question.”

Inspection of District Educational Offices by the Head of the Department.

* 40 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that the offices of District Educational Officers are never inspected periodically by the departmental heads; and

(b) what the reasons of the Government are for not directing the Director of Public Instruction or a Deputy Director to inspect periodically these offices?

A.—(a) Although there is no regular periodical inspection of District Educational Officers' offices, it is not the case that these offices are never inspected by the Director of Public Instruction. Inspection is made whenever it appears to be called for.

(b) The Government do not consider that any such direction is necessary.

MR. P. V. KRISHNAYYA CHOUDARI:—“ May I know why, when other departmental heads are inspecting their district offices, this departmental head alone is not doing so? ”

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—“ It is nowhere said that this departmental head is not doing so. As a matter of fact the district offices are inspected whenever it is considered necessary.”

MR. P. V. KRISHNAYYA CHOUDARI:—“ When the other departmental offices in the districts are inspected annually, I want to know why the educational offices in the districts are inspected only whenever it is considered necessary? ”

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—“ I do not know whether the practice in the other departments is as my hon. Friend seems to think. I am not at all sure that he is correct in what he says.”

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Mr. K. KOTI REDDI:—" May I know whether it is not desirable to see that the district educational offices are not inspected by the district educational officers but by somebody else? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It may be desirable in some circumstances."

Mr. YAKUB HASAN:—" Will the Hon. Minister let us know whether the district educational offices were inspected during the last ten years? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I think some offices were inspected."

Rao Bahadur Sir A. P. PATRO:—" Does the Hon. Minister plead ignorance of the procedure in the other departments? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think any Minister or Member of Council can speak with authority as to what is being done in a department other than his own."

Mr. K. KOTI REDDI:—" May I ask whether it is not possible to see that these offices are inspected more frequently by superior officers? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I shall consider the suggestion."

Appointment of Selection Committees for all Secondary Grade Training Schools.

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

(a) whether ' Selection Committees ' are appointed for each Training College for teachers to select candidates for admission; and

(b) why the Government have not appointed such committees for all secondary training schools also?

A.—(a) Selection Committees have been constituted for the Teachers' College, Saidapet, and the Government Training College, Rajahmundry. There is no Selection Committee for the Lady Willingdon Training College for Women, Madras, the only other Government Training College in the Presidency.

(b) Government have not considered it necessary to appoint Selection Committees for secondary training schools.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask the Hon. Minister to let me know the principles on which Government have appointed committees for the selection of students for the training colleges? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Committees have been appointed to make the selection of candidates for admission."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know why such committees are considered unnecessary for the training schools? "

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The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Because there is no difficulty in regard to the selection for them."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the Hon. Minister is aware that this question was raised under a cut motion during the budget discussion? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not aware of it, Sir."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether Adi-Dravida candidates have been refused admission while other caste-Hindus were selected? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not aware."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether some district educational officers selected more than the required number of candidates? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not aware."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether, in view of the fact that at all times there are more candidates than seats available, will the Hon. Minister consider the question of appointing a selection committee for secondary schools also? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" These selection committees were, for the first time, appointed in the year 1921 and from the very beginning no committees were appointed for the secondary schools. We have not felt the need for it at all till now."

Mr. M. S. SRESHTA:—" May I know who makes the selection for the secondary schools now? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The district educational officer of the locality? "

Rao Sahib V. I. MUNISWAMI PILLAI:—" May I know if the Lady Willingdon College is flooded with students from the city and not from the mufassal? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It may be so."

Rao Sahib V. I. MUNISWAMI PILLAI:—" Do the Government consider it necessary to appoint a committee for admission to the Lady Willingdon Training College? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There has never been a complaint that the students from the mufassal have been refused admission."

Mr. M. DEVADASAN:—" May I ask whether headmistresses and headmasters of schools have any voice in the selection of students to the high schools? "

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The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Probably the district educational officer or the inspectress consults the heads of the schools?"

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"Will the Hon. Minister consider the question of appointing committees for the selection of candidates for secondary schools also?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I believe the matter has been considered before and Government thought it unnecessary to constitute committees for these schools."

Mr. M. DEVADASAN:—"May I ask whether the district educational officers do consult the headmasters and headmistresses before they select students?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"If they consult at all, it must be before selection."

Mr. G. SIMHACHALAM:—"May I ask whether it is a fact that the district educational officer, Guntur, proposed the abolition of one section of the training school because he had to admit a greater number of Brahmans although they were more qualified for selection?"

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

Rao Bahadur C. NATESA MUDALIYAR:—"May I ask whether there is any rule with regard to the Saidapet Training College that the students should be admitted on the communal basis?"

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

Restrictions on local boards to limit the maximum school-fee concessions to backward classes and depressed classes to 7½ per cent of the total fee-income.

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

(a) whether it is a fact that the Government have directed local boards to limit the maximum of school-fee concessions to backward classes and depressed classes to 7½ per cent of the total fee-income;

(b) whether concessions up to 10 per cent of the fee-income are allowed as merit scholarships under rule 32 of the Madras Educational Rules;

(c) what the reasons of the Government are for fixing an even lower maximum under rule 92, Madras Educational Rules; and

(d) whether the Government will be pleased to lay on the table of this House a statement of their policy with regard to the education of the backward and depressed classes?

A.—(a), (c) & (d) The attention of the hon. Member is invited to the Press Communiqué on the subject published as a Supplement to Part I-B of the *Fort St. George Gazette*, dated 3rd July 1934.

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(b) It is presumed that rule 32 of the Grant-in-Aid Code is referred to, as there are no concessions granted under rule 32 of the Madras Educational Rules.

Under rule 32 of the Grant-in-Aid Code, half the expenditure incurred on scholarships and fee remissions up to a limit of 10 per cent of the fee income reckoned at standard rates is paid to school managements by Government.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether the 10 per cent fee concession is not laid down in rule 32 of the Grant-in-Aid Code?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Rule 32 of the Grant-in-Aid Code has nothing to do with it."

Mr. V. T. ARASU:—"May I ask the Hon. Minister to give us information as to the total percentage of fee income that has been foregone in the previous years by the aided schools by way of concessions allowed to Depressed Classes, etc.?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot say now offhand."

Rao Bahadur C. NATESA MUDALIYAR:—"May I know the reasons for coming to the conclusion that more than 7½ per cent of the total fee income should not be foregone by way of fee concessions?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The Government Order gives the reasons."

Mr. A. B. SHETTY:—"May I ask why the Government Order was sought to be made applicable to secondary schools under local bodies when Government do not compensate the local bodies for the loss of fee income?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"That has been considered."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Can they not be given a consolidated lump sum for the deficiency of fee income for five years?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"For all time to come?"

Mr. YAKUB HASAN:—"May I ask whether this 10 per cent rule was ever put in force?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"As I said already in reply to Mr. Krishnayya Choudari, this 10 per cent has nothing to do with the fee concession to which G.O. No. 47 relates."

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I know what the policy involved in the Press Communiqué is?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The Press Communiqué is a self-contained document. I do not think I can add anything to it."

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Mr. ABDUL HAMEED KHAN:—" May I ask whether the department of the Government or the Director of Public Instruction calculated the amount that the Government would have to forego as a result of the withdrawal of this $7\frac{1}{2}$ per cent restriction? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" He has calculated it."

Mr. ABDUL HAMEED KHAN:—" May I know what that amount is? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot say."

Government Order restricting the half-fee concessions to $7\frac{1}{2}$ per cent.

* 43 Q.—Mr. S. M. K. BEYABANI SAHIB: Will the Hon. the Minister for Education and Excise be pleased to state whether the Government are making thorough investigation into the matter of the recent Government Order restricting the half-fee concessions to $7\frac{1}{2}$ per cent with a view to find out its effects on the purely Muslim schools in the Presidency?

A.—The question is being re-examined with reference to all the considerations mentioned in the Press Communiqué of 2nd July.

Mr. S. M. K. BEYABANI SAHIB:—" May I ask whether the Government are aware of the fact that even before the passing of the Government Order fixing $7\frac{1}{2}$ per cent as the limit for fee concession, the Muslim community was much behind the other communities in the matter of education and whether in the district board secondary schools the school-going population among the Muslims is much less than in the other communities? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not aware of it, Sir."

Mr. S. M. K. BEYABANI SAHIB:—" May I request the Government to place on the table of the House information regarding the actual number of Muslim students attending the district board secondary schools in all the districts of the Presidency? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think that information will serve any useful purpose."

Mr. S. M. K. BEYABANI SAHIB:—" Will the Government please find out the actual cause of Muslim students not getting the benefit of high school education? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Perhaps they do not want to be educated."

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Industries

Adequacy of the existing sugar factories in the Presidency to meet all requirements of local consumption.

* 44 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Education and Excise be pleased to state—11-15 a.m.

(a) how many sugar factories are there in this Presidency;

(b) whether it is a fact that the number of these factories is not sufficient to take in the whole of the sugarcane produced in this Presidency;

(c) what percentage of the total quantity of sugar consumed in this Presidency is locally produced;

(d) how many more mills would be required to consume all the sugarcane produced in this Presidency; and

(e) what measures have been taken by the Government to start or to encourage the starting of new sugar mills?

A.—(a) There are five; the construction of four new ones has been completed and plant has been ordered for two more. An old sugar refinery has also been reconstructed and adapted for the manufacture of white sugar.

(b) It may be that these factories are not sufficient to crush the available cane.

(c) In the absence of statistics of rail-borne trade and of production on cottage industries scale, no estimate can be made.

(d) No definite statement can be made but it has been estimated that there is room for about a dozen of 400 tons capacity.

(e) The Department of Industries issued early in 1933 a Press Communiqué inviting the attention of the public to the facilities existing in the Presidency for the development of the sugar industry. It has been demonstrating the manufacture of sugar by centrifugals. At its instance, to meet the needs of new sugar factories for qualified technologists, men with high academical qualifications in Science are being encouraged by award of scholarships to study sugar technology in the Harcourt Butler Technological Institute, Cawnpore, in the Indian Institute of Science, Bangalore, and in the Andhra University where special courses have been instituted for the purpose. The department has been investigating the suitability of the various areas for opening sugar factories and has been drawing up schemes and discussing them with persons interested. As the result of its concentrated attention in this direction, it can claim to have helped the formation of several of the new concerns that are being completed.

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Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether the price of sugarcane has not fallen very low in the Telugu districts as there are not people to buy the cane grown? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not aware."

Mr. A. RANGANATHA MUDALIYAR:—" May I ask whether the interest of the Government will end with the starting of these factories, or will it continue even afterwards? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The interest of the Government has just begun and there is no question of its ending so soon."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether any of these factories have made any application for loan under the State-Aid to Industries Act? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" As far as I recollect, no such application has been made."

Mr. V. T. ARASU:—" May I know whether, as a result of the Sugar Conference convened by the Government of India, this Government have given any undertaking to the Government of India to restrict the area under sugarcane cultivation, or to restrict the number of sugar factories which may be started hereafter? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No such undertaking has been given."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the Government have any proposals for well-planned and controlled expansion of this industry so that the market may not be flooded with the manufactured article? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is no such scheme under consideration."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I ask whether the Government will be pleased to appoint a sugar technologist to advise these factories in this Presidency? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think I can offer any opinion on that point."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I ask whether the Hon. Minister is aware that some of the factories which have been newly started are handicapped for want of proper technical advice? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not aware."

Mr. V. T. ARASU:—" May I ask whether the Government of India suggested to the Government of Madras the desirability of restricting the area under sugarcane? "

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The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" That question must be addressed to the Minister in charge of Agriculture."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the Government have at any time given thought to the evils of uncontrolled expansion of sugarcane factories? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is no good in anticipating such evil. I do not think the evil has arisen yet."

Mr. V. T. ARASU:—" Arising out of the answer given by the Hon. Minister for Industries a little while ago, may I ask the Hon. Minister for Public Works whether the Government of India suggested to this Government the desirability of restricting the area under sugarcane and, if so, what was the reply of this Government to the Government of India? "

The Hon. Mr. P. T. RAJAN:—" I should like to have notice of the question."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the Government will investigate the question whether some control is not necessary with regard to the starting of new factories? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think that so early as this, any such investigation is necessary."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I ask whether the Government are aware that some of the factories which have been recently started are at a great disadvantage on account of the difficulty of finding a market for the disposal of molasses compared with old factories to which distilleries are attached? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" They may be."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I ask whether the Government will be pleased to consider applications for licences to open distilleries, if they are made by the factories which have been recently started? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" If they make applications, they will be considered."

Agriculture

Publication of the recommendations of the Crop-Planning Conference.

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

(a) whether the Government have issued any Press Communiqué on the results of the Crop-Planning Conference in so far as they are related to the future of agriculture in this Presidency; and

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(b) whether the Government will be pleased to lay on the table of the House the decisions or conclusions arrived at at the Conference for Crop-Planning in this Presidency?

A.—(a) & (b) The Crop-Planning Conference was convened by the Government of India and no communiqué was issued by this Government on this subject. The Government of India have prepared a brief résumé of the conclusions reached by the Conference and have made it available for sale to the public.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask whether the Government of Madras sent a delegation to the Crop-Planning Conference? "

The Hon. Mr. P. T. RAJAN:—" Yes, they did. "

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask whether the delegates sent a report to the Government? "

The Hon. Mr. P. T. RAJAN:—" Not so far as I am aware. "

Mr. B. POCKER SAHIB:—" May I ask whether the Government have considered the desirability of placing the results of the Conference on the table of the House? "

The Hon. Mr. P. T. RAJAN:—" I have already stated that the Government of India have prepared a brief résumé of the discussions and have made it available for sale to the public. Anybody can purchase a copy and read it. "

Mr. B. POCKER SAHIB:—" May I ask whether it is not the duty of this Government to place the paper on the table of the House without putting the Members to the necessity of buying copies? "

The Hon. Mr. P. T. RAJAN:—" There is no obligation on the part of this Government to do so. "

Mr. B. POCKER SAHIB:—" But did not this Government participate in the Conference? "

The Hon. Mr. P. T. RAJAN:—" It is quite obvious they did. "

Mr. B. POCKER SAHIB:—" Therefore, may I ask whether this House is not entitled to know the result of their participation in the Conference? "

The Hon. Mr. P. T. RAJAN:—" As I said, Sir, a résumé has been published and my hon. Friend can purchase it. "

Mr. BASHEER AHMED SAYEED:—" May I ask whether the Hon. Member will purchase copies and circulate to the Members of this Council? "

The Hon. Mr. P. T. RAJAN:—" It is not possible. "

Mr. A. RANGANATHA MUDALIYAR:—" May I ask whether the Conference discussed the time at which the various crops should be grown? "

The Hon. Mr. P. T. RAJAN:—" The Conference discussed the question of controlling the areas of various crops. "

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Local Self-Government*Enquiry against the President, District Board, Guntur.*

* 46 Q.—MAHBOOB ALI BAIG SAHIB Bahadur: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have instituted enquiry against the President, Guntur District Board;

(b) whether it is a fact that the District Collector, Guntur, was also asked to conduct enquiry against the president;

(c) at what stage the enquiry is at present;

(d) whether it is a fact that the matter under enquiry is an old one and that the predecessors in office of the present Chief Minister had dropped the enquiry as one not meriting enquiry; and

(e) why the Government revived the self-same enquiry?

A.—(a) & (b).—Yes.

(c) The enquiry has been stayed pending the disposal by the High Court of a petition of the President, District Board, Guntur, for the issue of a writ of prohibition prohibiting the Collector from holding the enquiry.

(d) The matters under enquiry are—

(1) the grant of a remission to the lessee of certain local fund toll-gates during the year 1930-31;

(2) the transfer of the Ponnur high school to the district board in 1931; and

(3) the construction of an office building for the district board which is now in progress.

The answer to the second part of the clause is in the negative.

(e) Does not arise.

Public Health*Qualifications prescribed for the post of Assistant Director of Public Health.*

* 47 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased to state what the qualifications laid down by the Government are for the post of the Assistant Director of Public Health?

A.—The qualifications for the post of Assistant Director of Public Health are laid down in the Special Rules for the Madras Public Health Service, which have been published in Part I of the *Fort St. George Gazette*, dated the 24th July 1934.

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Rao Bahadur C. NATESA MUDALIYAR:—" May I ask whether it is not possible for the Hon. Minister to give the rules themselves instead of referring us to the *Fort St. George Gazette*, so that we may be enabled to put supplementary questions? "

The Hon. the RAJA OF BOBBILI:—" For the information of the hon. Member, I may say that for promotion to the post of Assistant Director of Public Health, one must have been a first-class health officer of not less than five years' service. The qualification for a first-class health officer is the British Diploma in Public Health."

Administration of Justice

Representation of Kammas in the cadre of District Munsifs.

* 48 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Law Member be pleased to state—

(a) whether it is a fact that there are no Kammas among the District Munsifs in this Presidency; and

(b) whether the Kamma Conference held at Tenneru has made any representation to the Government on this matter?

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

(b) No.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask whether the Government will be pleased to advise the High Court to give representation to all communities in the selection of district munsifs? "

The Hon. Sir K. V. REDDI:—" It is not usual, nor is it the practice, for the Government to advise the High Court."

Mr. BASHEER AHMED SAYEED:—" May I ask whether the several discussions that have taken place in this Council during Budget time and during other occasions on the question of the representation of all communities in the Judicial Service have been communicated to the High Court for their information and guidance? "

The Hon. Sir K. V. REDDI:—" I assume they must have been communicated, if it was considered necessary."

Mr. BASHEER AHMED SAYEED:—" May I ask what was the result of such communication and whether the Government have received any reply from the High Court? "

The Hon. Sir K. V. REDDI:—" The correspondence between the High Court and the Government cannot be divulged without the consent of the High Court."

Mr. BASHEER AHMED SAYEED:—" May I ask whether the Government do not consider it desirable that there should be communal representation in the Judicial Service subject to all considerations of efficiency? "

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The Hon. Sir K. V. REDDI:—" Of course the policy of the Government on the question of communal representation is very well known to all. They are set forth in public documents. The Government stick to them wherever it is possible."

Mr. M. A. MANIKKAVELU NAYAKAR:—" May I ask whether the Government have any proposals for the representation of unrepresented communities in the Judicial Service? "

The Hon. Sir K. V. REDDI:—" I am not aware of any such proposals, for the simplest reason that the Government are not expected to make any special recommendations to the High Court."

Mr. BASHEER AHMED SAYEED:—" May I know whether the Hon. Member is aware that no Muslim has been selected for any of the 12 vacancies filled this year? "

The Hon. Sir K. V. REDDI:—" I should like to have notice of the question."

Mr. BASHEER AHMED SAYEED:—" May I ask whether the Government do not consider it just and necessary to enforce the policy which they are themselves pursuing, so far as the Judicial appointments are concerned? "

The Hon. Sir K. V. REDDI:—" The Government have no power to enforce the policy. The power has been delegated to the High Court and we cannot interfere with the discretion of the High Court."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether there was not a proposal to take away the power of appointing district munsifs from the High Court and vesting it in the Public Services Commission? "

The Hon. Sir K. V. REDDI:—" There was once such a proposal. I do not know whether anything is now pending."

Mr. ABDUL HAMEED KHAN:—" In view of the fact that it is the policy of the Government to do justice to all communities in the matter of appointments in other departments, may I ask whether the Government do not consider it necessary to advise or even suggest to the High Court that they should adopt this policy in the matter of the appointment of district munsifs and other Judicial officers? "

The Hon. Sir K. V. REDDI:—" I dare say the hon. Member is aware that the power vested in the High Court is of a statutory nature and it is not possible for the Government to advise the High Court in any particular manner."

Mr. C. INDRAIAH:—" May I ask whether the Government will call for the information with reference to clause (a)? "

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The Hon. Sir K. V. REDDI:—"I do not know whether it will serve any useful purpose. If it is now done in the case of this community, then every one of the 250 or 300 communities may ask for similar information and does the hon. Member think it would be possible or desirable?"

Mr. YAKUB HASAN:—"May I ask whether the Government have not suggested to the High Court that it is desirable that they should adopt the Government's policy in regard to communal representation in the services?"

The Hon. Sir K. V. REDDI:—"I dare say the High Court are perfectly aware of what the policy of the Government in the matter of communal representation in the services is."

Mr. SAMI VENKATACHALAM CHETTI:—"Are the Government aware that the High Court have given effect to the policy of the Government?"

The Hon. Sir K. V. REDDI:—"I must admit they have given effect to it to some extent."

Mr. SAMI VENKATACHALAM CHETTI:—"Are the Government satisfied with the extent to which the High Court have given effect to their policy in this respect?"

The Hon. Sir K. V. REDDI:—"That question cannot be answered without a full consideration of the matter."

Mr. B. POCKER SAHIB:—"Are the Government aware that the salaries of the munsifs are paid by the Government and not by the High Court?"

The Hon. Sir K. V. REDDI:—"They are perfectly aware. I wish the Government had the power to enforce their policy, but they cannot help it now. The power is vested in the High Court statutorily."

Mr. YAKUB HASAN:—"The Hon. the Law Member said that the High Court are perfectly aware of the policy of the Government in respect of communal representation."

The Hon. Sir K. V. REDDI:—"I assume they are."

Mr. YAKUB HASAN:—"Was that information conveyed to them by the Government or did the High Court gather it from other sources?"

The Hon. Sir K. V. REDDI:—"I am afraid I must have notice of the question. I must look into old records."

Mr. MAHBOOB ALI BAIG:—"In view of the fact that the Government consider it necessary and desirable that all communities should be represented in all the departments of Government including the Judicial Department and in view of the fact that the Government is not competent to advise the High Court to give due representation to all communities in the appointments made by them, may I ask whether the Government will take steps to see that the statutory provision vesting the power in the High Court is abrogated?"

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The Hon. Sir K. V. REDDI:—"That question requires consideration."

Mr. B. POCKER SAHIB:—"Is it not the duty of the Government to advise the High Court about the policy followed by the Government in regard to the appointments in other departments and bring home to them the necessity of adopting a similar policy in the appointments made by them?"

The Hon. Sir K. V. REDDI:—"Whether it is our duty or not, as I have already stated, the High Court is perfectly aware of the policy of the Government in this matter."

Mr. M. A. MANIKKAVELU NAYAKAR:—"May I ask whether legislation was not proposed to take away this power from the High Court and, if so, why it was dropped?"

The Hon. Sir K. V. REDDI:—"I should like to have notice."

Forests

Memorandum by the South Kanara Landholders' Association regarding forest grievances.

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

(a) with reference to the reply to clause (b) of question No. 553 asked on 30th January 1934, whether the memorandum submitted by the South Kanara Landholders' Association on forest grievances has now been considered by Government; and

(b) if so, whether the Government will be pleased to place on the table of the House the reports made by the Forest Department on the memorandum, and the orders passed by the Government?

A.—(a) & (b) The hon. Member is referred to the answer to question No. 15.

Mr. M. S. SRESHTA:—"May I know whether a sufficient number of guards have been posted and sufficient supervision exercised to enforce the present rules?"

The Hon. Sir K. V. REDDI:—"Some guards have been posted, but whether the number is sufficient or not has to be ascertained."

Mr. M. S. SRESHTA:—"May I ask whether the present policy of the Government does not lead to the transfer of a lot of money into the pockets of the guards which ought to go to the Government or would be saved by the villagers?"

The Hon. Sir K. V. REDDI:—"I think the hon. Member ought to know better than I, he being in the district."

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Mr. M. S. SRESHTA:—" May I ask whether the Government will make some enquiries—the Hon. the Law Member admits that I being in the district know more about it—and find out from the local people whether what I state is correct or not? "

The Hon. Sir K. V. REDDI:—" The Government would be very glad to make an enquiry if any specific charges are laid; otherwise anything like a roving commission will be no good."

Mr. U. C. SUBRAHMANYA BHATT:—" May I ask whether the Hon. the Law Member will consult the South Kanara Members of this Council before he comes to a final decision in the matter? "

The Hon. Sir K. V. REDDI:—" I have said that the orders of the Government will be based on the reports of the Collector and the Conservator of Forests. If there is anything wrong with them, I have already promised to the hon. Member or his friend that I myself would visit the district and look into the matter. Orders have not been passed and the matter is under the consideration of Government. When the right time comes, certainly the hon. Members of this Council coming from South Kanara will be heard as they are always heard."

Mr. BASHEER AHMED SAYEED:—" May I ask whether the Hon. the Law Member will take some effective steps to put an end to the interminable questions on forest grievances in South Kanara? "

The Hon. Sir K. V. REDDI:—" The difficulty will be to find out what is effective. What is effective in the eyes of the Government may not be effective in the eyes of the hon. Member."

Mr. U. C. SUBRAHMANYA BHATT:—" May I ask whether it is not advisable to hear the hon. Members before final orders are passed? "

The Hon. Sir K. V. REDDI:—" We are quite willing to do it. There is no objection. But once a decision has been arrived at, it does not mean that it is final. If grounds are shown why the decision should be changed, the Government will be perfectly willing to reconsider the decision. I thought it would be more useful to the Members if they knew at first on what lines the Government proposed to proceed."

11-30 a.m. Mr. M. S. SRESHTA:—" May I know if the Government will be pleased to postpone their decision till after the reports of the Collector and of the Forest department have been placed on the table of this House? "

The Hon. Sir K. V. REDDI:—" The suggestion will be considered."

Mr. A. B. SHETTY:—" May I know why the reports have not been placed on the table of the House? "

The Hon. Sir K. V. REDDI:—" No necessity has been felt for that; if hon. Members are willing to know what these opinions are, certainly I shall give them opportunities to do so."

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Official reports regarding the hardships caused to ryots on account of the withdrawal of forest concessions in South Kanara.

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

(a) whether the Government have received any reports from the District Collector and the District Forest Officer, South Kanara, in regard to the hardships caused to ryots on account of the withdrawal of forest concessions; and

(b) if so, whether a copy of these reports will be placed on the table of the House?

A.—(a) & (b) The hon. Member is referred to the answer to question No. 15.

Memorandum of the Landholders' Association of South Kanara regarding the withdrawal of forest concessions.

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

(a) whether the Government have passed final orders on the memorandum from the Landholders' Association of South Kanara on the question of the withdrawal of the forest concessions to the ryots of South Kanara;

(b) whether it is a fact that the forest concessions were ordered to be withdrawn for abuse of the concessions; and

(c) what proof the Government had of the abuse of the concessions?

A.—(a) No.

(b) Yes.

(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.

Mr. U. C. SUBRAHMANYA BHATT:—" May I ask whether it is not a fact that for a long time after these concessions were allowed, the officers of the Forest department have been always saying in their administration reports that the forest concessions and the forest panchayat system have been working very well? "

The Hon. Sir K. V. REDDI:—" The suggestion involved in the question is not correct. These concessions were given in the year 1922. From the year 1925 to the year 1934 there is not a single year in which the officers of the Forest department have not sent reports in which they complain that these concessions are being abused."

Mr. U. C. SUBRAHMANYA BHATT:—" Is it not a fact that the officers of the department have been reporting that these forest concessions and the forest panchayat system have been working very well? "

The Hon. Sir K. V. REDDI:—" I am not aware of that; I shall certainly look into the reports."

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Uniformity in the rate of grazing fees.

* 52 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the Hon. the Law Member be pleased to state—

(a) what the different rates of grazing fees in the Kurnool district are; and

(b) whether the Government are having uniformity of rates in the Presidency or not?

A.—(a) *Non-penta rate*—

Buffalo	...	...	...	...	12 annas per head.
Cow	...	...	...	...	8 annas per head.
Sheep	...	...	...	...	4 annas per head.

Penta rate.—Rupee one per cow unit.

(b) No.

Mr. S. M. K. BEYABANI SAHIB:—“ May I know if the Hon. Member is aware that the rates even for the surrounding villages are different? ”

The Hon. Sir K. V. REDDI:—“ I am not personally aware of it.”

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—“ Will the Hon. Member be pleased to say whether it is not possible to have a uniform rate for the whole Presidency as I believe that several panchayats are levying these rates at their sweet will and pleasure and as it works a great deal of hardship? ”

The Hon. Sir K. V. REDDI:—“ The whole point about the panchayat system and of the reports which the Government are receiving is that it would be impossible to have a uniform rate throughout the Presidency. In fact the rate differs even in the same district; it depends on various circumstances.”

Mr. S. M. K. BEYABANI SAHIB:—“ In view of the fact that Kurnool is a backward district, may I request the Hon. Member that the rates here may be considerably reduced? ”

The Hon. Sir K. V. REDDI:—“ Firstly I do not know how far the other Members of the Kurnool district would agree with him that Kurnool is a backward district. Secondly, these rates have been fixed after careful consideration and consultation with the local officers, the District Collector and the Conservator.”

Mr. K. KOTI REDDI:—“ May I ask when these rates were fixed and how long it is since these rates were fixed? ”

The Hon. Sir K. V. REDDI:—“ It has a history of its own; it was altered from time to time on the recommendation of the officers.”

Mr. K. KOTI REDDI:—“ In view of the fact that these rates were fixed several years ago and in view of the economic depression now prevailing, will the Government consider the desirability of reducing the rates considerably? ”

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The Hon. Sir K. V. REDDI:—“ I am afraid the proposal of the officers has been to increase and the policy of the Government has been to stop the increase during this period of depression. It is not that the Government are not aware of the depression and of the consequences left on the people and of their inability to bear enhanced rates.”

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Is it a fact that the Government have been raising the rates almost every year? ”

The Hon. Sir K. V. REDDI:—“ Not I believe after the depression has been felt.”

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ May I ask whether the Hon. Member will bear this point in mind when the rates are revised? ”

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

Mr. K. KOTI REDDI:—“ May I know whether the Hon. the Law Member agrees with the officers that all concessions should be cancelled and that the rates should be increased so that the ryots cannot enjoy any of the resources in the Government forests? ”

The Hon. Sir K. V. REDDI:—“ Certainly the Government are interested in the people as much as the hon. Member.”

Commerce*Total import of foreign rice in the Presidency since July 1933.*

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

(a) what the total imports are of foreign rice in this Presidency since July 1933 up to date from each of the following countries, Japan, Siam and Burma;

(b) what steps the Government have taken to prevent further imports of foreign rice; and

(c) whether the Government will be pleased to lay on the table of this House a statement of the action taken by them till now and their policy in this matter?

A.—(a)

Japan	...	750 tons up to end of June 1934.
Siam	...	116,359 tons up to end of June 1934.
Burma	...	518,478 tons up to end of May 1934.

(b) & (c) As the hon. Member is already aware, the Madras Government have addressed the Government of India in the matter.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ In view of the large imports into the Madras Presidency of foreign rice, will the Government impress upon the Government of India the necessity to expedite their decision? ”

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The Hon. Sir HOPETOUN STOKES:—"I have already answered the question; I have said that the Government of India have been addressed; I do not think we can do anything more than that."

Mr. V. T. ARASU:—"Will the Hon. Member be pleased to give the gist of the letter addressed by this Government to the Government of India?"

The Hon. Sir HOPETOUN STOKES:—"I must ask for notice of the question."

Mr. B. POCKER SAHIB:—"Will the Hon. Member be pleased to state whether the Government are aware of the fact that the increased import of rice from these Provinces has reduced the price of rice very much in this Presidency?"

The Hon. Sir HOPETOUN STOKES:—"I am not able to say whether the import has increased; but the Government are certainly anxious to stop the import."

Mr. BASHEER AHMED SAYEED:—"May I know in what districts of this Presidency this import of rice has been consumed?"

The Hon. Sir HOPETOUN STOKES:—"Notice."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know if the Government are aware that after the import of foreign rice, the conversion of paddy lands into building sites has taken place?"

The Hon. Sir HOPETOUN STOKES:—"Notice."

Mr. V. T. ARASU:—"Will the Hon. Member be pleased to state the policy of the Government in regard to this matter, whether they feel that any restriction should be imposed on the further imports of rice from other provinces, like Burma, and foreign countries like Siam, or whether they feel that it is not necessary?"

The Hon. Sir HOPETOUN STOKES:—"I have stated in answer to the question yesterday that the Government have addressed the Government of India that this foreign rice should be excluded."

Mr. BASHEER AHMED SAYEED:—"May I know whether the Government are aware that the imported rice is to a large extent responsible for the large arrears of revenue collections in the South Arcot district?"

The Hon. Sir HOPETOUN STOKES:—"I am not aware of it."

Land Revenue Administration

Coercive measures taken for the recovery of the arrears of land revenue due for the last fasli.

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

(a) the arrears of land revenue assessment for last fasli in each district; and

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(b) the number of cases in which coercive measures have been taken for the recovery of such arrears?

A.—(a) A statement * is annexed.

(b) The information is not available yet.

Mr. A. B. SHETTY:—"Will the Hon. Member be pleased to state whether the information required in clause (b) has been called for and whether it will be placed on the table of the House?"

The Hon. Sir ARCHIBALD CAMPBELL:—"Information will be available in the jamabandi report."

Mr. BASHEER AHMED SAYEED:—"May I ask if the Hon. Member is in a position to give any specific reasons for the large arrears in the district of South Arcot?"

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

Conversion of patta land into village-sites.

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

(a) the Government's policy with regard to the conversion of patta lands occupied by dwelling houses into village-sites;

(b) whether such lands are charged dry rates or wet rates; and

(c) what the reasons are for charging wet rates when there is no irrigation and no supply of water?

A.—(a) & (b) Where agricultural land in rural areas is built upon, the practice is to continue to levy the ryotwari assessment on the land, i.e., if the land was agricultural dry land before it was converted into a dwelling site, the dry assessment is levied, and if it was wet the wet assessment is levied.

(c) Where by the act of the ryot the land is made unfit for irrigation there seems no reason why the assessment should be changed.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Will the Hon. Member be pleased to say whether village-sites have to be increased in the villages in view of the increase of population?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I cannot say whether that has to be done in all cases."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether it is not desirable that patta lands when they are converted into house-sites should not be charged wet assessment?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I do not think it is necessary to forego the wet assessment because the ryot chooses to put up a building on his wet land."

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Mr. P. V. KRISHNAYYA CHOUDARI:—"Is the Hon. Member aware that the village-sites are surrounded by agricultural lands?"

The Hon. Sir ARCHIBALD CAMPBELL:—"Yes, Sir."

Mr. M. DEVADASAN:—"Will the Hon. Member be pleased to state whether village-sites which carry no assessment have been registered as patta lands and taxes have been imposed upon them?"

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

Mr. V. M. RAMASWAMI MUDALIYAR:—"Will the Hon. Member be pleased to say whether the Government consider it necessary to impose wet assessment on wet lands which have been converted into dwelling houses?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I have already stated that there seems to be no reason why the Government should lose the tax on the land."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know if the Government are aware that, owing to the increase of population in the villages, wet lands have to be converted into dwelling houses?"

The Hon. Sir ARCHIBALD CAMPBELL:—"Notice."

Mr. A. RANGANATHA MUDALIYAR:—"May I know if the ryotwari assessment is levied because the land built upon has not been relinquished or is it for any other reason?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I do not know what the hon. Member refers to."

Mr. A. RANGANATHA MUDALIYAR:—"May I know if the Government will treat the land as village-site poramboke, if an application is received to that effect?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I do not know why we should forego the assessment on the land."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know if the Government would agree if the Director of Public Health recommends that the lands should be converted into village-sites and if the Government will not levy ryotwari assessment on these lands?"

The Hon. Sir ARCHIBALD CAMPBELL:—"When such proposals are received, they are considered."

Mr. A. RANGANATHA MUDALIYAR:—"May I ask whether it is not the duty of the Government to provide village-sites?"

The Hon. Sir ARCHIBALD CAMPBELL:—"Not necessarily."

Extra charges for irrigation of wet lands through lengthwise channels.

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

(a) what the reasons of the Government are for charging people extra for irrigating wet lands through lengthwise channels;

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(b) whether any charges are levied in the case of breadthwise channels;

(c) whether no charges were levied before fasli 1326; and

(d) what the reasons of the Government are for levying these extra charges?

A.—(a) to (d) The Government regret that they do not understand the questions.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know why the Government made no reference to me when they were not in a position to understand the question?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I do not think there was time."

Mr. BASHEER AHMED SAYEED:—"May I ask what it is that the Government did not understand, the breadthwise nature of the channels or the lengthwise nature thereof?"

Public Service

Reaction of the communal principle on the efficiency of the administration.

* 57 Q.—Mr. M. S. SRESHTA: Will the Hon. the Member for Revenue be pleased to state whether the heads of departments and district officials have been asked for their views on the question of the effect of the adoption of the communal principle in making appointments, on the efficiency of the administration?

A.—The answer is in the negative.

Mr. M. S. SRESHTA:—"Will the Hon. Member be pleased to ask the authorities concerned and call for their opinion?"

The Hon. Sir ARCHIBALD CAMPBELL:—"No, Sir; I do not think any useful purpose will be served by such an enquiry."

Mr. M. A. MANIKKAVELU NAYAKAR:—"Are the Government aware of any breakdown of the administration on account of the application of the communal principles?"

The Hon. Sir ARCHIBALD CAMPBELL:—"No, Sir."

Mr. M. S. SRESHTA:—"In view of the large number of complaints, may I ask if the Government is prepared to consider the desirability of instituting competitive examinations and correct by selection communal inequalities as is done in the case of the Indian Civil Service examination?"

The Hon. Sir ARCHIBALD CAMPBELL:—"The question of introducing more competitive examinations is under consideration."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether there is any possibility of stopping this interminable communal question?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I am afraid, not."

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Mr. BASHEER AHMED SAYEED:—" May I know if the Hon. Member is aware that the principle of communal rotation has not been even given effect to in some districts, far from there being a necessity to institute an enquiry as to its results? "

The Hon. Sir ARCHIBALD CAMPBELL:—" I must ask for notice of the question. If the hon. Member can draw my attention to any particular case, I will enquire into it."

UNSTARRED QUESTIONS

Co-operation

Principles underlying the recruitment of Deputy and Sub-Deputy Registrars of Co-operative Societies.

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

(a) whether the Government are adopting communal rotation or seniority of service in appointing Deputy and Sub-Deputy Registrars of Co-operative Societies; and

(b) whether it is a fact that there are Inspectors who have qualified themselves for the appointment both by passing tests and by virtue of seniority; if so, the reasons why their claims for such promotions are overlooked?

A.—(a) The rule regarding communal rotation does not apply to promotions made from Senior Inspectors to Sub-Deputy Registrars or from Sub-Deputy Registrars to Deputy Registrars. But in order to ensure that the various communities have due representation in the service, direct recruitment is resorted to so as to secure, as near as may be, an equitable distribution of membership of the service among the different communities.

(b) There are some Senior Inspectors who have passed the tests. Their fitness for promotion (in vacancies not reserved for direct recruitment) will be determined by considerations of seniority, merit and efficiency.

Irrigation

Repairs to the Unai Vaniyambadi tank and its feeder channel.

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

(a) when the Unai Vaniyambadi tank, Vellore taluk, North Arcot district, was repaired by the Public Works Department;

(b) whether the aicut ryots memorialized to the Public Works Department for the repairs of the feeder channel to the above tank;

(c) what action was taken by the Public Works Department regarding the memorials; and

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(d) whether the complete repairs of the tank and the feeder channel have been carried out by the Public Works Department?

A.—(a) In July 1933 at a cost of Rs. 1,801.

(b) Yes.

(c) & (d) Estimates have been prepared for repairs to the channel. Before the repairs are done it is necessary to have the silt in the channel removed and this work has to be done by the ayacutdars under kudimaramat. Notice for the removal of silt has been issued to the ayacutdars.

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

III.—ELECTION OF MEMBERS TO THE HOUSE COMMITTEE.

* The Hon. Sir ARCHIBALD CAMPBELL:—" Sir, I beg to move—

' that with a view to appoint a House Committee in pursuance of Standing Order No. 82, this Council do proceed to elect six Members to be Members of the said Committee according to the principle of proportional representation by means of the single transferable vote '."

The Hon. Sir HOPETOUN STOKES:—" I second it."

The motion was put and carried.

* The Hon. the PRESIDENT:—" I have to inform the House that with reference to Regulation III of the Regulations for the holding of elections by means of the single transferable vote, I fix 3 p.m. to-day as the time by which nomination of candidates for election to the House Committee should be sent to the Secretary."

IV.—DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1934-35.

GRANT XVI—ELECTRICITY—RESERVED

* The Hon. Sir K. V. REDDI:—" Mr. President Sir, I beg to move—

' that the Government be granted a further sum not exceeding Rs. 100 under Grant XVI—Electricity—Reserved.'

Hon. Members are aware that Pykara power has been extended as far as Trichinopoly, under a grant made by this Council. The present proposal is to extend it further beyond Trichinopoly on to Tanjore and Negapatam and other places. A line from Trichinopoly to Tanjore will go eastward to Tiruvarur and from that place to Negapatam. Another line will proceed from Tanjore to Kumbakonam and then to Mayavaram.

" It will be noticed that this scheme has been passed by the Finance Committee. It costs about Rs. 21 lakhs and the Government are advised that the revenue would be about Rs. 27 lakhs in the course of eight

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years. There are four companies which take the bulk power. They are: one at Negapatam known as the Negapatam Electric Supply Company which is also in charge of the supply of electricity to Kumbakonam. There is another known as the East Tanjore Electric Supply Corporation; this company is constructing buildings at Tiruvalur with a view to supply electricity in that locality. There is also the Tanjore municipality which has obtained a licence from the Government for the supply of electricity within that area. Now, the Negapatam Company has agreed that it would be able to take about Rs. 75,000 worth of electricity every year in the beginning. It has also got what is known as a steel rolling mill for which it expects an increased consumption of electricity, with the result that in the course of three or four years, the annual income to the Government would be nearly Rs. 2½ lakhs. Then again, in the licence given to the Tanjore Municipal Council, there is a clause to the effect that when the Government are able to supply electricity from the Pykara system, they should take it; it is so in the Kumbakonam licence also. It will thus be noticed that all the parties concerned in the locality are prepared to take electricity and that Government would derive some profit almost from the beginning. At any rate, in the course of eight years, it is hoped that 12 per cent will be derived on the average. I would therefore request the Council to sanction this extension, especially as it has been fully considered and approved by the Finance Committee."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I am not going to oppose this motion, but I want the Government to tell us what is being done in regard to this matter of supply of electricity from Pykara. Government has been coming to this Council from time to time for supplying this power to various districts. I believe once we sanctioned an extension up to Cochin and I suppose also to Calicut and again to the Tanjore side, I think up to Negapatam. I should like to know what the possibilities are of the present extension, whether the Government have gone into the question whether they will be able to supply electricity to all the areas covered by this extension, especially because if they are going to extend, it will naturally cost them more. If the power from Pykara can be sold nearer, it will be very much better for the Government too. We should like to know what the capacity of the present power works is; what the actual demand at the present moment is and how much more demand the Government expect in the present area itself. That is a matter, Sir, on which information ought to be given. It is also stated in the note supplied to us that a part of the area to be covered by this extension is going to be supplied with power from the Mettur Hydro-Electric works. If that is so, how is it going to affect the present extension and how will the distribution be made in the Tanjore area? I would therefore suggest that the Government should circulate a note with reference to all these matters to the Members of the Council so that we may know exactly where we are."

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"There also seems to be an impression, Sir, that these schemes are costly and that the Government are incurring expenditure which can be avoided. I do not know what the basis is for such an impression; but I know there is some sort of impression like that. I think such an impression can be easily cleared by the Government circulating a note on the lines I have suggested. I hope the Hon. the Law Member will agree to this course."

* Mr. K. P. RAMAN MENON:—"Sir, I am also not opposing this motion, but I want to draw attention to the fact that in the West Coast there is great necessity for such an extension. I elicited an answer from the predecessor of the present Law Member that it would be quite possible to extend the lines from Pykara to Calicut. There is also the fact that electricity has been introduced in Coimbatore, and from there to Palghat. There was also an idea, I think, of transmitting power from Pykara to Cochin; I do not know what stage that proposal has reached. Then again, Mr. Sreshta in one of his questions, suggested the introduction of electricity in Mangalore along the coast line. With regard to all these suggestions, there is not a single word in the present note; I certainly protest against our claims being neglected, not only in the matter of irrigation but in everything else. Malabar is being neglected all throughout and absolutely nothing is being done by the Government except perhaps to collect the revenue and keep the peace of the country. That is all that is being done. We want at least electricity in our districts."

* Mr. R. M. PALAT:—"I stand up to strongly endorse the observations of Mr. Raman Menon. We feel that Malabar is being neglected. Although they say that Malayalees are getting too many appointments, on the contrary we are not getting our due share even then and we are similarly treated in other matters. It is so in this matter too. I should like to know whether the Government will consider this suggestion of an extension of electric power from Pykara to the Malabar district."

Mr. M. S. SRESHTA:—"Mr. President, Sir, I also wish to lodge my emphatic protest against the principles underlying the policy of the Government in this matter. I do not understand why the West Coast should be entirely neglected. It might be said that already the line is too close to Tanjore and therefore it is easier to extend it to Tanjore than to the West Coast. Even so, I do not see why a little extra expenditure should not be incurred. We must not consider this question entirely from the point of view of expenditure. We know very well that in the matter of the communal principle we are all anxious to help the depressed classes. In the same way we ought to help the depressed districts. The West Coast districts are depressed districts in one sense. Just because we get heavy rain for nearly three months in the year it should not be thought that Government need not come to the help of our district. I want to point out that it is

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very easy to extend the line up to Calicut. In the interest of my district, South Kanara, I should be satisfied with an extension to Calicut now; because it will be much easier later on to have it extended to Mangalore. My district is suffering very much in many ways because it is practically cut away from the other districts. It is the Cyndrella of the Province. It is high time that Government should change their policy and see that the districts which are far away from the centre are treated as well as those close by. Unless this is done, Government will be adding strength to the agitation which is now being carried on for separate Kerala and Kannada Province. I was all along against such a proposal, but if I find that Government are not doing anything for our district, I am afraid I will have to raise my voice and say that we should have a separate Kannada Province and a separate Kerala Province."

* Rao Bahadur Sir A. P. PATRO:—"Sir, I am glad that the Pykara scheme is going to be extended to all parts of the House (Laughter); and as my hon. Friend over there said, it is always for Kumbakonam. Apart from that, Sir, what I do say in regard to this matter is this: the extension of electricity is an industrial enterprise and it is expected to improve the economic condition of the area; and why should such an extension bring in, as my Nationalist friends there have brought in, the communal cancer, really surpasses my understanding. It will be proper to bring in all these points for the purpose of communal representation; and it seems to be high time that Members of this House realize that there is a method in madness.

"Sir, with regard to this extension, I would like to know whether the financial condition of the companies that demand power is perfectly satisfactory. I am not sure that the financial condition of the Steel Rolling Company, the Kumbakonam Electric Supply Company and the Mayavaram Lighting Company is so sound as to enable them to take in the power they now ask for. This seems to me to be an important factor in the extension of electric supply from Pykara. I have heard that it is not at all possible for these companies to consume the amount of power they now demand, whereby we are made to understand that this extension would be a remunerative one. It is all very well on paper to say so as it has been said even from the time of the beginning of the Mettur Project that it would be possible to collect nearly Rs. 18 an acre from Pattukkottai landholders and that therefore that scheme would be a remunerative one. So, in regard to this extension, we will have to find out, whether there is a desire for such extension, whether there is a demand, whether the companies making the demand are financially sound and whether they will be able to pay properly and regularly. All these companies—except in the case of the Tanjore Municipality—belong to one individual agency and whether this individual agency which is managing all the companies will be able to stand the financial strain is a matter which is very

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important. I do not know whether the Finance Department is satisfied with it. In all other matters relating to Transferred Departments or Reserved Departments, the Finance Department is merciless; but whether in this matter the Finance Department has applied its usual tests and satisfied itself that the scheme will be paying, is a factor of considerable importance. I would like to know for the information of the House whether this aspect has been carefully examined by the Finance Department which is responsible for going into the financial aspect of this question."

* Mr. V. T. ARASU:—"Mr. President, Sir, I wish the Hon. the Law Member had taken this House into his confidence when he came before this House for a token demand of Rs. 100 for the purpose of reappropriating Rs. 2 lakhs for extending the Pykara power to some portions of the Tanjore district. In the note circulated to the Members of the House, it is said that Rs. 2 lakhs is proposed to be met by reappropriation. I request the Hon. Member to say under what heads the saving is proposed to be effected. If the Hon. Member will kindly state the heads, perhaps the House may not be inclined to vote for this token demand. For, it is just possible that the Government may effect this saving of Rs. 2 lakhs under a head which is more important and more urgent than this extension of electricity to Tanjore.

"With regard to the companies to which it is now proposed to supply this electricity, the hon. Member from Ganjam, Sir Patro, has raised an important point and I should like to add my voice to that of Sir Patro that the Government should take steps to see whether these companies which are under one and the same managing agency are financially sound and whether they would be able to fulfil their contracts with the Government.

"As regards the East Tanjore Electric Supply Corporation, Sir, I should like to know from the Government whether the Government have examined the position clearly. My own impression is that under the licence which has been granted to the East Tanjore Electric Supply Corporation, the Government have given an undertaking that this company can carry on its operations till the year 1945. Now we are only in the year 1934; there are 11 more years for this company to run. I do not know whether this company will not be in a position to say to the Government that they will not be justified in supplying electricity from the Pykara Hydro-Electric Scheme. I wish the Hon. Member to throw some light on this question also."

* Mr. K. KOTI REDDI:—"Mr. President, Sir, I want to know from the Hon. the Law Member whether he would be in a position to tell us that in developing this Pykara scheme he has in view any other districts except the districts for which he now proposes for the distribution of this electric power. At present, Sir, more than two crores of rupees have been spent on the scheme and it seems to me that with practically no additional cost something like six times the present power could be developed and the department must be in a position now to advise the

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Hon. the Law Member whether this immense amount of power that could be developed at Pykara cannot be consumed by other districts than the districts for which it is now proposed should get it. Sir, Ceded districts are very anxious to have electric power. The great Tungabhadra Irrigation Scheme to which we have been looking forward not only as a means for irrigating our dry lands but also for the purpose of developing electricity, is going further and further back. Between Hyderabad, Mysore and the British Government, I do not know what we are going to have. However, Sir, apart from that, it seems to me that large amount of power could easily be developed at Pykara. After all, the water that is now being used for the purpose of generating this electricity is very little and even at its present development, it can be multiplied six times without any additional cost. Therefore it is a scheme which has got a possibility of vast development, and I want to know from the Hon. the Law Member whether he is not prepared to consider the question of the possibility of giving this electricity to many other districts like Madras, Chingleput, Ceded districts, etc., and how far he has investigated that scheme.

“Secondly, there is a vast agricultural population which is rather very keen to have this electricity for irrigation purposes for lifting water into their lands and for developing small cottage industries also. Before I vote for this demand, I want the Hon. the Law Member to say whether he has contemplated the possibility of development of the Pykara scheme so as to be useful for other districts, particularly for agricultural purposes, and for the development of cottage industries.”

Mr. B. Pocker Sahib:—“Mr. President, Sir, I just want to say a word or two with reference to what Mr. Raman Menon said as regards the West Coast. The hon. Member for Ganjam has always a knack of misunderstanding things and he has done so in the present case. But what Mr. Raman Menon said does not relate to any communal question at all. He wanted the West Coast which is as important as any other part of the Presidency if not more, also to be attended to just like other parts of the Presidency. That is all his complaint. If my hon. Friend from Ganjam looks upon that matter as a communal question, I think he has yet to learn what a communal question means. Now, Sir, even if my hon. Friend, Sir Patro, goes and lives on the West Coast, I do not know whether he will look upon himself as a Malayalee. Malayalee or non-Malayalee, whoever resides on the West Coast is entitled to the benefit of any system that is extended to the West Coast. Therefore, no communal question has been raised at all by my hon. Friend, and I must say, Sir, that the Government has been neglecting the West Coast, as has already been said by my hon. Friend, Mr. Raman Menon. And even in the recent question of giving licence to the municipality of Calicut for supply of electric power, the attitude of the Government has been a very unsatisfactory and a very unsympathetic one and I do not know why the Government should treat the West Coast in this indifferent manner, especially in view of the fact that Calicut is only 70 miles from Pykara. If the Government only considers the advisability of giving the benefit of this scheme to the West Coast also, there

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are other ways and means of doing it. The real complaint is that the Government has not taken into consideration the necessity of giving the benefit of this scheme to the West Coast also.”

* The Hon. Sir K. V. REDDI:—“Mr. President, Sir, I am indebted to the hon. Members for the general support for this supplementary demand. But many of them have asked for information on different points which I shall only be too glad to give. My hon. Friend, Mr. Ramalinga Chettiyar, wanted to know what became of the Cochin project and he also wanted information to be given in a note to be furnished to hon. Members. Now, Sir, so far as the Cochin scheme is concerned, the Government considered for various reasons that we need not proceed with that scheme, one of the views being that we have got our own British territory in which this power might be required. As regards the note, Sir, I shall certainly be very glad to furnish Mr. Ramalinga Chettiyar with any information that he wants. I would only like him to give me an idea of the exact kind of information that he wants, particulars as regards the power, what power is being generated, how far it is capable of electrifying, what the cost is, what the capacity, what machinery there is and all that kind of thing, we are perfectly willing to give it. I think that would satisfy my hon. Friend, Mr. Ramalinga Chettiyar.

“Coming to Mr. Raman Menon's remarks, I am a little surprised, Sir, not only from his remarks but from the remarks of other Members from Malabar, that Malabar is a neglected district and one Member has gone the length of calling it a Cinderella of the Presidency. Personally Sir, I have always been under the impression that Malabar is the most favoured district of the Presidency. (Hear, hear.) (A voice: ‘Is it because they require more help?’) No, Sir, because they are capable of filling any place anywhere. However, if really the representatives of the Malabar district are anxious that the distribution of electric power should be extended to their district, let me assure them that I shall take the earliest opportunity of considering the question of the possibility; and if it can conveniently be done without loss to the Government and with benefit to the people, it shall be done. (A voice: ‘What about South Kanara?’) It is only next door to Malabar.

“Then, Sir, so far as the question raised by Sir Patro is concerned, I may mention that Government have satisfied themselves from the reports of their officers that the companies which are now working and are constructing distribution lines are in a financially sound condition so far as the Government could ascertain. In fact, Sir, even before giving notice of this motion, we made enquiries about this steel rolling machine and the company that expects to work it and we have been supplied with figures. There is a company started we are told—and we have no reason to disbelieve the information given to us—with a nominal capital of 10 lakhs of rupees out of which for 5 lakhs they issued shares and it was surprising news to us that out of the 5 lakhs worth of shares as much as 4½ lakhs have already been subscribed. (An hon. Member: ‘The lion's share of it was taken by the managing directors and other

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office bearers.') It is possible. We are not in a position to say exactly as to who took the shares but there is nothing in the information that has been furnished to us by our own officers to indicate that there was anything wrong about this company. However, I may mention one particular thing in this connexion. Whether this company is capable of taking electricity worth $2\frac{1}{4}$ lakhs of rupees as they promised to take or not, if they are able to take only Rs. 75,000 worth of power from us, even that would be a profitable concern so far as this scheme goes. We have in fact based our calculations on the assumption that at the worst the company at Negapatam would be able to take only Rs. 75,000 worth of power from us. Therefore so far as financial considerations are concerned, the Government have no reason to believe that their scheme would be met with any difficulties in the future. As for the Finance Department, I may mention that the Finance Department have carefully scrutinized this scheme. We had before us the Chief Engineer for Electricity with whom we had several consultations, and it is only on being satisfied with the scheme as explained before us that the Government have come before this Council for this grant.

"I think I have already answered the question of Mr. Arasu in another connexion. Mr. Arasu wants me to take the House into confidence. I can tell him and assure him that I have very few secrets from hon. Members. He asks under what heads is this saving to be effected. A little while ago I was telling the House that the Cochin scheme had been dropped. Under that scheme a sum had been provided. We no longer require it for that purpose and that is why we are satisfied with a token grant. This two lakhs that would be spent this year can be obtained from that source.

"Then another question that the hon. Member raised was whether the agency that is now at work at Negapatam and I believe at Kumbakonam can be expected to survive till 1945. I think the previous answer that I gave would suffice. We have made enquiries and we are satisfied that the company is likely to survive. We have even gone the length of assuming that the company may not be able to take $2\frac{1}{4}$ lakhs worth of electricity and based our scheme even excluding the extra quantity of electricity which they said they would take. We are satisfied with even Rs. 75,000 worth of power, and I am perfectly certain that Rs. 75,000 worth of power would be taken by that company, and there would be no difficulty so far as the other companies are concerned. I think hon. Members are aware that the East Tanjore Electric Corporation is managed more or less by the same agency, at any rate, the agency was the same as the Trichinopoly and Srirangam company. That that company is prosperous and they have even paid such a dividend as 8 per cent this year or last year would be a sufficient guarantee for us to believe that the new company would certainly prosper if their previous conduct and previous experience is of any value.

"Then, Sir, from Malabar we have to travel to the Ceded districts. Another question was raised, I believe, by Mr. Ramalinga Chettiyar, that there was mention of the Mettur Project supplying electricity to these

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parts. I may mention that the idea is that when there are other demands upon the Pykara power it will be very easy for us to supply electricity from the Mettur Project when that comes into effect. Proposals are before the Government for generating electricity at Mettur. These two combined are expected to supply electricity to a great portion of this Presidency. As soon as that scheme is completed, it ought to be possible to divert the current which is now sought to be sent to Negapatam towards the West Coast and I should say towards the Ceded districts as well.

"It will be remembered that the Government are interested in 12-15 seeing that all the power that the officers are able to generate in the p.m. two places, namely, Pykara and Mettur, should be utilized to the full. Otherwise, there would be no purpose in spending crores of rupees, in generating electricity and being not able to sell it. The whole idea is that these two schemes should be worked to their fullest capacity and all the electricity that can be generated is distributed throughout the Presidency wherever possible unless there are difficulties in various ways to which reference has been made, viz., incapacity of the companies to take electricity or distribute it usefully to the citizens of particular areas. Provided these conditions are satisfied, Government believe that they have got sufficient power in these two schemes when they are fully developed and completed and that they would be able to supply to almost every district except, perhaps, a few extreme northern districts. I think, Sir, that is all that has been stated and certainly if any more information is required by hon. Members, I am at their service."

Mr. T. S. RAMASWAMI AYYAR:—"If I rise at all at this stage to intervene in this debate, it is for finding out whether the money that is to be spent is from the capital or revenue account. Originally, they used to spend money from revenue accounts. But criticisms of non-officials on the Opposition Benches during the time of the Budget were to the effect that, as far as possible, money that is to be spent on remunerative enterprises like Pykara and other schemes, should be met out of the capital or loan account and not from revenue account. The need was so felt because not only during the discussion of the Budget, but during the discussion on the resolution for the remission of land revenue, it was thought necessary that if the Government were able to adjust their accounts correctly and spent moneys on enterprises from capital and not revenue accounts, it would be possible to have some money also that would be needed either for larger remissions or for expenditure on other items of revenue. I was therefore under the impression, Sir, that the criticism that was offered was agreed to by Government and I was under the impression that Government was going to spend money even for the Pykara scheme from that source. Unless I am mistaken, I feel that this demand is to be met from the capital account. (A voice: 'Not capital account. Charged to balances and not revenue.') In any case, it would be better to charge to loan account and not to balances."

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* The Hon. Sir HOPETOUN STOKES:—"May I point out, and I have pointed out several times, that when you have money in the bank to spend on non-recurring expenses, it is better to spend this rather than to incur debt."

The Demand was put and carried and the Grant was made.

GRANT XXXI—CIVIL WORKS—GRANTS-IN-AID—TRANSFERRED

* The Hon. the RAJA OF BOBBILI:—"Sir, on the recommendation of His Excellency the Governor, I beg to move—
that the Government be granted a sum not exceeding Rs. 100 under Grant XXXI—Civil Works—Grants-in-aid—Transferred."

"This demand concerns a bridge on the Madras-Bombay Trunk Road in the municipal limits of Anantapur. Last year, a sum of Rs. 39,140 was sanctioned and while the bridge was in the course of dismantling it was found that the foundations were badly damaged and that it was necessary to build the bridge afresh. The Superintending Engineer therefore submitted a revised estimate for Rs. 94,000 which has been approved by Government. In the year 1933-34 the municipality has drawn a grant of Rs. 15,120 and they have carried out the work to the extent of another Rs. 25,000 in the current year. But, as no provision has been made in this year's Budget and as the municipality has not got the funds to pay for works already executed—this is of an urgent nature—I have decided to come to the Council for sanction for meeting the balance of the cost of the work. It is proposed to meet the additional cost of Rs. 25,000 from the provision of one lakh of rupees made in the Civil Budget Estimate and approved by the Council under Grant XXXI. Civil Works for flood damage and repairs to roads. I therefore beg to move the token demand of Rs. 100."

* Mr. K. P. RAMAN MENON:—"Mr. President, Sir, I wish to draw the attention of the Hon. the Minister to the condition of roads and bridges in the West Coast. If the Hon. Member would traverse through Malabar and South Kanara, he would find that throughout the twelve months, he will have to cross a number of badly damaged roads and bridges along the back-waters and across the rivers. This is a very great inconvenience which is being felt by the general public in Malabar and South Kanara and more so in South Kanara because many of the rivers there are unbridged. As a matter of fact, the bridges are more wanted in Malabar and South Kanara than in the favoured districts and too much favoured districts. I have myself come across various bridges built in the old days of the East India Company now non-existent. I hope that some remedy would be found to remove this inconvenience that we have."

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* Mr. M. A. MANIKKAVELU NAYAKAR:—"I wish to draw the attention of the Hon. Minister that it is not desirable to meet this expenditure from this particular appropriation. It is stated in the note that this Rs. 25,000 is to be met from the amount of one lakh provided for flood damages. Floods may be expected in November or December. Therefore, there may be a contingency when funds will have to be found available for flood damaged bridges. No doubt, Government may say they will find fresh money to meet such contingencies. But when there is an earmarked sum, it will be easy to get the grant. But when there is no such earmarked money, Government will be very stringent in the matter of grant. Therefore, Sir, I would submit that this money be met from any other appropriation and not by this particular appropriation."

Mr. ABDUL HAMEED KHAN:—"Sir, I have got my own reasons to oppose this grant. I want to find out whether at the time the Anantapur Municipality began this work, the engineering resources of the Government was not resorted to to find out whether that bridge would stand dismantling and whether that bridge would stand widening. It is only after the work of dismantling was begun and the major portion was dismantled, that the engineers came to know that the central pillar was worn out. I thought even the work of the pillar had advanced sufficiently far enough and that it would be possible in that part of the country to find out whether a particular bridge will stand any extension and whether it was necessary to dismantle, etc. This is not the first occasion that I have noticed this sort of motion brought for supplementary grants before this House. Times out of number, such things have been brought before the Council, of works which were begun and found to be unnecessary and had to be given up subsequently. It seems to me that, to speak the least, the engineering skill in the Province is either neglected or is not efficient. If it is efficient, it is neglected. Of course, Government have incurred certain amount of loss which cannot be neglected. I wish that some more care is given to this matter so that we may not be faced with situations of this nature to spend more money on works like these when they can be avoided."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"I am afraid, Sir, the hon. Member from North Arcot probably did not know the conditions in the Ceded districts. He said that floods will have to be faced only in the month of November. So far as this district is concerned, we do not have any floods in November or October. Our rains begin in June and end in September or October. Therefore, I do not think he quite well knows the conditions. I wish that before he makes his remarks, he enlightens himself on this subject. So far as my hon. Friend is concerned,—Mr. Hameed Khan—I am afraid, these remarks are more or less of an academic character. As the Hon. the Chief Minister pointed out, the bridge has been constructed and it is coming to almost to completion stage and it is only a portion of the money that is required in order to complete it. To leave this at this

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[Mr. M. Gopalaswami Mudaliyar] [2nd August 1934]

stage is not an action worthy of any engineering knowledge or statesmanship for the matter of that. Therefore, I hope hon. Members will remember this especially that the bridge is to be constructed on a trunk road, an important road, and that it runs through the Ceded districts. Ceded districts are famine districts and the hon. Member should find chary of this grant is most surprising. I am sorry for such a mentality prevailing at all. It is always a case of 'to him that has, more shall be given, and to him that hath not, even the little that he hath shall be taken away.' I hope at least in this case, this is not done and the famine districts so far as Anantapur is concerned is given a grant. I hope hon. Members will not grudge it."

12-30 p.m. Mr. M. A. MANIKKAVELU NAYAKAR:—"On a point of personal explanation, Sir. I never objected to the carrying out of this work at all. What I said was that if a particular sum was allotted for the purpose of repairs to roads and bridges due to flood damage that money should not be diverted from that head for expenditure on other items. In this case, I submit it is not the case of a bridge whereon the necessity has arisen for spending the money because it was damaged by recent floods."

* The Hon. the RAJA OF BOBBILI:—"Sir, in reply to my hon. Friend, Mr. Raman Menon, I should like to say that I have personally been in Malabar travelling by car, and I have crossed many of the rivers and lagoons there. I have not got exact figures with me now, but I believe, Sir, in the last three or four years Government have sanctioned grants for three bridges in addition to other special grants for the trunk roads. I am not aware whether the Government turned down any application for a bridge which the district board has made recently in accordance with the rules. I have no hesitation in saying that if applications are received with proper details and plans and estimates and if funds are available, certainly I shall give due deference to such requests from district boards, especially to a district like Malabar where many unbridged rivers still exist."

"As regards the point raised by my hon. Friend, Mr. Manikkavelu Nayakar, I may state that the sum of one lakh, although it is intended for repairs due to flood damage, is not really intended to be spent on future damages. It is also usually used for repairing flood damages in past years. It has been found that there is no likelihood in the normal circumstances of this sum being exhausted, and so it has been found convenient to divert Rs. 25,000 out of this grant for this bridge work. However, if any unforeseen floods occur and damage is caused to roads and bridges, no doubt on such occasions as a special case, Government will sanction the necessary funds and come to the Legislative Council for such sanction if necessary. I do not think such a contingency will arise this year. He has also raised the point that this money should not be used on this particular bridge because it is not a repair work due to damage by floods. If it was a case of repairing damage caused by floods, there would have been no necessity for

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me to come before the Legislative Council. I am aware it is not a flood damage work. All the same, it is an important work on a trunk road, and it is found to be more convenient to make this reappropriation.

"Referring to the remark of my hon. Friend, Mr. Hameed Khan, I might say it is not an easy matter even for expert engineers to express an opinion about the durability or strength of old bridges constructed many years ago. I may also remove any misconception which he might have in his mind. What happened was this. Originally it was considered that the old abutment and piers would be sufficient to carry the weight of the new work. But after a part of the bridge was dismantled, it has been found that, owing to the weakness of the foundations, it is necessary to remove the piers and lay the foundations afresh. Therefore it does not follow that there has been any wastage of public funds, and the additional cost simply provides for the construction of the foundation and also piers and abutments which have not been provided for in the original estimate. I do realize that owing to this difficulty there has been some delay in completing the work. Nevertheless, I believe I have been able to make the position clear, that there has been no loss of public funds on this account."

The Demand was put and carried and the Grant was made.

V.—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 introduce 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)*, and move that the Bill be referred to a Select Committee."

"It will be within the recollection of the hon. Members of this House that on the 22nd of March this year, His Excellency Sir George Stanley, the Governor, returned the Madras Estates Land Act Amending Bill to this House with a message recommending the deletion of certain clauses which had been passed by this House. The reason he gave for his message and his recommendations were as follows:—

'Although notice of the principal amendments regarding inamdars had been before the Council since January 1933, I am satisfied that inamdars did not anticipate that those amendments would be 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 which will be introduced by the Government early in the next session of the Council.'

"In the course of the debate on His Excellency's message, I stated that—

'We hope to introduce a Bill providing for certain amendments to be introduced into the Act similar to those which have been deleted by the first six clauses in the July or August session of the Council.'

"I am now introducing this Bill in accordance with the undertaking in His Excellency's message and in my speech."

* Published in the Fort St. George Gazette Extraordinary, dated 14th July 1934.

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"I have set out at considerable length in the Statement of Objects and Reasons the reasons which have led the Government to undertake this legislation. Briefly they are that the Government and the courts for a considerable period, for a century or so, held that *prima facie*, the tenants in an inam village had kudivaram rights, and that the onus of proof that the inamdar had the kudivaram right lay in the first place on the inamdar. That practice was interfered with by the ruling of the Privy Council on the 1st July 1918 under which it was stated that there is no presumption in law that the grant of an inam conveyed only the melvaram, and by subsequent rulings that the burden of proof does not lie *prima facie* either on the inamdar or on his tenant but that each case should be decided on its own merits. The result has been, as far as the Government can see, that the inamdars' tenants are being deprived of their kudivaram rights, and it has become necessary to do something to prevent by legislation this disability under which the tenants are suffering.

"Now, Sir, the House may expect me to put before them to some extent the arguments in support of the Government's position. There is a considerable amount of literature and innumerable rulings on the rights of ryots in this Presidency, and I do not propose to take the House through all of them, but I may refer to a few of them in order to support the position which we have taken up.

"In a Minute of the Board of Revenue, dated 5th of January 1818, we find the following paragraph. Referring to the rights of the ryot, the Board has stated:—

"The universally distinguishing character, as well as the chief privilege of this class of people, is their exclusive right to the hereditary possession, and usufruct of the soil, so long as they render a certain portion of the produce of the land in kind or money, as public revenue; for whether rendered in service, in money, or in kind, and whether paid to rajahs, jageerdars, zamindars, poligars, motahdars, shotriumdars, mauniamdars, or Government officers, such as tahsildars, amildars, ameens, or tanadars, the payments which have always been made by the ryot are universally termed, and considered, the dues of the Government.

"The hereditary right of the ryot, as above described, though everywhere of the same, or at least of a similar nature, is in value very different in different districts. After discharging the wages of his hired labourers, and defraying the subsistence of his slaves, or other immediate expenses of cultivation, if the public assessment payable by him is so moderate as to leave him a considerable annual surplus, his interest in the soil is that of the landlord, and his land yields a clear land-rent, and is of course a saleable and transferable property; but where the revenue payable by him is so high as to absorb the whole of the landlord's rent, and to leave him a bare and precarious subsistence only, his interest in the land dwindles into mere occupancy, and from a landlord he is reduced to a landholder, still indeed clinging to the soil and subsisting by tilling it, but no longer possessing any saleable property in it.

"The value of the ryot's right, therefore, varies with the weight of the public assessment on the land, which is generally found to be heavy in proportion to the length of time that the country may have been subject to the Mahomedan government."

12-45 p.m. "That is to say, the ryot is considered to have the saleable right of occupancy which may be reduced to nil by heavy taxation.

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"Again, later on, speaking of the mirasi rights, the Board of Revenue stated:

"As regards this particular mirasi right, the lands of every Tamil village may be divided into two distinct kinds, first, those held free from the condition of any payment on the part of the mirasidars; secondly, those which they hold on the express condition of rendering a certain portion of the produce as public revenue to the State. In the first class are included—first, the poramboke or lands incapable of cultivation and secondly, the tarusu or waste lands. In the second are included all the cultivated lands in the village, consisting first of manyams, or land of which the public revenue has been transferred by the Government to certain individuals, with a right to receive it from whoever cultivates the land; and secondly waraput and teerwaput or lands the public revenue from which has not been alienated, but is paid to the State. The mercenary right extends to all these different descriptions of land; but each must be enjoyed according to its peculiar nature."

"I pass on to the inam settlement made between 1860 and 1870. The first sannads issued under that settlement recognized the right to 'laud' and at once claims were set up that 'land' meant both the melvaram and the kudivaram. Subsequently Government passed an Act in 1869 enacting that—

"Nothing contained in any title deed heretofore issued to any inam holder shall be deemed to define, limit, infringe or destroy the rights of any description of holders or occupiers of the lands from which any inam is derived or drawn or to affect the interests of any person other than the inam holder named in the title deed; and nothing contained in Madras Act IV of 1862, or in Madras Act IV of 1866, shall be deemed to confer on any inam holder any right to land which he would not otherwise possess. All the sannads issued after this date are in terms which merely recognized inams as consisting of the right to the Government revenue on land."

"One further quotation I shall make from the Board's Minute of 1818 which is to the following effect:

"The manyam lands of each village are divided into turapudi and sannad or dhoombala mauniams; the former are arable lands the public tax on which has from time immemorial been payable to certain descriptions of people belonging to the village community, and which are therefore held by them under the authority of the village register; the latter are arable lands the public tax on which has been alienated to individuals either connected or unconnected with the village, and which are held under special grants from the ruling power."

"And there is a footnote which is as follows:—

"The manyamdar or holder of the assignment receives or collects the public revenue assigned. Where the mirasidar cultivates the manyam lands, instead of paying the revenue to Government, he pays it to the manyamdar, or if the mirasidar be the manyamdar himself, he retains the whole produce without any payment—so that in point of fact no productive land is literally exempt from revenue although a very large portion of the public revenue from productive land is not received by the Government—all manyams, all alienations of what-kind, are thus distinctly transfers of the public revenue, and in no case transfers of the land; but sometimes the boundaries of the manyams are fixed, and the land described, and sometimes the manyamdar cultivates his own manyam—still as he would have revenue to pay unless exempted by a special sannad. It is clearly from the payment of revenue that he is exempted and that revenue is the object of the grant, not land. Possession of the land is seldom given. It is generally acquired subsequently."

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"I will make one more quotation, if I may, a quotation from the memorandum on the Madras Presidency during the last forty years of administration written by Mr. S. Srinivasaraghava Ayyangar in 1893. It reads as follows:—

'Ancient Hindu Law recognized only two beneficial interests in land, viz., (1) that of the sovereign or his representative and (2) that of the cultivators holding the land either individually or as members of a joint family or a joint village community. Neither the sovereign nor the cultivators had unlimited proprietary right or full ownership in the modern sense. The sovereign's right consisted in his power to collect a share of the produce of the cultivated lands, known by the name *melvaram* in the southern districts of the Presidency; and this *melvaram* is not rent in the strict signification of the term. The share of the ryots or cultivators is known by the name *kudivaram*; and by ryots is to be understood "the cultivators who employ, superintend and assist the labourer, and who are everywhere the farmers of the country, the creators and the payers of the land revenue." The ryots' right to land arises from mere occupation; and is not derived from the sovereign in the manner in which the right of an English tenant is, under modern English law, derived from his landlord. The relation between the Government and the ryots may perhaps be described as one of co-partnership, but it is certainly not that of landlord and tenant. The ancient Hindu law-books clearly establish this position . . .

'All rights were in former times based on the authority of custom, and the ruling power professed to respect custom, even though it might violate it on special occasions. The Muhammadan rule did not alter the internal constitution of villages and the rights of landed property, except by increasing the tax and diminishing the value of the ryot's interest by collecting the revenue by means of farmers. The limitation of the share of the sovereign applied of course to lands newly reclaimed from waste as well as to lands previously under cultivation. In parts of the country where joint village communities were in existence—and this was generally in tracts where lands were irrigated under great systems of irrigation—these communities claimed the right to cultivate the waste within their villages to the exclusion of strangers. In the portions of the country exposed to the ravages of frequent wars, droughts or famines, village communities would constantly tend to disappear almost as rapidly as they were formed; and the rights in cultivated land would consequently be of small value; and there would be no assertion of any right to cultivate waste lands because there was no necessity to do so. Even here, when waste land was cultivated, the right of Government was limited to taking the share recognized as its due in the case of lands already under cultivation. On this point, Sir G. Campbell in his "Essay on Indian Land Tenures" observes, "In no part of India and under no form of Government did the State undertake the latter functions (of letting lands at competitive rents) or any others analogous to those of an English landlord. Except in the assignment of waste land to be cultivated on the customary tenure, there never was any system of interference with the immediate possession of the soil; no letting it by competition or anything of that kind".'

"We maintain that inam grant simply passed on to the inamdar the rights of the State though we do recognize that in certain cases, the inamdar might also have had the *kudivaram* right.

"Now, Sir, to turn to rulings, I will take first 20 Madras, page 301, a case which affects the relations between a zamindar and his ryots. In the course of the judgment it is stated:

'Now, there is absolutely no ground for laying down that the rights of ryots in zamindaris invariably or even generally had their origin in express or implied grants made by the zamindar. The view that, in the large majority of instances, it originated otherwise, is the one most in accord with the history of agricultural landholding in this country. For, in the first place, sovereigns,

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ancient or modern, did not here set up more than a right to a share of the produce raised by ryots in lands cultivated by them, however much that share varied at different times.'

'Later on it says: 'In support of the view that there is no substantial analogy between an English tenant and an Indian ryot it is enough to cite the high authority of Sir Thomas Munro.' Writing in 1824, he observes: 'the ryot is certainly not like the landlord of England, but neither is he like the English tenant' (Arbuthnot's Selections from the Minute of Sir Thomas Munro, Volume I, page 234). And why is this so? It is for the simple reason that the rights of ryots came into existence mostly, not under any letting by the Government of the day or its assignees, the zamindars, etc., but independently of them. According to the best native authority such rights were generally acquired by cultivators entering upon land, improving it, and making it productive. As observed by Turner, C.J., and Muthuswami Ayyar, J., in *Sivasubramanya v. the Secretary of State for India* (I.L.R., 9 Mad., 285), 'Menu and other Hindu writers have rested 'private property on occupation as owner.' And in *Secretary of State v. Veera Rayan* (I.L.R., 9 Mad., 175) 'the same learned Judges pointed out 'according to what may be termed the Hindu common law, a right to the possession of land is acquired by the first person who makes a beneficial use of the soil.' Hence the well-known division in these parts of the great interests in land under two main heads of the *melvaram* interest and the *kudivaram* interest. Hence also the view that the holder of the *kudivaram* right far from being a tenant of the holder of the *melvaram* right is a co-owner with him. Sir Thomas Munro puts this very clearly.

"He says:

'A ryot divides with Government all the rights of the land. Whatever is not reserved by Government belongs to him. He is not a tenant at will, or for a term of years. He is not removable, because another offers more . . .

* * * *

'It thus seems unquestionable that *prima facie* a zamindar and a ryot are holders of the *melvaram* and *kudivaram* rights respectively.'

* * * *

'Consequently it is obvious that, in a suit like the present, the zamindar should start the case by evidence of his title to eject. In other words, he has to prove that the *kudivaram* right in the disputed land had been vested in him or his predecessors and that the land subsequently passed to the defendant or some person through whom he claims under circumstances which give the plaintiff a right to eject.'

"The ruling I have just quoted applies to zamindari lands, but that it applies also to inam lands is shown by the judgment in the case which I will now quote. The learned Judge, in 38 Mad., 608, referred first to a series of cases containing similar rulings; I propose to quote only this case:

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1 p.m. 'Having regard to the observations in these cases (he quotes seven of them), I think that no distinction should be made between an inamdar and a zamindar as to the presumption to be raised in respect of the kudivaram right in lands of which the inamdar or the zamindar is the proprietor. In other words, the presumption ought to be that the inamdar or the zamindar is not the owner of the kudivaram.'

'That case of course related to an inam village. Later on in the judgment it is stated:

'We feel no doubt that the burden of proving that the court has no jurisdiction to try the suit will fall on the party which seeks to oust the court's jurisdiction, but where in the absence of conclusive evidence one way or the other, neither side is in a position to show where the jurisdiction lies, the natural presumption which courts have recognized about grants from the Crown being grants of revenue only, comes into play and will have the effect of shifting the onus to the party to whom it is disadvantageous.'

'With reference to the onus of proof which is referred to in the last judgment, I must quote another case, I.L.R., 13 Mad., 60. In this case a zamindari ryot mortgaged the land comprised in his holding, and the mortgagee, having sued and obtained a decree on his mortgage, attached the mortgagor's interest in the land and purchased it at the court-sale held in execution of his decree. The zamindar, who had intervened unsuccessfully in execution, now sued to set aside the sale and to eject the decree-holder and the judgment-debtor from the land. Neither party adduced evidence: It was held that the burden of proof lay on the plaintiff, i.e., the zamindar. Justice Muthuswami Ayyar stated:

'In the absence of a covenant not to assign, a tenancy is presumably a saleable interest, and it lies on the plaintiff in ejectment to show what was the nature of the tenancy, how it ceased by virtue of the court-sale, and how his right to present possession accrued. It is no doubt for the tenant to prove a permanent occupancy right when the plaintiff makes out a *prima facie* case for his eviction, but it does not follow from his failure to prove such right that such other interest as he really had was not saleable.'

'He then quotes 5 M.H.C.R., 120, which says:

'We apprehend the established general rule of law in this Presidency to be that such a tenancy, when properly created, entitles the tenant to the right of occupancy for the purpose of cultivation until default in the payment of the stipulated rent at the time it becomes due, and that it may be determined upon such default under section 41 of Madras Act VIII of 1865, or at any time by the landlord's acceptance of a surrender by the tenant which is required to be in writing by section 12 of the same Act.'

'Mr. Justice Muthuswami Ayyar said:

'This shows that even in cases in which a permanent right of occupancy may not be shown to exist, there may be a right to continue in possession so long as rent is punctually paid.'

'Later on, he says:

'According to the course of decisions, therefore, in this Presidency, the landlord may determine the tenancy if there is a contract, express or implied, by exercising his will in accordance with his obligations; that there is no presumption in favour of a tenancy at will; that an occupancy right may exist by custom; that a pattadar or ryot in a mitta is entitled to continue in possession so long as he regularly pays rent and has a saleable interest, and that

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by reason of special circumstances in evidence the onus of proof may be shifted, even in regard to a permanent occupancy right, from the tenant to the landlord.'

Rao Bahadur Sir A. P. PATRO:—"Those are in zamindari estates."

The Hon. Sir ARCHIBALD CAMPBELL:—"Yes, but I have already pointed out that those rulings apply also to inams."

"Then I will take the House to 15 Mad., 95. This relates to an inam village and an ejectment suit by a landlord against his tenant. The judgment is as follows:—

'On the findings of both courts, it must be taken that the only facts proved are that plaintiff is the inamdar of the village; that defendant and his father have been in occupation of the lands for 40 or 50 years as tenants. Plaintiff's case, as set up in his plaint, was that of an occupancy commencing with the execution by defendant of a muchilka for ten years in 1874-75. This is clearly not supported by the evidence. It was for plaintiff to show that, under the terms of the tenancy and in the circumstances that exist, he has a right to eject defendant, and this he has not shown. The cases of *Appa Rao v. Subbanna* (I.L.R., 13 Mad., 60), and *Venkan v. Kesavulu* (S.A. No. 1078 of 1887 unreported) there referred to, are distinct authorities for the position that, when the plaintiff does not prove what the terms of the tenancy are, he cannot eject, although defendant may fail to prove his right of occupancy.'

'I am now coming to 41 Mad., 1012. That very important decision passed on 1st July 1918 contains the following paragraph:—

'The District Judge, in setting aside the decrees of the Munsif and dismissing the suits, and the learned Judges of the High Court in the decrees which they made, acted upon what they conceived to be a presumption of law, deduced by them from some decisions of the High Court at Madras and of the High Court at Bombay, to the effect that in the case of an inamdar it should be presumed, in the absence of the inam grant under which he held, that the grant was of the royal share of the revenue only, and they cited the decisions upon which they relied as authorities. Some of those decisions to which they referred do not, upon an examination of them, support the opinions of those Judges as to the presumption which they applied in these suits. In Their Lordships' opinion there is no such presumption of law. But a grant of a village by or on behalf of the Crown under the British rule is in law to be presumed to be subject to such rights of occupancy, if any, as the cultivators at the time of the grant may have had.'

'In the Privy Council decision in I.L.R., 43 Mad., the following paragraph occurs:—

'In dealing with this question, the District Judge and the High Court acted upon the supposed presumption of law that the inam grant of a village, particularly made by a Brahman is *prima facie* a grant of the "melvaram" and does not include the "kudivaram".'

'A reference is then made to 41 Mad., 1012, in which it was held that no such presumption exists. Their Lordships continue:—

'Each case must, therefore, be considered on its own facts; and in order to ascertain the effect of the grant in the present case, resort must be had to the terms of the grant itself and to the whole circumstances so far as they can now be ascertained.'

'Now let us take the most recent case, I.L.R., 57 Mad., 443. This, again, relates to an inam village. The inamdar of an agraaharam sued to recover rents from tenants therein. He claimed earlier grants,

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but the conclusion arrived at on the evidence was that the inam had been granted in 1810 by a zamindar and that the zamindari had been resumed by the Government and the inam had been enfranchised. In the High Court, Mr. Justice Wallace said that—

‘the onus of proving that the suit inam was not cognizable by the ordinary civil courts rested with the defendants, and therefore it was upon them to prove that the inam was an estate within the definition in section 3, sub-section (2), of the Madras Estates Land Act, 1908. They contended that the inam was within clause (d) of that sub-section on the ground that upon the evidence the zamindar had only the *melvaram*. The evidence appeared to show that before the grant there were tenants on the land and that it was a permanently settled zamindari. But the defendants had to show that they were occupancy ryots. They had produced no evidence of that, but relied on certain cases in which it was held that there was a legal presumption that zamindari tenants had occupancy rights. The learned Judge was of opinion that the above view had been overruled by I.L.R., 41 Mad., 1912 and later decisions of the Privy Council. The effect of the Privy Council decisions was that there was no presumption either of fact or of law that the zamindar possessed the *melvaram* right only.’

‘In the Privy Council judgment it is pointed out that the Brahman to whom the agra-haram was granted was a resident of another village. He was not a resident of the village granted. It is stated in the course of the judgment:

‘It is not suggested that the respondent (i.e., the inamdar) or his predecessors have acquired the *kudivaram* since the date of the grant of 1810, or that they already owned the *kudivaram* at the time of that grant, and it is therefore necessary to ascertain, if possible, whether the grant of 1810 conveyed both *varams*. The grant of 1810 has not been produced, and the extracts from the inam register of 1861 afford the only documentary evidence as to the nature of the grant. The appellants no longer maintain, as they did in the lower courts, that the description of the village as *seri* in the inam enquiry involves an inference that the tenants were then recognized as possessing *jirayati* rights.’

The Munsif's judgment is then quoted.

‘The learned Munsif's judgment was as follows:—

‘The grant of the agra-haram was to a non-resident Brahman in fasli 1219 (1810), and it was a grant by a zamindar of a village within his permanently settled zamindari. There were cultivating tenants in the village at the time of the grant, and it was even then a *seri* village. The agra-haramdars were only receiving rents as stated in Exhibits A and AA, and they had no personal cultivation. The defendants in the cases already stated have been in possession of their respective lands for considerable periods of time. The leases obtained from some tenants, changes in tenantry with regard to some lands in the village and variations in rent have been taking place only since 1904. At about 1902 the tenants or some of them, set up their rights to the soil and the agra-haramdars left no stone unturned to resist what perhaps they believed to be an unjustifiable claim.’

‘Their Lordships of the Privy Council were

‘clearly of opinion that these findings of fact, apart from a presumption of fact which the appellants maintained to be applicable, as hereafter referred to, do not establish whether the grant of 1810 conveyed the *kudivaram* right or not.’

‘Then referring to the plea on behalf of the tenants, Their Lordships observe—

‘It should be added that the appellants (tenants) maintained that, in the absence of production of the grant of 1810 by the respondent, the court should

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presume that the terms of the grant would negative the respondent's case, in view of section 114 of the Evidence Act, illustration (g), but it is sufficient to say that there is no evidence that the grant could be produced. The respondent's natural father stated in evidence that neither he nor the respondent had it and he was not cross-examined on this point. Nor did the appellants seek to ascertain by discovery the existence or whereabouts of the grant.’

Rao Bahadur Sir A. P. PATRO:—‘What is the position of the Government? Supposing the Inam Commissioner has stated that when the inam was granted by the zamindar, the land was an uncultivated land with no tenants on it and that the agra-haramdar later on brought in tenants and cultivated the land, will these tenants who had no occupancy rights then have occupancy rights now under the Bill?’

The Hon. Sir ARCHIBALD CAMPBELL:—‘Sir, I deprecate discussion across the table on special points of this nature. The attitude of the Government is that all that an inam grant *prima facie* confers is the right to collect the Government revenue. It does not confer on the inamdar any right of occupancy. The question who has got the right of occupancy is another matter.’

Rao Bahadur Sir A. P. PATRO:—‘Is it the legal presumption by the Government that in every inam village the tenants have got occupancy right?’

The Hon. Sir ARCHIBALD CAMPBELL:—‘I do not go as far as that. I have already stated that in certain cases the inamdar may have the *kudivaram* right in addition to the *melvaram* right, but he does not necessarily get the *kudivaram* right in consequence of the inam grant. He may have been a *kudivaramdar* at the time of the grant and he may still be in possession of the *kudivaram*.

‘After this interruption, I will now resume my argument.

‘The result of the appeal in the case which I was quoting when I was interrupted was as follows:—

‘Accordingly Their Lordships are of opinion that the appellants, on whom lay the burden of proof, have failed to prove that the grant of 1810 was of the *melvaram* only, and therefore have failed to prove that the inam is an ‘estate’ within the definition of the Madras Estates Land Act, so as to oust the jurisdiction of the civil court.’

‘The position is now completely the reverse of what it was in former times. In former times the presumption held by the courts was that an inam grant did not confer the *kudivaram* right on the inamdar and that it rested on the inamdar who claimed the *kudivaram* right to prove that he had acquired it in some proper legal manner and was still in possession of it. The right *prima facie* belonged to the ryot if he had been for years in occupation of the land and cultivating it. He might have acquired the right by custom or by prescription even. That was, I take it, the position before the ruling of 1918. Now the tenants of an inam village may be called upon to prove that the inamdar has not got the *kudivaram* right even in a case where, but for the grant of the inam the tenants would undoubtedly

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have the *kudivaram* rights and it is admitted that the inamdar did not possess at the time of the grant the *kudivaram* rights and has not acquired them since.

“ The present position has been brought about by the law regarding the onus of proof when the jurisdiction of a court is challenged and by the provisions of Act I of 1908 which discriminated between an inam village or a portion of an inam village in which the inamdar has the *kudivaram* right and a village or portion in which he has not such right; if he has got the *kudivaram* right he has to sue for rent in the civil court; if he has not got the *kudivaram* right he has to sue for his rent in the revenue court. This has led to the Privy Council rulings. I do not for a moment dispute them or suggest that they are not perfectly sound law. The Privy Council has said that, if an inamdar sues for his rent in the civil court and the tenant says that he has the occupancy right and that therefore the suit does not lie in the civil court but in the revenue court, the onus of proving that the jurisdiction of the civil court was ousted by Act I of 1908 lies with the tenant. That is the present position. All that the inamdar has to do is to file a suit for rent in the civil court and the tenants would then have to prove that they have the *kudivaram* right and that the inamdar has not got the *kudivaram* right. That is a most important change and we are afraid it may have the effect of a considerable amount of litigation and the deprivation of the occupancy ryots of the inam villages of their occupancy rights. We feel we cannot allow this position to continue. After full consideration, we have decided that the best thing to do is to put the inamdars in the position in which the zamindars were placed in 1908. The present position certainly was not an effect anticipated when Act I of 1908 was passed. We have only to read the speeches made at the time the Act was passed to realize that that was not the intention. We have therefore brought forward these amendments with that end in view. We regard the position as one of considerable importance and we hope that this measure will result in safeguarding the ryots in their occupancy rights.

“ The measure is one which has excited considerable interest amongst those affected and we propose it should be referred to a Select Committee so that it may receive very full consideration from all points of view. I beg to move—

‘ that the Bill be referred to a Select Committee ’.”

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

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Sir, before we proceed any further with the discussion of this matter, I should like to know from the Hon. the Revenue Member what are the points which are within the power of the Select Committee to discuss? For instance, is it open to the Select Committee to go into the question of the right of the tenant himself, or is it open to it only to discuss the question of

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the onus of proof? As Sir Patro has pointed out, can the Select Committee go back on the provisions of the Bill? Or do the Government think that the question of the right of the tenant is not a point into which the Select Committee can go? If we are clear on this point, we can minimise a lot of discussion in the Council and consider the matter in the Select Committee. I should like to know from the Hon. the Revenue Member what exactly he considers to be the essential principle of the Bill which the Select Committee cannot go into and what are the subsidiary provisions which the Select Committee can alter by taking evidence, if necessary.”

* The Hon. Sir ARCHIBALD CAMPBELL:—“ I do not think I am in a position to give rulings on these points. It is for you, Sir, or for the Chairman of the Select Committee, to give rulings when specific amendments are brought forward. I am afraid I cannot give any general undertaking that it will be open to the Select Committee to consider any particular class of amendments or anything of the kind. The Bill is there and it is for hon. Members to consider whether certain amendments would be within the ambit of the Bill or not.”

After Lunch (2-30 p.m.).

* Mr. K. R. VENKATARAMA AYYAR:—“ Sir, I was listening very carefully to the speech with which the Hon. the Revenue Member introduced his Inam Bill. I was searching in his speech for some running principle which possibly I could take as the principle underlying the present effort of the Government to legislate in regard to inams. I must confess I felt difficulty in extracting any one principle as the principle which led the Government to undertake this legislation. I could not find it to be the case that the Government felt the urge for socialist legislation and that by reason of such an urge, they were embarking upon this present effort. But I could make out no one consideration which led the Government to come forward with this Bill as it is. According to the Hon. the Revenue Member it was not anticipated when Act I of 1908 was placed on the statute book that the law as to onus of proof would fall to be enunciated as the Privy Council eventually enunciated it in 41 Mad., 1012. As far as I followed the Hon. Member's speech, that was the only reason that I was able to deduce from it, as the dominating reason urging the Government to come forward with the present Bill. Assuming there is something to be said in favour of such a reason—as a valid reason—for coming forward with important legislation of this kind, one should have thought that the legislation should confine itself to the strict requirements and necessities of the situation arising out of the unanticipated pronouncement of the Privy Council. If the law as to the onus of proof came to be formulated by the Judicial Committee in a manner not anticipated and if the view of the Government following upon the judicial pronouncement was that that was an injury to a body

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of tenants in inam villages, then the supposed injury to the tenantry arising out of it could be amply remedied by a legislation whose purpose was confined to the setting right of the law as to onus of proof and confined to it only. If this Bill is confined to throwing the onus of proof whenever the question of the jurisdiction of the civil court versus the revenue court came up, if this Bill is confined to enacting that the burden of establishing whether both the varams were owned by the inamdar or not, should be borne by the inamdar himself, one might understand the bona fides of the Government and the ratio of legislation based upon this particular reason. But it is obviously conceded that the present legislation goes far beyond legislating about the onus of proof merely. It has been conceded by the Hon. Member that whatever the presumption as to kudivaram in inam villages may be, there are and have been undoubtedly cases of inam villages in which both the varams were owned by the inamdar. In fact it is nobody's case that it is impossible for the inamdar to own both the varams in an inam village. It stands conceded by all persons who have partaken in the debate in November last and there is an express admission in the speech of the Hon. the Revenue Member that there are cases and that there may be cases in which both the varams are vested in the inamdar. Now the present Bill goes as far as enacting that even in such cases the inamdar shall no longer own his kudivaram right and shall get no compensation for the confiscation of his kudivaram right and that the kudivaram right shall straightaway, on the passing of this Bill into law, become the property of the tenant for the time being who is in possession, who happens to be in possession as tenant under a contract with the inamdar. That, according to the understanding of lawyers and laymen alike, is expropriation without compensation. So that, the effect of this Bill when it becomes law—it is undoubtedly one of the results of this Bill becoming law—is there will be confiscation or expropriation without compensation. Now the question is whether the Government has adduced any reason either in the Statement of Objects and Reasons or in the speech that has been made on the floor of this House this morning to justify such a drastic piece of legislation. My submission is there can be no justification for such a piece of legislation. That is the simple reason why no justification has been attempted in the speech of the Hon. Member which did not suffer from brevity. I ask hon. Members of this House to ponder over this aspect of this Bill and cast their votes deliberately with due regard to the provisions of this Bill. It may be a few cases or it may be a large number of cases, it is no concern of ours in how many cases this is going to operate as expropriatory legislation without compensation. In all civilized systems of jurisprudence, in all modern systems of Government, I think it is the accepted principle that there should be no confiscation or expropriation without compensation. How comes it that the British Government in India, in this Province at this time of the day, when we are on the eve of the coming of the new constitution when it is an

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everybody's lips when there should be statutory safeguards in respect of fundamental rights in the constitution itself safeguarding the rights of private property, that the Government in this Province is setting the dangerous example by embarking at this very inopportune moment on this very questionable legislation involving this great danger? That is the principal question which I think has not been adverted to at all by the Hon. Member which would require to be answered directly by the Government before they ask our assent to the principle underlying the Bill.

“ My hon. Friend, Mr. Ramalingam Chettiyar, at the end of the 2-45
speech of the Hon. Mover put a question which, if answered differently p.m.
from how the Hon. Mover answered it, might have rendered it unnecessary for me to devote attention to this aspect of this legislation as much as I am now doing. But in view of the inability of the Hon. Mover to commit himself to the view that the Government would be willing to confine the scope of this legislation to resettling the onus of proof merely, I felt constrained to put in the forefront of my speech this very glaring and most dangerous aspect involved in this piece of legislation. I could understand if, as a matter of public policy in regard to what may be deemed as socialist legislation, this Government felt now the urge to safeguard the interests of agriculture by providing against eviction at will even in favour of inam tenants. I could understand such a piece of legislation if on the other side justice were attempted to be rendered to the inamdars who in certain admitted cases possessed the kudivaram also, by providing for payment of compensation to that class of inamdars. That would be legislation which dealt out justice to both sides—justice to the tenants of the day who were sought to be converted into occupancy ryots which they were not before in the assumed class of cases, and justice to the inamdars by compensation being provided for them in place of the land out of which they were sought to be evicted by this legislation. But inasmuch as there is no provision for compensation in this Bill, it falls to be viewed, in so far as it includes cases of expropriation without compensation, as a merely vandalistic piece of legislation which the conscience of the civilized world cannot permit to pass unchallenged.

“ Now, in the course of the Hon. Member's speech, an attempt was made to make it appear that the legal position as between the inamdars and their tenants was different in former times and that subsequent to the passing of Act I of 1908 the position became absolutely changed and as this was not a result anticipated by the authors of the legislation of 1908, it is now time that the Government set right matters, so as to restore them to the position which obtained in former times, prior to the passing of Act I of 1908. This was barely an assertion made by the Hon. Mover in the course of his speech. I was carefully following that speech with a view to see whether that assertion was made good by any statements of fact or references to establish it. I failed to

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see any justification for that assertion brought up as an argument in the course of the Hon. Member's speech. Instead, I found rather a confusing mixing up of cases which related to the relationship of zamindari ryots towards zamindars and of cases which related to the inam villages. Now, Sir, it is notorious that the history of the zamindari tenure is quite different from the history of the inam tenure. The position of the inam tenant in our country has not at all been on a par with the position of the zamindari ryot. The zamindar was even according to the view of the best friends and advocates of the zamindars, only and always an assignee of Government revenue except in regard to that portion of the zamindari land which was his private land."

Sriman M. G. PATNAIK Mahasayo:—"What is the authority?"

Mr. K. R. VENKATARAMA AYYAR:—"I should like to be free from this kind of interruption."

* The Hon. the PRESIDENT:—"The hon. Member, Mr. Patnaik, may await his turn for making a speech. He need not interrupt the hon. Member who is speaking now."

Mr. K. R. VENKATARAMA AYYAR:—"On the other hand, it is by no means the case that every inamdar was at the time of the inam grant or afterwards only an assignee of the whole or part of the Government revenue. It is possible that cases abound in our country in large numbers of an inam grantee being already the possessor of the kudivaram interest in the lands in respect of which the melvaram was the subject-matter of the grant. It is possible to understand cases in which the lands were waste and came to be cultivated for the first time only by the inam grantee or by his hired servants as in the case put by my hon. Friend, Sir Patro. Cases have also abounded in which the grantee of the melvaram has subsequently acquired, either by inheritance or by payment of valuable consideration, *bona fide*, rights of the kudivaramdars. After such merger of both the rights in the inamdar, the inamdar has continued to be the owner and possessor for quite a long time of both the varams. In all such cases, the inamdar is undoubtedly and unquestionably the owner of both the varams. You cannot therefore start an argument upon a wrong preliminary supposition that the inamdar is necessarily or always and in all cases on a par with the zamindar. I am not suggesting by any means the extreme position that in no case is the inamdar's position, on the facts of that case, exactly similar to the position of a zamindar. There are and have been cases in which inamdars like zamindars are assignees pure and simple of the Government revenue. In all such cases, even according to the definition of 'estate' in Act I of 1908, their inam villages are estates and the Estates Land Act applies to them as much as to permanently settled zamindari holders. We are not at all now concerned in this piece of legislation with that class of inamdars who

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are admittedly, even under the present law, on a par with zamindars. The present controversy is confined to that class of inamdars who are not on a par with zamindars, who may be or who are the owners of both the varams. Now, is it good policy, is it sound legislation, to deprive the inamdars even in cases in which they do own the kudivaram right, even in cases in which the tenants now in occupation do not set up an occupancy right in themselves, is it right to deprive the inamdar of his ownership and to attempt to put it by a mere stroke of legislation on the casual tenant who does not agitate for the vesting in him of his lessor's right of property? It is that question that has got to be answered. So far as the position in former times is concerned, I should like to point out that the Hon. Member was not correct when he said that the position in former times as between an inamdar and his tenant was different from how it has come to be after the legislation of 1908."

The Hon. Sir ARCHIBALD CAMPBELL:—"Not prior to the ruling in 1918."

Mr. K. R. VENKATARAMA AYYAR:—"I am reminded by the Hon. Member that it was the Privy Council Ruling of the 1st of July 1918, reported in 41, Madras, 1012, that has caused the hardship which has led the Government now to come forward with this Bill. That ruling, as the Hon. Member himself pointed out, bore only upon the question of onus of proof. I thought I had already dealt with that part of the hon. Member's speech and pointed out that if that is the justification for the present Bill, the scope of the present Bill should have been narrower than it is now found to be. The Government should have felt content to come forward with a simple and single clause like 'notwithstanding any judicial decisions to the contrary, the onus of proof in all cases in which the inamdar's tenant claims occupancy right, as against the inamdar, shall be on the inamdar, to show that the kudivaram also is vested in him.' Such a simple clause would meet the Privy Council decision of the 1st of July 1918; but confessedly the present Bill goes far beyond that and wants to destroy the occupancy right of the inamdar even in cases where he admittedly owns it and transfers it even in such cases, to the contractual tenant or lessee, who admittedly does not own it.

"Therefore the reason that is urged as the reason for this legislation 3 p.m. does not justify the scope of the legislation. Now, the question is whether the law as it stood prior to 1908 in regard to the relative position of inamdars and their tenants was really different from what it came to be subsequent to that legislation so as to induce the Government of Madras now to resile from the position taken up from 1905 to 1908 by the eminent authors of the Bill of 1905 and by those excellent spokesmen of the Government who made themselves responsible for that piece of legislation. They knew the revenue law and the history of

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inam and zamindari tenures very well indeed. Sir George Forbes knew it very well. Mr. Atkinson knew it and Mr. Stokes knew it, and all of them agreed, as the discussions on the Bill made it absolutely clear, that it was not in all cases of inam villages that the kudivaram did not vest in the inamdar alongside the melvaram, but there were cases in which the kudivaram as well as the melvaram were owned by the inamdar and therefore it was not right in all cases that the kudivaram should be taken away from them and their villages should come within the definition of 'estate.' It was not the intention of the authors of the Bill to produce any such result and therefore it was that the clause which contained the definition of estate as it emerged from the then Select Committee which was regarded in the course of the discussions thereafter as somewhat defective and ambiguous was redrafted with the help of the late Mr. V. Krishnaswami Ayyar and the then Advocate-General Sir P. S. Sivaswami Ayyar and moved in the amended form by Sir George Forbes himself. And that clause has been the law ever since 1908, and it was made the law then not with a view or desire to effect a change from the previous state of the law but by way of confirmation of what was on all hands and by all sides agreed to be the previous state of the law. Therefore it was wrong to assume that in a matter which obtained such careful and complete consideration in the course of the discussions on the Bill of 1905 at the hands of such eminent experts, revenue administrators as well as lawyers of the highest calibre, and was afterwards adopted as a proper draft bringing out accurately the previous law as it existed ever since the advent of British rule if not earlier, it cannot be said that there was any difference between the previous law and the law as it came to be under the legislation of 1908. There is absolutely no ground at all for the suggestion of the Hon. Member that the position in former times now stands reversed by reason of anything flowing out of the Act of 1908 or the judicial interpretation thereof. In fact anybody acquainted with the operations and the records of the operations of the famous Inam Commission which functioned in the sixties would know that according to the findings and enquiries of that Commission there were inams of various descriptions. There were gifts of land exempt from the payment of revenue by Hindu sovereigns. There were similar grants of lands by Muslim rulers and even in the earlier years of British rule the Government of the day, following the customs of the country, adopted the practice of rewarding meritorious services by grants of jagirs; many villages were alienated either in perpetuity or for a stated number of years as a grant of land. Sometimes it happened that the grant of revenue was made to a person already in possession of the land. Therefore the Inam Commission came to the conclusion as a result of their most elaborate enquiries that it was difficult, without any judicial investigation in each case, to decide whether the inam included the proprietary right in the soil or was limited to the right to receive

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Government dues from the prior occupant. Therefore the Inam Commissioners left all claims of right raised by private individuals open to investigation by the established courts in the country. Since that time all claims by inamdars to rights in the soil or by the cultivating tenants to hold the land as their property subject only to the payment of rent have come for investigation before the courts. Some of these cases have been taken at considerable expense to the Privy Council. No doubt there was an oscillation of the pendulum so far the onus of proof was concerned. The High Court of Madras in certain cases and the High Court of Bombay in certain cases took the view that the inamdar should bear the onus of proof. In other cases the contrary view prevailed. Ultimately this uncertainty was set at rest by the pronouncement of the Judicial Committee of the 1st July 1918 in the 41 Madras case. But that, as I have already submitted, is absolutely no ground for a legislation which would effect confiscation. If it is the view of this Government that the Privy Council Ruling as to the onus of proof, as an exposition of the existing law, ought not to be the law for the future as it unduly strains the tenant and is likely to tend to the result of depriving him of a valuable right of property if a conflict between him and the inamdar arises and reaches a court of law, then the scope of the legislation as I have more than once before said, must be limited to the particular grievance which is felt as a grievance arising out of that judicial pronouncement. It is no use bolstering up such a piece of legislation by a statement of reasons which may not be very accurate, the statement for instance that the law as between the tenant and the inamdar was different prior to the legislation of 1908. To say that it has come to be different since that legislation and therefore there is a justification for this expropriation without compensation is certainly untenable. It is in order to show how it is untenable that I have been at pains to point out what was the result of the various enquiries made by the Inam Commission in the sixties and how the legislation of 1908 merely confirmed the legal position as it was perceived to be even by the Inam Commissioners and by the British Government and administrators ever since that Commission. In fact it was only the view that was formulated by the Inam Commissioners as the result of their extensive enquiries, that there could be no affirmation one way or the other for all cases that might arise and that in each case in which the question arises for decision it should be left to the courts seized of the case to decide it as between the inamdar and the tenant on the facts of that case. That was the result of their enquiries and investigations and that is why they did not undertake as part of their conclusions to record any affirmative findings or conclusions even on the onus of proof either in the one way or the other or that in all inam villages the kudivaram vested always only in the tenant. A result reached like that in all seriousness after elaborate enquiries by a responsible body like the Inam Commission was naturally

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adopted as the basis for future decisions in individual cases in which the question arose as between a particular inamdar and his tenant. That is why throughout the decades which followed the Inam Commission this question was not felt to be a matter for the legislature but a matter for the courts to go into on the facts of each disputed case and to be decided in accordance with those facts as they were established on evidence adduced. Therefore far from the Bill of 1905 and the Act of 1908 embarking upon an innovation, that legislation merely confirmed once again the prevailing state of the law which was stated to be the law by the Inam Commission and which held the field throughout the extensive period from the sixties to 1908, quite half a century. Therefore the reason which is urged as the reason for this Bill, namely, that the position in former times came to be reversed as a result of the legislation of 1908 or as a result of the pronouncement of the Privy Council of the 1st July 1918 is not a correct reason and is not found to be tenable on a careful examination of the true facts as resting upon unimpeachable public records of the Government contained in the Inam Commission's proceedings and the discussions on the Bill of 1905 which was enacted in 1908.

3-15 p.m. "Then, Act I of 1908 presented difficulties in its enforcement when it became law, and various Bills were drafted with a view to set right the difficulties experienced actually in the course of the working. There were several Bills drafted from time to time. The first was in 1913. The war held up that Bill, and there was a redraft in 1921. There was Sir K. Srinivasa Ayyangar's Committee in 1922. A sub-committee drafted a new Bill and then there was a committee presided over by the then Law Member, Sir C. P. Ramaswami Ayyar in 1924. A sub-committee then also drafted a fresh Bill and that fresh draft became the basis of the Bill (No. 12 of 1931) which was introduced by the Hon. the Revenue Member on the 26th of June 1932. Notwithstanding some misconception or misapprehension which was attempted to be imported into the discussion of last December, I think it ultimately became clear that a feature common to all the Bills and to Act I of 1908 was this, that although there were differences in the mode of producing the same result by differences in mode of drafting, the law as it was under Act I of 1908 was left unchanged in all those Bills. There was no attempt in any of them to make the inamdar lose his occupancy right even in cases in which he owned them. There was no attempt in any of those Bills to make it an irrebuttable presumption of law or fact that in an inam village an inamdar could not own or possess kudivaram rights. On the other hand, it was a feature common to all those Bills and to Act I of 1908 that wherever the inamdar in fact possessed both the varams or was in a position to establish that he had both the varams vested in him he should not be deprived of the kudivaram which he admittedly possessed or proved that he possessed. In other words, there was no element of expropriation without compensation

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lurking in any of the provisions of any of those Bills. For the first time, this expropriation was sought to be effected by the amendment moved by the hon. Member from Chittoor in the course of the consideration of the Bill No. 12 of 1931 as it emerged from the Select Committee. When the Select Committee's report came on for consideration before this House in January 1933 the Hon. Member in charge did not proceed further and he waived the right he had of asking the House to proceed with the consideration of the Bill, and it was adjourned. The then prevailing belief was that the Council's term of life would not be extended and that in a new Council in which members could come in with a definite mandate from the electorate on this important question of the amendment of the Estates Land Act the matter might be gone into. Alternatively it was expected that the representatives of both the interests concerned might come to an agreement and if and when they did so the legislation could be proceeded with. But there was neither a new Council with a mandate on this topic nor an agreement agreed to by the representatives of all the interests concerned or on the part of all the parties in this House. The result was that on account of a strange alliance entered into at the moment between the Hon. Member for Chittoor and the Hon. the Raja of Bobbili with whom he had parted company sometime previously, these strange innovations came to be sprung upon the House and in an unfair manner on the inamdars. In the course of the proceedings of the Select Committee, the representative of the inamdars requested to be heard if it was intended by the Select Committee to tamper with the definition of 'estate' so as to sweep in in that definition inamdars with kudivaram rights. After careful consideration the Select Committee including the Hon. the Raja of Bobbili, the Kumararaja of Venkatagiri, the hon. the Member from Chittoor and Mr. A. Ranganatha Mudaliyar among others, for weighty reasons, unanimously came to the conclusion which was embodied in express terms and set out in forcible language in the Select Committee's report that it was not right to go so far as to tamper with even the onus of proof. There was no question of expropriation without compensation at all at that stage but an attempt, merely an attempt, to legislate on the onus of proof. 41 Madras, 1012 was looming as large then as now. Nevertheless the Hon. the Revenue Member who was in charge of the Bill and the excellent and influential protagonist I have been referring to made themselves responsible for the unanticipated amendments of October 1933. All these gentlemen who knew fully all about the happenings subsequent to the legislation of 1908, inclusive of the Privy Council case in 41 Madras, subscribed to the view deliberately that it was not right that even with regard to the onus of proof, such a drastic change should be made. Therefore we left the law exactly as it was under Act I of 1908, which as I have been at pains to show, was only a confirmation of the law as it existed all along

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in this country. And for the first time, on account of the alliance to which I have already alluded, votes were available—of course, a considerable number of votes, the division list showed somewhere about 70 against 18 votes—for this daring innovation. But it was a result which was reached against the inamdars after the Select Committee had told them that their rights were not going to be touched and therefore there was no need to hear their representations. No wonder that when the inamdars protested against the result accomplished by this majority in this House on the 14th of November and the inamdars waited on His Excellency as a deputation His Excellency came to the conclusion embodied in the message that has been read to us this morning by the Hon. Member. The inamdars did not anticipate and could not anticipate that their rights would be expropriated without an opportunity to them to make themselves heard. In November, the hon. Mover was giving the assurance to this House that the Bill was intended to get rid of administrative difficulties and it was not intended to touch or affect the rights of parties. When that assurance which he had repeated more than once was brought to the notice of the Hon. Member in the course of the November debate, he turned round and said 'I am not making this departure; it is the result of an amendment moved by a private member.' But if the assurance was worth anything, obviously it was the plain duty of the Hon. Member not to have accepted the amendment sprung upon the House at that stage and in that manner. The reason that it was a private member's amendment and not the Government amendment was very hollow and its hollowness has been brought out by the responsibility undertaken at the present moment by the Hon. Member in shouldering the present Bill which is only a word for word repetition of the clauses of the amendment then moved by the hon. Member for Chittoor and his friends.

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"The question is whether the Government, in the Reserved Half in particular, has any just ground to go back upon the established state of facts and the attitude consistently and uniformly taken for nearly a century by the Government of Madras, and to embark upon this dangerous innovation of an experiment in expropriation without compensation. The Hon. the Revenue Member stated in the course of the speeches on the floor of this House in 1933 that the Select Committee which sat on his Bill of 1931 consisted of persons well qualified and that that Select Committee went into the matters before them inclusive of this matter of the definition of 'estate' very carefully, very fully, very impartially—I am only quoting his words. That was what he stated in the course of his speech on the 31st October 1933. On the same day, the Hon. the Chief Minister, who was making his valuable contribution to the discussions, stood aghast and expressed in very praiseworthy tones his abhorrence of expropriation without compensation. He said, 'if that is going to be the work of this House, I shall

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have nothing to do with it.' That is how the Hon. the Raja of Bobbili exclaimed and expressed himself. That was on the 31st of October 1933. The warning of the coming danger was given for the first time only on the following day the 1st of November 1933 by the hon. Member from Chittoor, by way of justification of the policy underlying the new experiment in legislation. Is there such justification? There are five thousand inam villages, it is said, and according to the Chief Minister there are five million persons, inhabitants in those villages, of which two millions according to his computation are cultivators of the lands. Now, how many are the inamdars interested in these five thousand villages which are in question? How many partitions, divisions and alienations have happened subsequent to the creation of these inams and how many are the present individual holders interested as inamdars? What is the average extent of the holding in which each individual inamdar is interested? In the course of the discussions of 1908, the Hon. Mr. B. Narasimheswara Sarma, who afterwards went to the Viceroy's Council proposed, by reason of the difficulties that would result from the inclusion of inams in the definition of 'estate', the exclusion *in toto* of all inams from estates. And in the course of his speech on that amendment, he pointed out that the average area held by an individual inamdar was only about 19 acres. Now is it socialist legislation of a beneficial character or of a welcome type to force these petty inamdars at this time of acute unemployment when the universal cry is 'back to the land', to force them out of their lands even if they are anxious to take to agriculture as their permanent avocation in life? Is it the right thing to do, to deprive them of such an opportunity and to tell them that they must be merely collectors of rent from persons who were there as mere contractual tenants? Even therefore as a matter of socialist policy, it is no sound policy to embark upon such a piece of land legislation. It may also be pointed out that there has been no agitation on the part of the inamdars' tenants for any such piece of legislation. I know that after such a point was made in the course of the November discussions, my hon. Friend Diwan Bahadur B. Muniswami Nayudu led a deputation to His Excellency on behalf of the inam ryots. It is a matter subsequent to the discussions of November when such a point was made. In fact, the absence of agitation on the part of inamdars' ryots was referred to by the Hon. the Chief Minister in the course of his speech at the third reading, and he said they are helpless, illiterate people and therefore the leaders in this House had to take up their question. (Diwan Bahadur B. Muniswami Nayudu: They could not make the same noise.) Oh! thank you.

"Now, it has been assumed that inam grants must like zamindaris be taken to be grants of only the melvaram. That is by no means the case, as I have already made it clear. I have only to repeat a reference

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to Baden Powell's 'Land Tenures' which I mentioned in the course of my speech on the 14th of November last. According to Baden Powell, by no means a negligible authority on land tenures, inam grants are prima facie grants of land, and therefore it is not a matter on which you can fly away with anything like an assumption or make an *ipse dixit*. Now, what will be the effect of this Bill if it becomes law? Do you by any means guarantee that the tenant on whom you confer the right of occupancy will stick to the land without passing it on to some other squatter after making money out of the bargain? There is no provision in this Bill which ensures that the tenant in possession at the time of the passage of this Bill into law is bound to continue as tenant, to pass the tenement on to his son and grandson. Therefore, if you mean to provide against absentee landlordism, you by no means achieve the purpose. The tenant who gets the occupancy right under this Bill would be free to pass on his rights to another, I mean to say, to put into possession another non-occupancy tenant-at-will and to make a rackrent out of that further contract. What is the provision, what is the law at the present moment in regard to the division, for instance, or appropriation of the proceeds of the village if the village is acquired under the Land Acquisition Act? The sale proceeds brought in under the Land Acquisition Act will fall to be taken by the inamdar in cases in which the inamdar possesses both the varams. But if this Bill becomes law, he will be deprived of the major part of the proceeds, and two-thirds or four-fifths or what may be apportioned as representing the value of the land or the occupancy right will go to the tenant of to-day who becomes the occupancy holder under this Bill. That shows that the argument that has sometimes been advanced that the inamdar does not really stand to lose, does not suffer an injury even if this Bill becomes law, that argument is untenable. It is only in order to explain in a practical manner the view that he does stand to lose and to suffer substantial injury that I put this illustration of the land acquisition compensation.

"In answer to a question put in the month of November by my hon. Friend, Mr. T. S. Ramaswami Ayyar, the Government frankly admitted that they have no data, no evidence before them and absolutely no investigation had been made by them as to how many inams existed in this Presidency in which both the melvaram and kudivaram are owned by the same owner or owners. They have no statistics of the number of whole inam villages falling under clause (d) of sub-section (2) of section 3. They do not know in how many of these villages partitions have taken place and in how many villages the number of sharers exceeded ten. They do not know in respect of how many villages there existed decrees recognizing the title of the inamdar to the kudivaram right. They do not know in respect of how many of these villages there have been purchasers for valuable consideration before and after 1908

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and what the total amount of consideration involved in those transactions is. Thus, without any data, without any knowledge of how many persons would be hit injuriously and how badly they would be hit, on some assumptions an extraordinary piece of legislation is embarked upon. I assume that subsequent to the answer to that question the Government have not placed themselves in a better position by making enquiries and coming to be in possession of such data. If I am wrong, I expect to be corrected immediately. I take it that I am right. And therefore the Government are taking a blind and dangerous leap in the dark.

"I think I have stated enough to the House for the present purposes to warn hon. Members of the serious consequences that would result in case this Bill became law. In the course of the November discussions, at one stage, two hon. Gentlemen of the European block—Mr. Langley and he was followed by Mr. Wright—expressed surprise, (A voice: but not this time), that they were apparently mixed into a false position. They gave weight to the initial assurances of the Hon. the Revenue Member that the rights of parties were not going to be affected and that it was only a procedural administrative difficulty experienced in the course of the working of the Act of 1908 that was going to be remedied. Pertinently, when after the success of my Friend Mr. Muni-swami Nayudu's amendment they woke up, they turned round and asked: Does that assurance hold the field yet or are they to rue for having upon that assurance absented themselves from the sittings of the Council on the days when those fateful changes were voted upon? Well, the question was put and I do not think it was answered satisfactorily. (Mr. M. G. Patnaik: Are they with you now?) My Friend Mr. Patnaik asks the question 'Are the European members of the House with you now?' I am not in the counsels of the European block to be able to answer the question straightaway. Perhaps the best mode of answering the question under the existing circumstances is to toss back the question to Mr. Patnaik and ask him if he has anything to show that they are with him in this piece of vandalistic legislation. The European members might get an assurance that there will be no expropriation in regard to their plantations. That might be a ground to enable them to adjust their attitude from time to time; but I have not the least hesitation in suggesting that if they are asked frankly to state their enlightened opinion as a matter of principle on the advisability, propriety and expediency of such a piece of legislation in regard to this aspect of it, namely, that it is expropriation without compensation, I have not the least doubt that shrewd Englishmen of commonsense in this country, whether official or non-official, will have but one answer to give. They will range themselves on the side of security of private property; they will range them was against the principle of this irresponsible, vandalistic piece of legislation. I therefore wind up my observation on this occasion, by an earnest appeal

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to the members of the reserved half of the Government to reconsider their position and make up their minds before they proceed further, whether they need forestall the coming reforms during the closing stages of this Council by taking the time of the House over such a questionable piece of legislation, and whether it would not be right to submit this important issue which is involved in this case of legislative expropriation without compensation, to the electorate and then alone to assume the responsibility for it. I think it is up to the successors of Sir George Forbes to leave matters well alone at where he left them and how he left them, and if experiments in socialist legislation of this kind had to be embarked upon as a matter of public policy in the true interests of the poor agriculturists of this country, it would be up to a new unitary cabinet, the national cabinet—by which I do not mean there would be no European in it or ought to be in it—I welcome him for he would be a safe and steady element in it—what I mean is that the new cabinet ought to be left to shoulder the responsibility of such a novel departure in legislation.”

* Diwan Bahadur B. MUNISWAMI NAYUDU:—“The hon. Member from Madura took up a pretty long time to repeat all those arguments which had already been put forward on the floor of this House, and referred to various acts of omission and commission on the part of the Government and other members, but he did not add anything useful to improve his case so far as the present Bill is concerned. (Mr. K. R. Venkatarama Ayyar: The votes are against me.) He deplored that he was taken by surprise, the inamdars were also taken by surprise. While on the amendment there was no surprise and Mr. Venkatarama Ayyar has a good chance now to tell us what surprises they have to show to change our views in the matter. He has not shown us anything except probably to repeat the word vandalism as often as he pleased. (A voice: Or expropriation!) I only think, Sir, that whatever may be his optimism of the future Councils and the success he may have in the future Councils to have his way, he and his friends would serve really a useful purpose if they would put forward a constructive scheme and meet the difficulties that we have and try to convert by reasoning and argument and not merely denounce.

“My friend, Sir, referred to Sir George Forbes, Mr. Atkinson and Mr. Stokes who took part in the legislation of 1908 and spoke in appreciative terms that they knew the revenue law much more than anybody else and yet evidently he has forgotten to read the speeches quoted this morning before he made the appreciative references to them. (Mr. K. R. Venkatarama Ayyar: I have read them several times.) Then, he must have proceeded in the hope that other people have not read them. The argument that the small inamdars would suffer had been repeatedly raised in the course of discussion on that Bill, and stalwarts like Mr. Govindaraghava Ayyar and Mr. V. Krishnaswami Ayyar and others raised this question. In fact they had tried then, as my friend has

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tried now, to cloud and confuse the issues by dragging the minor inamdar into this question. My friend has repeated the same to-day. The statement made on the floor of the House then, that taking the total number of inamdars and the total acreage of the lands concerned, each inamdar would have about 19 acres, and asked as they did then whether it is proposed to bring these 19 acres man down here. To meet that question Sir George Forbes made this observation:

‘To begin with, however, I may refer to an objection taken by the hon. Mr. Govindaraghava Ayyar which is not fundamental but which seems to have created a certain amount of misapprehension, and that is the position of an inamdar under the Bill. The inamdar who is a landholder as defined in the Bill is not quite in the same position as the zamindar under the permanent settlement. In the remarks which I have made in introducing the Bill I referred to both classes under the general term landholders. The inamdar ordinarily holds the grant of land revenue and is an assignee at any rate in origin pure and simple and has not even the same pretensions as a zamindar under the permanent settlement to encroach upon the ryots.’

“I am sure my hon. Friend would re-read the sentence and then try to convert us. Sir George Forbes proceeds:

‘But the Hon. Mr. Govindaraghava Ayyar was doubtful whether the definition of landholder did not go too far in including certain inamdars and shrotriyamdars, especially those who enjoyed only portions of a village, while an inamdar is the inamdar of a whole village.’

“I ask my friend to note it; we are concerned with the whole inam villages.

‘If he is an inamdar of a whole village it is almost certain that the grant made to him was the grant of revenue pure and simple. It was not likely that a whole village was lying waste, while in the case of an inamdar of a portion of a village the grant may have been of a piece of actual village waste land as well as revenue derived from it in which he is both ryot and landholder. In such a case, the inamdar will be able to deal with the ryots.’

“The first point made by Mr. Forbes was that the case of the inamdar was weaker than that of the zamindar, and that he has absolutely no pretensions of a zamindar for the right of sovereignty or occupancy. He is the grantee purely of the melvaram where a whole village is granted. But where it was urged that there are inamdars to whom the grant has been made not of the whole village but portions of the village, then he concedes the possibility of kudivaram also being vested in him. It was to meet such cases that really the objection was raised in those days. In 1905—the Bill was introduced in 1905—the definition of estate included not merely a whole inam village but also a part thereof, with the result that if the Bill had been passed in that form, all whole inam villages and also any small pieces of land granted to anybody would have come within the scope of the Act. What was done really was to exclude all minor inams, inams of portions which are less than a village, and they are to-day excluded from the present Act as they were excluded last time. I may ask the Hon. Members not to be carried away by the narration of Mr. Venkatarama Ayyar that the 19 acres inamdar would be touched. A person who has 19 or 90 or 900, even if it is less than a village, will not be affected even now. It is only if it

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is a whole village, the ordinary inamdar or those under him, would be affected. But if the original land or area, however big it may be, was less than the village at the date of the grant, then it would not be affected at all. So there is not much force in trying to confuse the issues by dragging in the petty inamdars.

4 p.m. "I may assure Hon. Members of this House that, if at the time of the original grant, a whole village has not been granted, none of them will be affected now and all those inamdars will have both kudivaram and melvaram rights. We are therefore concerned only with the grant of whole villages made either by the zamindars themselves or by the previous sovereigns. The Hon. the Revenue Member this morning read out a case from I.L.R., 57 Mad., where the grant was made by a zamindar to whom a permanent sannad had been granted in 1802. If that village had continued to belong to the zamindar himself, or his successors, the tenants would be entitled to occupancy right. What has happened? The zamindar gave away that village to one of my friend's community as an inam, subject to the payment of a jodi. What is the result? If the zamindar or his successors had continued in possession of the land, or anybody had purchased it for valuable consideration, the tenants would have secured occupancy right. But the zamindar did an unwise act in giving it as an inam to a certain gentleman well-versed in the Vedas and the result is that vadalism began and the shrotriyamdar set out to drive away the tenants. I think my hon. Friend will think twice before using the word spoliation, especially if he has some introspection, in connexion with the claims of the whole village inamdars. Now, Sir, if a zamindar had merely transmitted the zamin village to his successors either by inheritance or purchase or otherwise, the tenants would have been safe. Now these poor tenants are asked to walk out, because the village was given as an inam. This is what the Privy Council has said. Does my hon. Friend, Mr. Venkatarama Ayyar, look on this state of affairs with equanimity saying: 'Very well, if the zamindar had continued, he shall not drive out. But I shall drive out.' That is the mischief which the Hon. the Revenue Member has taken upon himself to remove. Sir George Forbes, when he was a party to that Bill, never contemplated the possibility of an inamdar claiming kudivaram right in lands in a whole village grant. It was never possible in his idea that the tenant would be forced, as the Privy Council has now asked him to do, to prove that he was not only in possession of the land but that 400 or 500 years ago he had occupancy rights. The idea was that, if there was a tenant occupying it, he must occupy it with the customary rights of the country. But what has the Privy Council done? By its interpretation it has gone far beyond what the authors of the Bill, or even those of my hon. Friend's predecessors in Council then ever contemplated or put forward on behalf of the inamdars. What the Hon. the Revenue Member has done is to restore the law to what the Government in 1905 said to be the policy of the Government. I think,

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Sir, that if only this is borne in mind and that what is tried to be legislated for is only in respect of a whole village of which the grant was made, there can be no real objection to the present Bill.

"Then, the question is asked, has there been any demand for this change. My hon. Friend has been at pains to read from the memoranda of the various committees that were constituted from time to time to deal with this Bill. I do not know whether he was a member of those committees, but I claim to have been a member of those committees and I can tell him that from 1918 onwards I have been persistently urging upon the Government the necessity to revise the law. Well, if I failed, it is not my fault. It is because people with whose views Mr. Venkatarama Ayyar sympathizes had been in the majority and because they predominated, it was not possible for the Government of the day to realize to what extent harm was done. It is that thing that has led to the recent Privy Council decision. In 1934 we have a decision of the Privy Council which amounts to saying that even when a grant is made of a village in a permanently settled zamindari, the ryots in that village would be much worse than the ryots in the villages which continue to remain with the zamindar or his successors to whom the villages might have been sold away for hard cash. The result is that the man who gets an inam for nothing is benefited, whereas the man who purchases is not so benefited. That, Sir, is the gist of the arguments of my hon. Friend, Mr. Venkatarama Ayyar.

"He also said, what about the views of the other people. Sir, when we were discussing the other amending Bill, I quoted from the Bills introduced by eminent men like the late Sir K. Srinivasa Ayyangar, Sir C. P. Ramaswami Ayyar and others. In fact, the definition of an inam has been only a copy of what is contained in those Bills. The real complaint of my hon. Friend is against the exception to section 8 being taken away which lays down that the inamdars who purchase the kudivaram rights shall be outside the purview of the Act. That really is his grievance against this Act. For that, the present Bill provides certain safeguards. It provides consistently with the framework of the Bill, for their treatment as private lands. Secondly by saying that if the inamdar does cultivate them for 12 years, they will be classed as private lands. My hon. Friend cries hoarse at this and says that this will only tend to increase unemployment, as it will drive all people from the land instead of making them go back to it. That is not the case. The Bill really provides for people going back to the land; if people have not already learnt that lesson, let them learn it now. But they would not do that. They will try to act as the dog in the manger and get the greatest rack rent from the land, from the cultivator. Sir, it is the opinion of eminent administrators that, whenever suits for ejectment came, they were really not bona fide suits for ejectment, but only suits for placing the screw more tightly on the tenant. Therefore the Bill provides that those lands which have been continuously in the possession of inamdars, minor or

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major, who were in the village and who cultivated them, must be protected. The rights of those who purchased them will also be safeguarded. They will be given a period of 12 years within which they can cultivate them or give them to somebody for cultivation on such terms as they like. After 12 years they could not hold the land for ever as private land. Then, they have been given, the opportunity to ask for and take as much premium as they can before letting the land out. If you desire to go back to the land, do so. You will benefit the country thereby. It will be better than eating the wealth produced by others. Do go and cultivate. If you cultivate for 12 years, you will have the benefit of this Act. But without doing that, if you will merely cry as you do now, nobody will have any sympathy for you. The Bill provides ample opportunities for one who honestly wants to settle down on the land. And, after all, what is the object of this Bill? It is not merely for preventing ejectment of those who are already cultivators. It also provides that the man entitled to the land gets his fair share of the produce. He cannot let it out for higher rent. In future he will be entitled to full rent. The Bill entitles the inamdar also to eject a man if he is not using the land properly. I cannot understand the claim for anything more.

"Then, my hon. Friend quoted from Baden-Powell. The question has no application here. I really do not understand why my hon. Friend, Mr. Ramalingam Chettiyar, put a certain number of question to the Hon. the Revenue Member. The Bill is there. The Statement of Objects and Reasons is there. The principle on which the Government have introduced the Bill is there. The Government consider that these inamdars have melvaram rights and no more. Subject to that principle the Bill can be discussed. My hon. Friend wanted that the Government should come down. He quoted over and over again a certain number of authorities to show that the policy of the Government should not be what they have set out in the Statement of Objects and Reasons, but something else. The Government have already stated what their policy is. They have already stated that inamdars are mere melvaramdars. The Privy Council has held otherwise. The Government only want to undo the effect of the Privy Council decision. I do not think we should be wasting our time in trying to go back. I think the Hon. the Revenue Member must be congratulated in having boldly come forward with this Bill and in trying to give effect to the intentions of Sir George Forbes, a gentleman who, in the opinion of Mr. K. R. Venkatarama Ayyar, knew the country better than anybody else. I am glad the Government have come forward to undo the effect of the Privy Council decision.

"Sir, a naive suggestion was made that, if you want to undo the decision of the Privy Council, why not leave it to the new Council. I think any Government worthy of its name must do all it can to settle the differences between the landlord and the tenant and not leave them to carry on litigation of a speculative nature. In the Montford Report the

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one thing on which they laid stress is that the new Council should take up legislation between the landlord and tenant in a manner so simple that the cultivator must know what his rights are and not be driven from post to pillar

"Sir, the Hon. the Revenue Member has been asked to find out the number of people who have become owners of these lands. I do not know of any sensible person who will go about collecting data as regards the number of people who have got these lands. If the inamdars want to make out a case, it is for them to show how many will be affected, how many cases are there of a serious nature and how this legislation will affect them.

"The point seems to be merely to find fault with legislation and not really help us with suggestions to deal with cases which require help. 4-15 p.m.
My Friend, Mr. Venkatarama Ayyar, and those who agree with him ask: are there not many villages where the kudivaram also was granted? They have not shown a single case where the kudivaram also has been granted in the case of a grant of a whole village. They simply say, 'Give us a chance and we will prove it.' They want to match the unhappy tenant who requires the greatest protection and who has got no money to go from court to court, against the inamdar who has a long-purse and who will be able to go up to the Privy Council. I am glad, Sir, that the Government have not fallen into that error and have not walked into their parlour. They have done the wise thing in saying, 'We are not going to allow this kind of speculative legislation; we are not going to force the thousands of tenants who are actually cultivating the land to go from court to court merely on the off-chance of the inamdar proving that the kudivaram also was granted. Any amount of perjury, any amount of false records and any amount of accounts would be the result of allowing a procedure of that kind. The Government said in 1908 that they could not conceive of a single village where the kudivaram also was granted. In 1934 they repeat it and ask: if there was not a single village in which the kudivaram also was granted, what is the meaning of having a provision to the effect that the inamdar has to prove his right to kudivaram? On the other hand, recognize the fact that there is not a single such village and prevent speculative litigation which is ruining the tenants.

"My Friend asked: what would be the effect of this Bill? I know, Sir, what he is referring to. I know, Sir, that is one of the methods by which they will get this Bill remitted. They are very anxious about the welfare of the tenants. They are keen that the actual cultivator must continue to cultivate. They do not want that the cultivator should sell the land to other people. I would sympathize with them if at least they are sympathetic to the person who actually cultivates the land. What about the original intentions of the donors, the zamindars of those days, who gave these inams to gentlemen who were well-versed in the Vedas so that they may have ample means to maintain themselves and

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satisfy their worldly needs, so that they, their descendants and great descendants, may continue to live in comfort with the income of the villages, recite Vedas and bring prosperity and blessings to the countless millions of their countrymen? What is happening to-day? None of them are well-versed in the Vedas. None of them are reciting the Vedas. The blessings are not passed on to the people. Why then should my Friend be so anxious about the tenants parting with the land to people who will not cultivate it themselves? If one can grant the land for certain purposes and if the very object of the grant is absolutely defeated in the course of these two centuries, nobody can have sympathy with a gentleman who pleads on behalf of the tenants and says that he may pass it on to somebody else. Let the tenant pass it on to his neighbour or to somebody else who takes it as an investment. There should be no objection to granting him this right of occupancy on the ground that he may not actually cultivate the land. I am sure that the worthy representatives of the inamdars who are on the Select Committee—I am glad they have accepted to be on the Select Committee instead of carrying on a barren programme of mere objection to the Bill—I hope that in the Select Committee they will put forward proposals which will show that they are really sincere when they want to secure to the actual cultivator the benefits of the land.

“Then my Friend made another suggestion just like a man caught in a flood catches a straw before he is drowned. He said: leave it to the new Council to deal with this question. I do not know why Mr. Venkatarama Ayyar is so optimistic about the new Council. One of my hon. Friends here said to me—I am sure he will participate in the debate and give out his views—that if there was any chance for the inamdars it was now. If there is any chance of the Government hearing the inamdars’ request and holding the scales evenly between the inamdars and their tenants, it is now.”

Mr. BASHEER AHMED SAYEED:—“Why?”

Diwan Bahadur B. MUNISWAMI NAYUDU:—“Because the whole thing is in charge of a Member of Government who is not dependent upon popular votes for his continuance in office. He is sure to hold the scales evenly as between the inamdars and their tenants. If really the inamdars have any valid arguments which would carry weight, they will have no greater supporter for them than the Hon. the Revenue Member to-day. We do not know what the future will be and, if I may give a bit of my mind, I may tell him that he will not have much greater chances of success in the future Council than now.”

* Mr. C. R. PARTHASARATHI AYYANGAR:—“Sir, the interest which the Government take in tenants on inam lands is looked upon with a certain amount of suspicion by the public. That is the real reason why arguments are advanced by some people against the grant of occupancy rights to inam tenants. The principle underlying the decision in 20

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Madras, 299, is that there is no difference between the rights of a tenant in a ryotwari area and the rights of a tenant in a zamindari area. Dr. Sir S. Subrahmanya Ayyar in deducing this principle has clearly laid down that this is the fundamental principle of Hindu Law as well as of Roman Jurisprudence. The principle is that a man who is in occupation of the land has got an inalienable and permanent right to squat on the land, to cultivate it and to improve it as best he can. It implies that his rent shall not be increased merely at the will and pleasure of the kings. The king was only entitled to a share of the produce for the protection he gave to the subject. In pre-British days the share of the king was fixed at 1/5, 1/6 or 1/12 according to the amount of protection he gave to his subjects. The villages were left intact and whoever was the ruler, he did not interfere with the internal autonomy of the village. The king collected a sufficient amount from the village through the village headman in order to enable him to give the necessary protection to the village. Extensive authorities can be found for the position I am stating. When the Government come forward with a proposition that they are going to protect these inam tenants, the inamdar says: ‘The Government do not give me the same rights as they are themselves exercising over ryotwari villages. They increase the revenue whenever they like and they possess absolute right over the land.’ Sometimes they make inconsistent claims which go to show that their theory of overlordship is not governed by any principle. But whatever may be the case with their theory of overlordship, they always stick to their right of increasing their rent whenever they want to do it. Such being the position, when the Government come forward with a proposition to protect the inam tenants, the question naturally arises: Are they going to place the inamdars in the same position as the Government, or are they going to give them a different position? You will find that the ryots in zamindaris and the ryots in ryotwari tracts are not in the same position. When that is the case, why do you want to give occupancy rights to ryots in inam lands? Naturally, when you want to do it, each one raises his own objection. For instance, you will find that in the newspapers all sorts of legal objections are raised and all possible arguments are advanced against the grant of such rights.

“Before the Privy Council there went two sets of cases—one set from the ryotwari inams and another from zamindari inams. The question arose whether in ryotwari tracts the tenants and sub-tenants could claim occupancy rights from the ryotwari pattadar. The Privy Council held that no occupancy right could be claimed by them. Just then another set of cases from the zamindari areas went up to the Privy Council. The Privy Council was not in a position to distinguish between the two and therefore they applied one principle and said: ‘Whoever claims the right will have to prove that the jurisdiction of the civil Court has been ousted and that the land is an estate.’ This decision casts the burden of proof on the claimant without considering whether the inam is situated

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in the midst of a zamindari or outside a zamindari. Thus there was confusion created in the matter and this confusion can be cleared only by legislation. Are you going to legislate with a view to give equal privileges to all people who own lands, or are you going to legislate to give effect to the old principle of Hindu law, namely, that occupation gives the man who occupies absolute right in the land except for the fact that he has to pay a share of the produce to the king for the protection he gives? Any legislation must be reasonable and must be guided by judicial discretion. Of course judicial discretion is based on reason. What we are proposing to do is an act of statesmanship by which we put the tenant in the zamindari areas and the tenant in the inam areas in one and the same position so that all confusion and litigation may be avoided. I would request all our friends to read 20 Madras, 299, over and over again because Sir S. Subrahmanya Ayyar has clearly laid down there that there is no distinction between the two classes of tenants. Confusion was caused later on and it is sought to be set at rest now. In olden days there was complete co-operation between the king and his subjects. Now we have to consider the pros and cons of the question before us. One can argue on this side and say that this should not be done. One can argue on the other side also and say that the position of the person who occupies the land and cultivates it should be made secure and peaceful. Of course there will be much to be said on this side and much to be said on the other side also.

“We have to come to a common understanding. Let them take a broad view of the question. The nation is going to be raised by sacrifice. We all talk of Japan. What is it that we are going to do to-day? What are we going to do to lift the Depressed Classes? You are willing to accept any proposition which does not affect your own interest. Never mind the legal position. We are aware of it. I am a lawyer and I can say so many things for this side or the other. What is the clear-cut line that lies before you? You must be guided by reason, by common-sense. If you understand the Indian cult rightly, you will know that it always looks to justice, and it would not do anything against it. There should be co-operation between the landlord and the tenant; there should be mutual sympathy and understanding. Therefore I say on the broad principle of equity, of fairness, of good-will and of rapprochement between the people and the king, let this law be fixed.

* Mr. U. C. SUBRAHMANYA BHATT:—“Mr. President, Sir, if I intervene in this debate, it is not because I am in any way interested in this piece of legislation personally but because I am a landholder and am interested in preserving vested rights and vested interests and not to create any disturbance in this country especially at this time. We are passing through very unprecedented times of crisis in this country; agriculture which was the main industry of the population in this Presidency has suffered a serious set-back on account of world conditions, on account of the world economic depression and also on account of the fact that the

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British Government have been manipulating the exchange ratio and adopting a financial policy favourable to themselves but unfavourable to India in general and the Indian agriculturists in particular. Prices have gone down and agriculture as an industry has ceased to be paying. In addition to that, foreign competition in rice, in coconuts and other products has further added to the misery. At least we had one safeguard; the Government have all along been preserving the vested interests intact. So much so, people in the country had some certainty that their interests, that their rights in the land would not be touched. Now, Sir, even that assurance which the people had is firmly shaken; we do not know where we are. To-day it is the case of the inamdar. To-day against the inamdar, the zamindar and the ryotwari landholder are united; to-morrow the zamindar and the inamdar may join hands together to expropriate the rights of the ryotwari landholder; the turn of the zamindars will come next, the inamdar and the tenants will join together against the zamindar. The question is whether it is advisable that we should come forward with a legislation like this and disturb the peace of the country and add to its misery. I never expected that the Government itself would come forward with such a piece of legislation. The Government was all along the defender of vested interests. The Government itself coming forward with this legislation is causing great anxiety among the people in the Presidency especially those having some stake in it. This is a matter in which the Government should consider twice—even now it is not too late—and should reconsider the position it has taken up. I appeal to the Government on behalf of the people in the Presidency who are for law and order and who have vested rights, to see that vested interests are not disturbed and that faith and confidence is restored in the Government and in the legislature.

“Secondly, Sir, it is very strange that the Government should follow the Jekyll and Hyde policy. In the law courts and in the administrative departments the Government is against socialism and communism; but what is the Government doing in this case? It is coming forward with communistic and socialistic legislation. The Government must make its position clear. It should not take its stand on the side of the communalists. Government should not play this game of Jekyll and Hyde. Such a position should be deprecated very strongly.

“I am not going to discuss the legal aspect of the question. One thing however is certain; from the year 1908 onwards the inamdar has been recognized to be the landholder, to be the owner of both the kudivaram and the melvaram rights. On that basis, from 1908 onwards many transactions have taken place; many mortgages have been executed; many transfers have been made; the inamdar has invested large amount of money on the land and improved it. What is to become of it all? Is that to be disturbed? Is the landholder, is the inamdar, to

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be expropriated? Is the mortgagee to lose his money? Is the landholder to lose the valuable improvements he has made to the land? What an amount of misery would all this cause? Would it lead to the improvement of land? Would it encourage agriculture? The Government should consider these aspects of the question. I wish to lay all these aspects of the question before the House and let the House proceed with this piece of legislation after considering them."

* Rao Bahadur Sir A. P. PATRO:—"Sir, at this late hour, at the end of the day, I do not want to tire the House by saying many things. I appreciated the very eloquent advocacy of the hon. Member from Madura. Do we not know him? He is a very clever and astute lawyer. He is capable of getting over all difficulties and in making out a case for his client he will press only the points which are in his favour; they may appear to be right for all appearances, but they are not so."

"I cannot congratulate my hon. Friend from South Kanara. He is no doubt very enthusiastic. He was not a member when the Estates Land Act was passed; probably he was not born at that time . . ."

Mr. U. C. SUBRAHMANYA BHATT:—"I was born at least 14 years before that."

* The Hon. the PRESIDENT:—"The hon. Member seems to have been a minor at the time of the passing of that Act."

Rao Bahadur Sir A. P. PATRO:—"He is now an advocate; he says that the Government must protect vested rights. If his memory serves him right, he will remember that this very same argument was advanced on behalf of the zamindars some time ago when their vested rights were taken away and when the occupancy right was conferred on the cultivating tenants. It was stated at that time that vested rights should be protected; it was stated that it was a crime as it was expropriation. All these terms which the hon. Member has used were used then also. I thought my friend from South Kanara is a very liberal politician, that he wants equity and justice and that he wants freedom for every one. I am surprised to see that he is quite a different advocate to-day from what he would be if he is put on the platform to-morrow. When it touches his pockets his views are quite different from what they are when he is on the platform. I leave him there."

"My friend from Madura is not tired of saying things and repeating things which could have been said in half a dozen sentences, by taking up nearly one hour and forty-five minutes. All these could have been said by that clever advocate in half a dozen sentences, namely, that this Bill is a Bill for expropriation; he is a very clever lawyer, he forgot what he should remember. When the Committee sat for the revision of the Estates Land Act, in the definition of 'estates' in the Bill of Sir K. Srinivasa Ayyangar, whole inam villages were included. He was Advocate-General, High Court Judge and Law Member of the Government of Madras. What about Sir C. P. Ramaswami Ayyar?

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What did he do? In the Bill which he brought forward for revising the Estates Land Act, the definition of 'estate' included inams. It is to the advantage of the hon. Member to forget all these things for the time being; he quotes ancient history; he quotes Manu; he appeals to Manu; we must accept the authority of Manu. The hon. Member must certainly know that Manu is no authority; we are far advanced from the days of Manu; if Manu's authority must be followed, Mr. Venkatarama Ayyar would never be in his seat there. Brahman as he is, his functions are entirely quite different. Leave alone Manu. Mr. Venkatarama Ayyar is quite a different person now; he is a pleader. Once in a way, once in a lifetime, the Government is keeping up its pledge, its promise.

"We have all been accustomed to hear broken promises and broken pledges from the Government; but on this occasion, we have the pleasure of having a promise fulfilled. The Hon. the Revenue Member, to whom we are grateful, and His Excellency Sir George Stanley, to whom also we owe a debt of gratitude, have both kept up their promises through the persistent advocacy of the Hon. the Chief Minister; that is why we have this Bill here before us to-day; otherwise the promise would not have been fulfilled and the pledge would not have been performed. What does the Bill say? At the time this clause was moved, the hon. Member, Mr. Venkatarama Ayyar, said: 'Oh! we have not had time to discuss this matter; it was taken up only by the Select Committee; give us time and we shall work a miracle.' Well, Sir, His Excellency the Governor listened and time was given, and we have seen the performance to-day of the hon. Member from Madura advocating his claims and the claims of those who stand by him, and saying that this is a measure of expropriation. I am sure hon. Members have listened to him with great interest and I am also sure that not one of them has been convinced by his arguments. After all, nothing new has been said; no new evidence has been let in; no new facts have been brought forward; no fresh arguments have been adduced. That is the position of those who then said that this was too unkind and wanted more time so that they could think it over and over again."

"Sir, the hon. Member from Madura used some catchwords—we know of them in the political field, we are accustomed there to small catchwords and phrases—but I did not think that the able advocate he is, he would put forward such flimsy catchwords for the purpose of adding strength to his arguments. 'What is the effect of this Bill going to be?' asked the learned advocate in great surprise. He said: 'If you give this occupancy right to the tenants, the lands will pass from hand to hand and the position would be worse than what it is to-day; it would be a miserable one.' I would remind the hon. Member from Madura: is it not the same argument as that advanced by those vested interests and which my friend Mr. Bhatt advanced so well and so vehemently? It was stated that as soon as this Bill was passed, giving occupancy right to the tenants permanently, the tenants and their families won't thrive

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but that on the other hand the lands would go into the hands of the merchants, money-lenders and others. But, Sir, what do we find to-day after 26 years of the Estates Land Act? We do not find any such calamity or disaster happening. There may of course be cases here and there, but in general, we find that the tenants know their own rights, that they understand their own interests and that they know how to protect those interests. The Estates Land Act has not worked any havoc or disaster as was anticipated at the time.

“Again, Sir, the hon. Member from Madura asked: ‘How many have both *varams*; how many partitions have taken place and how many strangers have purchased the lands?’ Yes; the whole inam has been split up and divided among many co-sharers and therefore, he asked, what possible effect could there be by this Bill. He seems to have forgotten for the time being that the Bill aims at conferring occupancy right only on tenants in whole inam villages. If the village has been held by a number of people or co-sharers or divided in a family, it is the land that is concerned and not the family or the number of hands into whose ownership it has gone. We are not concerned with the ownership of the village; we are concerned only with the land. If it is a whole inam village, then we give occupancy rights to the tenants. Therefore, I say it does not matter whether it is in the hands of ten or fifteen people and even more; we deal with the village unit as such when we know that the village is a whole inam village. No doubt people who are owners of the land might have purchased those lands in the belief that there were no occupancy rights to the tenants; I quite agree it will be a difficult position to such people who have paid heavy consideration while purchasing the lands. But my reply is: at the time when similar arguments were advanced in regard to the original Estates Land Act, the reply was given that there must be something wrong somewhere and that people purchased estates just two years before the Act was passed. I myself know an instance where an estate was purchased two years before that Act of 1908 in the belief that there were to be no occupancy rights. But the Act of 1908 came like a bolt from the blue, giving occupancy rights. Would it have been proper on that account to say to the vendor and say: ‘I purchased this village thinking that this won’t be the case; therefore I don’t want it now?’ That is an argument which would be advanced only by one who cannot understand the relationship between a landlord and tenant. It is those rights that are now sought to be protected; and I am sure even my Friend, Mr. Bhatt. will see that it is absolutely necessary in the interests of peace and justice that there should be such a readjustment of the relations between landlord and tenant. If at this juncture you do not confer this right upon the tenant and the cultivator, you know what will be agitated in the country tomorrow. I need not refer to the political atmosphere that is being created. Therefore we must anticipate their claims wisely and in time so that we may rectify the wrong that has been done so far. You cannot hold out things too long and too far; the time has come when you

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must climb down and say: ‘Here are the tenants whose interests are identical with those of the landlord; let them part here, let them work together amicably and peacefully.’”

“Now, Sir, the hon. Member for Madura has said that there is a great amount of unemployment—a social problem. Probably he is thinking of socialism (Laughter). ‘Back to the land’ is the cry of to-day and therefore, he asked: ‘what are you doing by means of this legislation?’ ‘You are driving people out of the land: you are depriving people of the right to hold land; what are these poor people to do?’ I quite see that he is a wise advocate. Where does his argument lead us to? If unemployment there is, the easiest remedy is to give up the vested interests, to strengthen the rights of the poor, ask them to remain there and enable them to get a share of the profits out of the land. Is that not relieving unemployment, I ask? I regret that such an argument should have been made by such a clever and experienced advocate as he. Again, I should consider very respectfully that the question of unemployment is most irrelevant on this occasion. What has it got to do with the present Bill? The inamdar is not the cultivator. As Mr. Muniswami Nayudu pointed out, if the inamdar is himself the cultivator and if, through his farm-servants, he is in possession of the cultivation of the land, every opportunity is given to him to continue to hold the land for twelve years; and if he wants to let it to others the position will be reconsidered to see how best the relations could be adjusted between himself and his tenants. Therefore, hon. Members will very easily see that the plea of unemployment and ‘back to the land’ has nothing whatever to do with the problem that we have before us.

“Now what is the inamdar? Where he has been the absolute owner of the land and has allowed other people to cultivate the land for him, you want to give a permanent right of occupancy to those people who have cultivated the land all along, so that they can be co-sharers of the benefits derived. In the case of the zamindari lands, you allow that right and privilege; and you extend such right in the case of inam lands.

“I may also refer here to the question that I raised this morning, viz., whether in the case of an inam which was granted by a zamindar to an aghaharamdar if the land was a vacant, uncultivated land and the inamdar or aghaharamdar invited tenants to come and cultivate that land, such tenants should acquire occupancy rights. Whether it should or should not be considered that the inamdar who has been granted uncultivated land is one who holds both the *varams* or only the *melvaram*—that is a question which I am sure will be considered by the Select Committee. It is an important question which affects many villages in the Province. Are those rights also to be deprived of? This is a case recognized by the Inam Commission. If the vested rights are there, if at the time the grant was made there was no tenant but the tenants were brought in later for cultivation

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purposes, and if in that case also it is to be declared that the inamdar has no melvaram and kudivaram rights, then it will be a great hardship. I can easily understand Mr. Bhatt's indignation at vested rights being taken away. Such exceptional cases should be provided for as an exception or explanation to the provisions of the Bill.

"Sir, there are other arguments which the hon. Member from Madura has advanced which I should like to deal with; but as it is time, I do not want to proceed further."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Mr. President, Sir, last time when he had a discussion on this subject in this Council, when the provision was moved in the form of an amendment, some of us thought that in the interests of a fair discussion, the matter could not be decided at once. After that, the matter was remitted to the Council and these provisions were deleted. The Government have now brought in a Bill which I hope will receive due consideration at the hands of the Select Committee. We wanted that there should be a proper and fair consideration of the provisions in the Select Committee and now an opportunity has been given. If I may say so, the hon. Member, Mr. Muniswami Nayudu, has put his case in very forcible language, with most of which I personally agree. But at the same time he himself stated that, if the inamdars will bring to the notice of the Select Committee any real hardship that they feel in the matter, it will receive due consideration.

"There is one class of cases which the Select Committee might consider. A whole inam village might have been given as grant in the beginning. In course of time a large number of people might have come to own a few acres each in that inam. In cases like that, if the provisions of this Bill are to apply, as only five or six acres will belong to each family, it will work hardship. That is a matter which, I hope, the Select Committee will consider. It is a real hardship and I hope Mr. Muniswami Nayudu will examine the position in this respect.

"With these words, Sir, I have to say that so far as the present motion is concerned, viz., reference to a Select Committee, some of us who were against the amendment as proposed originally, are prepared to support this motion."

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

'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) be referred to a Select Committee.'

The motion was carried.

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I beg to move that the Council will give me leave to raise to twenty the number of Members to be nominated by this Council to the Select Committee, under Standing Order No. 39."

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

The motion was put and carried and leave was granted.

* The Hon. Sir ARCHIBALD CAMPBELL:—"I beg to move that the following be appointed as Members of the Select Committee:—

- (1) The Hon. the Raja of Bobbili.
- (2) „ Hon. Sir K. V. Reddi.
- (3) The Advocate-General.
- (4) Mr. G. T. Boag.
- (5) Khan Bahadur Yahya Ali Sahib Bahadur.
- (6) Rao Bahadur Sir A. P. Patro.
- (7) Rao Sahib N. Siva Raj.
- (8) The Kumararaja of Venkatagiri.
- (9) Diwan Bahadur A. Appadurai Pillai.
- (10) Diwan Bahadur B. Muniswami Nayudu.
- (11) Sriman M. G. Patnaik Mahasayo.
- (12) Mr. K. P. Raman Menon.
- (13) Diwan Bahadur C. S. Ratnasabhupati Mudaliyar.
- (14) Mr. P. Peddiraju.
- (15) Dr. P. Subbarayan.
- (16) Mr. T. C. Srinivasa Ayyangar.
- (17) „ K. R. Venkatarama Ayyar.
- (18) „ Sami Venkatachalam Chetti.
- (19) „ Abdul Hameed Khan.
- (20) „ A. Ranganatha Mudaliyar.
- (21) The Hon. Sir Archibald Campbell. [The Mover]

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

The motion was carried.

* The Hon. the PRESIDENT:—"I appoint Mr. N. Siva Raj as Chairman of the Committee."

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

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 1. Statement showing additions and reductions in non-voted appropriations sanctioned during the year 1933-34.

* 2. G.O. No. 1416, Revenue, dated 19th July 1934, regarding the proposals for the resettlement of the South Kanara district exclusive of Amin Divi Islands.

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

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APPENDIX

[Vide answer to question No. 54 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 2nd August 1934, page 143 supra.]

LAND REVENUE—ARREARS.

Statement showing arrears of 'Current' demand of fasli 1343 outstanding at the end of the fasli (June 1934).

District.	Current balance including amount suspended.	Current balance excluding amount suspended.
(1)	(2)	(3)
	RS.	RS.
1 Ganjam	1,08,509	4,089
2 Vizagapatam	1,02,401	15,007
3 Godavari, East	5,43,337	93,656
4 Godavari, West	4,53,223	246
5 Kistna	4,13,449	35,289
6 Guntur	4,75,408	54,197
7 Nellore	2,59,815	54,964
8 Cuddapah	1,04,343	3,839
9 Anantapur	1,36,420	3,471
10 Bellary	1,59,589	20,514
11 Kurnool	1,20,805	829
12 Madras	1,124	1,035
13 Chingleput	2,46,534	70,594
14 Chittoor	1,23,053	62,068
15 North Arcot	2,77,399	44,129
16 South Arcot	8,55,467	3,52,529
17 Tanjore	11,11,988	1,77,513
18 Trichinopoly	3,00,903	10,608
19 Madura	3,23,269	17,700
20 Ramnad	1,77,693	1,32,706
21 Tinnevely	2,18,534	3,433
22 Coimbatore	2,25,693	929
23 The Nilgiris	12,387	965
24 Salem	1,63,467	8,145
25 South Kanara	3,50,579	1,20,778
26 Malabar	3,34,074	39,927

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Friday, the 3rd August 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.
Bracken, C.I.E., I.C.S., The Hon. Mr.
G. T. H.
Bobbili, The Hon. the Raja of.
Rajan, The Hon. Mr. P. T.
Kumaraswami Reddiyar, The Hon.
Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Miran Sahib Bahadur.
Alagannan Chettiyar, Rao Sahib A. S.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Appadurai Pillai, Diwan Bahadur A.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Bayappa Reddi, Mr. P. f.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Mr. A. V.
Birley, Mr. F.
Boag, C.I.E., I.C.S., Mr. G. T.
Brock, C.B.E., V.D., Mr. C. H.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Duraishwami Reddiyar, Mr. K. M.
Ellappa Chettiyar, Diwan Bahadur S.
Foulkes, Mr. R.
Gopalaswami Mudaliyar, Diwan Baha-
dur M.
Harischandrudu Nayudu, Mr. A.
Jones, I.C.S., Mr. C. E.
Indriah, Mr. C.
Iswaran Pillai, Mr. I. C.
Jagannatha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Kesavaramamurti Nayudu, Mr. K.
Khalif-ul-lah Sahib Bahadur, Khan
Bahadur P.
Kolanda Reddi, Bai Sahib C.
Koti Reddi, Mr. K.
Krishnayya Choudari, Mr. P. V.
Krishnamurti, Rao Bahadur D.
Krishnan, Mr. C.
Krishnaswami Ayyar, Kt., Diwan Baha-
dur Sir Alladi.
Kumararaja of Venkatagiri, The.
Kuppuswami Choudari, Mr. J.
Ladden, Mr. W. W.
Lakshmana Reddi, Mr. G.
Madanagopal Nayudu, Mr. R.
Mahboob Ali Baig Sahib Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Metherell, Mr. J. K.
Moses, Mr. P. C.
Muniswami Nayudu, Diwan Bahadur B.
Muniswami Pillai, Rao Sahib V. I.
Muthiah Chettiyar, Mr. M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Subadar-Major
S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Rao Sahib D. V.
Narayanan Nambiyar, Mr. V. P.
Narayanaswami Pillai, Rao Bahadur
T. M.
Natesa Mudaliyar, Rao Bahadur C.
Palat, Mr. R. M.
Pannirselvam, Rao Bahadur A. T.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Patro, Kt., Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Pattagar of Palayakottai, The.
Peddi Raju, Mr. P.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
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.

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PRESENT—cont.

Ranganatha Mudaliyar, Mr. M. D. T.	Srinivasan, Rao Bahadur R.
Rangaswami Reddi, Mr. M. B.	Sriramulu, Mr. G.
Ratnasabhapaty Mudaliyar, Diwan Bahadur C. S.	Subrahmanya Bhatt, Mr. U. C.
Sahajanandam, Swami A. S.	Subrahmanya Chetti, Rao Sahib P.
Sami Venkatachalam Chetti, Mr.	Sundara Rao Nayudu, Mr. T.
Schamnad Sahib Bahadur, Khan Bahadur Mahmud.	Thangal, Mr. P. M.
Sengodaiyan, I.C.S., Mr. S. G.	Thomas, Mr. Daniel.
Sesha Reddi, Rao Bahadur B. P.	Thorne, C.I.E., I.C.S., Mr. J. A.
Shetty, Mr. A. B.	Vedachala Mudaliyar, Mr. M.
Simhachalam Pantulu, Mr. G.	Venkatarama Ayyar, Mr. K. R.
Singam Ayyangar, Mr. K.	Venugopal Nayudu, Rao Bahadur R. K.
Siva Raj, Rao Sahib N.	Viswanatha Rao, Diwan Bahadur V. N.
Sivasubrahmanya Ayyar, Mr. K. S.	Yakub Hasan Sahib Bahadur.
Soundara Pandian, Mr. W. P. A.	Zamindar of Chemudu, The.
Sreshta, Mr. M. S.	Zamindar of Kirlampudi, The.
Srinivasa Ayyangar, Mr. T. C.	Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Land Revenue Administration

Prescription of an age bar for the promotion of Revenue subordinates to the posts of Deputy Tahsildars, Sub-Magistrates and Tahsildars.

* 60 Q.—MR. V. P. NARAYANAN NAMBIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether any age bar has been fixed in the matter of taking the subordinates of the Revenue Department who are otherwise qualified in the list for appointment as Deputy Tahsildars and Sub-Magistrates and also in the matter of taking Deputy Tahsildars and Sub-Magistrates who are otherwise qualified, in the list for appointment as Tahsildars;

(b) whether it is also a fact that persons who have been so included in the lists mentioned above and who have not had an opportunity to act in those capacities before certain ages are subsequently removed from the lists automatically; and

(c) if the answer to clauses (a) and (b) are in the affirmative, the age-limits fixed in all the instances, the number of officers thus adversely affected in each district, and the reasons for fixing the age-limits?

A.—(a) There is no maximum or minimum age-limit prescribed in the Statutory Rules for selection of Revenue subordinates for appointment as Deputy Tahsildar or for promotion to the post of Tahsildar. In practice the Board of Revenue aims at the appointment of men to these two posts while they are still young enough to meet the demands on physique which they involve.

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(b) The names are not removed automatically, but only if there is no prospect of the officers concerned beginning to act as Deputy Tahsildar or Tahsildar at an age when they will be physically fit for the work.

(c) The Government have no information as to the persons whose names have been removed from the lists.

MR. B. POCKER SAHIB:—“ May I know, Sir, what the machinery employed is for removing the names from the list, as is stated in the answer? ”

THE HON. SIR ARCHIBALD CAMPBELL:—“ I presume, Sir, that somebody draws a line through the gentleman's name.”

MR. B. POCKER SAHIB:—“ How does the Government know whether a particular person is unfit physically to occupy the posts of Deputy Tahsildar or Sub-Magistrate or Tahsildar? ”

THE HON. SIR ARCHIBALD CAMPBELL:—“ The Government do not. The Board of Revenue makes these appointments.”

MR. BASHEER AHMED SAYEED:—“ May I ask, Sir, whether in practice, it is the case that no one who is over the age of 45 is appointed as Tahsildar? ”

THE HON. SIR ARCHIBALD CAMPBELL:—“ Not so far as I know. I invite the hon. Member's attention to the answer given to the question in clause (b).”

MR. ABDUL HAMEED KHAN:—“ May I know if there is any medical examination on the basis of which they are rendered unfit? ”

THE HON. SIR ARCHIBALD CAMPBELL:—“ No, Sir.”

MR. BASHEER AHMED SAYEED:—“ Is it the case, Sir, that even persons past the age of 45 are appointed as Tahsildars? ”

THE HON. SIR ARCHIBALD CAMPBELL:—“ It is quite possible.”

Supply of copies of the Scheme Report regarding resettlement in South Kanara on sale to the public.

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

(a) whether it is a fact that the objections to the scheme report regarding the resettlement of the South Kanara district have to be filed by the 20th July 1934;

(b) whether it is a fact that many ryots of the district of South Kanara or their representatives approached the District Collector of South Kanara with the request that they may be furnished with copies of the said scheme report;

(c) whether it is a fact that the Collector had no copies of the report for sale; if so, why the said facilities were not given to the public;

(d) whether it is a fact that complaints were made to the Collector that no copies of the scheme report were printed and made available for sale in the district; and

(e) what action the Government have taken or propose to take in the matter?

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A.—(a) Yes, as originally ordered.

(b) to (e) The Government understand that the Honorary Secretary of the South Kanara Landholders' Association approached the Collector for copies of the scheme report but that, owing to a mistake in the Collector's office, copies were not supplied. Copies have since been made available. The Government are also issuing orders extending the time for filing representations on the scheme report to 1st September 1934.

Mr. A. B. SHETTY:—" May I know, Sir, when copies were made available? "

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

Mr. A. B. SHETTY:—" May I know whether the Hon. the Revenue Member will be pleased to extend the time till the 20th October as prayed for by the South Kanara Landholders' Association? "

The Hon. Sir ARCHIBALD CAMPBELL:—" No, Sir."

Mr. BASHEER AHMED SAYEED:—" Is there any special reason for not extending the time to the 20th October? "

The Hon. Sir ARCHIBALD CAMPBELL:—" As it was alleged that sufficient time was not given to people to make representations, we have decided to extend the time up to 1st September. The report was published over three months ago in the district gazette and several persons saw it in the district gazette and it seems unnecessary to give longer time."

Mr. BASHEER AHMED SAYEED:—" In view of the fact that there have been representations and also that the time was felt to be insufficient by these people whose attention was not drawn to it, is there any practical difficulty in extending the time up to the 20th October 1934? "

The Hon. Sir ARCHIBALD CAMPBELL:—" We cannot allow the matter to drag on indefinitely."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether the Hon. Member thinks that the public as a whole subscribe to the district gazette? "

The Hon. Sir ARCHIBALD CAMPBELL:—" No, Sir."

Resolution of the Landholders' Association of South Kanara for the supply of copies of the Scheme Report to the public and the extension of the date for filing objections.

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

(a) whether the Government have received a copy of the resolution, dated 8th July 1934, of the South Kanara Landholders' Association

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praying that sufficient number of copies of the scheme report may be made available and that the time for filing objections thereto may be postponed to 20th October; and

(b) what action the Government have taken or propose to take in the matter?

A.—(a) Yes.

(b) The Government are issuing orders directing that the time allowed should be extended up to 1st September 1934.

Request of the South Kanara Landholders' Association for an extension of time for filing objections to the Scheme Report.

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

(a) whether the South Kanara Landholders' Association has requested the Government to give time till 20th October for submitting their objections to the Resettlement Scheme report on the ground that a sufficient number of copies of the report have not been made available till now for being supplied to the members of the association; and

(b) whether the Government have passed orders granting further time as requested by the association?

A.—(a) & (b) The attention of the Hon. Member is invited to the answer given to question No. 62.

Public Service

Reply of the Madras Services Commission regarding the revision of procedure for selection of candidates.

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

(a) with reference to his reply to question No. 364, dated 4th November 1933, that he would consider the question of placing on the table of the House the reply of the Madras Services Commission regarding the system of selection by competitive examination with an interview or with marks for *viva voce*, whether the question has been considered by him; and

(b) what decision has been arrived at?

A.—(a) The reply ^a of the Madras Services Commission is now placed on the table of the House.

(b) No decision has been arrived at yet. The proposals of the Commission are still under consideration.

^a Printed as Appendix I at pages 277-278 infra.

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Selection of Muslims by the Madras Services Commission since 1930.

* 65 Q.—MR. S. M. K. BEYABANI SAHIB: Will the Hon. the Member for Revenue be pleased to state—

(a) the number of Muslim candidates who appeared before the Services Commission from 1930 from the Ceded districts and how many were selected to the several departments each time; and

(b) whether there is a territorial basis in the matter of selection?

A.—(a) The figures are given in the statement* annexed.

(b) No.

Railways

Bus and train collision at Nandyal.

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

(a) with reference to my question regarding the bus and waggons collision in front of the Nandyal railway station (Kurnool district) whether further enquiries were conducted and what the result was; and

(b) whether any compensation was awarded to the bus owner?

A.—(a) The District Magistrate reported that the crossing was being regularly used by all forms of traffic at all hours and that a gate and lights would be useful. The question of what arrangements are to be made to prevent the recurrence of such accidents is still under correspondence with the Agent, Madras and Southern Mahratta Railway.

(b) The Government have no information. The District Magistrate has stated that the damage to the bus was assessed at Rs. 30 or Rs. 40.

MR. ABDUL HAMEED KHAN:—“ May I know who has paid the damages? Is it the Government or the railway company? ”

The Hon. Sir HOPETOUN STOKES:—“ I have no idea, Sir.”

MR. ABDUL HAMEED KHAN:—“ May I know, Sir, whether the Hon. Member will be pleased to find out whether any damages have been paid? ”

The Hon. Sir HOPETOUN STOKES:—“ I fail to see why it is necessary to do so, Sir.”

Electricity

Investigation into the possibility of establishing a hydro-electric station at the Yethipothula waterfalls in the Guntur district.

* 67 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 generating electric power from the Yethipothula waterfalls in the Guntur district; and

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(b) if so, whether they will be pleased to place on the table of this House a copy of the results of this investigation?

A.—(a) An investigation was made in 1919.

(b) The results showed that under favourable conditions 510 h.p. might be available. But the scheme depends on costly storage. The minimum flow corresponds to only 12 h.p. and the minimum rainfall records available indicate that in some years there will be no water available for storage. The idea of developing hydro-electric energy at this place was therefore dropped.

MR. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether the Government is prepared to investigate the matter, as it is now over 15 years ago that it was last investigated? ”

The Hon. Sir K. V. REDDI:—“ It is true that the original investigation was made 15 years ago. But the hon. Member would have seen, Sir, that at the most these waterfalls which are of a very minor nature are capable of producing only 510 horse-power when full water is available, but the minimum flow is only capable of producing 12 horse-power. If the hon. Member still thinks that with 12 horse-power anything can be done, I have not the slightest objection to ask the Chief Engineer for Electricity once more to go into the matter.”

MR. K. KOTI REDDI:—“ Will the Hon. the Law Member think of, in this connexion, the great Sangameswaram project which probably would produce any amount of electricity to supply the Northern Circars and the Ceded districts, besides supplying water for irrigation? ”

The Hon. Sir K. V. REDDI:—“ I am afraid, Sir, the question does not arise out of the answer I gave. It is a different matter, and I am sure the hon. Member will give notice of a fresh question.”

Supply of electricity to the Municipalities in the Tinnevely district.

* 68 Q.—MR. M. DEVADASAN: Will the Hon. the Law Member be pleased to state—

(a) when the Tinnevely-Tuticorin Electric Supply Company commenced and completed their work for the three municipal towns of the district; and

(b) if the work has been completed already, what the delay is due to for not opening the same for public use?

A.—(a) The company commenced execution of their compulsory works soon after the licence was granted on 23rd September 1930. They have completed so far 23.6 miles of these works and only 0.9 mile remains yet to be completed.

(b) Supply to the public was commenced in Tuticorin on the 28th and in Tinnevely and Palamcottah on the 29th October 1933.

[3rd August 1934]

Mr. M. DEVADASAN:—"It is stated in the answer that the public are receiving electricity from the Tinnevely-Tuticorin Electric Supply Company. May I know whether the three municipalities referred to in the question receive the supply from this company?"

The Hon. Sir K. V. REDDI:—"I want notice, Sir."

Forests

Extent of additions made or proposed to be made to the reserve forests in South Kanara.

* 69 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Law Member be pleased to state the number of acres newly brought under reserve forests between 1931 and 1934 in the South Kanara district and the number to be brought within the next two years?

A.—The area newly added to the area of reserved forests under section 16 of the Madras Forest Act during 1931–32, 1932–33 and 1933–34 in the South Kanara district is as follows:—

Year.	Acres reserved.
1931–32	485
1932–33	5,203
1933–34	Nil.

A block of 689 acres and 22 cents in Kasaragod taluk is being constituted reserved forest with effect from the 15th August 1934 but no further additions are likely to be made to reserved forests during the next two years in South Kanara.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the Hon. Member has considered the injury to the health of the people by this afforestation?"

The Hon. Sir K. V. REDDI:—"I do not know, Sir. That question, I believe, was investigated and no serious consequences have been reported to us. On the other hand, if the policy of afforestation and the increase of timber and the consequent increase to the revenues of the Province are taken into account, I am afraid I cannot say that the one would outweigh the other."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the Hon. the Law Member has gone into the report of the special malaria officer who was deputed to investigate the causes of the growth of malaria in the district of South Kanara?"

The Hon. Sir K. V. REDDI:—"Personally I have not. Sir, but I shall be glad to look into the matter."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"Which are the taluks or portions of taluks or villages comprising these 689 acres which is being constituted as a reserve?"

The Hon. Sir K. V. REDDI:—"I want notice, Sir. I shall tell the hon. Member if he would come into my room as to which of the taluks are comprised in this area."

[3rd August 1934]

Arms and Ammunition

Restoration of gun licences cancelled for non-purchase of ammunition in South Kanara.

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

(a) whether any instructions have been given to the District Magistrate of South Kanara on the question of restoration of the gun licences cancelled by him for non-purchase of ammunition; if so, what the instructions are;

(b) whether a copy of the same will be placed on the table of the House; and

(c) how many applications for restoration of gun licences which have been cancelled for non-purchase of ammunition have been received and what action has been taken on the same?

A.—(a) The District Magistrate of South Kanara has been asked to renew for the current year licences which had been cancelled for non-purchase of ammunition.

(b) The instructions are of a confidential nature which it is not advisable to place on the table of the House.

(c) The hon. Member presumably refers to appeals received by the Government. Nineteen appeals were received. Of these, one was withdrawn as the District Magistrate had renewed the licence before the disposal of the appeal and the rest were sent to the District Magistrate for disposal in accordance with the orders referred to in (a) above.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether any special petition or appeal has been filed by the people about the cancellation of the licences?"

The Hon. Mr. G. T. H. BRACKEN:—"The petition would be filed before the District Magistrate."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the District Magistrate will be asked to reconsider the applications which he once disposed of?"

The Hon. Mr. G. T. H. BRACKEN:—"When any case comes to the notice of the District Magistrate, he will himself investigate it."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know if the Government expect the licence-holders to exhaust the ammunition every year?"

The Hon. Mr. G. T. H. BRACKEN:—"No, Sir."

Mr. B. POCKER SAHIB:—"May I know, Sir, whether instructions have been issued to the District Magistrates of other districts for renewing licences which were cancelled for non-purchase of ammunition?"

The Hon. Mr. G. T. H. BRACKEN:—"I am not aware that any licences have been cancelled in any other district for that reason."

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Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the instructions issued to the District Magistrates for renewing licences for the current year will also apply to future years? "

The Hon. Mr. G. T. H. BRACKEN:—" If they are renewed now, there is no reason why they should not be renewed for future years also."

Control of Vehicles

Motor vehicles plying for hire during the year 1933.

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

(a) the number of private cars and other motor vehicles; and

(b) the number of cars, buses and lorries plying for hire in Madras City and in each district of this Presidency in 1933?

A.—A statement* is laid on the table.

Mr. A. B. SHETTY:—" May I know whether the number of motor vehicles plying for hire has increased or decreased compared with the figure for the previous year? "

The Hon. Mr. G. T. H. BRACKEN:—" I have not got the figures for the previous year, Sir. But I was under the impression that they have decreased."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" The statement given (appendix) shows that in Coimbatore the number of lorries plying for hire is nil. Are the Government aware that there are many lorries there plying for hire and no action is taken by the Police? "

The Hon. Mr. G. T. H. BRACKEN:—" The question of the registration of private lorries is under consideration."

Mr. BASHEER AHMED SAYEED:—" May I ask, Sir, whether the post of bus inspector for the Nilgiris has been abolished? "

The Hon. the PRESIDENT:—" How does this arise from the answer? "

Mr. BASHEER AHMED SAYEED:—" Accidents are sometimes controlled by the bus inspector whose duty it is to keep the vehicle in good repair by frequent inspection."

Motor accidents during the year 1933.

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

(a) the number of motor accidents reported last year in Madras city and in each district;

(b) the number of deaths that have resulted from such accidents in each place; and

(c) the proportion in which such accidents have increased or decreased as compared with the figures for 1931 and 1932?

* Printed as Appendix III on page 280 infra.

[3rd August 1934]

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

(c) The accident figures for 1933 show an increase of 2.3 per cent and 3.3 per cent over those for 1931 and 1932, respectively.

Mr. A. B. SHETTY:—" May I know, Sir, whether Government are taking any further steps for the better control and regulation of motor traffic? "

The Hon. Mr. G. T. H. BRACKEN:—" Yes, Sir. The whole question is now under consideration in consultation with the Government of India."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the Government intend appointing special constables for traffic control in important cities? "

The Hon. Mr. G. T. H. BRACKEN:—" That question has been considered, Sir, but it was found that the additional expenditure involved in strengthening the number of constables employed would be very great."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" In view of the deaths by motor accidents, will the Government subordinate their consideration for expenditure to the real saving of life? "

The Hon. Mr. G. T. H. BRACKEN:—" The whole question is under consideration, Sir, in consultation with the Government of India."

Mr. BASHEER AHMED SAYEED:—" May I ask whether the post of bus inspector for the Nilgiris has been abolished? "

The Hon. Mr. G. T. H. BRACKEN:—" I think it has been."

Mr. BASHEER AHMED SAYEED:—" If that is the case, how do the Government expect accidents to be controlled when there is no inspection of the condition of the vehicles? "

The Hon. the PRESIDENT:—" I am really unable to understand the connexion between accidents and the bus inspector."

Mr. BASHEER AHMED SAYEED:—" The bus inspectors are intended to inspect and keep a check over the condition of the buses, their brakes, etc. They are empowered to inspect the condition of the buses in regard to the brakes and engines, and issue certificates as to whether they are properly maintained or not."

The Hon. the PRESIDENT:—" I do not want a speech at this stage."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" The Hon. the Home Member said that the matter is under correspondence with the Government of India. This is purely provincial. How does the question of correspondence with the Government of India arise? "

* Printed as Appendix IV on page 281 infra.

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The Hon. Mr. G. T. H. BRACKEN:—"It is not purely a provincial matter, Sir. The motor rules now under consideration are to be considered in the light of model rules framed by the Government of India."

Mr. A. B. SHETTY:—"May I know, Sir, whether the Inspector-General has asked for additional police for traffic control?"

The Hon. Mr. G. T. H. BRACKEN:—"I believe the Inspector-General is coming up with certain proposals for Part II Schemes this year."

Mr. ABDUL HAMEED KHAN:—"In view of the fact that as many as 361 accidents took place in the year 1933 and 26 deaths occurred in the city, I want to know what steps the Government have taken in order to reduce the number of these accidents especially in view of the fact that the control of traffic in the city has not been of the same type as it used to be and whether the Government will be pleased to state whether there are not any schemes adumbrated by the present Inspector-General of Police when he was Commissioner of Police and why the Government have not given effect to them?"

The Hon. Mr. G. T. H. BRACKEN:—"The question of traffic control in the city is being examined with a view to tighten up the rules and the matter will soon be decided."

Mr. V. T. ARASU:—"Arising out of the answer that the Hon. the Home Member gave just now, is this Council to understand that it is necessary that the Madras Government should obtain the previous sanction of the Government of India if they should desire to increase the strength of the constabulary in this Presidency?"

The Hon. Mr. G. T. H. BRACKEN:—"No, Sir."

11-15 a.m. Mr. B. POCKER SAHIB:—"What are the reasons according to the Government for increase in the number of accidents?"

The Hon. Mr. G. T. H. BRACKEN:—"I do not quite follow, Sir."

Mr. B. POCKER SAHIB:—"I would like to know, Sir, the various reasons which the Government know to be the reasons for the increase of these accidents?"

The Hon. Mr. G. T. H. BRACKEN:—"Accidents occur mainly for two reasons; negligent driving and in some cases want of proper attention by pedestrians and so on."

Mr. ABDUL HAMEED KHAN:—"May I know whether it is not a fact that the Traffic department has been carrying on very very strict control of the traffic and the distribution of licences and also in the matter of the G permits of the various buses in the city and yet the number of accidents is increasing?"

The Hon. Mr. G. T. H. BRACKEN:—"Yes, Sir. I am aware that the rules have been very strictly enforced in respect of cars and buses. Further rules are under consideration to improve the matter."

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Mr. V. T. ARASU:—"The Hon. Member just now said that the Government of Madras have addressed the Government of India for sanction to increase the strength of the constabulary?"

The Hon. Mr. G. T. H. BRACKEN:—"No, Sir, I made no such statement."

Mr. B. POCKER SAHIB:—"May I know, Sir, whether it is the rules that control the traffic, or the want of strictness in carrying out those rules, that is responsible for the accidents?"

The Hon. Mr. G. T. H. BRACKEN:—"It is a matter of opinion."

Mr. BASHEER AHMED SAYEED:—"Is it not also a fact, Sir, that the absence of efficient and close supervision on the part of the officers is responsible for most of the accidents?"

The Hon. Mr. G. T. H. BRACKEN:—"I cannot accept that."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"I think there is no necessity for addressing the Government of India in connexion with the raising of the Police force. May I know if the Madras Government cannot immediately sanction the number necessary to control the traffic?"

The Hon. Mr. G. T. H. BRACKEN:—"I have already said that the Inspector-General of Police has certain proposals under consideration."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know whether the Government are aware that the licences of persons who have been convicted for rash driving and accidents have been renewed even after their conviction?"

The Hon. Mr. G. T. H. BRACKEN:—"I am not aware."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know whether the Government will embody it as a rule that the licences of persons who have been sentenced for rash driving should not be renewed?"

The Hon. Mr. G. T. H. BRACKEN:—"These cases are dealt with by the Government."

Police

Recruitment of police constables in the Tinnevely district in the years 1933 and 1934.

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

(a) what the total number of police constables recruited for the Police force in the District of Tinnevely is in the years 1933 and 1934; and

(b) what the communities are to which they respectively belong?

[3rd August 1934]

A.—(a) & (b) The number of Police constables recruited in the Tinnevely district in 1933 and up to 27th July 1934 and the communities to which they belong are given below:—

	1933.	1934.
Brahmans	2	...
Non-Brahmans	24	21
Muhammadans	3	...
Christians	8	6
Scheduled classes	1	2
Others	...	2
Total	38	31

Mr. M. DEVADASAN:—“ With reference to the ‘ scheduled classes ’ may I know, Sir, whether the Depressed Classes come under the ‘ scheduled classes ’ or ‘ Others ’ ? ”

The Hon. Mr. G. T. H. BRACKEN:—“ Yes, Sir, they come under the scheduled classes.”

Mr. M. DEVADASAN:—“ While comparing the answers given to me, I find that the answer given on this subject last January was different from the answer given now. Last time we were told that seven men were chosen from the Depressed Classes in 1933. Now we are told one man is taken. Will the Government verify the answer already given on the subject? ”

The Hon. Mr. G. T. H. BRACKEN:—“ I am afraid I have not got the previous answer.”

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“ What is the cause for the disproportion in recruiting men to the constabulary? Is it because candidates are not available or anything else? ”

The Hon. Mr. G. T. H. BRACKEN:—“ I am not aware.”

Mr. A. RANGANATHA MUDALIYAR:—“ Do the Government mean by ‘ scheduled classes,’ backward classes? ”

The Hon. Mr. G. T. H. BRACKEN:—“ No.”

Rao Sahib V. I. MUNISWAMI PILLAI:—“ With reference to the number given under the ‘ scheduled classes,’ namely, 1 and 2 in 1933 and 1934, how many applied and how many were recruited? ”

The Hon. Mr. G. T. H. BRACKEN:—“ Notice, Sir.”

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“ Will the Government be pleased to issue instructions to recruit the due proportion from the different communities? ”

The Hon. Mr. G. T. H. BRACKEN:—“ Instructions have already been issued to the Inspector-General of Police to that effect.”

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Mr. M. DEVADASAN:—“ Is it a fact, Sir, that a large proportion of applicants from among the Depressed Classes were thrown out on the ground that there were no vacancies although month after month a number of constables are being recruited? ”

The Hon. Mr. G. T. H. BRACKEN:—“ I have no information.”

Mr. A. RANGANATHA MUDALIYAR:—“ May I know, Sir, whether any classes other than the Depressed Classes are included in the scheduled classes? ”

The Hon. Mr. G. T. H. BRACKEN:—“ I do not think so.”

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“ Will the Government be pleased to enquire into the causes of the disproportion in the recruitment of the different communities like the scheduled classes and Muhammadans? ”

The Hon. Mr. G. T. H. BRACKEN:—“ It is only one district.”

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—“ May I know what ‘ Others ’ means? ”

The Hon. Mr. G. T. H. BRACKEN:—“ ‘ Others ’ means castes other than those mentioned by name.”

Local Self-Government

Enquiry, if any, into the complaints made against the Municipal Council, Guntur.

* 74 Q.—Mr. MAHBOOB ALI BAIG SAHIB: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether there were complaints made to the Government against the Municipal Council, Guntur; and

(b) whether the Government instituted enquiry into the allegations made against the said Municipal Chairman, Guntur; if not, why not?

A.—(a) The hon. Member refers apparently to complaints against the administration of the present Chairman; if so, the answer is ‘ Yes.’

(b) Government called for reports from the Collector and the Inspector of Municipal Councils and Local Boards on the state of the administration since the present Chairman assumed office and both these officers reported that there was improvement in some respects. Government issued necessary orders thereon. They therefore considered that a detailed enquiry into the complaints was not necessary.

Mr. MAHBOOB ALI BAIG SAHIB:—“ May I know, Sir, whether the Government will be pleased to place the reports from the Collector and the Inspector of Municipal Councils and Local Boards on the table of the House? ”

[3rd August 1934]

The Hon. the RAJA OF BOBBILI:—"The reports are confidential and I do not see any necessity to place them on the table of the House."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know, Sir, whether any opportunity was given to the complainants to prove the allegations against the Chairman?"

The Hon. the RAJA OF BOBBILI:—"It is stated in the answer that Government considered that in view of the report of the District Collector and the Inspector of Municipal Councils and Local Boards, any detailed enquiry was unnecessary."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know if one of the complaints against the Chairman was that he instructed persons to interfere with the electric lines?"

The Hon. the RAJA OF BOBBILI:—"May be. I cannot off-hand give an answer."

Mr. MAHBOOB ALI BAIG SAHIB:—"May I know what prevents the Government from placing the reports on the table of the House?"

The Hon. the RAJA OF BOBBILI:—"I have already stated that they are confidential."

Mr. B. POCKER SAHIB:—"May I know whether similar complaints have been received against the administration of the special officer for the Bezwada Municipality?"

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

Appointment of Muslims as Commissioners of Municipalities.

* 75 Q.—Mr. MAHBOOB ALI BAIG SAHIB: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the number of Commissioners to Municipalities, appointed subsequent to the answer to question No. 716 given on the 28th February 1934;

(b) the number of Muslims appointed as such Commissioners; and

(c) whether the Government Order relating to communal representation in services has been applied in appointing the said Commissioners?

A.—(a) Twenty.

(b) One.

(c) The communal principle has not been followed in regard to the appointments of Commissioners. It cannot with advantage be applied in such cases, since the selection is by statute restricted to those in active Government, Municipal or Local Fund Service and the selection of nominees has to be made with reference to the financial position of individual municipal councils. Government, however, have always kept in view the representation of minorities such as Muslims, Indian Christians and the scheduled classes in these appointments.

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Mr. MAHBOOB ALI BAIG:—"Are not Muslim Deputy Tahsildars and Deputy Collectors available for the post of Commissioners?"

The Hon. the RAJA OF BOBBILI:—"Yes, they are available."

Mr. MAHBOOB ALI BAIG:—"Has the Hon. the Chief Minister considered the question of appointing such persons as Commissioners?"

The Hon. the RAJA OF BOBBILI:—"The question of taking more men from the Revenue Department has not been considered."

Mr. MAHBOOB ALI BAIG:—"How many Deputy Collectors and Tahsildars from other communities have been appointed as such?"

The Hon. the RAJA OF BOBBILI:—"About six Deputy Collectors have been appointed of which one is a Muslim."

Mr. ABDUL HAMEED KHAN:—"May I know whether the Hon. Minister is aware that, so far as the representation given to the Muslim community in general is concerned, the Members of this House are not satisfied?"

The Hon. the RAJA OF BOBBILI:—"If suitable people are available, I will be only too glad to appoint them."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know whether the Hon. Minister will be pleased to form a separate cadre for municipal commissioners?"

The Hon. the RAJA OF BOBBILI:—"I believe the draft rules are ready. I am not quite sure whether they have been published."

Mr. MAHBOOB ALI BAIG:—"Will the Hon. the Chief Minister be pleased to ask the Revenue Department to give the names of Deputy Tahsildars and Deputy Collectors from among the Muslims who are suitable for this post?"

The Hon. the RAJA OF BOBBILI:—"I have specially asked the Board of Revenue to recommend the names and they have done so."

Mr. BASHEER AHMED SAYEED:—"May I know whether the Government propose to take any steps to recruit suitable candidates?"

The Hon. the RAJA OF BOBBILI:—"Looking into the number of applications from qualified local board and municipal employees, I believe I am right in saying that all those who have been considered suitable have been appointed."

Mr. B. POCKER SAHIB:—"Have Government considered the claims of all those Muslims who are qualified for the post?"

The Hon. the RAJA OF BOBBILI:—"They have considered the claims of all those in local board and municipal services who are qualified."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether there are other communities still unrepresented?"

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The Hon. the RAJA OF BOBBILI:—"All the communities mentioned in the Communal Government Order have been represented. I am not aware whether the hon. Member refers to any other sub-community."

Mr. BASHEER AHMED SAYEED:—"Will the Government be pleased to choose from Government servants, if suitable men are not available in the municipal and local board services?"

The Hon. the RAJA OF BOBBILI:—"I must say that Government propose to confine these appointments as far as possible to the municipal and local fund employees."

Mr. BASHEER AHMED SAYEED:—"In view of the fact that Muslims are not available in municipal and local board services, will the Government be pleased to turn to Government service to secure suitable Muslim officers for appointment as Commissioners?"

The Hon. the RAJA OF BOBBILI:—"I am afraid it will not be possible to spare any more men from the Revenue Department as these posts are of a temporary nature."

Mr. BASHEER AHMED SAYEED:—"Will the Hon. the Minister be pleased to make fresh efforts to get Muslims?"

The Hon. the RAJA OF BOBBILI:—"If any suitable candidates among the local board servants apply, they will be certainly considered."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know whether the Hon. Minister will see that Muhammadan Commissioners are not appointed to municipalities where there is a preponderance of Muslim population?"

The Hon. the RAJA OF BOBBILI:—"This is a difficult question for the Government to consider and answer. Because Muslims are in a majority, my hon. Friend does not want a Muslim Commissioner. Then, it will be equally open to object to a Hindu being appointed as Commissioner where there is a Hindu majority."

Mr. MAHBOOB ALI BAIG SAHIB:—"Are not Brahmans appointed where they are in a small minority?"

Appointment of employees of District Boards as Commissioners of Municipalities.

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

(a) which the district boards are the employees of which have been appointed as Commissioners for Municipalities subsequent to question No. 716 answered on 28th February 1934;

(b) what the qualifications are of each of the incumbents so selected;

(c) whether the Government called for a list of qualified men from each district board before making the appointments of Commissioners of Municipalities; and

(d) whether they have adopted the uniform rule of selecting the most qualified person from district boards for these posts?

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

(c) No.

(d) In making these appointments, Government are always guided by a due regard to qualifications and suitability of nominees and the actual requirements of municipal councils.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know why the Government have not called for any list of qualified men in the local board and municipal services that are available? I think we have got men and qualified men who have applied for these posts."

"May I know the reason why the Government have not called for a list from the District Board Presidents so that they may select from the list of members that are available already?"

The Hon. the RAJA OF BOBBILI:—"As we have got about 700 applications already, it is not necessary to consult the District Board Presidents."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know on what basis or principle the Government appointed a few members that are appointed in district boards?"

The Hon. the RAJA OF BOBBILI:—"The answer is already printed. The Government are always guided by due regard to qualification and suitability of nominees and the actual requirements."

Mr. M. S. SRESHTA:—"Is it not a difficult task to select a few men from several men?"

The Hon. the RAJA OF BOBBILI:—"It is not an easy task."

Appointment of Educational officers by District Boards from a panel consisting exclusively of Deputy Inspectors of Schools.

* 77 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased to state—^{a,m}

(a) whether it is a fact that the Government propose to form a panel of Deputy Inspectors of Schools from which district boards should appoint their Educational officers;

(b) under what provision of the Local Boards Act do the Government prepare this panel;

(c) whether it is a fact that the Director of Public Instruction, Madras, wrote to the Government insisting on the procedure of appointing Educational officers for district boards only from Deputy Inspectors;

(d) whether the Government have received any representations from the staffs of district boards requesting to be included in the panel; and

(e) what action the Government have taken on them?

[3rd August 1934]

A.—(a) Yes. A list of Deputy Inspectors has already been circulated to Presidents of District Boards.

(b) Under section 73-B of the Madras Local Boards Act, 1920.

(c) At a conference held by Government it was decided that District Board Educational Officers should be recruited from among Deputy Inspectors.

(d) Applications for appointment as District Board Educational Officers were received from a few members of the staff of district boards.

(e) Attention is invited to the answer to clause (c).

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know the reason why the Government has not added in the panel the names of subordinates of the district boards that are serving in the district board high schools, though they are well qualified? ”

The Hon. the RAJA OF BOBBILI:—“ They may be well qualified. The question is whether those people have got experience of elementary education and of administration.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ With reference to the answer to clause (c) that ‘ at a conference held by Government it was decided that District Board Educational Officers should be recruited from among Deputy Inspectors,’ may I know who were the members composing the conference? ”

The Hon. the RAJA OF BOBBILI:—“ The Secretary of the Local Self-Government Department, the Deputy Secretary of the Education Department, the Director of Public Instruction and some others.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ May I know whether the District Board Presidents wanted to meet the Chief Minister in connexion with these appointments? ”

The Hon. the RAJA OF BOBBILI:—“ With such of those Presidents that met me, I have discussed the matter, and I had the benefit of their opinions. I do not think the District Board Presidents as a body wanted to wait on me.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether the Government are aware that by absorbing the Deputy Inspectors in the District Board service, the district boards are at a great loss by being deprived of the chance to promote their own subordinates? ”

The Hon. the RAJA OF BOBBILI:—“ I do not agree with that statement.”

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—“ May I know whether a Deputy Inspector serving in the district, knowing the language of the district, though not a native of the district, has been disqualified to be an Educational Officer in the same district? ”

The Hon. the RAJA OF BOBBILI:—“ Certain District Board Presidents do not want that Deputy Inspectors serving in their own districts should be appointed. Government themselves have no particular objection to employing such officers.”

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Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ In view of the fact that Deputy Inspectors serving under Government have for their jurisdiction only one or two taluks of the district, does the Government consider the placing of a Deputy Inspector in charge of elementary education of the whole district, in the interests of elementary education of the district? ”

The Hon. the RAJA OF BOBBILI:—“ It is necessary to place some officer in charge of the district. I may state that previously the duties of these Deputy Inspectors were mainly inspection. But now as Educational Officers they are not expected to inspect all the elementary schools in the district. Their work will be mainly in the office.”

Mr. BASHEER AHMED SAYEED:—“ May I ask whether any rules have been framed defining the functions of these Educational Officers under district boards, as distinguished from Deputy Inspectors of Schools working under the Education Department of Government? ”

The Hon. the RAJA OF BOBBILI:—“ Their function is to help the District Board Presidents in giving such advice as they require in the matter of elementary education.”

Mr. MAHBOOB ALI BAIG:—“ Will the Government have any objection to Deputy Inspectors serving in a district being appointed as Educational Officers in the same district? ”

The Hon. the RAJA OF BOBBILI:—“ I have already answered that question.”

Mr. ABDUL HAMEED KHAN:—“ May I know whether Presidents of District Boards are compelled to appoint those that are selected by the Director of Public Instruction, or whether they have option to choose their own men? ”

The Hon. the RAJA OF BOBBILI:—“ A list of 43 names has been sent to each of the district boards, and they have been asked to select a panel of three names in the order of preference.”

Mr. B. POCKER SAHIB:—“ May I know whether the list that was circulated to the President of the Malabar District Board includes persons who do not know the Malayalam language at all? ”

The Hon. the RAJA OF BOBBILI:—“ I have stated that 43 names have been sent. It follows that all the 43 people have not been intended for Malabar.”

Mr. BASHEER AHMED SAYEED:—“ May I ask whether the Hon. Minister's attention has been drawn to the question whether or not there is going to be any overlapping of the functions and duties of these Educational Officers with those of the Deputy Inspectors? ”

The Hon. the RAJA OF BOBBILI:—“ The question has been carefully considered. I may state that the functions of both are quite distinct and separate. There will be no question of overlapping of functions.”

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Accounting of the pay of Educational officers employed by District Boards.

* 78 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased to state whether, in the matter of the pay of the Educational officers of district boards to be appointed under the Act, the Government propose—

(a) to debit to each district board a uniform consolidated amount under the head; or in the alternative; and

(b) to debit to each district board the actual pay and allowances of the incumbent?

A.—The actual pay and allowances of District Board Educational Officers will be borne by the Elementary Education Fund of the respective District Boards.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether Government is prepared to fix a consolidated salary to these Educational officers that are to be appointed by the District Boards from among Government servants? ”

The Hon. the RAJA OF BOBBILI:—“ I shall consider the hon. Member's suggestion.”

Mr. A. B. SHETTY:—“ The answer says: ‘ The actual pay and allowances of District Board Educational Officers will be borne by the Elementary Education Fund of the respective District Boards.’ May I ask whether the Government are aware that several of the boards have not in their Elementary Education Fund sufficient money to pay the new scales of pay recommended to the teachers, and they have to draw from their general revenues for this purpose? ”

The Hon. the RAJA OF BOBBILI:—“ I have not received any detailed reports from District Board Presidents. I am awaiting them.”

Mr. A. B. SHETTY:—“ May I request the Hon. the Chief Minister to call for detailed reports? ”

The Hon. the RAJA OF BOBBILI:—“ If any District Board President finds it difficult, it is for him to bring the difficulty to the notice of Government.”

Mr. BASHEER AHMED SAYEED:—“ May I ask whether the Hon. Minister has considered or will consider the feasibility of taking over elementary education and administering the same through the Education Department of Government, instead of leaving it any longer to the District Boards? ”

The Hon. the PRESIDENT:—“ I do not know how that question arises at all here when we are concerned only with the provision of funds for elementary education.”

Mr. BASHEER AHMED SAYEED:—“ I will explain it if you will permit me, Sir. The pay of these Educational officers is to come from the Education Fund. The district board schools also are to be run from out of that fund. If that is the case, the Government may as well administer

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the whole of the elementary education in the district. So I am asking whether the Government will consider or have considered the feasibility of taking over elementary education from district boards.”

The Hon. the PRESIDENT:—“ I do not think the question arises at all.”

Mr. ABDUL HAMEED KHAN:—“ In view of the fact that the North Arcot District Board has got a Muslim President, by what means the Government propose to safeguard the interests of the Muslim community in giving due representation to them in regard to the appointment of inspectors of elementary education? ”

The Hon. the RAJA OF BOBBILI:—“ I am afraid in all these matters it will not be possible to safeguard the interests of particular communities separately.”

Mr. T. S. RAMASWAMI AYYAR:—“ May I know whether, if once an officer is deputed as an Educational Officer under a District Board, he will still continue to be borne on the Government list, or he will be once for all transferred to the District Board? ”

The Hon. the RAJA OF BOBBILI:—“ The services of these people will be lent to the District Boards only as a temporary measure.”

Mr. T. S. RAMASWAMI AYYAR:—“ Will it not be that, if a number of Government officers continue to work under District Boards, the service will be in a sort of flux and it will not be possible to know whether they are Government servants or District Board servants? ”

The Hon. the RAJA OF BOBBILI:—“ There will be no difficulty for the District Board Presidents to know how many are Government servants and how many are their own servants.”

Mr. S. M. K. BEYABANI SAHIB:—“ Is the Hon. Minister aware that in all the Telugu districts there are separate schools for Muslims, as many as 200 schools, which are to be supervised by inspectors? I wish to know whether Government will safeguard the interests of these separate schools for Muslims maintained by district boards.”

The Hon. the RAJA OF BOBBILI:—“ I have already stated that the function of these Educational Officers is not to inspect the schools.”

Mr. T. S. RAMASWAMI AYYAR:—“ May I know whether this system does not interfere with the autonomy of District Boards? ”

The Hon. the RAJA OF BOBBILI:—“ I do not know, Sir, what the hon. Member means by interference. It is only for the better administration of the local boards.”

Mr. T. S. RAMASWAMI AYYAR:—“ What I mean to say is this. If officers like the District Board Engineers, District Health Officers and Educational Officers are being forced on the District Boards, is it not interfering with the autonomy of the District Boards? ”

The Hon. the RAJA OF BOBBILI:—“ Technically, I have no difficulty in agreeing with the hon. Member that technically it does inter-

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fere with the autonomy of district boards. However, I think these appointments will be found very beneficial for the administration of district boards."

Discontinuance of the practice of distributing grants to panchayat boards through the Inspector of Local Boards and Municipal Councils.

* 79 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 practice of distributing grants to panchayat boards through the Inspector of Panchayats has been discontinued;

(b) whether it is a fact that such grants are proposed to be distributed through the district boards; and

(c) if so, what the reasons of the Government are for doing so?

A.—(a) No.

(b) & (c) According to the procedure hitherto followed in regard to the distribution of grants for the improvement of village communications in the Presidency, a portion of the total allotment for the year was placed at the disposal of the Inspector of Municipal Councils and Local Boards for distribution among minor (i.e., non-union) panchayat boards and the balance was distributed to district boards for expenditure in areas outside the jurisdiction of minor panchayats. For the current year, the Government have been able to provide only a sum of Rs. 2,50,000 for this purpose and in view of this restricted provision, they decided to place the entire provision at the disposal of district boards which have been asked to give due consideration to the needs of minor panchayats also in utilizing the amount. No change has been made in the procedure hitherto adopted for the distribution of grants for the improvement of rural water-supply or for schools.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Is it not a fact that the Government entrusted the grants to the district boards for distribution to the panchayats instead of through the Inspector of Local Boards?"

The Hon. the RAJA OF BOBBILI:—"The answer says that."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Even when larger sums are available to be given as grants, will the Government continue to allot these sums to the district boards for distribution to panchayats?"

The Hon. the RAJA OF BOBBILI:—"The answer states that this has been done this year because the funds were restricted. In future, it is a matter for consideration whether the Inspector should be permitted to distribute a part of these grants or whether it should be done by one of the standing committees."

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Mr. P. PEDDI RAJU:—"May I know whether the district boards have distributed the grants to the panchayats in all cases for which the Inspector has promised them?"

The Hon. the RAJA OF BOBBILI:—"Government have no information as to how far the Inspector has made any promises."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know whether, in view of the fact that the panchayats have no complaint in regard to the distribution of grants, the Government will be pleased to continue to pay these grants to the district boards whether the provision is restricted or otherwise?"

The Hon. the RAJA OF BOBBILI:—"It is not possible for me now to say what the decision of the Government will be. I can only say that the suggestion of the hon. Member will be considered."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether the Government will distribute the grants according to the needs of each district, and not according to districtwar?"

The Hon. the RAJA OF BOBBILI:—"They are distributed on the basis of the number of complete proposals with detailed plans and estimates which the local boards are able to send up to Government in time."

Mr. P. PEDDI RAJU:—"Will the Government be pleased to ask the district boards to send up a statement of the bills for works that are pending payment and ask the district boards to pay those liabilities?"

The Hon. the RAJA OF BOBBILI:—"The rules are quite clear on the subject. I do not think the Inspector would have committed himself to pay grants beyond the sum placed at his disposal."

Execution of works by panchayat boards without inviting tender.

* 80 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased to state—11-45 a.m.

(a) whether it is a fact that panchayat boards are allowed to execute their own works without giving them to any contractor;

(b) whether it is a fact that complaints have arisen that panchayat boards are not submitting correct accounts of the moneys spent by them in executing works;

(c) whether the Government have received any petitions against the Virannapalem Panchayat Board in Guntur district in this connexion; and

(d) what action has been taken by the Government to prevent such defects in the future?

A.—(a) Panchayat boards can have their works executed either departmentally or by contract agency.

(b) The Government have not received any complaints.

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- (c) Yes; petitions containing allegations against the President of the Panchayat Board were received but on enquiry it was found that there was no evidence to substantiate the allegations.

(d) No special action was called for.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Will the Government be pleased to issue an order changing the procedure and instructing the panchayats to leave all works to contractors instead of doing them themselves which is giving rise to a lot of unnecessary party feeling in the villages?"

The Hon. the RAJA OF BOBBILI:—"It is very difficult to issue a general order. I may state that no general complaints have been received. I believe the present system is working as satisfactorily as Government can expect."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Is it not the policy of the Government to encourage panchayats to execute their own works?"

The Hon. the RAJA OF BOBBILI:—"Ordinary works are done by them; for works where technical skill is required the Government expect that the District Board Engineer or other Engineering staff to be consulted."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Is it not a fact that a further safeguard is there that each bill should be passed by the technical staff of the district board?"

The Hon. the RAJA OF BOBBILI:—"I do not think that, in the case of works requiring technical knowledge, that would be a sufficient safeguard."

Restrictions on the exhibition of portraits in schools under the management of local bodies.

* 81 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state the reasons for issuing G.O. No. 2561 of 28th May 1934 prohibiting the exhibition of portraits except those of Their Majesties the King-Emperor and the Queen-Empress in schools under the local bodies without the approval of the District Educational Officer or of the Inspectress of Schools?

A.—It was considered desirable that the exhibition of portraits in educational institutions under local bodies should be brought under control, so as to obviate the possibility of undesirable portraits being exhibited.

Mr. A. B. SHETTY:—"May I know if Government have received any reports that undesirable portraits are being exhibited in any of the schools, under the local bodies?"

The Hon. the RAJA OF BOBBILI:—"I am not able to quote any specific instance. But there have been cases where undesirable portraits have been exhibited."

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Mr. T. C. SRINIVASA AYYANGAR:—"Is not the approval of the District Board President sufficient in such cases?"

The Hon. the RAJA OF BOBBILI:—"Government Officers should give them permission."

Diwan Bahadur C. S. RATNASABHAPATI MUDALAYAR:—"May I know whether the Government will amend the rules so as to enable the local bodies to hang the portraits of eminent scientists as J. C. Bose and C. V. Raman without having to obtain any special sanction?"

The Hon. the RAJA OF BOBBILI:—"It is very difficult to make a distinction. The existing rules do not prohibit the exhibition of photographs of persons mentioned by him."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know what the Hon. Minister means by the word 'undesirable'? Would he consider Mahatma Gandhi's portrait as undesirable?"

The Hon. the RAJA OF BOBBILI:—"I do not propose to define any portraits as undesirable or desirable. All I say is, generally, it is not the business of local bodies to go in for portraits of any people connected with politics."

Mr. A. RANGANATHA MUDALIYAR:—"Does not the wording of the order prohibit the exhibition of portraits?"

The Hon. the RAJA OF BOBBILI:—"The order clearly says that, except the portraits of Their Majesties the King Emperor and the Queen-Empress, no other portraits should be exhibited without the permission of Government District Educational Officers."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Does this order apply to cases of portraits that have already been presented to local schools and are there already?"

The Hon. the RAJA OF BOBBILI:—"I do not think this is intended to have any retrospective effect."

Toll compensation paid to district boards and municipalities from the tax collected on motor vehicles.

* 82 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the amount of provincial tax on motor vehicles collected from each district of this Presidency last year; and

(b) the toll compensation amount paid to each district board and municipality?

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

Mr. A. B. SHETTY:—"May I draw the attention of the Hon. Minister to the statement printed as appendix and ask whether it has come to the notice of the Government that in certain districts like South Arcot and Chingleput the amount paid as compensation exceeds to a great extent

^a Printed as Appendix VI on pages 282-283 infra.

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the amount of Provincial tax collected while in certain other districts like South Kanara the amount of toll compensation is only a small portion of the amount collected as Provincial tax? "

The Hon. the RAJA OF BOBBILI:—" I am already aware of that position."

Mr. A. B. SHETTY:—" May I request the Hon. the Minister to amend the Motor Vehicles Taxation Act, so that the whole or at least a major portion of the amount collected in each district may be paid back to that district as toll compensation? "

The Hon. the RAJA OF BOBBILI:—" There is always a difficulty in making these calculations accurately. Even assuming that the taxes are collected on the motor vehicles in a particular district, it does not follow that those vehicles used that particular district alone. I shall certainly consider how far it is possible to give effect to the suggestion of the hon. Member. We have to administer the Act as it stands."

Mr. ABDUL HAMEED KHAN:—" Inasmuch as only one lakh and odd is given to the City Corporation out of seven lakhs and odd collected as tax, may I know whether the Government will consider the desirability of giving a major portion of the amount to the Corporation, especially, in view of the fact that not only the motor cars of the city use the city roads but also other cars coming from all parts of the Province? "

The Hon. the RAJA OF BOBBILI:—" I believe, Sir, that the Corporation receives more than one and a half lakhs. The point is that these figures were fixed on the previous year's average; unless there is a redistribution it will not be possible for Government to take into consideration the claims of each individual local body."

Diwan Bahadur S. ELLAPPA CHETTIYAR:—" Out of the amount of 35 lakhs collected, I find only 30 lakhs have been paid to the various local bodies. May I know what has become of the balance? "

The Hon. the RAJA OF BOBBILI:—" It is the share due to Government for the roads maintained by them."

Medical Administration

Acceptance by certain medical officers of addresses in contravention of Government Order.

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

(a) whether the Government are aware that certain medical officers are continuing to receive addresses in contravention of the Government Order prohibiting them from doing so;

(b) what action the Government have taken against those officers; and

(c) what action the Government propose to take to ensure conformity with the provisions of the Government Order in the future?

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A.—(a) & (b) Two such cases were brought to the notice of the Government and the officers concerned are being suitably dealt with.

(c) As the rules on the subject are clear the Government do not consider that any action is called for.

Extent of application of the Government Order restricting admission into the Madras Medical College.

* 84 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Local Self-Government be pleased to state whether the recent Government Order regarding admissions to the Madras Medical College applies to the Vizagapatam Medical College also?

A.—It is presumed that the hon. Member refers to G.O. No. 1556, P.H., dated the 19th June 1934. It applies to the admissions to the Medical College, Vizagapatam, also.

Mr. U. C. SUBRAHMANYA BHATT:—" May I know as to why such a large percentage as 45 should be reserved for Andhras in the Madras Medical College when there is a separate college for them? "

The Hon. the RAJA OF BOBBILI:—" The two colleges are taken together for purposes of admission."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether the Government Order is based on linguistic or territorial basis? "

The Hon. the RAJA OF BOBBILI:—" First linguistic and then territorial."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know why South Kanara has been clubbed with Malabar while Andhras and Tamils are treated on linguistic basis? "

The Hon. the RAJA OF BOBBILI:—" For the sake of convenience: West Coast, Tamil area and Andhra area."

Agriculture

Estimated annual consumption and production of food-stuffs like rice, ragi and cholam.

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

(a) what the crops in this Presidency are that have been found to be overproduced and to what extent;

(b) what the estimated annual internal consumption in this Presidency is of the more important food-crops like rice, cholam and ragi;

(c) what the estimated total production of these more important food-crops is in the Presidency;

(d) whether it is a fact that the Madras Government have expressed the view that there is no overproduction of rice in this Presidency;

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(e) if so, what the extra quantity is that this Presidency should produce in rice to meet all internal requirements; and

(f) what the reason is for the low level of prices, especially for rice?

A.—(a) None.

(b) No reliable or accurate estimate is possible. It has been estimated that about 8½ million tons of cereals produced are available for internal consumption.

(c) The hon. Member's attention is invited to Appendix IX of the Season and Crop Report, 1932-33.

(d) Yes.

(e) This quantity depends upon several factors which may vary from year to year and cannot be estimated with any accuracy.

(f) In recent years China, Malaya, Ceylon and other countries in the Far East which had hitherto been importing rice from India have begun to grow more rice themselves. The world rice position as a whole is deteriorating because of increased production in countries which previously did not grow rice in appreciable quantities. The hon. Member's attention is also invited to the Madras Economic Depression Enquiry Committee's Report under the heading "Causes of depression" on pages 2-3 of G.O. No. 948, Revenue, dated 1st May 1931.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know what is the quantity of food-crops which are grown in our Presidency?"

The Hon. Mr. P. T. RAJAN:—"Please refer to the Administration Report of the Agricultural Department."

Mr. V. T. ARASU:—"Does not the Agricultural Department issue what are known as seasonal crop reports which give an idea of the production of various agricultural commodities?"

The Hon. the PRESIDENT:—"There the information is available."

Views of the Empire Marketing Board with regard to the raising of new crops.

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

(a) whether the Government have investigated the possibilities of raising any new crops for export within the Empire;

(b) whether the views of the Empire Marketing Board have been obtained by the Government; and

(c) if so, whether the Government will be pleased to place the views of the Board on the table of this House?

A.—(a) No.

(b) The Empire Marketing Board has been abolished.

(c) Does not arise.

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Registration

Inspection of Sub-Registrars' offices by District Registrars.

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

(a) whether the Government or the Inspector-General of Registration framed any rules in regard to the inspection of Sub-Registrars' offices by District Registrars;

(b) if so, whether the Government will be pleased to state what those rules are; and

(c) if not, why not?

A.—(a) to (c) The attention of the hon. Member is invited to Chapter XXXIV of Part II of the Madras Registration Manual, relating to the departmental orders issued by the authority of the Inspector-General of Registration, which contains the information required.

B. POCKER SAHIB Bahadur:—"Is it a fact that the Government have received some representation from the graduate clerks requesting for preference being given to them in the matter of promotion to the Sub-Registrars' cadre?"

The Hon. Mr. P. T. RAJAN:—"I want notice."

Promotion of clerks as probationary Sub-Registrars.

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

(a) whether it is a fact that the Government have passed orders that in promoting clerks to probationary Sub-Registrars, preference is to be given to those who have qualified in two vernaculars; and

(b) if so, whether the Government will be pleased to place the Government Order on the table of the House?

A.—(a) & (b) The attention of the hon. Member is invited to the proviso to rule 3 (b) of the Madras Registration Subordinate Service Rules issued with G.O. No. 964, Public (Services), dated the 24th September 1929, published as notification No. 15 on pages 1777-78 of Part I of the *Fort St. George Gazette*, dated the 1st October 1929.

G.O. No. 86, Law (Registration), dated the 14th June 1934, declining the removal of the minimum qualifying marks for the appointment of clerks as Sub-Registrars.

* 89 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the Hon. the Minister for Public Works be pleased to state whether it is a fact that the Government in their G.O. No. 86, Law (Registration), dated 14th June 1934, have refused the request of the registration clerks to remove the bar of 35 per cent marks in all subjects to entitle them to get Sub-Registrars' places?

A.—Yes.

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Mr. S. M. K. BEYABANI SAHIB:—" May I know the number of clerks who are entitled to get Sub-Registrars' places? "

The Hon. Mr. P. T. RAJAN:—" I cannot give the answer off-hand."

Mr. S. M. K. BEYABANI SAHIB:—" Is the Hon. Minister aware of the fact that some of the clerks who were entertained even before 1926 have been affected on account of this recent Government Order? Will the Hon. Minister consider such cases? "

The Hon. Mr. P. T. RAJAN:—" May be; it is not possible for the Government to reconsider such cases."

Mr. S. M. K. BEYABANI SAHIB:—" Is the Hon. Minister aware of the fact that those clerks who have already acted as Sub-Registrars a number of times are affected? "

The Hon. Mr. P. T. RAJAN:—" It is quite possible, but the rules are there and the Government have to give effect to them."

Mr. ABDUL HAMEED KHAN:—" May I know whether it is a fact that the Government treats such of the clerks as have acted as Sub-Registrars for two or three years consecutively on the same footing as the clerks who have acted only for short periods? "

The Hon. Mr. P. T. RAJAN:—" No, Sir, they are treated differently."

Education

Prescription of a maximum grant by Government for acquisition of lands as playgrounds for schools.

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

(a) whether it is a fact that Government provide a maximum of Rs. 500 per acre or half-grant, whichever is lower, for acquisition of playgrounds for schools;

(b) whether there have been any representations to the Government about the maximum being too low owing to the high cost of land in certain localities; and

(c) whether the Government have any proposals to modify the rule so as to provide a higher grant in special cases?

A.—(a) The maximum referred to ordinarily applies in the case of acquisition or purchase of lands in municipal areas for use as playgrounds by secondary schools.

(b) There have been no general representations as regards the inadequacy of this limit.

(c) No.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether even in non-municipal areas the district boards are not in a position to acquire land for playgrounds? "

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The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The limits apply only to municipal areas. The limits for non-municipal areas are different."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the Hon. Minister is aware that in municipal areas the cost of land is very exorbitant and the municipalities have been paying Rs. 2,000 and Rs. 3,000 per acre while the Government's share of the maximum is only Rs. 500? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The amount of the grant is ordinarily Rs. 500. In special cases where the Government are satisfied that higher rates for land have to be given they have been giving. My hon. Friend's municipal council got a very liberal grant once."

Frequent changes of text-books in schools under local bodies.

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

(a) whether the Government are aware of the fact that frequent changes are made in text-books in schools under local boards; and

(b) what action, if any, has been taken by the Government to prevent frequent changes in text-books?

A.—(a) Government are aware that in some schools this is the case.

(b) A full report on this subject was called for and has just been received from the Director of Public Instruction and is under the consideration of the Government. Until the examination of the report has been completed it is not possible to say what action will be taken.

Mr. B. POCKER SAHIB:—" May I know whether the Government has considered the advisability of prescribing some time-limit within which text-books prescribed should not be changed? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" As I have said the report has just been received and is under consideration."

Rao Sahib V. I. MUNISWAMI PILLAI:—" May I know when he would arrive at a decision in the matter? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot say—as early as possible."

Mr. T. S. RAMASWAMI AYYAR:—" May I know if the difficulties of local bodies are increased because more and more text-books are prescribed every year? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not aware."

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Excise

Illicit manufacture and sale of arrack and toddy during the last five years.

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

- (a) when the strength of arrack was reduced;
- (b) what the number of illicit cases of manufacture of arrack and sale of arrack detected during each of the last five years is;
- (c) whether a calculation has been made of the loss of revenue to the Government during each of the last five years by reason of illicit manufacture and sale of arrack and toddy;
- (d) if so, whether the Government will be pleased to state the result of such calculation; and
- (e) if not, whether the Government will be pleased to have such calculation made?

A.—(a) Before 1908 the issue strength of arrack in this Presidency was generally 20° or 30° under-proof, though in some localities it was weaker. The Indian Excise Committee of 1905-06 recommended that restrictions on the strength of liquor were necessary to check drunkenness or injury to the drinker. The sale of 20° under-proof liquor was prohibited from 1st April 1909 in areas where it was not largely consumed and in other areas shop-keepers were required to keep stocks of both 20° and 30° under-proof liquor in order to give people an opportunity of drinking the weaker liquor. From 1st April 1910 the sale of 20° under-proof liquor was prohibited altogether in the whole Presidency. In 1912 the Madras Legislative Council recommended that the maximum strength of country spirit to be offered for sale should be gradually reduced from 30° under-proof to 35° under-proof. The strength was reduced from 30° under-proof to 32° under-proof from 1st April 1914, to 34° under-proof from 1st April 1917 and to 35° under-proof from 1st April 1918. As a further measure to encourage temperance the strength of arrack was reduced from 1st April 1925 to 38° under-proof in the districts of Madras, Chingleput, South Arcot (excluding the frontier tracts), Tanjore, Trichinopoly, Madura, Ramnad, Tinnevely and the Nilgiris. On account of the large increase of cases of illicit distillation and kindred offences in the abovementioned districts, the strength of arrack has now been raised from 38° to 35° under-proof from 1st April 1934.

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- (b) The number of cases of illicit distillation and possession and sale of illicitly distilled spirits detected in the Presidency during the last five years for which figures are available are—

1928-29	...	...	...	...	2,699
1929-30	...	...	...	...	2,507
1930-31	...	...	...	...	2,579
1931-32	...	...	...	...	3,301
1932-33	...	...	...	...	4,524

- (c), (d) & (e) The Government do not consider it possible to calculate the loss of revenue caused by illicit manufacture of arrack and toddy. It cannot be assumed that licit liquor of the same quantity would have been consumed if no illicit liquor had been manufactured; nor can the quantity of illicit liquor manufactured be estimated with any precision.

Mr. M. S. SRESHTA:—"With reference to reply to clause (b)—the table shows that during the last four years there has been a very large increase in illicit sales—more than 33 per cent—may I know if Government is of opinion that its present policy has not achieved its object?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It does not follow."

Mr. M. S. SRESHTA:—"What inference does the Government draw? During the last four years, in spite of various measures, illicit sale has increased by 33 per cent."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"There are various reasons which have contributed to it—economic depression and so on."

Rao Bahadur R. SRINIVASAN:—"Will the Government consider the desirability of increasing the strength of the liquor from 35° to 25° under-proof?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"As the answer shows, recently there has been some increase. Any further increase would be injurious to public health. That is the opinion that has been received."

Mr. MAHBOOB ALI BAIG:—"Is it not owing to the laxity on the part of the panchayat officers concerned?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"That may have contributed to some extent."

Mr. M. S. SRESHTA:—"Is not illicit consumption more injurious?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Yes."

Mr. M. DEVADASAN:—"Is it not that drink as such is injurious to health whether strong or light?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"My hon. Friends are asking for stronger drinks!"

[3rd August 1934]

UNSTARRED QUESTIONS**Education**

Provision of playground for the Government Muhammadan High School, Kurnool.

93 Q.—Mr. S. M. K. BEYABANI SAHIB: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) how long the Government Muhammadan High School of Kurnool has been in existence;

(b) whether it is a fact that the school is still located in the old Municipal Hospital building and that there is no playground for the boys; and

(c) whether the Government have enquired from the District Collector if there are suitable grounds available for this institution?

A.—(a) The school has been in existence from 1918.

(b) & (c) Government have no information but have called for it.

Inadequacy of the accommodation of the Government Secondary School for girls at Salem.

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

(a) what the total strength is of the Government Secondary School for girls at Salem;

(b) what the total area is of the class rooms of this school;

(c) whether there is a complaint that the accommodation in this school is quite inadequate and that the school itself is located in a very congested area of the town; and

(d) if so, whether there is any proposal to secure better accommodation for this school; if so, when and where?

A.—(a) The total strength of the school was 236 on 31st March 1933.

(b) Government have no information.

(c) The Government are aware that the present accommodation is not satisfactory.

(d) It is hoped to remove this school to the buildings now occupied by the Queen Alexandra Women's and Children's Hospital as soon as new buildings are constructed for this hospital.

Excise

Comparative statement of the number of, and the revenue derived from, arrack shops for the period 1929-30 to 1934-35.

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

(a) what the total number is of arrack shops sold in auction for the year 1934-35 in each district;

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(b) what the number was in each year since 1929-30;

(c) what the amount was for which the sales were concluded for 1934-35; and

(d) what the amount realized was in each year since 1929-30 by the arrack shops in each district?

A.—A statement^a giving the information asked for is attached.

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

II.—ELECTION OF MEMBERS TO THE HOUSE COMMITTEE.

* The Hon. the PRESIDENT:—“In connexion with the election of 12 six Members to the House Committee, I have to announce that Messrs. noon. Yakub Hasan and K. A. Nachiyappa Gounder are the only two candidates who have been nominated so far. Under clause 3 of Regulation II for the holding of elections by means of the single transferable vote, I fix a further period till 3 p.m. to-day for notice of nominations to be sent to the Secretary.”

NON-OFFICIAL BUSINESS.**III.—THE MADRAS DEBTORS' PROTECTION BILL
(BILL No. 21 OF 1932).**

* The Hon. the PRESIDENT:—“The House is aware that when it rose the other day, Sir A. P. Patro had made a motion that we pass on to the next item of business on the agenda and it had been seconded. That motion is for the discussion of the House.”

* Diwan Bahadur A. APPADURAI PILLAI:—“Mr. President, it may be considered an act of indiscretion on my part to venture to criticize the remarks made by a veteran like Sir A. P. Patro with reference to the conduct of my hon. Friend, Mr. Basu Dev, in readily acceding to the amendment proposed by the Hon. the Law Member to delete clause 6 of the Bill. I heard very strong language used by Sir A. P. Patro condemning Mr. Basu Dev. Strong language is often a sign of weakness. There has been considerable difference of opinion with reference to clause 6. The Select Committee's report itself shows that there was difference of opinion as to whether clause 6 should be in the Bill or not. We find from page 7 of the report that three Members of the Select Committee, two of whom at any rate are shrewd businessmen entitled to speak with authority on this matter, deprecated the inclusion of clause 6 on the ground that there is no provision in the Punjab Act limiting the rate of interest and that there is sufficient provision already in the Usurious Loans Act to afford relief to poor borrowers. These are their words:

‘The evidence given before the Select Committee by eminent persons who held judicial appointments was to the effect that the Usurious Loans Act was quite enough to give the necessary relief.’

^a Printed as Appendix VII on page 284 infra.

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"The dissenting Members further went on to discuss the English law on the point and clearly pointed out that laying down any limit as regards the rate of interest was derogatory to the amicable carrying on of the transactions of a debtor and creditor. However, the majority opinion prevailed and the present rate of interest mentioned in clause 6 of the Bill came into existence. This shows that there was no unanimity of opinion for the inclusion of the rate of interest in the Bill. In the circumstances, Sir, I do not think that my hon. Friend, the Mover of the Bill, committed any serious sin by acceding to the amendment brought forward by the Hon. the Law Member to delete clause 6. Further, this has been done, I find, on the assurance given by the Hon. the Law Member that the Government of India contemplate taking action on this question on an all-India basis. There was also the likelihood of the measure being delayed if that amendment was not agreed to. In the circumstances, I do not suppose that the hon. Mover had any alternative but to accept the amendment. I do not hold any brief for Mr. Basu Dev. From the way in which he was able to take care of himself when he was being hustled from the first clause of the Bill to the sixth, it is clear that he can stand on his own legs. But I believe it is my duty to point out to the House the commendable courage with which Mr. Basu Dev has come forward to pilot a measure which is calculated to bring disfavour to him from a large influential and vociferous section of the public. I often heard it said that he consented to postpone further consideration of the Bill for reasons best known to himself. That charge has been frequently levelled against him. It is sad to think that a Member of this hon. House should be charged with an accusation that he was playing into the hands of the sowcars. I am glad that he took courage in both hands and came up before this House with this Bill depending upon the dispassionate hearing generally accorded by this House. Instead of condemning, therefore, I commend the action of Mr. Basu Dev. Is the Bill after all so useless as has been represented by Sir A. P. Patro? Bereft of this clause, does the measure cease to be useful as stated by Sir A. P. Patro? A little reflection will show that the main reliefs sought to be secured by this measure has been achieved. The main reliefs are the grant of receipts and the maintenance of accounts. Sir, it is a matter of every day experience that no receipts are granted now to the poor borrowers to benefit whom this Bill is intended. It was with this object that the amount has been fixed at not more than Rs. 500. The wage-earners, labourers, coolies and poor artisans are all borrowers of small sums below Rs. 500. These people now depend entirely on the accounts kept by the money-lenders. They do not know where they stand. They are at considerable disadvantage in the absence of a receipt. This has been provided for. A few months ago, two hon. Members of this House and myself proceeded to a place not far from Saidapet to inspect a co-operative society to investigate a fraud. We found blank receipts given by two or three members of primary societies with only thumb-impressions and no entries as regards the

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amounts received or repaid. When that is true of a co-operative society supervised by co-operative inspectors and administered by the Registrar of Co-operative Societies, there is nothing strange in a money-lender not granting receipts and keeping the borrowers at his mercy. This has been obviated by the provision compelling the grant of receipts. The position of the borrowers has thus been safeguarded.

"Then with regard to the maintenance of accounts. At present accounts are not properly maintained. They are noted down in a crude manner in Gujarati and the borrower does not know what is contained in such accounts. Also nobody takes pains either to decipher them for him or to make them available to him. Hereafter, on account of the provisions contained in this Bill, the money-lenders will have to keep proper accounts. This is an achievement. These two main reliefs have been secured to the borrower by the present Bill. Of course, it is a pity that the clause relating to the rate of interest has to be deleted, but that has to be done because we are told the Government of India are going to take up this question in the near future on an all-India basis. If the Government of India fail to take action in this direction or there is avoidable delay, it will be for this hon. House to remedy the defect by bringing in an amending measure as early as possible. Sir, what has this House, sitting under the electric punkahs, legislating from day to day on this or that matter, done for the poor labourers and wage-earners during the last two or three years? No legislation has been passed calculated to improve the condition of the poorer classes, the artisans, etc. I have looked up the enactments passed during the past three years but have not found a single enactment seriously considered and passed by this House to benefit, improve or ameliorate the condition of the poor labourers. True, the other day the Land Mortgage Bank Act was passed in order to give long-term loans to some agriculturists who are overburdened with debt. That is a measure intended to ameliorate the condition of the poorer classes. What other measure has been placed on the Statute Book? Here is a welcome change in which legislation is being undertaken admittedly in the interests of the poor borrowers. We have secured by means of this Bill provisions for the grant of receipts and for the maintenance of proper accounts. This is a step forward in the right direction. In view of this fact I would appeal to Sir A. P. Patro, now that a calmer atmosphere prevails in this House, kindly to reconsider the position that he has taken and not press his motion to pass on to the next item on the agenda. I request him to see that the remaining portion of the Bill is proceeded with and passed. We have after all devoted one full day for the consideration of five clauses of the Bill and after the sixth clause has been dealt with there remain only two more clauses. When these are done a measure which is intended to ameliorate the condition of the poor borrowers will come into the Statute Book."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I agree with the view expressed by Mr. Appadurai Pillai. To say that this Bill need

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not go forward on account of the fact that a particular section placing limits on the rate of interest charged is to be deleted at the instance of the Member of Government in charge of the subject is to place an exaggerated importance on that section. I should certainly like to see that that section is retained and it would have been welcome to the House if the Hon. Member of Government had tried to support his motion to delete it on the only ground that the Government of India have agreed to take it up themselves. But he gave other reasons also and went into the merits of the question. That is rather unwelcome. Apart from that, I should think that the other provisions of the Bill are certainly good and in the interests of the ordinary labourer and artisan who has to resort to money-lenders. Although the Bill is restricted to transactions below Rs. 500, the principles underlying it are very sound because it provides that a person who lends money should keep accounts and should give a receipt or extract of the accounts when demanded by the borrower. These are principles which, I think, should be recognized and enforced not merely upon the small money-lenders but also upon the big money-lenders. Anyhow, Sir, I think that this is a safe beginning. So far as the transactions below Rs. 500 are concerned, these provisions give ample protection and this will protect the poor borrower who out of sheer necessity is driven to borrowing and finds it difficult to get out of the clutches of the money-lender. Therefore I appeal to my hon. Friend, Sir Patro, to reconsider the matter and to withdraw his motion and allow the Bill to proceed further."

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil.

12-15
p.m.

* Mr. C. BASU DEV:—"Mr. President, Sir, I am very grateful to my hon. Friends, Diwan Bahadur A. Appadurai Pillai and Diwan Bahadur B. Muniswami Nayudu for their elegant support of my Bill and for their opposition to the dilatory motion which was so dramatically, so vehemently and so suddenly sprung upon this House by the hon. Member from Ganjam. I do not think I need reply at all to the speeches of the hon. Member from Ganjam, Sir A. P. Patro and of the hon. Member from the City of Madras, Mr. Sami Venkatachalam Chetti. They have thought fit to substitute for reason and logic, unwarranted and unjustifiable reflections upon my conduct and attitude with regard to this Bill. I would have been content even then to take the judgment of this hon. House if their remarks could be confined within the four walls of this Chamber. Whatever the hon. Member from Ganjam may have meant or may not have meant, certainly the hon. Member from the City of Madras expected his speech to reach a much wider audience than this House. He wants that his remarks should reach the public outside this House. His speech was so full of latent mischief and inuendo, that in fairness to myself I must get up and answer.

"The hon. Member from the City of Madras said that I had shown considerable adaptability in the matter of this Bill when it was

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before the Select Committee. I do not know what he meant by saying 'considerable adaptability.' But if it is a reflection on my sincerity as some have understood it to be, I can only say that it is an unwarranted and unjustifiable suggestion and a most unworthy suggestion. Sir, I am sorry that the hon. Member is not here, but I hope he will in the course of the day come to know what I have said. Sir, in the course of the statement of objects and reasons appended to the Bill which I originally introduced in this Council, I had stated thus:

'The need, ignorance and illiteracy of the debtors are being exploited by certain classes of money-lenders to an unconscionable degree. A certain class of the money-lenders as a rule never give receipts for the moneys they receive from the debtors and they keep their accounts in a language and in a form which none but themselves can decipher or understand.'

"I had also stated—

'Again the interest charged is exorbitantly high and it is time a reasonable maximum is fixed.'

"If the hon. Member from Ganjam and the hon. Member from the City of Madras had read that statement of objects and reasons dispassionately they would have come to the certain conclusion that my Bill consists of two distinct and definite parts—one is with regard to the regulation of accounts and the granting of receipts which, according to my experience and the experience of those living in urban centres as well of those who live in villages like our friend, Swami Sahajanandam who is likely to speak after me, is very necessary to check the unscrupulous methods of some money-lenders and to protect the borrowers. This House has already expressed its approval of the clauses relating to keeping of accounts, granting of statements and copies of accounts and receipts and has also stated that such provisions are necessary.

"The second part of my Bill is with regard to the restriction of the maximum rate of interest. I cannot understand how such an enlightened gentleman, a gentleman with considerable experience of legislation in this House and perhaps of legislation elsewhere, how such an enlightened gentleman like Sir A. P. Patro can whip himself into such a fury and take me to task for having wasted the time of the House, because I consented to the amendment of the Hon. the Law Member, to delete the clause restricting the rate of interest. When I remember how silently he sat at that meeting of the Justice Council Party held on the eve of this meeting of the Council where it was decided to drop this clause with regard to the fixing of the maximum rate of interest, how he never raised his voice, nor . . ."

Rao Bahadur Sir A. P. PATRO:—"I did not know anything of those discussions."

* Mr. C. BASU DEV:—"I will not give in to the hon. Member until I have had my say; he may wait for his turn to reply."

Rao Bahadur Sir A. P. PATRO:—"I only want to correct misleading statements."

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* Mr. C. BASU DEV:—"I was saying, Sir, that neither at the Party meeting nor subsequently did Sir Patro say a word, or warned me against dropping the interest clause. That being the case, to get up now on the floor of this House and attack me for having as he alleges, wasted the time of the House is as inexplicable as it is serious. I am sure, Sir, he would not have levelled that charge against me in his calmer moments. I leave the matter there.

"With regard to my hon. Friend from the City of Madras, I am not inclined to be angry with him. I rather pity his position. From being a member elected by the popular vote of the City of Madras he is now endeavouring to represent a select few in the Legislative Assembly—to represent the commercial interests—interests which are certainly hostile to the passing of this measure. He very naturally wants to do the impossible, to reconcile his two conflicting positions by a device. He wants to kill my Bill by a pretence of kindness but has chosen the wrong opportunity. He has advanced wrong arguments to support the motion that the consideration of the Bill may be postponed this day one year. In his minute of dissent, he was against imposing any restriction whatsoever on the rate of interest, but now he wants the further consideration of this Bill postponed simply because I agreed to the deletion of that very clause which purports to restrict the rate of interest.

"Sir, I do not want to detain the House any longer. The hon. Member from Ganjam has already reminded me that I have taken up already one full day for this Bill. I am as anxious as any member of this House to see that as little time as possible is taken in completing the consideration of this Bill. I can only say that inasmuch as I think and I am sure many members of this Hon. House think that the keeping of proper accounts, etc., is very necessary to safeguard the interests of the borrowers, it will be doing a great injustice to the public if we should delay the passing of the Bill. Let the people have the protection which regular accounts and granting of receipts, etc., will give them and let us wait for the Government to come forward with a measure to afford relief in the matter of interest. I strongly oppose this dilatory motion of Sir Patro and say, save me from my friends.

12-30
p.m.

"If clause 6 with regard to interest is not dropped, the Government will hold up this Bill, this beneficial measure, which regulates the keeping of accounts; the Bill which gives protection and help to the borrowers will be held up. I am surprised that my hon. Friends, the Members for the City of Madras and for Ganjam, should ask me and the House to drop this Bill and pass on to the next item of business. I have great pleasure in strongly opposing this motion."

* The Hon. Sir K. V. REDDI:—"Sir, I beg leave to place the position of the Government with reference to the motion before the House, that this Bill be dropped at this stage, and that the House do proceed with the rest of the business. Reasons have been given why this motion should be opposed and I think the speech of my hon.

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[Sir K. V. Reddi]

Friend, Mr. Muniswami Nayudu, is sufficient answer why the Bill should not be dropped at this stage. There is one reason why the Government cannot accept this motion. The reason for the motion itself, as has been apparent to the Members of this House, was mainly that Mr. Basu Dev has accepted the motion which has been moved by the Government. Certainly, Sir, the Government cannot be expected to accept any motion which would cut at the root of the Government. Therefore, Sir, I submit that I wish to oppose this motion.

"Before sitting down I should like to place one aspect of the question before the House. The impression has gained abroad that I have sprung a surprise or thrown a bomb by my motion for the deletion of clause (6); at least one newspaper has stated that the Law Member has sprung a surprise or thrown a bomb. Hon. Members will easily realize—those who were on the Select Committee and at the time when this Bill was originally sent to the Select Committee—that this is not at all a new thing and that there is absolutely no surprise at all about this matter. The Bill was moved as hon. Members are aware on the 3rd August 1932; before that, it had to be sent up to the previous sanction of the Government of India. The Government of India in communicating that sanction on the 27th June 1932 stated that the initiation of a comprehensive legislation on this subject is under the active contemplation of the Government of India. It was then that this Government decided upon opposing this clause at least—Clause 6—if not the whole Bill. This Government opposed the whole Bill, but this House preferred to send it to the Select Committee; and what is more they appointed my predecessor as the Chairman of the Select Committee. Several changes were made in the Select Committee as the report of the Select Committee would show and the Bill has come up in a new form. But so far as clause 6 is concerned, I will invite the attention of the hon. Members of this House to paragraph 11 of the report of the Select Committee. This is what that paragraph says:

'The Bill as introduced fixed a maximum of 18 per cent simple interest as the rate which could be awarded by a court in any suit upon or relating to a loan as defined in this Bill. The Government are not in favour of this provision and some of us are also of the same opinion.'

But they could not succeed in the Select Committee and it now remains as part of the Bill as reported by the Select Committee. So that, hon. Members of the House will see that this clause was opposed even at the stage of the Select Committee and not after I took charge of the subject. Immediately after receiving intimation to the Government in the year 1932 my Hon. Predecessor-in-office noted on the records of this file that he would have to oppose clause 6 about the rate of interest. It is only in pursuance of the policy which has been followed for the last two years that I have moved this amendment before the House. Of course, I accept the responsibility for moving it. But to say that I sprung a surprise on the House or threw a bomb is not at all correct. Simply because I have moved my amendment

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and the Mover of the Bill has supported my motion and is prepared to accept my motion, to say that the whole Bill should be thrown out, I think, does not stand to reason."

* Rao Bahadur Sir A. P. PATRO:—"Sir, I think the Hon. the Law Member has contributed information to throw light on this subject which would very largely justify the motion made by me. Whatever a newspaper may say—the newspaper is wrong because a newspaper has no right to say anything without knowing facts—the Hon. the Law Member has pointed out that the objection to this clause was raised not for the first time to-day or yesterday but it was raised at the Select Committee stage; his predecessor also opposed clause 6; the present Law Member also is opposing this clause. After that statement, it makes the position of the Mover of the Bill more difficult either to explain or to exonerate himself. In spite of the official pleading of the retired official, I must say that the hon. Member, Mr. Appadurai Pillai, is thoroughly unjustified in his attitude. I do not know how he can reconcile himself in the face of the opposition and explanation of the Hon. the Law Member. At the time of the consideration of the Bill at the Select Committee stage, this clause was opposed by the Government. When this clause was opposed by the Government then, the Mover of the Bill should have dropped his Bill. This Bill is not intended only to see that accounts are maintained properly; this Bill should be prepared to protect the poor helpless and illiterate people with regard to the high rate of interest charged by money-lenders. Does not the hon. Mover of this Bill know that the interest charged is one anna per rupee per day or two annas per rupee per day? Does he not know this? If he does not know this, I do not know which constituency he represents. I must say that the hon. Member has forgotten himself completely when he accepted the amendment of the Government at this stage. He should have accepted the amendment at the Select Committee stage. The Select Committee have considered the matter very carefully and by a majority the Select Committee have recommended that this provision should remain in the Bill. As my hon. Friend, Mr. Appadurai Pillai, specially pleaded if the Mover of the Bill had commendable courage, that commendable courage should not have been shown at this stage but when the Select Committee definitely came to the conclusion that this provision regarding interest should be in the Bill. In spite of the Government warning that this provision will not be accepted by the Government, he did not listen to them then. To come now and say here 'I withdraw my clause in view of the opposition of the Government' cannot be explained. It was repeatedly shown by the Government; what was the hon. Member doing? He was making every one of us believe that he would push through this measure. If he was a gentleman of good understanding and if he was following Parliamentary methods, what would be the position? The position would be this; as soon as the Government Member objected to this provision, he should have pressed the matter to a division; vote would have been taken and the matter would have been decided. Why should he take the responsibility upon

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[Sir A. P. Patro]

himself now after taking up the time of the House for one full day? That is the point which I ask the hon. Members to consider. I do not attribute personal motives to the Mover.

"I deprecate what he said. Party discipline requires that any matter that takes place in a party meeting should not be brought up here. It is not party discipline; it is wanting in the sense of decency and responsibility. He is wanting in that sense of spirit of politics. He should not bring in any party matters before the House here. Therefore I do not want to answer that point of his.

"What I do say is a matter for serious consideration whether this Bill should not be withheld.

"My friend, the official defender, Mr. Appadurai Pillai, goes so far as to say 'Yes, Sir; this is bad enough; but there is some good in it; let us take it.' That kind of persuasion, the hon. Member must remember, would not prevail in this House at all. He must take up a new position and take a new leaf at this stage. I say the hon. Member's pleading amounts to nothing. He simply wanted some apology. I do not know what circumstances influenced him to take that position. When he stands up and defends the cause, he believes that his cause is right; but what I think is that his political conscience would say that his cause is wrong.

"Then again, about my hon. Friend from Chittoor, we know all about him. He is a democrat; his political philosophy we all know. But what does he say in his speech which was commended by the Hon. the Law Member? What did he say? I suppose hon. Members have paid some attention to his speech. Is there any single argument in his speech—one argument—that we can consider worthy of consideration at the moment? Absolutely none. He appeals to me as the hon. Member, Mr. Appadurai Pillai, did, that I should withdraw my motion. I would certainly have withdrawn the motion but for the speech of the Mover which was neither pertinent nor relevant. That induced me not to withdraw my motion. What I say is, when the Government oppose the motion, it is bound to be lost in the present House. Still I would have moral victory in pressing the motion to vote.

"My hon. Friend, Mr. Muniswami Nayudu, stated 'very well, there are other provisions than those relating to interest.' Too much emphasis should not be laid on those provisions; exaggerated importance should not be given to those provisions. Much importance should be attached to the question of interest. I would ask the hon. Member to go to a Marwari shop or a pawn-broker's shop and watch in the evenings and see what is the rate of interest that is charged, how the poor people bring in their wearing apparel, their using utensils and very little things and pawn them at the rate of 2 annas per rupee per day or one anna per rupee per day. That is the practice which should be stopped as early as possible. Will not his democratic conscience tell him that this Bill is necessary to protect the poor men, the helpless Adi-Dravida and the artisan class who are going to rack and

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ruin on account of this high rate of interest and on account of their pledging their jewellery and wearing apparel; all these things are lost and lost for ever; all these go to the pawn-brokers. Will not the hon. Member for Chittoor now realize that he made a mistake in asking me to withdraw my motion? If he had studied the provisions of the Bill very carefully without any haste or hurry, he would not have made that statement, viz., there are other things to be considered in favour of the Bill. What are the other things, I ask, that we have to consider? What are the other things in the Bill that we have to consider? Is there anything in the Bill except this? Perhaps it will be said 'accounts.' You know the pawn-broker; in the rural areas you have the Bania like a Chetti or a Marwari or other big money-lenders. They also keep accounts; and we know they are perfect and clear; so there is absolutely no doubt about those accounts being kept. They too file their suits and recover their money; and their accounts when looked into are quite clear. The court itself cannot make any mistake as to the correctness of the accounts. So, what does it matter if a copy of the accounts is given? How does it help the poor man in repaying his debt? He borrows Rs. 10 or Rs. 15 and pays back that small sum in the course of two or three months; and the problem to be solved is how best he can be helped to do so. The Statement of Objects and Reasons says that the Bill is to help him. I do not think the Mover alone has the monopoly of wisdom to say that he alone reads and nobody else reads. It is sheer impertinence to suggest that others do not read the Statement of Objects and Reasons; it is not his particular monopoly to read and understand things.

"Sir, I do not want to go back into the history of this measure in order to show how many vicissitudes it has passed through. If the hon. the Member for the City, for whom I hold no brief whatever, made observations of the kind he has made, I think he is fully justified, in view of the speech made by the hon. Mover to-day.

"Sir, I have just a word to say with regard to the other provisions in the Bill. What is it that we have in this Bill? Accounts, accounts and nothing else. How does it help the poor man who goes and takes Rs. 5 at the rate of one anna or two annas per day? If he takes a copy of the account, what is it worth? How does it help to relieve his indebtedness or enlighten him how the amount that he has got to pay can be reduced in the way of interest. So, it is the interest clause that is most important and vital in this Bill. That interest has been fixed by the Select Committee; it has wisely considered the matter. That Committee did not consist of people who do not represent any constituency. I suppose the Select Committee consisted of persons who represented some constituency and had some responsibility to their constituents. That Select Committee has with very great responsibility put this clause into the Bill. Has the Mover consulted those Select Committee Members, or at least told them: 'Here is a measure passed by the Select Committee, but I withdraw the measure.' I do not know what the hon. the democratic Member will say for this—whether

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it is right and proper that in spite of the opinion of the Select Committee, the Mover should take the matter in his own hands. What I say is this: it will be thoroughly useless to the poor people whom it concerns; therefore I do press my motion."

* The Hon. the PRESIDENT:—"I shall put the motion to the vote of the House. The question is that—

'the House do pass on to the next item on the agenda'."

The motion was lost.

* The Hon. the PRESIDENT:—"The amendment to clause 6 is now for discussion."

* Mr. BASHEER AHMED SAYEED:—"Sir, I only rise to show that the present arguments of the Hon. the Law Member were at one stage advanced by his predecessor in the Select Committee. I do not think those arguments ought to weigh with this Council when a question of those arguments ought to weigh with this Council when a question of non-official legislation is concerned. These arguments have not been trotted out here for the first time. Whenever any non-official legislation comes up, the argument has always been advanced either by the Local Government or by the Government of India that the Government of India are thinking of legislation and on that account the proposed legislation should not go forward. This is more or less stifling the enterprise of non-official Members from bringing forward any useful and necessary legislation. The same kind of argument was advanced in the case of an Act for the probation of first offenders. The Government of India said so in 1927 in a communication. We are now in 1934; seven years are over and yet the Government have not come forward with any such legislation. Similar will be the case here with regard to the question of interest. In the Select Committee, the hon. Member's predecessor put forward a very vehement plea and he read out portions of the Government of India's communication to the Local Government instructing them to oppose that clause. The Select Committee considered it fully and after careful and elaborate discussion of all aspects of the question, by a majority, rejected the proposition put forth by the Hon. the then Law Member. Now the question should be, why the interest has been fixed at 18 per cent and 24 per cent? The Select Committee took evidence from almost all the interests affected. I would invite the Hon. the Law Member to go through the evidence taken, which is available to him. In the course of the examination and cross-examination of the witnesses, it was elicited that there was no serious objection to any such rate of interest being fixed. On the other hand, the merchant community who contended that the credit market will be affected, stated that they were lending money only at 6, 9 and 12 per cent and that the fixation of 18 per cent would not in any way be detrimental to their interests, although as a matter of fact, the fixing of the maximum at 18 per cent is seriously detrimental to the interests of the small borrower. As a compromise, the Select Committee fixed the rate at 18 per cent and 24 per cent respectively in the case of secured and unsecured debts. That being the case, it is now

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too late for the Government to say that this clause shall not go forward. I think the Legislative Council will be within its province to pass this measure. If the Governor-General does not give his assent or the Governor does not give his assent to this provision, it will be open to him to do so; but all the same, the Select Committee's opinion need not be thrown overboard by the Council. The recommendation of the Committee, I submit, is based on the recorded evidence and the examination of the witnesses. It is not as though it was passed by one or two votes; it was a majority that passed this provision—the reports of proceedings of the Committee will show that. I do not therefore think there is any justification or point in the opposition raised by the Hon. the Law Member. Let the Bill go forward; let the Governor-General give his assent or veto it, if he is so advised. If an all-India legislation is enacted afterwards, let it have its own logical effect on this Bill. That is no argument to say that this provision should not be considered by this House. It is but reasonable and desirable that this provision should be retained. The rates of 18 and 24 per cent are not also desirable; there are amendments to reduce them to 12 and 18 per cent respectively. Those amendments are very reasonable and should be accepted. Even at the risk of repeating myself, I will say that this measure is good for nothing except for the reduction of interest and for the fixation of the maximum rate. As has been well argued already, if this clause goes out, the main object of the Bill will be defeated. Therefore, there is no point in dropping this clause altogether; on the other hand, it will be very reasonable and just if we accept the amendments to reduce the rates still further.”

* Mr. MAHBOOB ALI BAIG SAHIB:—“Mr. President, Sir, most of us in this House were influenced from the very beginning, by the fact that this measure sought to fix the maximum rate of interest. The law on the question of interest is that the courts are bound by the contract rate of interest except where the courts can rely upon any special provision of law. The Usurious Loans Act no doubt makes such a provision; but unfortunately the courts being very conservative, even the highest court, that is, the Privy Council, has held that 24 per cent compound interest is not usurious. The state of law in the country being such, when even 24 per cent is not considered to be usurious, when we find that actually the money-lenders are exacting 48 per cent and even 80 per cent of interest, when we know that in most cases the debtors have no chance of being heard in a court because of their illiteracy and because they have no means to go to the courts, when the courts themselves are conservative and are bound by the contract, what is to become of these poor debtors, I ask? The Hon. the Law Member stated that the Government of India in their despatch stated that legislation of a comprehensive nature is under contemplation by them; that does not mean that this provision should not be accepted. If really the Government of India thought that this provision should not be dealt with by the Local Legislature, they would not have given sanction to this Bill. The India Government have said so only for the information of this Council that such a comprehensive

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measure is under contemplation; it does not mean that this Council or this Government is prohibited from passing this provision with regard to interest. Moreover, I have read paragraph 11 referred to by the Hon. the Law Member; it does not state in clear terms that the Government are opposing this provision regarding interest. From the text, it would appear that they are opposed to the fixing of the rate at 18 per cent. The Hon. the Law Member cannot therefore make us believe that the Government of India in their despatch have said that the rate should not be fixed by this Council. Both from the despatch of the Government of India and from paragraph 11, it is not clear that that was the mandate of the India Government. Paragraph 11 says:—

‘The Bill as introduced fixed a maximum of 18 per cent simple interest as the rate which could be awarded by a court in any suit upon or relating to a loan as defined in this Bill. The Government are not in favour of this provision and some of us are also of the same opinion.’

What is meant is that Government are not willing to have the maximum fixed at 18 per cent and as the Select Committee also was of the same opinion, it raised the rate to 18 per cent in the case of secured and 24 per cent in the case of unsecured debts.

“And from what we have heard from the Hon. the Law Member to-day with regard to the despatch from the Government of India, the statement regarding the initiation of comprehensive legislation being under the active contemplation of that Government, we can see that it does not refer to the question of interest. If really this Government thought or they had instructions from the Government of India that no measure of this sort should be brought into existence, then they should have opposed the Bill at the start, from the very beginning and with regard to all matters.”

* The Hon. the PRESIDENT:—“Is the hon. Member likely to take a long time?”

* Mr. MAHBOOB ALI BAIG SAHIB:—“I may take three or four minutes more, Sir.”

* The Hon. the PRESIDENT:—“The House will now adjourn and reassemble after lunch at 3 p.m.”

After Lunch (3 p.m.)

* Mr. MAHBOOB ALI BAIG SAHIB:—“I was saying, Sir, that the India Government by granting previous sanction to this Bill and not specifically mentioning that the Bill can go on under certain circumstances and the Madras Government by not making it very clear either at the stage of introduction or in the Select Committee and the Member in charge at that time not having contributed a dissenting minute to the Select Committee and also by the Mover of this Bill, if he was in possession of information of that sort, not making it clear at the time of the introduction of the Bill or in the Select Committee or when it was moved two days ago here, made the whole House understand that this amendment would not be brought forward and pressed

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by the Government. We know, Sir, that the Bill was first introduced in 1932 and from the report of the Select Committee I find that the Select Committee met eight times and for sixteen days, many witnesses have been examined and the report has been drafted. Even the Mover of the Bill in his dissenting note has not adverted to the fact that the Government was opposing this interest question at all. The complaint was that the Select Committee fixed the rate of interest at 18 per cent and 24 per cent. And the Hon. the Law Member did not at all give any dissenting minute. From all these things it was understood till this amendment was brought before this Council that this question of interest would be considered by this Council. (Mr. V. P. Narayanan Nambiyar:—'Please read the Select Committee report.') I have read the paragraph which my Friend, Mr. Nambiyar, refers me to. There is nothing to show therein that the India Government has objected to the rate being fixed. What I could understand from that paragraph is that they would oppose the rate being fixed at 18 per cent. They say:

'A majority of us have, however, decided that in the case of secured debts the rate of interest to be awarded by court should not exceed 18 per cent per annum simple interest and that in the case of unsecured debts the rate should not exceed 24 per cent per annum simple interest.'

"The previous sentence to that runs thus:

'The Bill as introduced fixed a maximum of 18 per cent simple interest as the rate which could be awarded by a court in any suit upon or relating to a loan as defined in this Bill. The Government are not in favour of this provision and some of us are also of the same opinion.'

"So, what we understand from this paragraph is that the Government was opposed to the fixing of interest at a maximum of 18 per cent. If really the Government was opposed to this clause at all, it is pertinent to ask why they did not make it clear at the time when the Bill was introduced that it is subject to those circumstances only that the Government would consent to the passage of the Bill. They did not then make it clear; they did not make it clear in the Select Committee also. And my Friend, Mr. Basu Dev, has not made it clear to this House that the Government raised this point that no legislation could be made with regard to interest. And now he makes this statement at this juncture after so much labour, money and energy have been spent. Is it not pertinent to ask whether we, the representatives of the people, are responsible to the outside public? Is not the public entitled to ask us 'why did you not make this clear even at the beginning of the introduction of the Bill, and why was not the Council made aware of the fact that the Government was opposing this interest clause?' If the Government made it clear at the time of the introduction of the Bill or at the Select Committee stage, perhaps the Council would not have given its consent and would not have voted for its introduction and would not have allowed so much labour, money and energy being spent. It is no wonder, Sir, that the outside public might take us to task for having spent so much of public money and so much time and energy only to produce this Bill with nothing else

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except the provisions with regard to accounts. No doubt the keeping of accounts goes a long way, but what is the substantial benefit that is given to the debtors? The creditors are still according to this Bill entitled to claim as much interest as they like, and on the basis of contract the courts which are very conservative do not interfere especially in view of the fact that 24 per cent or 37½ per cent has not been considered to be usurious by the highest court by which other courts are bound. What is the earthly benefit of this Bill which is devoid of that interest clause? My friend, Mr. Basu Dev, has said that Mr. Sami Venkatachalam Chetti must be pitied. On the other hand, I should think that the whole House as well as his friends outside should pity Mr. Basu Dev, because he began with good motives and ended badly, he began with a flash and ended in smoke. He began with good intentions, but what is the result now?

"Then, Sir, I do not understand the Hon. the Law Member saying that, because the India Government is legislating on this matter, this clause must be deleted. Is it the view that this Government cannot proceed with any measure under those circumstances? Is there any prohibition on the part of the Government of India that this clause should not be legislated at all. I do not see how the Law Member is able to explain to us his difficulty. What is his difficulty? In spite of the fact that the All-India Government might legislate and bring into existence a comprehensive legislation, we can go on with this Bill. Is there any legal or statutory prohibition against our going on with this Bill? And if there was any such thing at all, the responsibility rests with the Government for not having brought to the notice of this Council at the earliest moment and allowing this Bill to go through so many stages. For about two years it has been pending. Surely, Sir, we are responsible to the public outside. It is no wonder that we will be taken to task for having been doing business in such a shabby way.

"Finally, Sir, I wish to say this, unless the Government is constrained legally not to go on with this clause, I do not see any reason why the Madras Government should not allow this interest clause to be discussed and passed."

* Mr. K. P. RAMAN MENON:—"I am afraid, Sir, I cannot see eye to eye with the Hon. the Law Member with reference to the position that he has taken up. What he said was that, because the Government of India intend to move in this matter of regulating interest throughout India, we might as well drop this clause from this Bill. If that is the only reason, I cannot appreciate it."

* The Hon. Sir K. V. REDDI:—"No, Sir, that is not the only reason. I gave two more reasons, and if the hon. Member wants to know them, I shall repeat them. The second reason was that the Punjab Bill which was the model on which this Bill was framed, does not contain a provision like this. This clause does not find a place in the Punjab Act. The third reason was that any fixation of interest,

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maximum or minimum, will not be a protection to the debtor inasmuch as we have known that such provisions, even the Usurious Loans Act, are evaded by first taking the interest from the debtor. I can give him an example. Suppose a man borrows Rs. 100 at the rate of 50 per cent interest. What the man does is this: Rs. 30 will first be taken out of the Rs. 100 and only Rs. 70 will be handed over to the debtor. But the document would show only 20 per cent or so, and when the matter comes before the court, the debtor will not be able to show that he paid Rs. 30 as interest in the beginning itself. The result is, he will have to pay the principal and interest, after having paid Rs. 30 as interest in the beginning itself."

3-15 P.M. * Mr. K. P. RAMAN MENON:—"Now after I heard the Hon. the Law Member, I am still more determined to oppose the clause. The first reason is that the Government of India are contemplating a similar measure. The second reason is the model on which this Bill is based, the Punjab Act, does not contain such a provision. The third reason mentioned is that the provisions of the Act may be easily avoided by deducting the money in advance. I will deal with these one by one.

"With reference to the first reason that the Government of India are going to enact a Bill, I may point out that we are not unfamiliar with instances where local legislation and Imperial legislation sometimes overlap. For example, take the Madras General Clauses Act and the Government of India General Clauses Act. The two practically cover the same ground. We have practically two Acts, one passed by the Madras Government and the other by the Government of India, covering practically the same ground. We are governed by both the Acts.

"With reference to the second point that this is not found in the Punjab Act, that is no reason why we should not formulate our views with reference to this matter. Again, Sir, what may be the usual interest in the extreme south may not be the usual rate of interest in the extreme north. Conditions may differ and what is reasonable in one part of the country may not be so in another. The Mariyathapalisa in Malabar is taken as 12 per cent in my district. I do not know what it is elsewhere in other portions of the Presidency. I have come across a decision of the Privy Council where they say that 37½ per cent is not a high rate of interest in the north of India. So that conditions do differ and it may not be possible to the Government of India to legislate uniformly for the whole of India.

"Then, with regard to circumventing this measure by really lending a lesser sum of money than what appears on the face of the document of obligation, I am sure the other wholesome provisions of the Bill will overcome this difficulty. If as a matter of fact the lender takes a document for Rs. 100 and really gives Rs. 70 as just mentioned by the Hon. the Law Member, I believe it will be possible for a court of law when properly siezed of the case to find out what exactly was the money lent. I am not one of those persons who despair of finding

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out the truth in the courts of law. I think with the experience that I have that they really do arrive at the truth. If as a matter of fact it happens that in nine cases out of ten the courts find out the truth, it will be possible for the court of law to find out the truth in the remaining cases.

"So the three main reasons mentioned are reasons which do not commend themselves to me.

"The question then is whether it is just that on account of the Bill of the Government of India we should retain a Bill jettisoning the various provisions of the Bill. After all by giving a copy of the letter or account you are not bettering the conditions of the borrower. The accounts may be there in full but that does not better the position in any way of the actual borrower of money. One may have very good idea of matters that stand between him and the lender. But the crux of the whole question of money-lending is still left unsolved. It is in the matter of interest. If a man wants money and he is prepared to pay ordinary interest, he must have no difficulty. If as a matter of fact he is able to show to an unbiassed tribunal that he has been fleeced, he ought to be relieved. That is the central principle on which the whole Bill turns. If you take away that condition, the whole Bill collapses; the shell only remains; the whole substance of this Bill is gone. I therefore very earnestly request the Hon. the Law Member to withdraw his motion."

Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, Sir, the question of interest, I should say, is a most vital point between the debtor and the creditor and it has been found by experience that it has been very difficult to legislate which is the proper interest and what rate will be high and what rate will be reasonable. I hope hon. Members of this House would realize that interest should be varied according to the nature of the transaction and according to the risk involved in the transaction. We can properly classify transactions and say what rates of interest will be fair when applied to particular set of transactions. It is very important, Sir, to note the Statement of Objects and Reasons of the Bill. It was first announced that it was intended for the working class or the labourer in the City of Madras, to whom the Mover was anxious to offer protection, and for the model he pitched upon the Punjab Act. While doing so, he added an extra clause with regard to the rate of interest. In the Punjab Act, there was no reference with regard to interest and rightly so. In the Punjab, this piece of legislation was thought of only for the regulation of accounts and it has been put into effect only recently. I believe only it is two years since the Act has been working and we do not know what success has been attained so far. I am not able to remember the very words in a particular report, but I pointed out to the Select Committee from the Central Banking Enquiry Report that this was still in the experimental stage, that there were thousands of bankers and many thousands of debtors, that it was found impossible for the creditors to send statements of accounts to the debtors and that it remained to be seen how

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it would be a success. That being the case, namely, that the model which has been quoted by the Hon. Mover still being in an experimental stage as we are also trying to legislate on it, we also will have to wait and see how this Bill, when passed into law, is going to work and see whether it is really going to benefit the debtor and at the same time not going to be a hardship to the creditor. I am equally alive to the necessity of giving protection to the debtor. At the same time, I am naturally aware by experience that the creditor will be put to great hardship if he has to keep many sets of accounts and also if he is restricted with regard to the rates of interest. The question with regard to the restriction of rate of interest would very much affect not the creditor, but the debtor, because if an unreasonable limit should be fixed in the Bill, the only thing that will happen is that a commission will be deducted straightaway. I may inform the House that many eminent persons who gave evidence before the Select Committee have deposed that in practice, it would be a case where the creditor would circumvent the Act and get what he wanted by way of commission. So, I wanted the proceedings of the Select Committee to be circulated to the Members of the House. But there was a feeling that I would be moving a dilatory motion, if I should move such a motion. That is why I did not move it, though I was of the opinion that it was unworkable. Though I was not present when I was called, I had previously decided not to move it to make it clear that I did not wish to stand in the way of the progress of the Bill. It is no doubt true that I opposed it at the introduction stage; but I took keen interest in the progress of the Bill in the Select Committee stage. Even now I am one of those who think that, if this Bill is passed with certain alterations, it will not be injurious to the creditor. It will only then be workable. Otherwise, it will be a dead letter. If the Select Committee proceedings and the evidence taken by it were seen by all the Members of the House, they would certainly realize that the money-lender is not a blackguard, that he is a person who is a useful entity and but for him, many homes would not be going and many concerns of many businessmen and agriculturists would be at an end. Even administrators like District Collectors and others who are Members of this House would also realize the good work that was being done by the money-lenders, irrespective of the rate of interest charged. I know very many persons who came to give evidence who had forty years' experience like Mr. V. Masilamani Pillai and Mr. Ibrahim Sahib who said that there were a number of persons in the city who had to borrow money from the money-lenders every day for their livelihood and if the rate of interest could have to be charged from 18 to 25 per cent because they paid 1 anna per month per rupee, i.e., 75 per cent. There have been many instances of borrowers who paid 2 annas per rupee per month which worked at 150 per cent. An experienced Collector like Mr. Ellis stated that he knew many instances of his butlers and boys who paid such interest. He said he would move an amendment in the Select Committee saying that the maximum rate of interest for loans should

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be 60 per cent and on secured loans at 36 per cent. This is the maximum. We should all remember when we say that we should have a rate of interest mentioned in the Act, we do not legislate for what I shall call indigenous banking. We should remember that the hardship generally is found in the case of the poor people who borrow from Rs. 10 to Rs. 50 on the security of jewels and vessels and other things in the pawn-shops. That is why the Committee wanted to have elaborate sections regarding pawn-broking and have different sets of rules. I should like to refer here to the rate of interest charged in pawn-broking in the city of Rangoon where the law is incorporated in the City Municipal Act and where the rate does not exceed one anna per rupee per month if it does not exceed Rs. 5, nine pies per rupee per month if the sum does not exceed Rs. 20 and six pies per rupee per month if the sum exceeds Rs. 20. This being the case, I am sure it will be agreed that hon. Members will not agree to this rate of interest at this stage and the best thing will be not to fix the rate of interest. There are certain persons who naturally feel that any safeguard mentioned would be embarrassing to certain judges in deciding the cases, because the creditor may put forward cases where the legislature itself has prescribed such a limit and all rates of interest lower than that should be allowed. Now, at present, under the Usurious Loans Act, the courts are able to reopen transactions extending to a period of many many years back and are able to come to a decision. (Sriman M. G. Patnaik Mahasayo: Dead letter). The hon. Member says the Act is a dead letter. Though I dare not contradict him, I should like to say that the Judicial officers and the Registrar of the Court of Small Causes who gave evidence before the Select Committee said that the Usurious Loans Act is being applied very frequently, and that there is no need for any Money-Lenders Bill at all at this stage and that we may leave things to be decided by the courts. That is the opinion of many of the Judicial officers themselves.

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" There is one other thing I should like to say. Even in an advanced country like England until 1927 there was no such limit to the rate of interest. It is only in 1927 a law was enacted by which 48 per cent is the maximum rate of interest. Even now that is good law. If that is so in England, if you say in this Bill now that 18 per cent or 20 per cent shall be the maximum, I am sure it is going to be a dead letter. In England we find instances where banks are refusing to take money at half a per cent per annum. The tendency for banks is to pay no interest at all for deposits. Even in India, the Imperial Bank have refused to give any interest on current account. That being the case, we should not be guided by the rate of interest that is prevailing in banking transactions. I think I have said enough to show that it will be merely futile to fix any rate of interest in this Bill, and the best thing that we, as legislators, should do to debtors and creditors is to leave the matter to the court to judge according to circumstances.

" I should also like to say one word with regard to the attitude of my Hon. Friend, the Mover of the Bill. He has been attacked here, I should

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say, most unnecessarily. Because I know he has been very enthusiastic over the Bill. If the Bill had undergone much change, it is not his fault. I might say that when he introduced the Bill—being not much of a businessman—his only object was to help the poor people. All the Members of the Select Committee—I am sure hon. Member from the City, Mr. Sami Venkatachalam Chetti, will bear with me when I say—were keenly interested in the Bill, and they all agreed that we should pass this measure. It is in that spirit of co-operation we considered the Bill in the Select Committee, and I should say that this Bill is the outcome of the labours of all Members of the Select Committee, not only the Mover. The attitude of Mr. Basu Dev with regard to this interest clause was this: even when the previous Law Member read a communication from the Government of India in the Select Committee and he himself voted for the exclusion of this clause, Mr. Basu Dev agreed with the then Law Member himself. It is not as if he agrees only with the present Law Member in the exclusion of this clause. In the Select Committee, he remained neutral when this clause was voted upon, and it was passed by the majority of only one vote. Mr. Basheer Ahmed Sayeed made it appear to the House that it was passed by a huge majority. I should like therefore to emphasize the point that it was passed by a bare majority of one. That being the case, there was also a discussion in the Select Committee later on as to why we should not reconsider that decision and exclude that clause before the report was sent to the Legislative Council. I think what I have said will make it clear what the attitude of the Hon. Mover of the Bill is with regard to this interest clause.

“ Though I opposed the Bill in all its earlier stages, now I do not want to stand in the way of this Bill. So far as I am concerned, my only object in supporting this motion to exclude the interest clause is to see that this Act is made a workable one.”

* The Hon. Sir K. V. REDDI:—“ Mr. President, Sir, I think sufficient arguments have been advanced on both sides, and it will be unnecessary for me to reiterate those which have been so ably expressed by both friends and opponents of the Bill. My hon. Friend, Mr. Raman Menon, knows that I have the highest regard for him. (At this stage, the House loudly cheered when Rao Bahadur A. T. Pannirselvam entered the Chamber and took his seat.) But in this particular matter I regret to say that Mr. Raman Menon was carried away by certain impressions in this Council. But I must say that every one of the arguments that he has advanced is capable of being explained and, if I may say so with great respect, condemned. His first argument was, what does it matter if the Government of India are coming forward with a Bill of their own, however comprehensive it may be, however universally applicable it may be, however better modelled it may be, why do you bother, let us go our own way! I only wish if he had been in my place. Then how would he have appreciated that argument? I may tell him this: that it is not merely a case of the rate of interest that the Government of India have been considering. By a comprehensive scheme, they intend to devise some law which cannot be so easily evaded as the Usurious Loans Act. Speaking of the Usurious Loans Act, there has

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been some impression in the minds of some hon. Members that even the highest court in the country, the Privy Council, has allowed as much as 48 per cent. It may be so, Sir. (Voices: No.) It may or may not be so. But there are two conditions under the Act. One, the interest rate must be substantially excessive and the second condition that must be fulfilled is that it should be substantially unfair, that is, unfair to the debtor. Where people are dealing with organized institutions, where money is lent to others on sound securities, where money is borrowed for business affairs, where one has got his own property which can safely be invested and on which money can safely be borrowed, in those circumstances, the Act does not apply and the courts do not interfere easily. This provision was intended in the Usurious Loans Act, as also the provision in the present Bill, viz., clause 6, for the purpose of protecting, as has been so eloquently put by my hon. Friends here, the illiterate, the ignorant, the helpless, the indefensible man. If my hon. Friends believe that this 24 or 18 per cent would protect him, I differ from them. The object of the Government of India in attempting a comprehensive measure seems to me at any rate to be that they would devise a means, a law so as to be worked in such a way that it would protect him in spite of the vagaries of creditors to which reference has been made by the Kumararaja of Chettinad, that the creditor would resort to commission. A little earlier I was myself giving the case of a man who borrowed Rs. 100 and who was actually paid only Rs. 75 by the creditor and the document stipulated for a rate of 20 per cent interest. When the year is over, the debtor would have paid Rs. 100, plus Rs. 20 interest, plus Rs. 25 commission, i.e., Rs. 145. At that rate, you can imagine the rate of interest. My hon. Friend, Mr. Raman Menon, was also telling us that so far as his experience went, courts have always come to the right conclusion. Sir, being in charge of the Legal portfolio—I must thank him for the very high regard with which he spoke about the courts—may I also tell him that I too have been in the courts for thirty long years, practising before courts from the smallest to the highest, from the district munsif's court right up to the High Court? May I also inform him that, whatever might have been his experience in Malabar, in my districts we find that wherever truth comes before the court, the courts are perfectly willing to do justice and they do it? But is it seriously contended that, in the matter of these petty debtors, borrowing Rs. 10, Rs. 15 and Rs. 20, where they actually do not go to the court at all, where if the matter goes to the court the powerful money-lender employs the leader of the bar as his advocate, such a thing happens? In such a case, if it is said that the truth will come out, I should say that it is assuming too much. My own experience at any rate is that there is more harm done to these poor, helpless than we might reasonably expect or hope for. However, I value the statement made by my hon. Friend that the courts of this country are a palladium for the poor debtors. That is for the second argument of my hon. Friend.

“ One point which I should like to touch upon with your permission, Sir, is this. Our friends have told us that the Usurious Loans Act, Act X

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of 1918, is a dead letter and that courts have given as much as 48 per cent. Well, Sir, I have already said that it is only under special circumstances—as in the case referred to in the All-India Reporter 25, Allahabad, I forget the page, perhaps it is at page 400, which I looked up last night, one case was at page 36 and the other at 400 if I remember right—the courts held that considering the position of the debtor, the helpless position of the illiterate debtor, they held that 24 per cent is penal and 12 per cent was given. Now under this Bill if you fix 18 and 24 per cent, do you believe that the courts would hesitate to give 18 per cent if the document stipulated for 24 per cent or more. Again, you have the argument put forward by my hon. Friend, Mr. Ramalingam Chettiyar, who has got experience in these matters. It is very easy to sympathize with people and to suppose that other people are not sympathizing with those unfortunate debtors in this city and in the mufassal. But various conditions come into play. It is easy to say, here is an Act which might affect very poor people, why not do something for them? All such expressions we feel ourselves. But where they are counter-veiling difficulties and questions which might strike at the root, where the creditor feels that he is seriously injured, and if he refuses to give loans, to lend money, what happens? Money-lending is not a sin; borrowing is not a sin. People might have to purchase lands; people may want money for agricultural purposes, for marriages, for death ceremonies and probably even for daily subsistence. Would you hold off that credit? One other consequence, I respectfully submit to the House, is that a clause like that in this Bill would make the fixing of the rate under the Usurious Loans Act at a more unfavourable rate to the debtor. So I think I must insist upon my amendment being carried."

* The Hon. the PRESIDENT :—" I think the House is ready for a vote. The question is—

'To omit clause 6 and the explanation thereunder'."

The amendment was declared lost.

The Hon. Sir K. V. REDDI demanded a poll and the House divided thus :—

Ayes.

3-45 p.m.	1 The Hon. Sir Archibald Campbell.	15 Mr. S. G. Sengodaiyan.
	2 " Sir Hopetoun Stokes.	16 " T. Sundara Rao Nayudu.
	3 " Sir K. Venkata Reddi.	17 " M. D. T. Ranganatha Mudaliyar.
	4 " Mr. G. T. H. Bracken.	18 " T. Narasa Reddi.
	5 " Diwan Bahadur S. Kumaraswami Reddiyar.	19 Rao Bahadur A. T. Pannirselvam.
	6 " Mr. P. T. Rajan.	20 Mr. G. Ranganatha Mudaliyar.
	7 " The Raja of Bobbili.	21 Rao Sahib N. Siva Raj.
	8 Rao Bahadur G. Jagannatha Raju.	22 Subadar-Major S. A. Nanjappa Bahadur.
	9 Mrs. K. Alamelumangathayaramma.	23 Rao Bahadur R. Srinivasan.
	10 Diwan Bahadur V. N. Viswanatha Rao.	24 Rao Sahib V. I. Muniswami Pillai.
	11 Mr. J. A. Thorne.	25 Mr. M. Vedachala Mudaliyar.
	12 " C. E. Jones.	26 " B. P. Sessa Reddi.
	13 " G. T. Boag.	27 " G. Sriramulu.
	14 " R. Madanagopal Nayudu.	28 " P. V. Rajagopal Pillai.

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Ayes—cont.

29 Diwan Bahadur A. Appadurai Pillai.	48 Mr. Yakub Hasan.
30 Mr. W. P. A. Soundara Pandian.	49 " K. R. Venkatarama Ayyar.
31 " P. Bayappa Reddi.	50 Rao Bahadur T. A. Ramalingam Chettiyar.
32 " K. Ramachandra Padayachi.	51 Mr. Sami Venkatachalam Chetti.
33 " G. Lakshmana Reddi.	52 " K. A. Nachiyappa Gounder.
34 Rao Sahib V. Dharmalingam Pillai.	53 " K. S. Sivasubrahmanya Ayyar.
35 The Kumara Raja of Venkatagiri.	54 " A. Ranganatha Mudaliyar.
36 The Zamindar of Mirzapuram.	55 Rao Bahadur R. K. Venugopal Nayudu.
37 Mr. M. A. Muthiah Chettiyar.	56 Mr. C. R. Parthasarathi Ayyangar.
38 " K. M. Duraiswami Reddiyar.	57 Rao Bahadur C. Natesa Mudaliyar.
39 Swami A. S. Sahajanandam.	58 Mr. M. B. Rangaswami Reddiyar.
40 Mr. H. M. Jagannatham.	59 " C. Basu Dev.
41 Rao Bahadur D. Krishnamurti.	60 " R. M. Palat.
42 Rao Sahib P. Subrahmanyam Chetti.	61 " J. K. Metherell.
43 The Zamindar of Kirlampudi.	62 Lt.-Col. C. H. Brock.
44 Rao Sahib C. Jayaram Nayudu.	63 Mr. W. W. Ladden.
45 " D. V. Narasimhaswami.	64 " V. P. Narayanan Nambiyar.
46 " Pandit Ganala Ramamurti.	
47 Mr. K. Kesava Ramamurti.	

Noes.

1 Mr. V. T. Arasu.	10 Mr. P. V. Krishnayya Choudari.
2 " A. B. Shetty.	11 Sriman M. G. Patnaik Mahasayo.
3 " B. Pocker Sahib.	12 Diwan Bahadur M. Gopalaswami Mudaliyar.
4 Rao Sahib A. S. Alagannan Chettiyar.	13 The Zamindar of Chemudu.
5 Mr. P. Peddiraju.	14 Mr. C. Indrayya.
6 " A. M. Ahmed Miran.	15 " J. Kuppuswami Choudari.
7 Diwan Bahadur B. Muniswami Nayudu.	16 " Mahboob Ali Baig.
8 Mr. K. P. Raman Menon.	17 " G. R. Premayya.
9 " M. S. Sreshta.	18 Rai Sahib C. Kolanda Reddi.
	19 Rao Bahadur Sir A. P. Patro.

Ayes 64.

Noes 19.

The amendment was carried, and clause 6 was deleted.

Clause 7.

* Mr. C. BASU DEV :—" I move to add the following proviso :—

'Provided that if any fresh transaction relating to a loan advanced before the commencement of this Act is made after the commencement of this Act, such transaction shall be subjected to the provisions of this Act.'

" In moving this amendment I beg to submit that while we exempt all transactions relating to loans which have been made before the commencement of the Act, it will not be proper to exempt transactions which may be made after the commencement of the Act though relating to a prior loan. I do not think that any hardship will be caused to the creditor or money-lender if he is asked, after the Act comes into force, to maintain accounts as prescribed in the Bill for all transactions which may be made in regard even to subsisting loans. I move this amendment because there are several loans outstanding and if even the transactions which are made after the commencement of the Act are exempted, confusion is likely to arise. Also in view of the fact that it is not going to work any further hardship than the Bill is likely to cause to the money-lenders, I hope the House will readily accept my amendment."

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Rao Bahadur C. NATESA MUDALIYAR:—"I second it."

Mr. M. A. MUTHIAH CHETTIYAR:—"I oppose the amendment. This Bill when it becomes an Act is intended to cover loans made after the commencement of the Act. I do not see any difficulty in any loan given after the commencement of this Act coming under its purview. The amendment of the Mover will only complicate matters. I take it to mean that if a person borrowed money from a money-lender before and if he borrowed another sum now, the money-lender is responsible for complying with all the provisions of the Act with regard to all the previous transactions."

* Mr. C. BASU DEV:—"The amendment only says that such transactions as took place after the commencement of the Act with regard to subsisting loans, shall come under the provisions of the Bill and not previous ones."

Mr. M. A. MUTHIAH CHETTIYAR:—"I cannot understand the meaning of this amendment. Any loan given after the commencement of the Act will be a separate loan and will come under the purview of the Act. I cannot understand the Mover saying that any transaction after a previous loan will come under the purview of the Act. The previous loan and the new loan are distinct transactions. For this reason I think the House should reject this amendment. It is not at all clear and will not improve matters and will lead to difficulty in interpreting the line of demarcation between the previous transaction and the new transaction. I hope the Mover will withdraw his amendment."

* Mr. C. BASU DEV:—"I should like to be more explicit. There is a subsisting loan, and if a debtor goes to the money-lender and pays him some money towards the loan, the amount must be receipted for. The creditor will be, if this amendment is accepted, under a statutory obligation to maintain an account of this transaction. My hon. Friend is confusing a loan with a transaction. Any payments made towards a subsisting loan must find a place in the accounts and receipted for. There is no difficulty for this amendment being accepted. It is a very important amendment. I hope the Honourable House will readily accept it."

* Mr. K. P. RAMAN MENON:—"It is by no means clear what the hon. Member means by saying that with reference to a portion of a transaction there should be accounts and with reference to another portion there need not be. Suppose a payment is made after this Act comes into force then a receipt is granted and accounts are kept. Suppose there is any proceeding in a court of law, then these accounts are called for. We may take it that these accounts are not full. For example, the account will not state what the amount of the original loan was, if the loan was made before the Act came into force, and what the rate of interest was. It will just state that on the 1st of June 1935 (say that is the date on which the Act comes into force) so much was paid. There is a receipt for that payment. But we cannot get at the transaction from the beginning. We shall have to rest content with the accounts so far as they go. Is that the

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meaning of my friend that the provisions of the Act will apply to transactions made before the commencement of the Act. I can understand the Act being applicable to loans made subsequent to the Act; then the whole transaction from the beginning to the end can be unravelled before a court of law. Before I understand what exactly my hon. Friend means and how far it will affect the previous transactions, that is, transactions made previous to the commencement of the Act, I cannot make up my mind one way or the other."

The Hon. Sir K. V. REDDI:—"It seems to me that the existing loans—by which I mean the loans that have been given up to the date of the Act coming into force—should be excluded in order that there may be sufficient notice to the creditors to adjust themselves to the new conditions, such as the keeping of accounts and other things to be done under clauses 4 and 4 (a). Otherwise I should think, as the hon. Member will see, it might work hardship in the case of small money-lenders."

The amendment was, by leave, withdrawn.

Clause 7 was put and carried.

New clause.

Mr. M. A. MUTHIAH CHETTIYAR:—"I beg to move that the following 4 p.m. be added as a new clause:—

'Notwithstanding anything contained in this Act—

- "(i) any agreement with, or security taken by a creditor in, respect of money lent by him after the commencement of this Act shall be valid in favour of any bona fide assignee or holder for value without notice of any defect due to the operation of this Act and of any person deriving title under him; and*
- (ii) any payment or transfer of money or property made bona fide by any person, whether acting in a fiduciary capacity or otherwise on the faith of the validity of any such defect or security, without notice of any such defect shall, in favour of that person, be as valid as it would have been if the agreement or security has been valid; but in every such case the creditor shall be liable to indemnify the borrower or any other person who is prejudiced by virtue of this section."*

Sir, in moving this amendment, I only wish to say that it does not involve any new principle. It is only intended to safeguard the bona fide transactions. A creditor coming under the provisions of this Act, assigns a loan to another person. In such a case I am providing that such other person should not be held responsible for any defects or any fault on the part of the creditor before the assignment if he had not conformed to the provisions of this Act and that he (the assignee) should not suffer. It is only to protect such bona fide assignees that I have moved this amendment. At the same time I have also made provision to safeguard the interests of the first borrower, by saying that if it should in

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any way prejudicially affect the interest of the person who borrowed in the first instance, he should be indemnified by the creditor. So long as that safeguard is there, Sir, I do not think there will be any objection to have this provision to protect bona fide assignments. Otherwise what will happen is that, when a creditor assigns his loans to another person without any bad intention and the latter finds that the former has not conformed to the provisions of this Bill, he will be put to difficulties and penalised. Sir, the hon. Member from Ganjam says that the assignee should know from the creditor what all he has done. I will illustrate it this way: There is a banker dealing with such loans and if he is in financial difficulties, he may have to liquidate his debt to his creditors and he may in turn make over certain of the outstandings in favour of his creditors. When they take over such items, how can they be liable for any defective procedure followed by him vis-a-vis this Act? Surely it is but just that such assignees should be protected. But at the same time we must afford protection to the borrower also. It is for that purpose that I have added that 'in every such case the creditor should be liable to indemnify the borrower or any other person who is prejudiced by virtue of this section.' This provision has been copied word for word from the English Money Lenders' Act. I think it will be a useful provision in our Act also."

The amendment was duly seconded.

* Sriman M. G. PATNAIK Mahasaya:—"Mr. President, I really do not understand the necessity for this provision. Under the general law, assignees are guided by the Transfer of Property Act. When there is that Act, I cannot understand why the hon. Mover wants protection for the assignee of the debts. When a person takes an assignment, he must be presumed to have knowledge of this Act. He ought to make enquiries at the time of the assignment whether the provisions of this Act have been followed. To my mind there is no reason why he should be protected from the provisions of this Act. Any bona fide assignee must make enquiries. As for others we cannot give any protection. This provision is futile and ought to be rejected."

* Mr. C. BASU DEV:—"Mr. President, I regret I cannot accept the amendment proposed by my hon. Friend, the Kumararaja of Chettinad. I am afraid, if we accept this amendment, it will be directly in opposition to the definition of 'creditor' that we have adopted earlier in this Bill. Further, this will give room to a good deal of fraudulent transactions deliberately calculated to defeat the object of this Bill. If any person desires to take over a certain loan from a creditor, he should see if that creditor has complied with all the requirements of this Act in relation to that transaction. Only if and when such an assignee is satisfied that the provisions of this Bill with regard to that loan have been duly observed, he should take it over. In the case of mortgages people do not lend money without previously ascertaining whether there are any existing encumbrances on the property or not. Similarly, hereafter, a person taking over a debt will certainly examine how far the provisions of this Act have been fulfilled. For these reasons I object to the amendment."

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Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I have every confidence that, even without appearing to go to the support of my hon. Friend, Mr. Basu Dev, in his opposition to this amendment, the House will not agree to the amendment proposed by the Kumararaja of Chettinad. I quite pity the inability of Mr. Basu Dev to know who his friends are and who his opponents are. He has been saved very often by persons, who, he thinks, are his opponents. And in spite of his very unjustifiable criticisms against me in my absence, I am prepared to save him from the pitfalls into which he is falling. (A voice: 'The hon. Member was absent at the time.') I quite agree that it is not his fault. I am sorry that I was absent. But I expected that he will not be so ungentlemanly as to attack a person in his absence and go on criticising him on flimsy grounds. But whatever that may be . . ."

Mr. C. BASU DEV:—"On a point of order, Sir. May I know whether the word 'ungentlemanly' is parliamentary?"

Mr. SAMI VENKATACHALAM CHETTI:—"It all depends upon the nature of the criticism, Sir." (Laughter.)

* The Hon. the PRESIDENT:—"It is better that the hon. Member withdraws the word 'ungentlemanly.'"

Mr. SAMI VENKATACHALAM CHETTI:—"I take it that he has not ungentlemanly criticised. I am afraid the Kumararaja is, by means of these amendments, neutralising the little benefit which this Bill is likely to confer on the debtors. As has been pointed out by Mr. Basu Dev, this amendment goes in direct contradiction of the terms of the definition of the word 'creditor.' Moreover, this is a security which is never contemplated to be given to the assignee of any transaction. For instance, when properties are sold, the person who buys becomes liable for all the defects of title to the property he earns by actually paying the money. What security we cannot possibly give to such transfer cannot, I suppose, be given for transactions of this sort. Moreover, it is not unknown to the Kumararaja that there are a certain number of money-lenders who go to their villages every year for a period of three months. During such periods they practically assign all their 'On demands' to a friend or relation or a co-money-lender. These transactions do exist between one creditor and another. So much so, every money-lender is an assignee in respect of his colleague's transactions. Practically, therefore, the Bill would be a dead letter in its operation if this amendment is accepted. I trust that this House which has evinced such consideration to the debtors will, consistently with its attitude, vote against this amendment."

Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, I only wish to say that this provision was never moved by me with the object of helping the money-lenders. It is, on the contrary, with the object of helping the non-money-lenders that I have come forward with it. There have been a number of cases where people having deposited their money with the bankers have become insolvent. These deposits might include assignments also. I am providing by means of this amendment that these assignees should not suffer by reason of the assignor not having fulfilled the requirements

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of this Bill. There is such a provision in the English Act. That being so I thought the House would not hesitate to incorporate it in our Act. In any case hon. Members need not fear that this will be used against the debtors. I intend that bona fide assignees should certainly be given protection. At the same time I am providing a saving clause to protect the borrowers also. That being the case I see no reason why this amendment should not be accepted. I would appeal to the House to consider this view-point before they vote on the motion."

The Hon. the PRESIDENT:—"I will put the amendment to the vote of the House, correcting the word 'defect' occurring in (ii) into 'agreement.' The question is:

'Notwithstanding anything contained in this Act—

- "(i) any agreement with, or security taken by a creditor in, respect of money lent by him after the commencement of this Act shall be valid in favour of any bona fide assignee or holder for value without notice of any defect due to the operation of this Act and of any person deriving title under him; and
- (ii) any payment or transfer of money or property made bona fide by any person, whether acting in a fiduciary capacity or otherwise on the faith of the validity of any such agreement or security, without notice of any such defect shall, in favour of that person, be as valid as it would have been if the agreement or security has been valid; but in every such case the creditor shall be liable to indemnify the borrower or any other person who is prejudiced by virtue of this section."

The amendment was lost.

4-15 P.M. * The Hon. the PRESIDENT:—"Clause 8 is for the vote of the House."

Mr. C. BASU DEV:—"We added some words to sub-clause (b) of clause 4 and we decided to add those words here also."

* The Hon. the PRESIDENT:—"Has the hon. Member any amendment which he wants to move now?"

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"We have already added the words 'such charges as may be prescribed by the Government' in clause 4."

* The Hon. the PRESIDENT:—"In clause 4 (b), we have added the following words: 'and charge such sum as the Local Government may prescribe.' That amendment has been passed already. I will now put clause 8 to the vote of the House."

Clause 8 was put and carried.

The Preamble was put and carried.

* The Hon. the PRESIDENT:—"As this is the first time after the passing of the new amendments to Standing Orders that a Bill has been considered by the Council, it is necessary for me to explain the exact scope and effect of these amendments, in so far as they relate to the final

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stages of a Bill. In doing so I shall merely quote the language of the Conference convened by His Excellency in pursuance of whose report the amendments were made. The Conference stated as follows:—

'The Conference considers that on a motion that a Bill be passed into law, no amendments whatever to the Bill ought to be permissible at all and that in case further amendments are necessitated by the amendments made during the consideration of a Bill, the Council should have power to reconsider the Bill or any part thereof which it thinks fit and pass the necessary verbal or consequential amendments for perfecting the Bill, and that for this purpose a compulsory interval of time should be provided. If that is done, no amendments will be necessary at the stage of the passing of the Bill into law. According to existing Standing Order No. 48, where amendments have been made at the stage of consideration of a Bill and objection is taken to its passing at the same sitting, the Bill shall not be brought forward earlier than three days from the day on which the consideration of the Bill was concluded in the Council. The practice of the Council has been that when a Bill has been adjourned under this Standing Order, a motion is made on the adjourned day that the Bill be passed into law, that after such motion has been made, numerous amendments are moved to the Bill and that after the necessary amendments have been made, the Bill as so amended is passed into law. According to the change which is suggested by the Conference, instead of amendments being made after the motion for passing the Bill into law, they would have been made before the motion for passing the Bill into law. The amendment proposed though seemingly slight embodies an important principle, namely, that after a motion that a Bill be passed into law has been made, no amendments can be made in the Bill.'

"Under the Standing Orders as amended, if it is considered that this Bill requires further amendments of a verbal or consequential nature, it is at this stage that a request must be made to me to postpone the further consideration of the Bill and on such request it will be my duty, unless I hold that the request is frivolous or unreasonable, to postpone the further consideration of the Bill. On the date the Bill comes up for further consideration, amendments of a verbal or consequential character can be made. After such further consideration the Member in charge of the Bill will have a right to move that the Bill be passed into law. On that motion, no amendment to the Bill can be made and the motion will have to be passed or rejected. This is the situation. I will leave it to hon. Members to allow the motion for passing the Bill into law to be made now, or to ask for a postponement of the further consideration of the Bill. I may add that there is no objection to amendments of a verbal or consequential nature being made now, and the Bill being passed into law afterwards at this very sitting."

The Hon. Sir K. V. REDDI:—"Sir, there may be some slight alterations to be made by the Drafting Department. It is perhaps better that we agree to postpone the further consideration of the Bill."

Mr. C. BASU DEV:—"To the next non-official day?"

The Hon. Sir K. V. REDDI:—"If it is after three days."

* The Hon. the PRESIDENT:—"I take it then that a request is made to me to postpone the further consideration of the Bill."

Mr. SAMI VENKATACHALAM CHETTI:—"Yes, Sir."

* The Hon. the PRESIDENT:—"Then the Bill will be taken up on the next available non-official day."

"The House will now proceed to consider the Bill to amend the Impartible Estates Act."

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IV.—A BILL TO AMEND THE MADRAS IMPARTIBLE ESTATES ACT, 1904 (BILL NO. 11 OF 1932).

Clause 2.

New section 9 (b).

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I move—

'that in sub-clause (b), for the words "and the widow of the son of a proprietor or any previous proprietor thereof; and" the words "so long as she does not remarry" be substituted.'"

Mr. SAMI VENKATACHALAM CHETTI:—"I second it."

The amendment was put and carried.

New section 9 (c).

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I beg to move—

'that the following be inserted as sub-clause (c) between the present sub-clauses (b) and (c) of section 9:—

"(c) The widow of the son, grandson or great grandson of the proprietor of the impartible estate or of any previous proprietor thereof, so long as she does not remarry, provided she has no son, or grandson living."

that sub-clause (c) of section 9 be renumbered as sub-clause (d) of section 9 and that the word 'and' be added at the end of sub-clause (d) of section 9 as so renumbered."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

The amendment was put and carried.

New section 9 (d).

* The Hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to move—

'that the article "the" be inserted at the commencement of sub-section (d) of section 9 as so renumbered.'"

Diwan Bahadur V. N. VISWANATHA RAO:—"I second it."

The amendment was put and carried.

New section 9 (e).

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I beg to move the following amendment:—

'Add the following as sub-clause (e) of section 9:—

"(e) The unmarried daughter born in lawful wedlock of a son or grandson of the proprietor of the impartible estate or of any previous proprietor thereof provided she has neither father nor mother nor a brother living."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

The amendment was put and carried.

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New section 10 (2).

* Sriman M. G. PATNAIK Mahasayo:—"I beg to move the following amendment:—

'(1) Insert the following at the beginning of sub-section (2) of section 10:—

"the court shall so fix the amount of such maintenance that."

(2) Delete the word "ordinarily".'"

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

The amendment was put and carried.

New section 12.

* The Hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to move—

'that in the new section 12, for the words "under any existing law or custom" the words "under any law or custom for the time being in force" be substituted.'

"This is a verbal amendment as the words 'under any existing law or custom' may be interpreted to mean either the law or custom in force at the time the Bill is passed or at the time when maintenance is claimed. Of course the latter is intended. It is intended to make the point clear."

The Hon. Mr. G. T. H. BRACKEN:—"I second it."

The amendment was put and carried.

New section 14.

Sriman M. G. PATNAIK Mahasayo:—"I move the following amendment:—

'Renumber section 14 as section 14 (1) and add the following as sub-section (2):—

"(2) Where the rate of maintenance periodically payable to any person mentioned in section 9 out of an impartible estate has been fixed by a decree or order of court, family arrangement, award, contract or other instrument in writing, whether before or after the commencement of the Madras Impartible Estates (Second Amendment) Act, 1934, it shall be lawful for the court to reduce such rate of maintenance in order to provide maintenance for new claimants and to adjust it within the limits specified in sub-section (2) of section 10."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

The amendment was put and carried.

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New section 14.

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

'Before the words "the facts and circumstances referred to in section 10" the words "any of" shall be inserted.'

"This is only a verbal amendment."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it."

The amendment was put and carried.

New section 15.

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I beg to move the following amendment:—

(1) Add the following at the beginning "save as provided in section 14."

(2) Add the words "arrangement, award" after the word, "contract" and before the word "or."

(3) Substitute for the words "subsisting on" the words "entered into or made before."

(4) Omit the words "or confer any right . . . by any such decree of court."

(5) Add the following proviso at the end:—

"Provided that no decree made prior to the passing of the Madras Impartible Estates (Second Amendment) Act, 1934, negating the right of any person to maintenance claimed in his own right or as representing his branch shall debar his descendants declared entitled to maintenance under section 9 from claiming such maintenance."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

* The ZAMINDAR OF MIRZAPURAM:—"Sir, I rise to oppose the amendment of my hon. Friend, Mr. Patnaik. My reason for opposing this amendment is this: the Select Committee have very carefully considered this section and they thought that such a provision was not necessary. In my opinion it is not fair to insert this provision. We should not set aside the decrees of courts, such as the Privy Council. Therefore I oppose the amendment."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I am rather surprised at the objection taken to this innocent amendment. I may say that this is a very proper and just amendment. Without it, the very purpose of the Bill will be lost. What is the object of this legislation? With the customary laws as understood and administered by the judges and courts in India we had been getting along, till the Pithapuram case which unsettled the notions of law, till then prevailing and introduced a new idea, namely, that the holder for the time being is the

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absolute owner who can will away, sell away or give away the impartible estate. One can understand that by working out the logical conclusions of the English principles of land-holding, such a theory might possibly hold good; but it had nothing to do with Indian conditions. Therefore the Government of Madras lost no time in communicating with the proper authorities and bringing forward a Bill to restore the conditions of the impartible estates according to Hindu notions prevailing here. But the peculiar interpretation of the courts which in effect tantamounts to indirect legislation has created another difficulty. The holder of an impartible estate is a zamindar and he is not a super being, he is a human being; he has his family, he has his children; he has his obligations while he has also his rights. The law as expounded by the Privy Council led to curious results. A very recent decision of the Privy Council has held that the impartible estate being a creature of custom, any right even for maintenance which people may have against the holder must also rest on custom. Those of us who are lawyers and those others who had occasion to go to courts know to their cost the difficulties involved in making out a custom. I am not, Sir, going into the niceties of law or stating anything either in support or against the law. You know what custom means; you must prove that it is ancient and that it has been existing from the time of legal memory. In the Madras Presidency, at any rate, the time of the permanent settlement and, according to some, the time of Lord William Bentinck, is said to be the time of legal memory; in England it is the time of Richard Coeur-de-Lion. I submit that any impartible estate cannot stand the strain of many litigations. That some estates have survived taxing litigations is a matter for congratulation. Many estates have been broken up. We must restore the law to the position in which the commonsense of South India understood it. The Privy Council set it at naught; we do not know where we are. There are curious features. The Privy Council decided that though notionally a joint family could exist to trace succession, it had as such no value for any member of that family to claim maintenance. The joint family can be invoked for the purpose of tracing succession only; the whole thing is anomalous. The object of this Bill is to remove the anomaly and difficulty. Since the date of the Privy Council decision some members of the zamindari families might have gone to court and obtained a decision against them. Custom is not easily proved. I know of a case for which numerous witnesses were examined and it was held that the custom was not proved. I think it is necessary to restore some element of justice. The descendants of those unsuccessful members of the impartible estate holder's family ought not to be penalised. My friend, Mr. Patnaik, in conjunction with the Kumararaja of Venkatagiri has proposed this amendment to bring it in proper line. I wonder why the Zamindar of Mirzapuram should oppose it. I support heartily the amendment which has been moved."

The amendment was put and carried.

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* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I move the following amendment—

'In line 1 for the words "In this Act" the words "in sections 9 to 14" shall be substituted.'

"In referring to the Act in this section, the Select Committee meant to refer to the Bill which we are now passing and intended to safeguard any previous contracts, decrees of courts, etc., which otherwise would be affected by this Bill. When the Bill is passed, the word 'Act' in this section, would however refer to the original Act of 1904 and this section would then effect the earlier sections of that Act, but the provision is intended to refer only to the sections which we are now inserting."

The Hon. Mr. G. T. H. BRACKEN:—"I second it."

The amendment was put and carried.

* The Hon. Sir ARCHIBALD CAMPBELL:—"Sir, May I move a verbal amendment—

'In line 4, insert the word "Second" before the word "Amendment".'

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it."

Clause 2, as amended, was put and carried.

The Preamble of the Bill was put and carried.

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I move that the Bill, as amended, be passed into law. I do not think it is necessary to scrutinize the Bill. The Hon. the Revenue Member has been carefully examining the amendments we have passed from time to time; no further examination is necessary and the Bill may at once be passed into law."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

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

V.—A BILL FURTHER TO AMEND THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1926, FOR CERTAIN PURPOSES (BILL NO. 19 OF 1933).

4-45
p.m.

* Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I beg to present the report of the Select Committee on the Bill further to amend the Madras Hindu Religious Endowments Act, 1926, for certain purposes (Bill No. 19 of 1933) and move that the Bill, as amended by the Select Committee, be taken into consideration."

Sriman M. G. PATNAIK Mahasayo:—"I second it."

The motion was put and carried and the Bill was taken into consideration.

** Published in the Fort St. George Gazette on 12th June 1934.*

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Clause 1.

Clause 1 was put and carried.

Clause 2—Clause 2 (a) of new Section 44-B.

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I move, in clause 2 (a) of new Section 44-B—

'For the existing clause, substitute the following clause, namely:—

"(2) (a) The Collector may, on his own motion or, on the application of the trustee of the math or temple or of the Committee or of the Board, or of any person having interest in the math or temple who has obtained the consent of such trustee, Committee or Board, by order, resume the whole or any part of any such inam on one or more of the following grounds, namely—

(i) that the holder of such inam or part has made an exchange, gift, sale or mortgage of the same or any portion thereof or has granted a lease of the same or any portion thereof for a term exceeding five years, or

(ii) that the holder of such inam or part has failed to perform or make the necessary arrangements for performing, in accordance with the custom or usage of such math or temple, the charity or service for performing which the inam had been made, confirmed or recognized by the British Government, or any part of the said charity or service, as the case may be, or

(iii) that the math or temple has ceased to exist or the charity or service in question has in any way become impossible of performance.

When passing an order under this clause, the Collector shall determine whether such inam or the inam comprising such part, as the case may be, is a grant of both the melvaram and the kudivaram or only of the melvaram."

"The objects of this amendment are the following:—Only two grounds were originally mentioned in the Bill on which an inam may

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be resumed, but a further ground has been added, by the Select Committee, viz., that the math or temple has ceased to exist or the charity or service in question has become impossible of performance. It is therefore necessary to bring this clause into this section.

"Then the clause as worded by the Select Committee authorises the resumption of the entire inam even if only a portion is alienated. A representation has been made to Government that shareholders in inams who are no party to the alienation should not suffer along with those who are responsible for such alienation, and that provision should be made for resuming the portion alienated and regranting it to the temple or math. Accordingly, while retaining power to resume the entire inam in cases, where the entire inam is held by a single person and he has alienated a portion of the inam, it is proposed by the amended clause to make provision for resuming a portion of the inam. The new clause also enables the resumption of a fractional share owned by a person who is responsible for the alienation if he alienates, not his full fractional share but only a portion thereof."

* Mr. P. V. KRISHNAYYA CHOUDARI:—"I second this amendment and in seconding it, I also accept the amendment, as he has explained the reasons therefor. I also accept the verbal changes made."

* Mr. A. RANGANATHA MUDALIYAR:—"I wish to be enlightened in regard to one or two points in respect of the amendment proposed by the Hon. the Revenue Member. He said that under certain conditions, the inam may be resumed and at the time of resumption, some enquiry should be made as to what constituted the inam. Am I to take it from him that it will depend on the enquiry and the result thereof—whether the inam will be treated to be the assesment on the land or the land itself. Personally, I think, Sir, that in the case of these inams attached to temples and maths, the land itself should be treated as an inam and when service is not rendered, it should be open to the authorities to resume the land and to reassign it to such others as may be willing to perform the service. I should like to know from the Hon. the Revenue Member or from the hon. the Mover of the Bill whether in case service is not rendered or there is any other satisfactory reason for the resumption of the inam, the land itself will be resumed, or only the assessment thereon will be treated as inam and the entire land fully assessed."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, the present practice is that if a service is not performed—religious service or other service contemplated here—the Revenue officers under the orders contained in Board's Standing Orders, can proceed to resume the inam and in all cases it is assumed prima facie that the inam consists of melvaram only. We assess fully the inam and sometimes the assessment is allotted to some one else who will carry out the service; or if the service is impossible, we may sometimes assign it to a taluk board or some other suitable body for some other purpose; or sometimes the assessment is credited into the Government treasury. Now, Sir, in this Bill it is provided that the Collector in making his enquiry will arrive

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at a decision whether the inam is merely the melvaram or in his opinion it includes kudivaram as well. On this point, whichever way he decides—either that it contains only one or both—an appeal is permitted to the civil courts. And that is the only case in which a reference is permitted to the civil courts. The power of resuming inams is a power which is vested in the sovereign, i.e., the Government for the time being. The use of that power will now be regulated by this legislation."

The amendment was put and carried.

Sriman M. G. PATNAIK Mahasayo:—"Sir, I have given notice of the following amendment:—

'At the end of clause 44-B 2 (a), add the following:

"In so determining, the Collector shall hold, in the case of a whole inam village, that melvaram alone was comprised in the grant and in the case of a minor inam, he shall presume, until the contrary is proved, that the grant consisted of the melvaram alone."

Sir, there is some difficulty with regard to this amendment. If the Government are going to oppose it, I do not want to press the amendment, because I do not want to pick up a quarrel with the Hon. the Revenue Member. Apart from that, it can be introduced in the inam legislation, I think.

"I am not therefore moving the amendment."

Clause 2 (b) of new section 44-B.

* The Hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—

'For the existing clause, substitute the following clause, namely:—

"(b) Before passing an order under clause (a), the Collector shall give notice to the trustee, to the Committee, to the Board, to the inamdar concerned or where only a part of the inam is affected, to the holder of such part as well as to the holder or holders of the other part or parts, and to the alienee, if any, hear their objections, if any, and hold such inquiry as may be prescribed."

This clause has been amplified so as to provide for the giving of notice not only to the inamdar concerned but also to the inamdars owning the other shares in cases where only a part of the inam is affected. The words 'by the Local Government' which occur in the original section after the word 'prescribed' have been omitted, as 'prescribed' is defined in the Act as meaning 'prescribed by the Local Government by rules made under the Act'."

* Mr. P. V. KRISHNAYYA CHOUDARI:—"I second the amendment; and in seconding, I accept the verbal changes proposed."

The amendment was put and carried.

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Clause 2 (c) of new section 44-B.

* The Hon. Sir ARCHIBALD CAMPBELL:—" I beg to move that—

' For the existing clause, the following clause be substituted, namely:—

" (c) A copy of every order passed under clause (a) shall be communicated to each of the persons and bodies mentioned in clause (b), and shall also be published in the manner prescribed."

This merely contains three verbal amendments."

Mr. P. V. KRISHNAYYA CHOUDARI:—" I second the amendment."

The amendment was put and carried.

Clause 2 (d) of new section 44-B.

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

' In sub-clause (i)—

" (i) In line 6, for the words ' the persons or bodies ' substitute the words ' each of the persons and bodies ' ; and

(ii) in line 7, for the words ' after such enquiry ' substitute the words ' after holding such inquiry. ' "

Mr. P. V. KRISHNAYYA CHOUDARI:—" I second it."

The amendment was put and carried.

Clause 2 (e) of new section 44-B.

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

' For the words, letter and brackets, " order of resumption passed by the Collector under clause (a)," the words " order of resumption passed under this section " be substituted.'

The intention of the clause is to bar the jurisdiction of civil courts on questions relating to the validity of the order of resumption whether passed by the Collector under clause (a) or by the District Collector on appeal under clause (d). Clause (e) as it stands bars such jurisdiction only in respect of the order passed by the Collector under clause (a). The amendment proposed is intended to avoid this defect."

Mr. P. V. KRISHNAYYA CHOUDARI:—" I second the amendment."

The amendment was put and carried.

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Clause 2 (f) of new section 44-B.

* The Hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, Sir, for 5 p.m. the existing clause 2 (f) of new section 44-B, I beg to move that the following clause be substituted, namely:—

' (f) Where any inam or part of an inam is resumed under this section, the Collector or the District Collector, as the case may be, shall, by order, regrant such inam or part—

(i) as an endowment to the math or temple concerned, or

(ii) in case of resumption on the ground that the math or temple has ceased to exist or that the charity or service in question has in any way become impossible of performance, as an endowment to the Board, for appropriation to such religious, educational or charitable purposes not inconsistent with the objects of such math or temple, as the Board may direct.'

The clause as redrafted provides for the regrant of a portion of the inam. This is consequential on the amendment already passed in the earlier clause. The latter part of the clause as amended by the Select Committee refers to section 67 of the Hindu Religious Endowments Act which provides for an enquiry by the Hindu Religious Endowments Board before it specifies the purpose to which the resumed inam should be appropriated. Such enquiry seems to be unnecessary as the resumed inam is regranted to the Board only where the temple or math has ceased to exist or the charity or service has become impossible of performance. The intention of the Select Committee is apparently that the Board should utilize the endowment for the purposes specified in section 67 (1). It is proposed to bring out this intention clearly by specifying such purposes in the clause itself and omitting the reference to section 67.

* " I have also made certain drafting changes in the clause."

Mr. P. V. KRISHNAYYA CHOUDARI:—" I second it."

The amendment was put and carried.

Clause 2 (g) of new section 44-B.

* The Hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, Sir, for clause 2 (g) of new section 44-B, I beg to move that the following clause be substituted, namely:—

' (g) The order of re-grant made under clause (f) shall, on application made to the Collector within the time prescribed, be executed by him in the manner prescribed.'

The alteration is purely verbal."

Mr. P. V. KRISHNAYYA CHOUDARI:—" I second it."

The amendment was put and carried.

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* Mr. P. V. KRISHNAYYA CHOUDARI:—" Mr. President, Sir, with the permission of the House, I beg to move the amendment of which I have given notice, in a slightly amended form and it is this:—

Add the following as new item (h) at the end:—

'(h) Nothing in this section shall affect the operation of section 44-A.'

I have only substituted the word 'operation' for the word 'provision' and I request you will give your consent for the change and the House will accept it."

Diwan Bahadur B. MUNISWAMI NAYUDU seconded the motion.

The amendment was put and carried.

Clause 2, as amended, was then put and carried.

Preamble.

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

'that between the words "it is expedient" and "to amend" the word "further" be inserted, as this is not the first amendment of the Act.'

Mr. P. V. KRISHNAYYA CHOUDARI:—" I second it."

The amendment was put and carried.

The Preamble, as amended, was put and carried.

Mr. P. V. KRISHNAYYA CHOUDARI:—" Now, Sir, I beg to move—

'that the Bill, as amended, be passed into law,'

as there are practically no drafting difficulties, as Sir Archibald Campbell has already taken the trouble of getting the Bill redrafted by the Law Department. While thanking him for the trouble he has taken, I request the House to pass the Bill into law."

Mr. K. P. RAMAN MENON:—" I second it."

* Mr. A. RANGANATHA MUDALIYAR:—" Sir, with your permission I wish to say just a few words. We find from the Statement of Objects and Reasons appended to the Bill that the idea of the Mover was to prevent alienations of land. His complaint was that the Government were fond of resuming inams thereby really assessing the lands fully and giving away only the assessment for services that may be rendered hereafter. He wanted to put an end to that and put an end to the alienations of land altogether, and treat the land as inam and give it to whosoever may be performing the particular service. As a matter of fact, the Bill as it has now emerged, leaves the matter pretty nearly where it was formerly. The original standing orders were more or less to the same effect. If for any reason the inam had to be resumed, the Collector was making an enquiry as to whether the land itself constituted

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the inam or only the assessment thereof. And if he found that only the assessment was the inam, he simply assessed the land entirely and used the assessment thereof for any similar purpose. If, on the other hand, the land itself is the inam, he gives the land to whosoever performs the services which were being performed by the inamdar concerned. Now, Sir, the original object of the Mover has been given the go-bye, if I may say so, and the procedure as it stands now has been simply put in a statutory form. The difference is this. Whereas in the former case the Collector was the authority who determines whether the assessment or the land constituted the inam, here we have got the Civil Court as the final authority to determine the matter. I may say, Sir, if really you want the service to continue to be performed, it is very essential that you should make the land itself the inam and not the assessment thereof. What is the real position now, Sir? A man has got ten acres of inam and all he is asked perhaps to do is to light a lamp in the temple day after day or to perform some other service or worship or anything of the sort. Nobody cares to perform this service if the remuneration therefor is going to be only the assessment due for this land. There is a glamour about land. People think that it is going to give them something or other to fall back upon. And it is the fear that the land may be taken away from them that is persuading the people to continue the performance of the service. If you take away that fear and tell them, 'if you do not perform the service, I shall resume the land and take for it the full assessment' which may be about Rs. 10 or so, every one will say, 'thank you, please assess our lands and relieve us from the obligation of performing this service.' So, I am afraid, Sir, that we are really taking a step to-day which will have the effect of making these people who have to perform these services perhaps to become slack in their duties and allow the lands to be resumed. If the law requires to be amended, I would very much wish that we pass legislation to the effect that in the case of temple service land, the land shall be treated as inam, though it may be contrary to the established convention that this should be done by legislation. That is all I want to say, Sir, and I want that the House should be apprised of this fact, namely, that, if we want service to be performed, it is far more desirable that the land should be constituted the inam and not allow the assessment to be treated as inam."

* The Hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, Sir, my hon. Friend, Mr. Ranganatha Mudaliyar, said that under the Board's Standing Orders the Collector made an enquiry as to whether the inam included both the kudivaram and the melvaram. I do not remember any Board's Standing Orders under which it is laid down that the Collector should make enquiries as to whether the inam includes the kudivaram as well as the melvaram."

* Mr. A. RANGANATHA MUDALIYAR:—" I think it was always taken to be so, and that was the guiding factor for the Collector to consider whether the assessment or the land constituted the inam."

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* The Hon. Sir ARCHIBALD CAMPBELL:—"Under the inam settlement we had assumed prima facie that the inam includes only the Government revenue on the land and the terms of the sanads latterly issued by the Inam Commission were always to that effect."

* Mr. A. RANGANATHA MUDALIYAR:—"Am I to understand that so far no land was treated as resumed?"

* The Hon. Sir ARCHIBALD CAMPBELL:—"I have dealt with several cases as a Revenue Officer but I never resumed the land. We put the full assessment on the land and assigned the assessment, in some cases, to some one who rendered the service. I do not recollect a single case of resumption of the land itself. This Bill does give those interested in the temple or math an opportunity of proving that the inam includes kudivaram as well as the melvaram. And if they can prove it to the satisfaction of the Collector or the civil court, then that right also is resumable by the Collector under this Act and will be assigned as laid down thereunder."

The motion that the Bill, as amended, be passed into law was then put and carried and the Bill was passed into law.

* The Hon. the PRESIDENT:—"To-morrow the House will transact Official Business and, if there is any time left, we shall continue the Non-official Business left over from to-day."

Mr. A. RANGANATHA MUDALIYAR:—"Is there no meeting on Monday, Sir?"

* The Hon. the PRESIDENT:—"There is no meeting on Monday as at present arranged."

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

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. *Communication to the Council with reference to the promise given by the Hon. the Revenue Member at the meeting of the Legislative Council held on the 13th March 1934, regarding the classification of Irrigation Projects.*

2. *Communication to the Council with reference to the answer given to Question No. 499 at the meeting of the Legislative Council held on the 29th January 1934 regarding increase in revenue in the Guntur district owing to the introduction of fixed rates of water-cess.*

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

^a Printed as Appendix VIII on pages 285-289 infra.

^b Printed as Appendix IX on page 290 infra.

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APPENDIX I.

[Vide answer to question No. 64 asked by Mr. M. S. Sreshta at the meeting of the Legislative Council held on the 3rd August 1934, page 203 supra.]

*Letter from the Secretary, Madras Services Commission,
No. 355-B/33, dated the 15th November 1933.*

[Public Services—Recruitment—Selection by examination.]

The Government have invited the Commission's remarks on a suggestion, made during the last budget discussion in the Legislative Council, to the effect that selection of candidates for appointment to the public services should be on the results of an examination wherever possible. At present the selection of candidates on the results of an examination is made only in respect of two classes of posts, (i) Civil Assistant Surgeons of the Madras Medical Service (General Branch), as prescribed in the Statutory Rules for that service, and (ii) for clerks, under the executive instructions of the Government. After a careful consideration of the suggestion, the Commission is strongly of the opinion that the interview should continue to be an important part of the process of selection whether a written examination is adopted or not in that process. The interview has come to stay in modern systems of selection and is used by business men. Together with school and college records, the interview reveals important qualities which cannot be tested in a written examination.

2. The Commission also considered whether an examination could be coupled with the interview and, if so, how far and whether the examination should be competitive or qualifying. In its opinion, no examination is necessary in respect of technical, or professional, or research posts as the number of candidates applying for these posts is generally small and it is safe to depend upon the results of university or other examinations which they have passed. In respect of these posts, therefore, candidates may continue to be selected solely by interview.

In respect of other classes of posts, the Commission considers that it is desirable to select candidates on the results of a written examination coupled with interview. Between a qualifying and a competitive examination the Commission, after a careful consideration, prefers the latter. The advantage, perhaps the only one, of a qualifying examination is that it will help in weeding out the educationally unfit and in reducing the number of candidates to be interviewed. Still the final selection will have to be made on the impressions created at the interview. A system of competitive examination, however, makes selection easier, tests intellectual qualities such as application, concentration, power of expression in a short space of time and, if such an examination is held for candidates who are found suitable after interview, is likely to produce better results than any other system of selection. An open

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competition is, however, not possible regard being paid to communal representation, and any system of competitive examination can be only of limited application. The system that the Commission would favour is as follows:—

All qualified and apparently suitable candidates who apply for a post will be called up for interview at which marks will be allotted for qualities tested in the course of the interview to such candidates as are considered fit for appointment and it is only such candidates that will be permitted to proceed to the competitive examination. These marks will be credited to the candidates in addition to the marks obtained in the written examination. The Commission realizes that in such a system there might be a risk of a fairly well-informed candidate possessing common sense, good bearing, personality and high family connexions being at a disadvantage *vis-a-vis* the brilliant candidate of higher book attainments who may more than make up at the competitive examination any deficiency of marks at the interview but such a risk is reduced to a minimum by allotting for the interview a large percentage of the total marks say, not less than 50 per cent. The required number of candidates under each community who obtain the largest number of total marks will be declared selected. A competitive examination will not of course be necessary in cases where the number of candidates found suitable at the interview is not larger than the number of vacancies.

3. The opinion of the Commission that interview cannot be dispensed with in selecting candidates does not refer to clerkships as the number of applications for that class of post is so large that selection by interview is impracticable and as qualities which could be tested only by interview are not as essential in the case of clerkships as in the case of executive posts. The subjects prescribed for the competitive examination for posts in the ministerial service are so selected as to test the qualities required for discharging the duties attached to these posts.

APPENDIX II.

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[Vide answer to question No. 65 asked by Mr. S. M. K. Beyabani Sahib at the meeting of the Legislative Council held on the 3rd August 1934, page 204 supra.]

Statistics showing the number of Muhammadans from Ceded Districts that appeared for selection.

Serial number and name of post.	Number appeared.	Distribution according to districts.				Number selected.	Distribution according to districts.			
		Bellary.	Kurnool.	Anantapur.	Cuddapah.		Bellary.	Kurnool.	Anantapur.	Cuddapah.
1930										
1 Assistant Inspector of Excise	1	..	1	..	..	..	..	..	..	..
2 Sub-Deputy Registrar of Co-operative Societies.	5	..	2	1	2	..	..	..	..	..
3 Assistant Lecturer ..	1	..	1	..	..	1	1	..	..	..
1931										
1 Veterinary Assistant Surgeons	2	1	1	..	..	2	1	..	..	1
2 Sub-Inspector of Police	11	1	5	2	3	2	1	..	..	..
3 Junior Inspector of Co-operative Societies	4	1	1	2	..	1	..	1	..	..
4 Sub-Inspector of Excise	15	6	2	3	4	1	..	1	1	..
5 Clerks	52	12	20	10	10	13	3	4	4	2
1932										
1 Sub-Inspector of Police	13	2	7	3	1	1	..	1	..	..
2 Sub-Inspector of Excise	4	..	..	3	1	..	..	..	..	..
3 Sub-Deputy Registrar of Co-operative Societies.	1	..	1	..	..	..	..	..	..	..
4 Clerk in the Criminal Investigation Department	2	..	1	..	1	..	..	..	..	..
5 Reserve Sub-Registrar	15	4	1	4	6	1	1	..	..	..
6 Clerks	55	14	21	7	13	10	2	6	1	1
1933										
1 Sub-Inspector of Police	12	3	2	6	1	..	..	..	..	..
2 Minor Irrigation Overseer	1	..	1	..	..	..	..	..	..	..
3 Veterinary Assistant Surgeon	1	1	..	..	..	1	1	..	..	..

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APPENDIX III.

[Vide answer to question No. 71 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 3rd August 1934, page 208 supra.]

District.	Number of motor vehicles including motor cycles, buses and lorries in use at the end of the year 1933.	Number of motor vehicles plying for hire at the end of the year 1933.		
		Motor cars.	Buses.	Lorries.
Madras City	About 5,198	149	409	25
Anantapur	159	3	64	..
North Arcot	363	14	155	7
South Arcot	273	..	90	..
Bellary	230	2	70	4
Chingleput	373	10	167	17
Chittoor	234	7	75	..
Coimbatore	1,617	6	349	..
Cuddapah	104	2	33	..
Ganjam	317	174	87	13
Godavari, East	462	15	189	..
Godavari, West	180	28	46	12
Guntur	321	..	108	..
South Kanara	525	32	150	1
Kistna	322	33	98	1
Kurnool	167	1	71	15
Madura	910	39	235	60
Malabar	1,048	13	409	75
Nellore	184	4	62	..
The Nilgiris	1,558	20	56	3
Ramnad	1,139	15	230	23
Salem	638	..	287	1
Tanjore	445	9	138	..
Tinnevely	530	7	207	2
Trichinopoly	680	45	140	..
Vizagapatam	503	15	91	7
Total for mufassal	13,282	494	3,607	241
Total for Presidency	18,480	643	4,016	266

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APPENDIX IV.

[Vide answer to question No. 72 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 3rd August 1934, page 209 supra.]

District.	Number of reported accidents caused during 1933.	Number of persons killed during 1933.
Madras City	361	26
Anantapur	8	2
Arcot, North	59	9
Arcot, South	6	4
Bellary	7	Nil.
Chingleput	57	11
Chittoor	11	4
Coimbatore	166	17
Cuddapah	6	Nil.
Ganjam	15	7
Godavari, East	10	3
Godavari, West	6	Nil.
Guntur	13	3
Kanara, South	59	3
Kistna	13	2
Kurnool	4	2
Madura	103	19
Malabar	64	11
Nellore	12	4
Nilgiris, The	33	2
Ramnad	30	4
Salem	37	9
Tanjore	19	6
Tinnevely	34	10
Trichinopoly	23	8
Vizagapatam	7	8
Total for the Presidency	1,163	174

APPENDIX V.

[Vide answer to question No. 76 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 3rd August 1934, page 217 supra.]

Name of district board from the service of which the nominee has been recruited.	Name of Commissioner.	Qualifications—Previous experience.	Name of municipality to which appointed.
1 Vizagapatam District Board.	M.R.Ry. S. Appala-swami Nayudu.	Head Clerk, Vizagapatam District Board.	Anakapalle.
2 Kistna District Board.	M.R.Ry. A. V. Krishna Rao Nayudu.	Manager, Kistna District Board.	Tenali.
3 Bellary District Board.	Janab Sayyid Ahamad Sahib.	Manager, District Board Engineer's Office.	Tiruppattur.
4 The Nilgiris District Board.	M.R.Ry. S. N. P. Arumuga Kaviraj, M.A.	Manager, the Nilgiris District Board.	Tiruvannamalai.
5 Cuddapah District Board.	M.R.Ry. S. Sitarayya, B.A., L.T.	Acting Secretary, Cuddapah District Board.	Proddatur.

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APPENDIX VI.

[Vide answer to question No. 82 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 3rd August 1934, page 225 supra.]

Statement showing the amount of tax collected under the Madras Motor Vehicles Taxation Act, 1931, in each district during 1933-34 and the amount paid to each district board and municipality in the same year.

Amount collected.		Amount paid.	
District.	RS.	District Board or Municipality.	RS.
1 Anantapur ..	40,358	Anantapur District Board	24,372
		Anantapur Municipality	3,219
		Hindupur Municipality	8,277
		Tadpatri Municipality	5,978
2 North Arcot ..	1,03,205	North Arcot District Board	63,919
		Gudiyattam Municipality	6,438
		Tiruppattur Municipality	7,358
		Tiruvannamalai Municipality	12,416
		Vaniyambadi Municipality	4,599
		Vellore Municipality	21,153
		Walajapet Municipality	7,818
3 South Arcot ..	57,717	South Arcot District Board	79,094
		Chidambaram Municipality	12,876
		Cuddalore Municipality	16,555
		Villupuram Municipality	6,438
4 Bellary ..	72,030	Bellary District Board	22,073
		Adoni Municipality	8,737
		Bellary Municipality	9,197
		Hospet Municipality	5,058
5 Chingleput ..	39,331	Chingleput District Board	68,058
		Chingleput Municipality	10,117
		Conjeevaram Municipality	15,175
		Saidapet Municipality	7,818
6 Chittoor ..	48,471	Chittoor District Board	27,591
		Chittoor Municipality	9,657
		Tirupati Municipality	3,219
7 Coimbatore ..	2,80,109	Coimbatore District Board	1,48,071
		Coimbatore Municipality	41,386
		Dharapuram Municipality	17,934
		Erode Municipality	22,993
		Pollachi Municipality	46,905
		Tiruppur Municipality	25,292
		Udamalpet Municipality	21,153
8 Cuddapah ..	28,737	Cuddapah District Board	29,430
		Cuddapah Municipality	6,438
		Proddatur Municipality	8,277
9 Ganjam ..	54,789	Ganjam District Board	45,065
		Berhampur Municipality	15,175
		Chicacole Municipality	6,898
		Parlakimedi Municipality	4,139
10 East Godavari ..	79,870	East Godavari District Board	71,277
		Cocanada Municipality	16,095
		Peddapuram Municipality	6,898
		Rajahmundry Municipality	14,715
11 West Godavari ..	45,829	West Godavari District Board	32,649
		Ellore Municipality	16,555
		Palacole Municipality	13,796
12 Guntur ..	91,778	Guntur District Board	40,007
		Chirala Municipality	5,978
		Guntur Municipality	22,993
		Narasaraopet Municipality	6,898
		Ongole Municipality	2,759
		Tenali Municipality	10,577

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Amount collected.		Amount paid.	
District.	RS.	District Board or Municipality.	RS.
13 South Kanara ..	1,35,824	South Kanara District Board	30,349
		Mangalore Municipality	6,898
14 Kistna ..	79,397	Kistna District Board	44,605
		Bezwada Municipality	14,715
		Masulipatam Municipality	10,577
15 Kurnool ..	49,376	Kurnool District Board	42,766
		Kurnool Municipality	10,577
		Nandyal Municipality	16,555
16 Madura ..	2,02,259	Madura District Board	1,75,662
		Bodinayakanur Municipality	6,898
		Dindigul Municipality	23,452
		Kodaikanal Municipality	3,219
		Madura Municipality	62,999
		Pulni Municipality	12,416
		Periyakulam Municipality	12,416
17 Malabar ..	2,43,623	Malabar District Board	1,05,128
		Calicut Municipality	10,117
		Cannanore Municipality	3,219
		Cochin Municipality	2,299
		Palghat Municipality	6,438
		Tellicherry Municipality	5,058
18 Nellore ..	51,568	Nellore District Board	22,073
		Nellore Municipality	12,416
19 Nilgiris, The ..	1,52,309	Nilgiris District Board	60,240
		Coonoor Municipality	2,759
		Ootacamund Municipality	9,197
20 Ramnad ..	1,48,209	Ramnad District Board	1,30,597
		Karalkudi Municipality	30,810
		Sivakasi do.	5,978
		Srivilliputtur do.	8,277
		Virudunagar do.	13,336
21 Salem ..	1,65,226	Salem District Board	1,25,539
		Salem Municipality	43,686
22 Tanjore ..	1,41,892	Tanjore District Board	96,108
		Kumbakonam Municipality	27,591
		Mannargudi do.	11,496
		Mayavaram do.	10,117
		Negapatam do.	10,577
		Tanjore do.	44,146
		Tiruvarur do.	10,577
23 Tinnevely ..	1,28,789	Tinnevely District Board	1,07,605
		Palamcottah Municipality	15,635
		Tinnevely do.	12,876
		Tuticorin do.	15,635
24 Trichinopoly ..	1,27,634	Trichinopoly District Board	93,349
		Srirangam Municipality	5,058
		Karur do.	15,635
		Trichinopoly do.	26,671
25 Vizagapatam ..	97,351	Vizagapatam District Board	75,875
		Anakapalle Municipality	10,577
		Bimlipatam do.	3,679
		Vizagapatam do.	10,117
		Vizianagram do.	19,774
Total (all districts) ..	26,65,681	Total (District Boards and Municipalities)	28,61,932
Madras City ..	7,02,027	Corporation of Madras	1,72,443
		Cantonment authorities of St. Thomas' Mount and Wellington.	1,766
Grand total ..	33,67,708	Grand total ..	30,36,141

APPENDIX VII.

[Vide answer to question No. 95 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 3rd August 1934, page 235 supra.]

Districts.	Number of arrack shops sold.						Rentals.					
	1928-30.	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1929-30.	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.
Ganjam ..	236	233	223	225	228	218	2,15,958	2,20,267	1,52,724	1,14,345	1,07,357	96,177
Visakhapatnam ..	214	244	245	252	254	258	6,06,546	7,12,410	4,72,356	4,31,840	4,42,122	4,45,404
East Godavari ..	206	204	204	202	203	203	4,45,260	4,87,080	3,05,430	2,63,928	2,56,080	2,33,982
West Godavari ..	138	137	136	136	136	136	3,51,204	3,48,028	1,66,500	1,44,300	1,28,724	1,11,168
Krishna ..	270	267	265	267	265	269	4,63,062	4,40,436	2,22,564	2,19,708	2,21,142	1,89,228
Guntur ..	308	307	300	300	308	314	3,78,656	4,00,176	1,96,682	1,82,940	1,90,388	1,87,542
Nellore ..	206	204	199	201	201	196	1,53,294	1,54,477	90,534	87,617	73,592	73,592
Cuddapah ..	258	252	248	252	235	227	2,71,596	1,84,500	1,27,224	1,25,001	1,02,524	65,776
Anantapur ..	227	219	211	216	207	219	2,03,196	1,43,904	1,13,742	1,15,242	1,10,591	86,292
Bellary ..	191	185	178	180	181	176	3,12,088	2,41,224	1,30,020	1,23,924	1,38,888	1,12,704
Kurnool ..	177	173	172	171	173	166	3,11,946	2,38,143	1,30,960	1,22,064	1,33,782	83,667
Madras ..	19	18	18	18	18	18	7,37,760	7,22,400	7,29,600	6,42,000	6,55,800	6,41,340
Chingleput ..	163	160	155	159	158	154	3,23,976	3,08,388	2,80,944	2,60,988	2,46,576	2,03,040
Chittoor ..	195	187	183	185	184	181	1,30,578	1,65,354	1,29,438	1,29,858	1,20,456	85,844
North Arcot ..	276	268	262	263	265	265	5,02,980	4,22,352	2,93,424	2,61,084	2,23,044	1,49,708
South Arcot ..	451	437	418	396	408	417	4,38,384	4,20,820	3,26,959	2,81,084	2,37,604	1,47,450
Tanjore ..	92	91	89	89	89	89	2,11,584	2,20,080	1,08,276	1,08,276	1,59,090	1,47,450
Tamilnadu ..	218	215	213	219	219	216	2,34,592	3,37,092	3,33,936	2,58,948	2,22,218	1,95,936
Madras ..	159	158	153	151	142	149	5,37,904	5,37,092	2,74,020	1,81,308	1,74,324	1,73,160
Raman ..	150	149	146	146	141	145	1,57,020	1,75,260	7,79,916	1,98,396	1,40,464	2,21,868
Tinnevely ..	214	203	205	208	222	222	2,85,788	2,65,682	2,77,872	2,18,316	2,32,410	3,00,876
Coimbatore ..	331	328	322	318	317	319	4,01,400	4,11,000	3,64,140	2,94,228	2,87,120	1,73,640
The Nilgiris ..	3	3	3	3	3	3	2,08,660	2,31,400	2,31,900	2,16,120	1,53,070	1,31,976
Salem ..	280	270	262	261	311	309	2,08,344	2,22,924	1,87,330	1,53,070	1,68,108	1,70,590
South Kanara ..	343	325	309	302	301	290	1,10,025	1,04,419	90,543	70,212	71,298	71,298
Malabar ..	439	424	401	386	349	367	2,25,744	2,21,940	1,92,168	1,34,211	1,21,517	1,18,377
Total ..	5,764	5,666	5,524	5,508	5,522	5,531	83,79,447	81,26,269	61,89,166	52,50,560	51,43,820	45,77,511

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APPENDIX VIII.

[Vide item VI—Papers laid on the Table of the House at page 276 *supra*.]

PUBLIC WORKS AND LABOUR DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

With reference to the promise given by the Hon. the Revenue Member at the meeting of the Legislative Council, held on the 13th March 1934 (extract below), the following Government Orders are laid on the table:—

*Extract from the Legislative Council Proceedings, dated 13th March
1934—Demand VI—Irrigation (excluding Cauvery-Mettur
Project)—Reserved.*

Sir ARCHIBALD CAMPBELL:—"In this connexion I may say that we classified areas liable to scarcity so as to provide criteria varying with the circumstances of each tract which are to be applied in considering whether a given work proposed in the area is to be treated as 'protective' work and financed under the rules applicable to such works. We have laid down that an irrigation project should ordinarily be a paying proposition, and the criterion for this has been laid down as a net return of at least 6 per cent on the sum-at-charge ten years after its completion. That is the usual rule. (Mr. T. A. Ramalingam Chettiyar:—"That is too high for the present days?") In special cases the Government may, if a project is beneficial even indirectly both to the Government and to the people, undertake it as protective irrigation work though it may yield a smaller return. That meets the hon. Member's point. We do take into consideration the needs of the people. One hon. Member wishes to know what return we expect in such cases. What we have done is to consider the conditions of each taluk, in the Presidency, and reduce the percentage criterion suitably. For this purpose we classify the taluks into four classes. In class 'A' the criterion is a return of not less than 3 per cent; in class 'B' a return of not less than 4 per cent; in class 'C' a return of not less than 5 per cent and in class 'D' a return of not less than 6 per cent. In the Cuddapah district, no taluks are in class D; the northern half of the Cuddapah taluk falls in class C, the criterion being 5 per cent; the Rajampet and Proddatur taluks are in class B, the criterion being 4 per cent; and the rest of the district is in class A, the criterion being a return of 3 per cent. Works can be proposed within these limits as protective works and part of the cost can be met from the balances in the Famine Fund. (Mr. T. A. Ramalingam Chettiyar: "If a classification list of this sort is published, it will be very useful.") I will consider the hon. Member's suggestion."

[3rd August 1934]

G.O. No. 1718 I., dated 7th July 1931.

[Irrigation—Projects—Protective works—Criteria—General principles laid down—Classification of areas ordered.]

The Government have considered the general principles suggested by the Board of Revenue for the classification of areas liable to scarcity so as to provide criteria varying with the circumstances of each tract which are to be applied in considering whether a given work proposed in that area is to be treated as a 'protective' work, and financed under the rules applicable to such works. The principles as slightly modified by the Government and as approved by them are given below:—

I. An irrigation project should ordinarily be a paying proposition and the criterion of this has been laid down as a net revenue equivalent to a minimum of 6 per cent on the sum-at-charge ten years after completion.

II. In special cases, the Government may, in view of the indirect returns and benefits of such a project both to the Government and to the people in general, undertake protective irrigation works, though they will yield a smaller return.

III. The anticipated net return from a protective irrigation work ten years after completion shall be not less than 3 per cent on outlay on works.

IV. As different tracts require different degrees of protection, different criteria are necessary for particular tracts.

V. The Government consider that the Board's proposed grouping under six classes—strictly speaking it would be eight, as the Famine Code rate of 3 per cent is on works outlay only, while the 6 per cent return for productive works is on the sum-at-charge—is unnecessarily elaborate and that four classes as shown below should give sufficient variety:—

Tract.	Criterion return per cent.	Tract.	Criterion return per cent.
Class A ..	Not less than 3 per cent.	Class C ..	Not less than 5 per cent.
" B ..	" 4 "	" D ..	" 6 "

This classification should if necessary be revised every 10 or 15 years or, in any case, after the execution of any large project which improves the irrigation facilities in any area.

NOTE.—The criterion for productive works on a calculation of direct and indirect charges alone corresponding to the rate of 6 per cent on the sum-at-charge, amounts to over 7 per cent—Compare paragraph 96 of Volume I of the Irrigation Commission's report and also the Cauvery-Mettur Project estimates.

VI. The classification will apply only to protective works financed from ordinary revenues or from the excess over Rs. 40 lakhs in the Famine Relief Fund.

VII. Large projects, involving extensive improvements to the irrigation facilities of an area, which can ordinarily be financed only from loan funds, will be considered on their merits, which include not only the classification of the areas commandable but also the cost of the projects and the rate of borrowing for the time being.

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VIII. There is no justification to accept a lower return on works financed from Famine Relief Fund than those financed from ordinary revenues.

IX. In the case of every protective work the water-rate should be the highest that the ryot can be expected to pay and the return looked for will be the highest obtainable, not the minimum prescribed for the area.

2. The Board of Revenue is requested to proceed to the classification of taluks accordingly having regard to the considerations suggested in paragraph 6 of its reference and to submit the proposed classification to Government through the Irrigation Development Board for orders.

(By order of the Governor in Council)

A. G. LEACH,
Secretary to Government.

G.O. No. 433 I., dated 21st February 1933.

[Irrigation—Projects—Famine protective works—Criteria—Classification of taluks—Approved.]

In G.O. No. 1718 I., dated 7th July 1931, the Government laid down the general principles for the classification of areas liable to scarcity so as to provide criteria varying with the circumstances of each tract which are to be applied in considering whether a given work proposed in that area is to be treated as a 'protective' work and financed under the rules applicable to such works; and in paragraph 2 of that order the Board of Revenue was requested to classify the taluks according to those principles and submit the classified list for the orders of Government. The Board has prepared such a list and the Irrigation Development Board recommends it for the approval of Government. The Government approve the list which is annexed to this order.

(By order of the Governor in Council)

N. GOPALASWAMI,
Secretary to Government.

[3rd August 1934]

ANNEXURE.

NOTE 1.—Class A represents tracts where protective irrigation works may be undertaken if the anticipated return on works outlay is not less than 3 per cent; class B, not less than 4 per cent; class C, not less than 5 per cent; and class D, not less than 6 per cent.

NOTE 2.—The classification which is intended merely as a guide is subject to revision, if necessary, every 10 or 15 years, or after the execution of any large project which improves the irrigation facilities in any of the classified taluks.

Taluk or tract.	Classifi- cation proposed.	Taluk or tract.	Classifi- cation proposed.
1 Ganjam district—		6 Guntur district—	
Parlakimedi taluk		Guntur taluk	D
(Agency portion)	B	Sattenapalli taluk	D
Balliguda taluk	B	Narasaraopet taluk	B
Ramagiri taluk	B	Vinukonda taluk	A
Udayagiri taluk	B	Palnad taluk	A
Pandakhole Agency in		Coastal portion of the	
the Surada taluk	B	Ongole taluk	C
Berhampur taluk	D	Upland portion of the	
Chatrapur taluk	D	Ongole taluk	B
Aska taluk	D		
Ballipodoro, Buguda and		7 Nellore district—	
Russalkonda firkas of		Nellore taluk	D
Ghumsur taluk	B	Atmakur taluk	C
Remaining five firkas of		Udayagiri taluk	A
Ghumsur taluk	A	Kanigiri taluk	A
		Kavali taluk	B
2 Vizagapatam district—		Rapur taluk	B
Palakonda	D	Gudur taluk	C
Golugonda	C	Kandukur taluk	C
Sarvasiddhi	C		
Gudem	C	8 Cuddapah district—	
Gunupur	C	Badvel taluk	A
Bissemeuttack	C	Siddhout taluk	A
Malkanagiri	D	Jammalamadugu taluk	A
Jeypore	D	Pulivendla taluk	A
Padwa	D	Rayachoti taluk	A
Pottanghi	D	Rajampet taluk	B
Nowrangapur taluk	D	Kamalapuram sub-taluk.	A
Koraput taluk	D	Prodattur taluk	B
Rayaghada taluk	D	Northern half of Cudda-	
		pah taluk	C
3 East Godavari district—		Southern half of Cudda-	
Bhadrachalam taluk	C	pah taluk	A
Nugur sub-taluk	C		
Polavaram taluk	C	9 Anantapur district—	
Yellavaram taluk	C	Anantapur	A
Chodavaram taluk	C	Kalyandrug taluk	A
Rajahmundry taluk	D	Gooty taluk	A
Peddapur taluk	D	Tadpatri taluk	A
		Kadiri taluk	A
4 West Godavari district—		Dharmavaram taluk	A
Upland portions of Ellore		Penukonda taluk	A
taluk	D	Hindupur taluk	A
Upland portions of Tade-		Madakasira taluk	A
palligudem taluk	D		
Upland portions of Kov-		10 Bellary district—	
pur taluk	D	Bellary taluk	A
Chintalapudi sub-taluk ..	D	Adoni taluk	A
		Rayadrug taluk	A
5 Kistna district—		Alur taluk	A
Bezwada taluk	D	Siruguppa taluk	A
Portion of the Nandigama		Hospet taluk	B
taluk to the left of the		Hadagalii sub-taluk	B
Muniyeru river	D	Harpanahalli taluk	B
Portion of the Nandigama		Kudligi taluk	B
taluk to the right of the			
Muniyeru river	A		

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Taluk or tract.	Classifi- cation proposed.	Taluk or tract.	Classifi- cation proposed.
11 Kurnool district—		16 Tanjore district—cont.	
Pattikonda taluk	A	Portion of the Tanjore	
Dhone taluk	A	taluk not affected by	
Kurnool taluk	A	the Cauvery-Mettur	
Cumbum taluk	A	Project	D
Markapur taluk	A		
Koilkuntla taluk	B	17 Trichinopoly district—	
Nandikotkur taluk	C	Perambalur taluk	C
Sirvel taluk	C	Udayarpalaiyam taluk ..	C
Nandyal taluk	D	Musiri taluk	D
		Lalgudi taluk	D
		Kulittalai taluk	D
		Trichinopoly taluk	D
		Karur taluk	D
12 Chingleput district—			
Conjeeveram taluk	D	18 Madura district—	
Chingleput taluk	D	Madura taluk	D
Madurantakam taluk	D	Melur taluk	D
Sriperumbudur taluk	D	Tirumangalam taluk	D
Ponneri taluk	D	Dindigul taluk	D
Saidapet taluk	D	Palni taluk	D
Tiruvallur taluk	D	Periyakulam taluk	D
		Kodaikanal taluk	D
13 Chittoor district—		Nilakkottai taluk	D
Palmanor taluk	A		
Chittoor taluk	A	19 Ramnad district—	
Vayalpad taluk	B	Sattur taluk	B
Madanapalle taluk	C	Srivilliputtur taluk	B
Chandragiri taluk	C		
14 North Arcot district—		20 Tinnevely district—	
Gudiyattam taluk	C	Kovilpatti taluk	B
Vellore taluk	C	Sankaranayinarkovil taluk.	C
Tiruppattur taluk	B	Nanguneri taluk	C
Chengam taluk	C	Tenkasi taluk	D
Tiruvannamalai taluk ..	D		
Wallajah taluk	D	21 Coimbatore district—	
Arkonam taluk	D	Avanashi taluk	C
Polur taluk	D	Bhavani sub-taluk	C
Wandiwash taluk	D	Coimbatore taluk	C
Cheyyar taluk	D	Dharapuram taluk	C
		Erode taluk	C
15 South Arcot district—		Kollegal taluk	C
Cuddalore taluk	C	Palladam taluk	C
Vridhachalam taluk	C	Udamalpet taluk	C
Kallakurichi taluk	C	Pollachi taluk	D
Tirukkoyilur taluk	C	Gopichettipalaiyam taluk.	B
Villupuram taluk	C		
Tindivanam taluk	C	22 Salem district—	
Gingee taluk	D	Hosur taluk	B
		Harur taluk	B
16 Tanjore district—		Dharmapuri taluk	C
Arantangi taluk	D	Omalur taluk	C
Portion of Pattukkottai		Tiruchengodu	C
taluk not affected by		Krishnagiri taluk	D
the Cauvery-Mettur		Salem taluk	D
Project	D	Atur taluk	D
		Namakkal taluk	D

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APPENDIX IX.

[Vide item VI—Papers laid on the Table of the House at page 276 supra.]

REVENUE DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

With reference to the answer given to question No. 499 at the meeting of the Legislative Council held on 29th January 1934, the following statement is laid on the table :—

Statement showing the increase in revenue in each taluk of the Guntur district owing to the introduction of fixed rates of water-cess.

Name of the taluk.	Water-cess for						Increase.	Percentage of Increase.		
	Fasli 1341.			Fasli 1342.						
	RS.	A.	P.	RS.	A.	P.				
Repalle	1,57,797	0	0	1,97,234	0	0	39,437	0	0	25
Ongole	7,251	11	0	9,256	5	0	2,004	10	0	28
Guntur	12,846	2	0	15,465	9	0	2,619	7	0	20
Tenali	2,12,853	0	0	2,52,028	0	0	39,175	0	0	18
Bapatla	93,410	6	0	1,14,065	14	0	20,655	8	0	22
Total	4,84,158	3	0	5,88,049	12	0	1,03,891	9	0	21

J. A. THORNE,
Secretary to Government.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Saturday, the 4th August 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.
Bracken, C.I.E., I.C.S., The Hon. Mr.
G. T. H.
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 Chettiar, Mr. S. A. A.
Appadurai Pillai, Diwan Bahadur A.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayed Sahib Bahadur.
Basu Dev, Mr. C.
Bayappa Reddi, Mr. P.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Mr. A. V.
Birley, Mr. F.
Boag, C.I.E., I.C.S., Mr. G. T.
Brock, C.B.E., V.D., Lieut.-Col. C. H.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Duraiswami Reddiyar, Mr. K. M.
Ellappa Chettiyar, Diwan Bahadur S.
Foulkes, Mr. R.
Gopalaswami Mudaliyar, Diwan Baha-
dur M.
Harischandrudu Nayudu, Mr. A.
Indriah, Mr. C.
Iswaran Pillai, Mr. I. C.
Jagannatha Raju, Rao Bahadur G.
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.
Krishnan, Mr. O.
Krishnayya Choudari, Mr. P.V.
Krishnamurti, Rao Bahadur D.
Krishnaswami Ayyar, Kt., Diwan
Bahadur Sir Alladi.
Kumara Raja of Venkatagiri, The.
Kuppuswami Choudari, Mr. J.
Ladden, Mr. W. W.
Lakshmana Reddi, Mr. G.
Madanagopal Nayudu, Mr. R.
Mahboob Ali Baig Sahib Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Metherell, Mr. J. K.
Moses, Mr. P. C.
Muniswami Nayudu, Diwan Bahadur B.
Muniswami Pillai, Rao Sahib V. I.
Muthiah Chettiyar, Mr. M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. P. N. V.
Nanjappa, Bahadur Subadar-Major
S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Rao Sahib D. V.
Narayanan Nambiyar, Mr. V. P.
Narayanawami Pillai, Rao Bahadur
T. M.
Natesa Mudaliyar, Rao Bahadur C.
Palat, Mr. R. M.
Pannirselvam, Rao Bahadur A. T.
Parthasarathi Ayyangar, Mr. C. H.
Patnaik Mahasayo, Sriman M. G.
Patro, Kt., Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Pattagar of Palayakottai, The
Peddi Raju, Mr. P.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Ramachandra Padayachi, Mr. P. K.
Ramakrishna Reddi, Mr. A.
Ranalingam Chettiyar, Rao Bahadur
T. A.
Ramamurti, Rao Sahib Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Ranganatha Mudaliyar, Mr. A.
Ranganatha Mudaliyar, Mr. G.
Ranganatha Mudaliyar, Mr. M. D. T.
Rangaswami Reddi, Mr. M. B.

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PRESENT—cont.

Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.	Sriramulu, Mr. G.
Sahajanandam, Swami A. S.	Subrahmanya Chetti, Rao Sahib P.
Sami Venkatachalam Chetti, Mr.	Subrahmanya Bhatt, Mr. U. C.
Schamnad Sahib Bahadur, Khan Bahadur Mahmud.	Sundara Rao Nayudu, Mr. T.
Sengodiyar, I.C.S., Mr. S. G.	Thangal, Mr. P. M.
Sesha Reddi, Rao Bahadur B. P.	Thomas, Mr. Daniel.
Shetty, Mr. A. B.	Thorne, C.I.E., I.C.S., Mr. J. A.
Simhachalam Pantulu, Mr. G.	Vedachala Mudaliyar, Mr. M.
Singam Ayyangar, Mr. K.	Venkatachala Reddiyar, Mr. K. C. M.
Siva Raj, Rao Sahib N.	Venkatarama Ayyar, Mr. K. R.
Sivasubrahmanya Ayyar, Mr. K. S.	Venugopal Nayudu, Rao Bahadur R. K.
Soundara Pandian, Mr. W. P. A.	Viswanatha Rao, Diwan Bahadur V. N.
Sreshta, Mr. M. S.	Yakub Hasan Sahib Bahadur.
Srinivasa Ayyangar, Mr. T. C.	Zamindar of Chemudu, The.
Srinivasan, Rao Bahadur R.	Zamindar of Kirlampudi, The.
	Zamindar of Mirzapuram.
	Javad Hussain, Khan Bahadur.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Education

Proposal for raising the maximum limit of admission into the B.E. class, Engineering College, Guindy.

* 96 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 students that are admitted into the Madras Engineering College every year for B.E. class;

(b) whether it is a fact that the selection committee recommended that the number of admissions should be raised to 100; if so, in which year was the said recommendation made;

(c) whether it is a fact that the Principal of the Engineering College recommended that admissions to the B.E. class could be raised to 80 without much additional costs; if so, why the Government have not given any effect to the said recommendations; and

(d) what action the Government have taken or propose to take in the matter?

A.—(a) The number of admissions authorized by rule 30 of the College rules is 66.

(b) Yes, in 1931.

(c) & (d) It was suggested also in 1931 that it would be possible to raise the number of admissions to 80 if some additional staff and accommodation were provided. The suggestion, however, was not accepted at the time owing to lack of accommodation and also owing to the doubt whether there was any real demand in the Presidency for any larger number of engineering graduates. The Government do not consider that the time is yet opportune for re-opening the question.

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Mr. B. POCKER SAHIB:—“ May I know, Sir, whether it is not a fact that a large number of applications for admission in the Engineering College have to be rejected for want of accommodation? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I can't say that any large number is being rejected. In some years the applications were larger than the seats available. But, I think, that difference is slowly going down.”

Prevalence of different rates of education-cess in the same area.

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

(a) whether it is a fact that education-cess was levied at different rates in the various taluk boards of the same district; and

(b) whether district boards have been directed to maintain a uniform rate of education-cess in the areas of the defunct taluk boards?

A.—(a) Yes.

(b) No.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether it is not a loss to the other taluk boards which are paying in excess to the common district elementary education fund when some are paying more and some are paying less? Some are paying quarter anna whereas others are paying a pie. Why not the Government insist on a common quarter anna? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ No decision has been arrived at yet.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know why no decision has been arrived at yet? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The question is under consideration.”

Scholarships to Muslims.

* 98 Q.—Mr. S. M. K. BEYABANI SAHIB: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether there is any proportion fixed in the matter of awarding scholarships to different communities;

(b) how many scholarships are being given to Muslims every year under the heads:—

	Foreign.	Technical.	College.	Secondary.	Total.
Males ..	..	..	..	..	..
Females	..	..	..	..	..

(c) whether it is a fact that no Muslim lady student was ever granted any foreign scholarship; and

(d) what the reasons are for this?

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- 4.—(a) & (b) In colleges and secondary schools there are two kinds of Government scholarships—those which are earmarked for particular communities such as the Muhammadans and depressed classes and those which are open to all classes of the population, but in the award of which preference is given to members of backward communities. For particulars of both the types of scholarships the hon. Member is referred to the notifications published at pages 367 to 372 of Part I-B of the *Fort St. George Gazette*, dated 17th July 1934.

No scholarships tenable in other countries are now being awarded by the Education department.

State technical scholarships are awarded by Government in the Development Department: these are not earmarked for particular communities, but, other things being equal, a candidate from a community which has not already had the benefit of the scholarships is preferred.

(c) The fact is as stated by the hon. Member.

(d) No Muslim lady has ever applied for a scholarship tenable outside India.

Mr. B. POCKER SAHIB:—“ May I know, Sir, whether it is possible for the Hon. Minister to say whether any proportion is fixed among the different communities of the backward classes in the matter of the award of these scholarships? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I think these scholarships are earmarked separately for communities.”

Mr. B. POCKER SAHIB:—“ Are scholarships earmarked for Muslims separately? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Notice. I think, there are.”

Mr. B. POCKER SAHIB:—“ I would like to know, Sir, whether scholarships are specially earmarked for the Mappillas? ” (Laughter.)

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

Agriculture

Publication of the views of the Local Government put forward at the Economic Conference.

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

(a) why the Government did not issue any communiqué to the Press on the views put forward by them at the Economic Conference; and

(b) whether the Government will be pleased to lay on the table of this House a full summary of the views advanced by them at the Conference?

[4th August 1934]

A.—(a) The attention of the hon. Member is invited to the Government of India Resolution No. F. 16 (1)-F. 34, dated 5th May 1934, republished in Part I of the *Fort St. George Gazette*, dated 29th May 1934. The Conference was convened by the Government of India and it was not for the Local Government to publish any communiqué.

(b) The Government do not consider it necessary or practicable to do so.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ What objection will the Government have if they place on the table of the House the views they have expressed at the Economic Conference on behalf of this Province? ”

The Hon. Mr. P. T. RAJAN:—“ As it has been already stated, this Government is not responsible. The Government of India is responsible for convening the Conference.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ I only want the Hon. Minister to lay on the table the views expressed by this Government in regard to the Economic Conference? ”

The Hon. Mr. P. T. RAJAN:—“ The matter will have to be considered.”

Mr. T. S. RAMASWAMI AYYAR:—“ Is it because that this Government had no views on the matter that this was not published? ”

The Hon. Mr. P. T. RAJAN:—“ Not because we have no views. It is open to the Government of India to publish the proceedings.”

Mr. T. C. SRINIVASA AYYANGAR:—“ Have any written memoranda been presented? ”

The Hon. Mr. P. T. RAJAN:—“ I believe so.”

Mr. T. C. SRINIVASA AYYANGAR:—“ Can that be placed on the table of the House? ”

The Hon. Mr. P. T. RAJAN:—“ I can't answer that question off-hand.”

Mr. T. C. SRINIVASA AYYANGAR:—“ Is it particularly confidential? ”

The Hon. Mr. P. T. RAJAN:—“ Not particularly confidential but confidential.”

Mr. T. S. RAMASWAMI AYYAR:—“ May I know, Sir, if the decision of the Conference was that no useful purpose would be served by continuing the Conference and that no progress was made? ”

The Hon. Mr. P. T. RAJAN:—“ It was not said that no useful purpose would be served.”

Mr. T. S. RAMASWAMI AYYAR:—“ May I know if it is also a fact that the Economic Conference followed the course of the other world conferences and resolved that nothing further could be done? ”

The Hon. Mr. P. T. RAJAN:—“ It is not so.”

[4th August 1934]

Investigation into the possibilities of introducing more economic crops.

* 100 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have investigated the possibilities of introducing any new crops which will fetch a higher value in the market, internal or foreign;

(b) whether the Government have also investigated the soils in each district and considered the suitability of the crops which may profitably be introduced in each;

(c) if so, whether the Government will be pleased to lay the information gathered on the table of this House;

(d) what steps the Government have taken to do propaganda to induce the ryots to take to cultivating suitable new crops; and

(e) whether the Government will be pleased to lay on the table of this House a list of the suitable crops and the quantities that would be required to be produced?

A.—(a), (d) & (e) In view of the fall in the price of paddy, the Agricultural department is already devoting attention to the extension of crops which may fetch higher returns than paddy in areas where these crops are new or where there is scope for their further extension. Sugarcane, cambodia cotton, fruit and tobacco are the crops in respect of which the Agricultural department is doing propaganda in this direction. It is not possible to estimate the quantities of these crops that may be produced but roughly the areas on which these crops may be extended may be stated as follows:—

	ACS.
Sugarcane	50,000
Cambodia cotton	50,000
Fruit	50,000
	to 100,000
Tobacco	25,000

(b) & (c) Bulletins dealing with the soil survey of Tanjore delta, Guntur delta, Godavari district, Periyar delta, Kistna delta and of Malabar have been published by the Agricultural department and are available for sale. Soils of experimental stations have been examined. Local officers can advise where crops can be newly introduced in their areas.

MR. P. V. KRISHNAYYA CHOUDARI:—“ May I know if any other crop can replace the paddy crop? ”

THE HON. MR. P. T. RAJAN:—“ No crop can replace the paddy crop.”

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MR. P. V. KRISHNAYYA CHOUDARI:—“ May I take it that what the Agricultural department suggests in the place of the other crops is in order to get more price for the agriculturist? ”

THE HON. MR. P. T. RAJAN:—“ It is given in the answer. It is to supplement the income of the ryot.”

MR. T. S. RAMASWAMI AYYAR:—“ May I know what facilities the Government give, or have given, to increase the acreage under sugarcane? Does the Government think that taxing the sugarcane crop duffasli will give facilities to the cultivator to grow sugarcane instead of paddy, charging for sugarcane three times as much as for paddy? ”

THE HON. MR. P. T. RAJAN:—“ That is a matter for the Revenue Department.”

MR. A. RANGANATHA MUDALIYAR:—“ It is said that sugarcane cultivation can be extended in several districts. Will the Hon. Minister kindly tell us the districts in which such extension might take place? ”

THE HON. MR. P. T. RAJAN:—“ I may give some instances like the West Godavari and Kistna. In other districts also, sugarcane can be extended.”

MR. V. T. ARASU:—“ May I know, Sir, if, in the Tanjore delta to which reference is made in the answer, Government propose to increase the assessment from three to four times the present rate? ”

THE HON. MR. P. T. RAJAN:—“ It is not in my department.”

MR. V. T. ARASU:—“ Will the Hon. Minister be pleased to urge on the Hon. the Revenue Member the possibility of retaining the existing rate of assessment on such lands? ”

THE HON. MR. P. T. RAJAN:—“ I hope the Government is doing what is possible and what is best in the interests of the ryots.”

MR. A. RANGANATHA MUDALIYAR:—“ May I know, Sir, the district or districts where special facilities exist for growing fruit trees? ”

THE HON. MR. P. T. RAJAN:—“ The Government are opening a farm in Cuddapah in order to give facilities to the ryots and to demonstrate to the ryots. That is the kind of help.”

MR. T. S. RAMASWAMI AYYAR:—“ May I know if the Government have considered the possibility of following the example of Mysore and starting a campaign to help the extension of sugarcane? ”

THE HON. MR. P. T. RAJAN:—“ I do not know what exactly Mysore Government are doing to help the ryot.”

MR. T. S. RAMASWAMI AYYAR:—“ Does the Hon. Minister not know what is being done in Mysore? ”

THE HON. MR. P. T. RAJAN:—“ I do not know the details.”

[4th August 1934]

Local Self-Government

Programme of Government with regard to bifurcation of district boards.

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

(a) what the district boards are which are proposed to be bifurcated;

(b) whether the Government propose to try bifurcation in a few selected districts at first or propose to bifurcate all the district boards immediately;

(c) what the estimated savings to public funds are after bifurcation; and

(d) whether the Government will be pleased to lay on the table of this House a statement of their policy regarding bifurcation?

A.—(a) to (d) The Government are at present engaged in examining the possibility of bifurcation in a few selected districts and the district boards concerned have been called on to show cause against the proposal in order to enable the Government to ascertain the views of the Boards concerned. Financial and other considerations have to be taken into account before a decision can be reached on the question of bifurcation of any particular district. Until the examination now being made is complete, the Government are not in a position to make any statement on the subject, nor to give any estimate of possible savings in public funds.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know, Sir, with reference to clause (d) whether the Government will make the bifurcation proposals available to the House? ”

The Hon. the RAJA OF BOBBILI:—“ Government have not come to any decision and there is no definite proposal.”

Mr. M. A. MANIKKAVELU NAYAKAR:—“ May I know the districts in which bifurcation has been completed and orders passed? ”

The Hon. the RAJA OF BOBBILI:—“ Proposals have not yet been completed even for a single district. Hon. Members are probably aware of the statement issued.”

Mr. B. POCKER SAHIB:—“ May I know whether any reference has been made to the Malabar District Board as to its opinion as regards bifurcation of that district? ”

The Hon. the RAJA OF BOBBILI:—“ Up to date we have asked only the districts of Chingleput, North Arcot, Tanjore, Guntur, and Vizagapatam.”

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Mr. G. SIMHACHALAM PANTULU:—“ May I know if only the financial aspect is going to be taken into consideration in regard to bifurcation.”

The Hon. the RAJA OF BOBBILI:—“ Not the financial consideration alone. The interests of administration among other factors have to be considered.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know, Sir, on what basis the four districts alone which have been just now mentioned have been taken into consideration? ”

The Hon. the RAJA OF BOBBILI:—“ It is not possible to take all the districts. As a first step, it has been decided to examine the question with regard to these districts.”

Principle underlying the allotment of grants to panchayat boards.

* 102 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased to state whether the Government propose to allot grants for distribution to panchayats by each district board on the basis of the number of such panchayats in each district; or on the basis of an equal lump sum grant to each district for this purpose?

A.—The hon. Member presumably refers to the grants to local boards for the improvement of village communications and rural water-supply. These grants are intended for panchayat and non-panchayat areas. No definite proportion is set apart for panchayat areas. In the absence of special circumstances, each district is given a fair share of the total amount available with reference to the applications received from district boards and other relevant considerations. No hard and fast rule is observed as suggested in the question.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether the grants that are going to be distributed to the panchayats in the various districts are going to be distributed districtwar or according to the number of panchayats that each district contains? ”

The Hon. the RAJA OF BOBBILI:—“ They will be distributed according to the number of detailed schemes submitted to Government by the various districts.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ Every year large sums of money are allowed to lapse. May I know if the Government have any proposal for rural development fund? ”

The Hon. the RAJA OF BOBBILI:—“ After the abolition of the taluk boards, there is no necessity for any such proposal.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ What steps have the Government taken for the constitution of the standing committees under the village development fund? ”

The Hon. the RAJA OF BOBBILI:—“ Government have published the necessary rules in the *Fort St. George Gazette*.”

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Adoption by district boards of a common scale of salary for all teachers in the board elementary schools.

* 103 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 directed all district boards to adopt a common scale of salary for all teachers in the board elementary schools;

(b) whether this involves additional expenditure to the district boards under this head; and

(c) what the estimated increase is in expenditure to each district board under this head?

A.—(a) Yes.

(b) & (c) Representations have been received from the Presidents of District Boards of South Arcot, Bellary and Kurnool that the introduction of the revised scales of pay will involve additional expenditure. The Government have no information as regards other district boards.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know what the Government propose to do in view of the representations made by the district boards that the Government Order is unworkable in view of their financial position? ”

The Hon. the RAJA OF BOBBILI:—“ In the first place Government found that in many cases elementary teachers are paid much less than peons. So they have fixed the scales in consultation with the Director of Public Instruction and the scales of pay in my opinion certainly do not err on the side of generosity. I may state that all the district boards have not sent their opinions on the matter and after receiving all the opinions, if it is found necessary and unavoidable to revise the scales of pay, it will be taken up.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know if the Government will insist on all the district boards to accept the scales of pay as suggested in the Government Order? ”

The Hon. the RAJA OF BOBBILI:—“ After receiving all the reports from the district boards, the question of reconsideration will arise.”

Mr. A. RANGANATHA MUDALIYAR:—“ In view of the fact that the scales do not err on the side of generosity and in view of the fact that many of the boards are unable to pay, will the Government give a grant to those who are unable to pay? ”

The Hon. the RAJA OF BOBBILI:—“ I do not think the Government are in a position to give any assurance.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I know how the Government propose to help those boards whose financial position is already strained? ”

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The Hon. the RAJA OF BOBBILI:—“ Each case has to be considered on its own merits to find out whether financial difficulties are beyond the powers of the district board, whether the boards themselves are responsible for the difficulty.”

Mr. A. B. SHETTY:—“ May I know, Sir, whether the introduction of the revised scales of pay is left to the option of the boards or made compulsory? ”

The Hon. the RAJA OF BOBBILI:—“ The first order issued gave two scales of pay, one higher and another lower scale, and then it was optional. Now we have adopted the lower scale and as in the case of all other scales fixed by Government under the new Act it is compulsory.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ Subject to the minimum fixed, will the local bodies be allowed to fix their own scales of pay? ”

The Hon. the RAJA OF BOBBILI:—“ The question of maximum and minimum applies only to municipalities. In the case of the district boards there is only one scale and so the question does not arise.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ With regard to the municipalities, may I know whether the councils will be given the option to regulate the scale within the maximum and minimum? ”

The Hon. the RAJA OF BOBBILI:—“ The whole idea is to have uniformity and the Government have pointed out that it is open to the municipalities to adopt the higher or lower scale. It is not proposed to give the option to draw any intermediate scale themselves.”

Mr. YAKUB HASAN:—“ Will the Hon. Minister say from what date 11-15 a.m. the new scale of pay was enforced? ”

The Hon. the RAJA OF BOBBILI:—“ I believe, Sir, it is from the 1st July 1934.”

Diwan Bahadur B. MUNISWAMI NAYUDU:—“ In view of the fact that some district boards mentioned in the answer have complained that the revised scales of pay involve additional expenditure, what do the Government propose to do, whether they propose to give effect to the new scale or whether they propose not to enforce it? ”

The Hon. the RAJA OF BOBBILI:—“ For a reconsideration of the question, I wish to wait till the reports from all district boards are received. From the point of view of all the district boards taken as a whole, if there is going to be a very substantial increase of expenditure, the Government will have to consider the question of reducing the scale of pay.”

Diwan Bahadur B. MUNISWAMI NAYUDU:—“ Supposing in the case of one district board it so happens that the introduction of the new scale will involve very heavy increase in expenditure, will the Government consider the case of each individual district board on its merits whether to give effect to the new scale or not? ”

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The Hon. the RAJA OF BOBBILI:—“ I should think that in such a case it is better to reduce the number of elementary schools.”

Diwan Bahadur B. MUNISWAMI NAYUDU:—“ Will the Government consider the desirability of giving a subsidy to make up the deficiency in such a case? ”

The Hon. the RAJA OF BOBBILI:—“ I have no idea of what the cost of it would be and I am not therefore in a position to commit the Government in advance.”

Public Health.

Absence of uniformity in regard to compulsory vaccination for smallpox in the local board areas.

* 104 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 compulsory vaccination for smallpox was not adopted uniformly by all the taluk boards in the same district; and

(b) now that all the taluk boards have been abolished, what action has been taken by the Government to bring in compulsory vaccination in all the local board areas?

A.—(a) Yes, in a few districts.

(b) The Director of Public Health has asked the district boards concerned to declare vaccination compulsory in all the areas in their districts.

Control of Vehicles.

Reorganization of half-yearly inspection of motor vehicles.

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

(a) what the circumstances and principles are on which the half-yearly inspection of motor vehicles has been reorganized;

(b) what the number of bus inspectors was prior to the reorganization of the half-year inspection of motor vehicles in the Presidency;

(c) what the previous service and qualification are of each one of the bus inspectors before the reorganization and to what community did each one of them belong; and

(d) what instructions and directions did the Government issue to the authorities in the selection and appointment of bus inspectors under the reorganization scheme?

A.—(a) These inspectors have recently been transferred to the direct control of District Superintendents of Police because such a course was considered administratively desirable. The number of inspectors has also been reduced because in

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some districts there are not a large enough number of motor vehicles to justify the employment of a full-time inspector.

(b) Twenty.

(c) The Government have no information. These appointments being temporary were made by District Magistrates without any reference to the Government. No specific qualifications were prescribed for these temporary appointments.

(d) The Inspector-General of Police was instructed to select for the new appointments those among the existing inspectors whom he considered suitable.

The remaining posts, if any, are to be filled after consultation with the Madras Services Commission. Statutory rules governing these posts and prescribing qualifications for new entrants will issue in due course.

MR. BASHEER AHMED SAYEED:—“ May I ask whether, in view of the fact that there were some Muslims before reorganization as bus inspectors, the Government will be pleased to direct the Inspector-General of Police to recruit in the same proportion at least, if not more, Muslims in the reorganized appointments? ”

The Hon. Mr. G. T. H. BRACKEN:—“ Sir, these bus inspectors were not recruited on the communal basis, and as there is going to be retrenchment, there is no question of application of the communal principle in the matter.”

MR. BASHEER AHMED SAYEED:—“ May I ask whether in the revised statutory rules the Government will make due provision for communal representation in the appointments to be made in the future? ”

The Hon. Mr. G. T. H. BRACKEN:—“ It is rather difficult to apply the communal principle in regard to a small service like bus inspectors, about 14 in number, or only one in each district. The other consideration is that technical qualifications are very important for this post. It is not that all communities possess people who have the necessary technical qualifications.”

MR. BASHEER AHMED SAYEED:—“ May I ask whether it is not a fact that in other services, where the number is smaller and where technical qualifications are required, the rule of communal representation does apply as at present? ”

The Hon. Mr. G. T. H. BRACKEN:—“ Notice, Sir.”

Principles underlying the selection and appointment of bus inspectors.

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

(a) how many bus inspectors have been appointed under the reorganization and what their qualifications and previous service respectively are;

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(b) to what community does each one of the newly appointed bus inspectors belong; and

(c) what the principles are on which these selections and appointments have been made?

A.—(a) Fourteen posts of bus inspectors have been sanctioned. The Government have no information as to the qualifications and previous service of the men appointed.

(b) & (c) The Government have no information. The appointments have been ordered to be made by the Deputy Inspectors-General of Police concerned.

The hon. Member is also referred to the answer given to clause (d) of question No. 105.

Mr. BASHEER AHMED SAYEED:—“ May I ask whether there is any difficulty for the Government to appoint qualified Muslims as bus inspectors if they satisfy the technical qualifications? ”

The Hon. Mr. G. T. H. BRACKEN:—“ There is no objection to appointing any one with the requisite technical qualifications.”

Mr. BASHEER AHMED SAYEED:—“ In view of the fact that in other services, where similar technical qualifications are prescribed, the rule of communal representation applies, will the Government so frame the statutory rules as to enable minority communities to be represented in this service as well? ”

The Hon. Mr. G. T. H. BRACKEN:—“ I am prepared to examine the appointments recently made and see how the various communities are affected. That is all that could be done at present.”

Mr. B. POCKER SAHIB:—“ Have these fourteen appointments been actually made? ”

The Hon. Mr. G. T. H. BRACKEN:—“ I do not know, Sir.”

Mr. B. POCKER SAHIB:—“ Is it a fact that only one Muslim applied out of the twenty applicants and he was rejected? ”

The Hon. Mr. G. T. H. BRACKEN:—“ No information, Sir.”

Mr. V. P. NARAYANAN NAMBIYAR:—“ May I know whether in the matter of appointments the claims of different communities will be considered only in case there is an agitation by members of those communities in the Council? ”

The Hon. Mr. G. T. H. BRACKEN:—“ No, Sir.”

Communal representation in the appointment of bus inspectors under the reorganization scheme.

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

(a) what the total number of inspectors of motor vehicles was prior to the reorganization of their services based on the recommendations of the Retrenchment Committee;

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(b) what the present number of inspectors is as appointed at present;

(c) to what communities the present inspectors belong;

(d) whether the Government Order insisting on communal representation in the appointment of men for Government posts was adhered to at the time of the re-organization of the services;

(e) whether any protest has been made to the Government by any person against the method of appointment made by the Inspector-General of Police; and

(f) whether any action was taken thereupon?

A.—(a) Twenty.

(b) Fourteen posts of Inspectors have been sanctioned.

(c) The Government have no information.

(d) No.

(e) No.

(f) Does not arise.

Police

Proportional representation of communities in the cadre of Deputy Superintendents of Police.

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

(a) the total number of temporary and acting Deputy Superintendents of Police to-day;

(b) how many of them are Muslims, Brahmans and non-Brahmans;

(c) what the nature and period of service is that each of them has put in;

(d) whether it is a fact that the application of the communal Government Order was cancelled as regards promotions to the cadre of Deputy Superintendents of Police;

(e) if so, when was this done and for what reasons; whether a copy of the order will be placed on the table;

(f) whether any, and if so, what orders have been passed by the Government to secure the due proportion of the various communities in the permanent cadre of Deputy Superintendents of Police; and

(g) whether a copy of the same will be placed on the table?

A —(a) On the 3rd July 1934 there were 25 temporary and officiating Deputy Superintendents of Police including those on leave.

(b) Muslims	...	...	...	...	...	2
Brahmans	...	...	...	...	...	10
Non-Brahmans (including Indian Christians, Anglo-Indians, etc.)	...	...	...	...	...	13

Total ... 25

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(c) A statement * is appended.

(d) Yes.

(e) to (g) The application of the communal rule to promotions of Inspectors of Police as Deputy Superintendents of Police was found to affect the morale and efficiency of the service. The Government, therefore, decided in 1931 to exclude such promotions from the scope of the communal rule and to utilize direct recruitment to correct communal inequalities in the Madras Police Service. The service rules were accordingly revised. Extracts * of relevant rules are placed on the table of the House.

Mr. BASHEER AHMED SAYEED:—" May I ask what the Government propose to do with a view to equalising the inequality in the matter of communal representation existing at present? "

The Hon. Mr. G. T. H. BRACKEN:—" By applying the system of direct recruitment to one out of three appointments, the inequality will be redressed."

Mr. ABDUL HAMEED KHAN:—" May I know whether Government has not found from experience of the communal Government Order that the communal inequalities are not set right and whether the Government does not consider it advisable to revise the Government Order, so that even in regard to promotions the communal principle may be applied so that the communal inequality could be removed as early as possible? "

The Hon. Mr. G. T. H. BRACKEN:—" The Government decided not to apply the principle of communal representation to promotions."

Mr. BASHEER AHMED SAYEED:—" May I ask whether in view of the fact that only two from the Muslim minority community have been appointed out of twenty-five, future recruitment will be confined to communities which are not adequately represented? "

The Hon. Mr. G. T. H. BRACKEN:—" The claims of each minority community will be considered."

Mr. BASHEER AHMED SAYEED:—" May I ask whether, in view of the fact that ten Brahmans have been appointed out of twenty-five, recruitment in the next few years will be confined to communities not represented in their due proportion? "

The Hon. Mr. G. T. H. BRACKEN:—" The matter will tend to redress itself now that the communal rotation is in operation."

Administration of Justice

Admissibility of travelling allowance to Honorary Special Magistrates.

* 109 Q.—Mr. M. DEVADASAN: Will the Hon. the Law Member be pleased to state—

(a) what the principles observed are in the choice of Honorary Special Magistrates;

* Printed as Appendix I on pages 380-382 infra.

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(b) whether the Government restrict the choice to the residents of the locality where the court of Honorary Magistrates is situated; and

(c) if the Government select men from outside the village, whether any travelling allowance is granted to the Honorary Magistrate?

A.—(a) Selection for the appointment of Honorary Magistrates is made generally from among the landed gentry, merchants, the planting community and retired Government servants or vakils, who may be expected to bring intelligence and worldly knowledge to bear on the discharge of their duties.

(b) As far as possible the choice of Special Magistrates is restricted to the residents of the locality.

(c) No.

Mr. M. DEVADASAN:—" May I know whether Government are aware of the fact that people from outside the locality in which the Bench Court is established are taken as Honorary Special Magistrates? "

The Hon. Sir K. V. REDDI:—"Yes, Sir, in very rare cases."

Mr. M. DEVADASAN:—" May I know whether the men who live outside the place receive any travelling allowance? "

The Hon. Sir K. V. REDDI:—" The question has been answered, Sir."

Mr. M. DEVADASAN:—" May I know what do magistrates from outside do for their travelling allowance if Government do not pay them? "

The Hon. Sir K. V. REDDI:—" They are evidently gentlemen with a high sense of public duty and they travel at their own cost."

Electricity

Execution of electrification schemes by local bodies as remunerative enterprises.

* 110 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Law Member be pleased to state—

(a) whether the Government have any scheme to encourage the taking over of electrification schemes by local bodies as remunerative enterprises;

(b) whether it is a fact that at present the current practice of giving licence for electrification schemes to private agencies has resulted in the creation of many disputes between local bodies and the private companies;

(c) whether it is a fact that there has been a longstanding dispute between the Guntur Municipality and the electric corporation; and

(d) whether the Government have considered the question of including a clause in granting licences to electric corporations that

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whenever a dispute arises between the corporation and the local body the Government will have the power to take over the management of the concern?

A.—(a) No, but as a matter of policy an application for a licence from a local body, if its finances are in a satisfactory condition, is generally preferred to that from any private body or company.

(b) The disputes, if any, are not the result of giving licences to private companies but certain local bodies have protested against the grant or transfer of licences to private companies.

(c) There was a dispute between the Guntur Municipal Council and the Guntur Power and Light, Limited, over the payment of bills by the council for energy supplied, and in regard to the future lighting of the streets. The latter question was recently settled by arbitration. There is no information as to whether the dispute regarding payment of bills has been settled or not.

(d) No.

Mr. P. V. KRISHNAYYA CHOUDARI:—"With reference to the answer to clause (d), may I know whether Government are taking power, as in other Provinces, in case a local body and an electric company have differences of opinion and are in dispute, to interfere and take charge of the electric concern?"

The Hon. Sir K. V. REDDI:—"Government are not aware of such differences."

Forests

Maintenance of depots for the supply of agricultural implements to ryots.

* 111 Q.—Mr. S. M. K. BEYABANI SAHIB: Will the Hon. the Law Member be pleased to state—

(a) whether the Government are having their own depots to provide the ryots with agricultural implements in different parts of the Kurnool district;

(b) if so, in what places; and

(c) whether it is a fact that a large quantity of timber is exported outside the Kurnool district?

A.—(a) & (b) No. But agricultural implements can always be obtained from coupe contractors who are, by their agreements, bound to supply different kinds of agricultural implements at prices not exceeding those fixed by the Conservator in consultation with the Collector.

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(c) No timber is exported by the Forest department, but purchasers of timber coupes in Kurnool South Division export a certain amount; the quantity exported during 1933-34 amounted to some 700 tons at a rough estimate.

Commerce

Uneconomic competition in the cultivation and sale of paddy in South Kanara.

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

(a) what quantity of paddy and rice has been brought to the South Kanara district from outside the district during each of the last three years;

(b) what quantity of them has been brought to the South Kanara district during this period from Burma;

(c) whether the quantity brought into this district during this period has been balanced by the quantity sent out of it;

(d) if not, whether the Government have considered the question of restricting the quantity of paddy and rice brought into this district;

(e) if so, what steps have been taken by the Government towards such restriction;

(f) whether the Government have considered the question of preventing the uneconomic competition of one district with another, and one province with another, in regard to the sale and distribution of rice and paddy;

(g) whether the Government have ascertained that there has been overproduction of paddy during the last three years in the Madras province; and

(h) if so, what action has been taken to control the production of paddy and stimulating the cultivation of products now brought into this province from outside?

A.—(a) to (e) The Government have no information; no steps have been taken to restrict movements of paddy into the district.

(f) No.

(g) There has been no overproduction of rice.

(h) Does not arise.

Import of coconuts from Ceylon.

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

(a) whether it is a fact that a shipload of coconuts has been imported into the Madras harbour from Ceylon recently; and

(b) whether the Government have any proposal under consideration to put an end to the import of coconuts from Ceylon?

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A.—(a) During the past one month 161,000 coconuts, in three consignments, have been imported.

(b) No.

Mr. B. POCKER SAHIB:—" May I know whether the Hon. Member is aware that the competition of foreign coconuts is likely to affect the agriculturist in the West Coast? "

The Hon. Sir HOPETOUN STOKES:—" It may be so, Sir."

Mr. B. POCKER SAHIB:—" May I know whether the Hon. Member does not consider it his duty to protect the interests of coconut-growers in this Presidency? "

The Hon. Sir HOPETOUN STOKES:—" I should be glad to do as much as possible."

Mr. T. C. SRINIVASA AYYANGAR:—" May I know whether the Government is aware that a very large number of South Indian merchants own coconut gardens in Ceylon and it will be against the interest of South Indians if you prohibit the importation of coconuts from Ceylon? "

The Hon. Sir HOPETOUN STOKES:—" I am not aware, Sir. But that is one aspect of the matter which will have to be taken into consideration."

Mr. ABDUL HAMEED KHAN:—" Will the Hon. the Finance Member be pleased to state whether the Government will be anxious to protect the interests of coconut-growers only in theory or in practice also? "

The Hon. Sir HOPETOUN STOKES:—" In both."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—" Has the Government taken any steps in the matter? Have they at least gathered the information? "

The Hon. Sir HOPETOUN STOKES:—" Information will be obtained, Sir."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether the Hon. the Finance Member considers that the reason that certain South Indians own coconut gardens in Ceylon is one which will stand in the way of preventing foreign competition as against the interests of Indian agriculturists? "

The Hon. Sir HOPETOUN STOKES:—" It may be a very important reason."

Mr. B. POCKER SAHIB:—" Does not the Hon. Member think that it is the primary duty of the Government to protect the interests of the coconut-growers in this Presidency rather than protecting the interests of South Indians in Ceylon? "

The Hon. Sir HOPETOUN STOKES:—" I do not admit that that is the position at all."

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Mr. T. C. SRINIVASA AYYANGAR:—" Are not the South Indian traders doing business in Ceylon paying income-tax to this Government? "

The Hon. Sir HOPETOUN STOKES:—" The question should be addressed to the Government of India."

Wireless Installations

Establishment of a broad-casting service in the province.

* 114 Q.—Mr. A. B. SHETTY: Will the Hon. the Member for Finance be pleased to state—

(a) what progress has so far been made in the investigation regarding the establishment of a broad-casting service for this Province; and

(b) when the investigation is expected to be completed?

A.—(a) The Broadcasting Adviser to Government has, after he took charge on 26th February 1934, been conducting preliminary investigations into local conditions atmospheric, climatic, etc., and their effect on transmission and reception. After finishing certain field work he has now proceeded to Colombo, Bombay and the Punjab to study the broadcasting systems in those places and hopes before his return to Madras to discuss matters with the Director of Wireless at New Delhi.

(b) It is not possible at present to say when the investigation will be completed, but the Chief Engineer (Electricity) stated in April last that everything possible would be done to have a preliminary report ready in August 1934. Presumably the report will be submitted after the Broadcasting Adviser's return to Madras about the 15th August.

Mr. A. B. SHETTY:—" Will the Hon. the Finance Member be in a position to state whether the result of the investigation so far made favours the establishment of a broadcasting service in this Presidency? "

The Hon. Sir HOPETOUN STOKES:—" I am sorry I am not yet in a position to give that information. It will be seen from the second part of the answer given on paper that the preliminary report of the Broadcasting Adviser has not yet been received by the Government."

Mr. BASHEER AHMED SAYEED:—" Do I understand that this Broadcasting Adviser to Government has had no previous experience of broadcasting in any other country, so as to justify his going to Colombo, Bombay and the Punjab? "

The Hon. Sir HOPETOUN STOKES:—" He is drawn from the B.B.C. organization in London. He has experience not only in London but experience in India also."

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Irrigation

Possibility of the diversion of the Wuppavagu river into the Palakavidu tank for ultimate discharge into the Cumbum tank.

* 115 Q.—MR. S. M. K. BEYABANI SAHIB: Will the Hon. the Member for Revenue be pleased to state whether the Government are aware that there is the feasibility of diverting the Wuppavagu river into the Palakavidu tank opposite to the Somidevapalli station and from there into the Cumbum tank?

A.—The possibility was already considered and the scheme was found to be not feasible owing to the interception of a long range of hills between the Cumbum tank catchment and the Wuppavagu. The major portion of the upper catchment of the Wuppavagu is also intercepted by tanks.

The Thirumalaikozhuthupuram drainage channel, Tinnevelly district.

* 116 Q.—MR. DANIEL THOMAS: Will the Hon. the Member for Revenue be pleased to state with reference to his answer to question No. 734, dated 8th March 1934, in regard to Thirumalaikozhuthupuram drainage channel in the Tinnevelly district—

(a) whether the report of the Board of Revenue that has been called for has been received and, if so, what orders have been passed on the same;

(b) whether the Government will be pleased to place the report on the table of the House;

(c) whether the estimates of the Chief Engineer have been sanctioned by the Government; and

(d) whether and when they will be taken up for execution?

A.—(a) to (d) The Government have examined the proposal to excavate a new drainage channel for the wet lands in Thirumalaikozhuthupuram village. They have come to the decision that any attempt to dig a channel so as to afford permanent relief would be useless until the sand drift is effectively checked by the growth of plantations in the area and have therefore called for estimates for the reformation of the old plantations. These estimates are awaited.

MR. M. DEVADASAN:—“ May I know whether Government are aware of the fact that people have been petitioning the Government for a long time for the construction of this drainage channel? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ Yes, Sir.”

MR. M. DEVADASAN:—“ May I know whether the Government are aware of the recommendations of the local authorities for execution of this channel in preference to other schemes? ”

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The Hon. Sir ARCHIBALD CAMPBELL:—“ There have been various recommendations. As explained in the answer given, in the opinion of Government it is no use excavating a new channel as proposed until a scheme to protect the new channel from sand-drifts by means of plantations or vegetation on the existing land has been carried out.”

The Kangeyan system under the Gadanar river, Tinnevelly district.

* 117 Q.—MR. DANIEL THOMAS: Will the Hon. the Member for Revenue be pleased to state, with reference to his answer to question No. 743, dated 8th March 1934, in regard to the Kangeyan system under the Gadanar river in the Tinnevelly district—

(a) whether the further report called for from the Board of Revenue has been received and what orders have been passed upon the same; and

(b) whether the Government will be pleased to place the initial and the further reports on the table of the House?

A.—(a) Yes; Government have not yet passed final orders.

(b) The question of placing the reports on the table of the House will be considered when final orders are issued.

Report of the Chief Engineer for Irrigation regarding the Papanasam Reservoir Project.

* 118 Q.—MR. DANIEL THOMAS: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the report called for from the Chief Engineer for Irrigation on the possibility of taking up the Papanasam Reservoir Project as an independent irrigation scheme has been received;

(b) if so, what orders, if any, have been passed on the same; and

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

A.—(a) & (b) The Government have not yet received the report.

(c) The question will be considered after the report is received.

MR. M. DEVADASAN:—“ With regard to the answer to clause (a) that the Government have not yet received the report, may I know when the Government expect to receive the report? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ I cannot say.”

Land Revenue Administration

Salary of Sub-Magistrates promoted as Tahsildars under the revised scale of pay.

* 119 Q.—MR. M. A. MANIKKAVELU NAYAKAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether Sub-Magistrates now drawing Rs. 175 per mensem in the old cadre of Rs. 150—200 will draw the same Rs. 175 in the new cadre when promoted as tahsildar; and

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(b) whether it is contemplated to apply to the Sub-Magistrates the rule governing District Munsifs when they are promoted as Sub-Judges?

A.—(a) They will draw as initial pay the amount according to the time-scale next above their substantive pay, viz., Rs. 190 in the revised scale of Rs. 175—15/2—250, unless they are protected in respect of the old scale of pay under rule 5 (1) of the rules issued in G.O. No. 311, Public (Services), dated 13th April 1933 (published on pages 1-57 of the Supplement to Part I of the *Fort St. George Gazette*, dated 18th April 1933), in which case they will draw pay, as admissible under the Fundamental Rules in the old scale of Rs. 200—10—300.

(b) No.

Mr. M. A. MANIKKAVELU NAYAKAR:—" May I know the reason for the negative answer given to clause (b) of the question? "

The Hon. Sir ARCHIBALD CAMPBELL:—" The reason is that there is no reason why it should be done. The District Munsifs and Sub-Judges are members of one branch of the Madras Civil Service and the corresponding branch on the executive side consists solely of Deputy Collectors. That has nothing whatever to do with the Sub-Magistrates."

Mr. T. S. RAMASWAMI AYYAR:—" May I know whether there is any recommendation on this point by the Retrenchment Committee? "

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

[For further list of starred questions please see pages 321-324 infra.]

UNSTARRED QUESTIONS

Education

Withdrawal of the Government Order cancelling the fee concessions.

120 Q.—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether the Government Order cancelling the fee concessions will be withdrawn completely; and

(b) what steps the Government propose to take to remove complete illiteracy in this Presidency?

A.—(a) The hon. Member is referred to the answer to question No. 43.

(b) The encouragement of elementary education by all the means in its power has been and will continue to be the chief aim and purpose of the Government's educational policy.

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The Champion Scheme of Elementary Education.

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

(a) at what stage the introduction of the Champion Scheme to consolidate and concentrate elementary schools is;

(b) what the opinion expressed by each of the local bodies about this scheme is; and

(c) whether the Government have ascertained what the estimated saving will be if this scheme is introduced?

A.—(a) Schemes for the consolidation and concentration of elementary schools have not yet been received by the Government. Such of them as have been received by the Director of Public Instruction are under examination in his office.

(b) The Government have no information.

(c) No.

Number of boys and girls on roll in elementary schools in the year 1933-34.

122 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Education and Excise be pleased to state what the number is of girls and boys in elementary schools in each district in the year 1933-34?

A.—The figures are not yet available.

Agriculture

Agricultural Demonstrators in the districts.

123 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(a) what the number is of Agricultural Demonstrators in each district of this Presidency;

(b) what the kind of work assigned to them is; and

(c) what their minimum number of tour days in a month is?

A.—(a) The attention of the hon. Member is invited to the answer to clause (a) of question No. 397 answered on 6th November 1933.

(b) The demonstrators give advice to ryots in their jurisdiction, conduct demonstrations on ryots' lands and otherwise bring improved methods of cultivation to the notice of ryots by means of exhibitions, shows and lectures, etc. The attention of the hon. Member is also invited to the answer given to clause (b) of question No. 664 answered on 26th January 1932.

(c) They are required to tour for sixty days in a quarter.

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Co-operation*Land mortgage banks in the Presidency and their situation.*

124 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(a) how many land mortgage banks are there in each district of this Presidency; and

(b) what the names of places are where such banks are situated?

A.—(a) & (b) A statement^a furnishing the information is enclosed.

Public Works*Government buildings in Salem town awaiting electrification.*

125 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether all the Government buildings in Salem town have been electrified;

(b) if not, what the buildings are which have not been electrified and when the Government propose to electrify them?

A.—(a) No.

(b) The Government have not considered it necessary to electrify the following buildings:—

- (i) Buildings occupied by the Education department;
- (ii) Offices of the Registration department;
- (iii) Veterinary hospital; and
- (iv) Quarters of non-gazetted officers other than those attached to the Headquarters hospital (excluding menials).

Veterinary*Itinerary of Veterinary Assistant Surgeons.*

126 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Veterinary Assistant Surgeons in charge of dispensaries have been made to tour in the surrounding parts in order to attend cases at the doors of the ryots;

(b) if so, what their minimum number of tour days for a month is;

(c) whether they are allowed any travelling allowance and, if so, at what rate; and

(d) whether the veterinary dispensaries are provided with compounders to assist the Surgeons?

^a Printed as Appendix II on pages 383-384 infra.

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A.—(a) As a general rule, the Veterinary Assistant Surgeon in charge of a veterinary dispensary will attend to outbreaks reported from the taluk in which the dispensary is situated. Ordinarily a Veterinary Assistant Surgeon in charge of a dispensary will be exempted from attending to outbreaks when the average daily attendance at the dispensary reaches 15.

(b) No number has been fixed.

(c) Travelling allowance is allowed at the rates that they may be eligible for under the Madras Travelling Allowance Rules.

(d) The question of appointing a compounder is not considered until a steady average attendance of 30 or more is reached at the institution.

Police*Punitive police at Attayampatti in Salem district.*

127 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Home Member be pleased to state—

(a) whether punitive police still continue at Attayampatti in the Salem district;

(b) when such a force was imposed on the villagers there and under what orders—whether a copy of the order will be placed on the table;

(c) what the maintenance charges collected from the people are for each month;

(d) what the number is of the contributors and at what rate each contributes;

(e) how long the said force is likely to continue in that place; and

(f) what the total cost incurred is for keeping such a force there?

A.—(a) Yes.

(b) On 1st January 1933. A copy^a of the proclamation, dated the 27th October 1932, is placed on the table of the House.

(c), (d) & (f) The Government have not got the information.

(e) So long as the necessity due to the prevalence of dangerous factions lasts. The present sanction extends up to 31st December 1934.

Electricity*Cost price and sale price per unit of electricity supplied by the Salem and Erode Electricity Distribution Company, Limited.*

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

(a) what the quantity of electricity consumed is in the towns of Salem and Erode in each month since April 1933;

^a Printed as Appendix III on page 384 infra.

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(b) what the cost is per unit of electricity at which the Government supply to the Salem and Erode Electricity Distribution Company, Limited, from Pykara; and

(c) what the rates charged by the company to the individual consumers are in each of the towns of Salem and Erode?

A.—(a) The hon. Member is referred to the answer given on 23rd February 1934 to clauses (a) and (b) of question No. 679 asked by him which contains the particulars up to December 1933. Particulars up to date have been called for.

(b) The hon. Member is referred to the answer given on 4th November 1933 to clause (b) of question No. 367 asked by him.

(c) The hon. Member is referred to the answer given on 7th November 1933 to clause (b) of question No. 400 asked by him. The same rates are charged now.

Irrigation

Investigation of a scheme of irrigation of Salem by pumping water from the Cauvery.

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

(a) whether any scheme of irrigation of the Salem district by means of pumping water from the Cauvery has been investigated; and

(b) if so, with what result?

A.—Yes. The proposal involved a heavy capital outlay necessitating the levy of a water-rate of Rs. 46 per acre for paddy and Rs. 34 per acre for dry (double crop). The memorandum presented by the hon. Member in March 1934 on this subject has been forwarded to the Chief Engineer for Irrigation for a further report through the Irrigation Development Board. This report is awaited.

Land Revenue Administration

Constitution of Rasipuram in Salem district into a taluk.

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

(a) whether a separate stationary sub-magistrate has been posted to Rasipuram in Salem district besides a Deputy Tahsildar;

(b) whether a sub-treasury has been opened in that sub-taluk;

(c) what the extra expenditure incurred will be if it is made a separate taluk; and

(d) whether the people of that sub-taluk have made representations to make it a taluk and how they have been disposed of?

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A.—(a) Yes.

(b) No.

(c) The average extra expenditure would be about Rs. 7,000 per annum.

(d) Some representations requesting the revival of the old Rasipur taluk were received. But the Government examined the question and found that it was unnecessary to restore the taluk.

Resettlement operations in Salem district.

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

(a) at what stage the resettlement operations in the Salem district are;

(b) which of the taluks or portions of taluks are to be resettled now in that district; and

(c) when the other areas of that district are due for resettlement?

A.—The attention of the hon. Member is invited to the answer given to clauses (a) and (b) of his question No. 36 on 1st August 1933. The scheme report for the resettlement of the southern taluks of the Salem district has been published in the *Salem District Gazette* of the 21st July 1934. Resettlement operations have commenced in the northern taluks also.

Survey of Proprietary Estates.

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

(a) what the rates are for the survey of the proprietary estates in this Presidency and on what conditions is such survey undertaken;

(b) whether there is any proposal to insist on the survey of all the proprietary estates in this province; and

(c) if so, when the survey is expected to be taken up?

A.—(a) Under section 17 (a) of the Madras Survey and Boundaries Act the Government may direct the survey of any estate or portion of an estate or of any boundary therein on the application in writing of the proprietor of such estate or in the case of a boundary of any person interested therein provided that the applicant agrees to pay the whole cost of the survey and, if required, to deposit the amount in a Government treasury before the survey is commenced. The actual cost of a survey ordered under section 17 (a) is recoverable from the

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persons who have any interest in the estate, but estimates of cost are usually made at the rate of Rs. 2-3-0 per acre and the initial deposit to be made before the survey is commenced is calculated at the rate of Rs. 2 per acre. Where, however, the survey of an estate is expected to last for more than 18 months, the initial deposit is usually limited to the estimated cost of 18 months' work.

The Government may also direct the survey of an estate or portion of an estate without any application whenever they consider that such survey is necessary. The cost of such a survey is borne by the Government.

(b) & (c) There is no such proposal under the consideration of the Government.

Cases of distraint for non-payment of land revenue in the North Arcot district.

133 Q.—MR. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Revenue be pleased to state the number of cases in which distraint has been made for non-payment of land revenue in North Arcot district; (i) under immovable and (ii) movable during the last fasli?

A.—The information is not yet available.

Complaints from village officers regarding frequent summons for their attendance at taluk offices.

134 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the village officials and menials are paid any travelling allowance or allowance for attending the taluk offices, etc., on summons from Tahsildars and Revenue Inspectors;

(b) how many times a month on an average the village officers are summoned to go to the taluk offices;

(c) whether there are any complaints from the village officers that they have been very frequently summoned to go to taluk offices;

(d) if so, how they have been disposed of;

(e) whether any circulars have been recently issued or proposed to be issued directing the tahsildars and other officials to treat the village officers properly; and

(f) if so, what they are and whether copies of them will be placed on the table?

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A.—(a) No: except that one village menial of a ryotwari village who attends the jamabandi camp is entitled to an allowance of Rs. 2, if the village is not within 5 miles of the camp.

(b) The Government have not the information.

(c) & (d) No such complaints have been received by the Government in recent years.

(e) & (f) Yes; a copy * of G.O. No. 1013, Revenue, dated the 12th May 1932, is annexed.

STARRED QUESTIONS.

Prisons and Prisoners.

Hunger-strike of some prisoners in the Central Jail at Coimbatore.

* 135 Q.—MR. BASHEER AHMED SAYEED: Will the Hon. the Law Member be pleased to state—

11-30 a.m.

(a) whether it is a fact that some prisoners in the Central Jail at Coimbatore are on hunger-strike;

(b) if so, since how long has the hunger-strike been continuing and how many are on such hunger-strike;

(c) what the causes are for the hunger-strike;

(d) what the present state of health is of the prisoners, who are on hunger-strike;

(e) what medical or other assistance has been and is being rendered to the said prisoners;

(f) whether any applications were made for permission to interview the prisoners on hunger-strike;

(g) if so, how many such applications were made and by whom;

(h) whether the applications were granted; if not, why not; and

(i) what action the Government propose to take to redress the grievance of the prisoners?

A.—(a) & (b) Two 'B' class prisoners in the Central Jail, Coimbatore, went on hunger-strike from 21st June 1934. One of them was transferred to the Central Jail, Salem, on 25th July 1934, and he broke his fast on 27th July 1934.

(c) Non-compliance with their request that they should be let out from their blocks without strict vigilance.

(d) The general condition of the prisoner who is still on hunger-strike is reported to be fair.

(e), (f) & (g) The Government have no information.

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(h) The answer to the first part of the question is that the Government have no information and the second part of the question does not arise.

(i) The Inspector-General of Prisons issued instructions to the Superintendent, for permitting the prisoners to move about outside their cells provided they were strictly watched and were not allowed to come in contact with other prisoners. The prisoners did not appreciate the concession. The Government do not propose to take any further action in the matter.

Mr. BASHEER AHMED SAYEED:—" May I ask, Sir, what exactly the Government means by saying that the conditions of the prisoner who is still on hunger-strike is reported to be fair? May we know more details about his health? "

The Hon. Sir K. V. REDDI:—" Notice, Sir."

Mr. BASHEER AHMED SAYEED:—" May I ask what exactly are the reasons, apart from what has been vaguely given here, for the strike and why is it being prolonged so long? "

The Hon. Sir K. V. REDDI:—" That depends entirely upon the prisoner."

Mr. BASHEER AHMED SAYEED:—" Apart from what is stated here—these reasons are not enough—may I know whether the Government has enquired into the real causes and if so, what the causes are? "

The Hon. Sir K. V. REDDI:—" I do not admit that the Government have not enquired."

Mr. B. POCKER SAHIB:—" Has Government any further information as to the reason for the strike beyond what is stated in answer to clause (c)? "

The Hon. Sir K. V. REDDI:—" Not that I know of."

Mr. B. POCKER SAHIB:—" Is it not in the report received by the Government? "

The Hon. Sir K. V. REDDI:—" The answer contains all the relevant portions of the report."

Mr. ABDUL HAMEED KHAN:—" May we know whether the Inspector-General of Prisons visited this jail and whether he has himself made enquiries as to the exact cause and as to the condition of the prisoner who is on hunger-strike? "

The Hon. Sir K. V. REDDI:—" Notice, Sir."

Mr. BASHEER AHMED SAYEED:—" May I ask whether the Hon. the Law Member will instruct the Inspector-General of Prisons to permit interviews which the prisoners are entitled to? "

The Hon. Sir K. V. REDDI:—" Certainly, if they are entitled, they will be allowed."

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Mr. BASHEER AHMED SAYEED:—" May I know whether Government will enquire why some of the applications for interviews have been rejected? "

The Hon. Sir K. V. REDDI:—" No objection, Sir."

The following short notice question was answered by the Hon. the Minister orally:—

Agriculture.

Removal of the Agricultural Institute from Pusa to Delhi.

* 262 Q.—Rao Bahadur T. A. RAMALINGAM CHETTIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government were consulted about the removal of the Agricultural Institute from Pusa to Delhi;

(b) whether the Government represented to the Government of India—

(1) that the climatic conditions of Pusa or Delhi make it impossible for an institute situated in either place to be useful for research in crops grown in the West and the South of India;

(2) that the opinion of the Specialists examined by the Agricultural Commission is in favour of having more than one institute so that all parts of the country may benefit by the researches conducted under the auspices of the Government of India; and

(c) if not, whether they propose to make such representation now?

A.—(a) No.

(b) (1) The Local Government have had occasion to represent to the Government of India that the practical research work carried at the Pusa Institute was of limited value to us as the main crops grown in this Presidency are different. No representations have been made regarding Delhi.

(2) The nature of the evidence tendered on the value of the work done at the Central Institute is referred to by the Royal Commission in paragraph 66 on page 64 of their report.

(c) Provision of Central agencies and institutions for research is a Central subject. It may be expected that the Government of India will have taken all relevant circumstances into account in deciding the location of the Central Institute. The need for the Local Government making any representation will be considered.

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—" From the proceedings of the Legislative Assembly the matter seems to be urgent; and the representation should be made now? "

The Hon. Mr. P. T. RAJAN:—" As I said, Sir, the need for making such representation to the Government of India by this Government will be considered."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—" Will they also represent to the Government of India that the sugarcane station at Coimbatore can be developed into a Research Institute? "

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The Hon. Mr. P. T. RAJAN:—"Certainly."

Mr. T. S. RAMASWAMI AYYAR:—"Is it not necessary that other Members should be able to follow the question?—We have not been supplied with a copy of the question and answer?"

The Hon. the PRESIDENT:—"This question has been given as a short notice question and there was not sufficient time to get the answers roneoed."

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

II.—ELECTION OF MEMBERS TO THE HOUSE COMMITTEE.

* The Hon. the PRESIDENT:—"I have to inform the House that the following seven candidates were nominated for election to the House Committee:—

- (1) Mr. Yakub Hasan.
- (2) „ K. A. Nachiyappa Gounder.
- (3) „ V. M. Ramaswami Mudaliyar.
- (4) „ H. M. Jagannatham.
- (5) „ M. S. Sreshta.
- (6) „ T. Sundara Rao Nayudu.
- (7) Mrs. K. Alamelumangathayaramma.

Of these Mrs. K. Alamelumangathayaramma has since withdrawn her candidature. As the number of remaining candidates nominated for election is equal to the number of vacancies to be filled, namely, six, I hereby declare them duly elected.

"In addition to the above, I nominate under Standing Order No. 82, the following Members to be members of the said Committee:—

- (1) Rao Sahib P. V. Dharmalingam Pillai.
- (2) Mrs. K. Alamelumangathayaramma."

III.—RESOLUTION UNDER SECTION 6 (1) OF THE MADRAS CO-OPERATIVE LAND MORTGAGE BANKS ACT, 1934.

* The Hon. Mr. P. T. RAJAN:—"I move—

'This Council recommends to Government that, with reference to sub-section (1) of section 6 of the Madras Co-operative Land Mortgage Banks Act, 1934, the Government guarantee from Provincial revenues the principal of the debentures issued by the Central Land Mortgage Bank after the coming into force of the above Act up to a total face value of Rs. 50 lakhs, exclusive of such debentures as the bank may from time to time redeem, and interest on those debentures at a rate not exceeding 5 per cent per annum. Such debentures shall be issued for such periods as may be fixed at the time of issue, not exceeding in any case 25 years from that date.'"

Mr. SAMI VENKATACHALAM CHETTI:—"On a point of order, Mr. President. Is a Minister or a Member of the Government authorized to move a resolution in terms of recommendations to the Government

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of which he is a member? What are the implications in regard to this wording? Is it open to any other Member of Government to oppose or are they going merely to take the advice of the Council? It has placed us in a difficult position. If this resolution is moved on the responsibility of the Government, we can understand the position that it is being favoured by the Government as a whole. But since it is moved as a resolution, I want to know if any Member of the Government has the liberty to oppose it?"

The Hon. Mr. P. T. RAJAN:—"My hon. Friend admitted a minute or so ago as to why I am moving this resolution."

* Mr. BASHEER AHMED SAYEED:—"May I state the position? The point raised by the hon. Member for the City of Madras is whether the Hon. Minister, being himself a part of the Government on the Transferred Half, is following the proper procedure in coming to the Council and saying that 'this Council recommends to the Government,' etc., or whether he should merely say that the 'Government guarantee from Provincial revenues,' etc., etc. . . . Can he say that the Council 'recommends to the Government' as though the Minister is a non-official Member and has nothing to do with the Government itself and he wants his recommendatory resolution to be passed by this Council? The point is whether that is the form in which the Hon. Minister should come to the Council or whether it should be in a different form."

* The Hon. Sir K. V. REDDI:—"Mr. President, Sir, I cannot put my finger just now on the relevant regulation or rule but I can assure the House that such resolutions have been moved in the Central Legislature. I distinctly remember that in the Council of State a resolution of this kind was moved by a Member of the Government. It simply means that the consent of this House will have to be taken, just as in any other case—a supplementary grant for instance. It only means that the consent of the House is necessary and this resolution is meant to obtain that consent."

Mr. V. T. ARASU:—"Mr. President, I should like to draw your attention to the procedure adopted in the House of Commons in regard to such matters."

* The Hon. the PRESIDENT:—"There was no point of order raised at all."

(Voices: Yes, yes.)

* The Hon. the PRESIDENT:—"I thought the hon. Member wanted to elicit some information from the Hon. Minister who moved this resolution, but now it has been pointed out that a point of order is raised, as far as my recollection goes, such resolutions have been moved by Government from time to time in this House and have either been adopted or thrown out. If that is the point of order raised, there is no difficulty in the Hon. Minister coming forward with a resolution of that type."

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Mr. SAMI VENKATACHALAM CHETTI:—"The Hon. President wholly relies upon precedents."

The Hon. Sir K. V. REDDI:—"Is the hon. Member entitled to question the ruling of the Chair?"

Mr. SAMI VENKATACHALAM CHETTI:—"If the Hon. President is going to rely wholly on precedents and not on any rules expressed in the Standing Orders or in the Act."

* The Hon. the PRESIDENT:—"I do not know to which Standing Order the hon. Member is referring. If the hon. Member can object under any Standing Order, I can consider."

Mr. SAMI VENKATACHALAM CHETTI:—"There is no Standing Order authorizing a Member of the Government to recommend a resolution to Government itself."

* The Hon. the PRESIDENT:—"Is it anywhere in the Standing Orders that resolutions could be moved by non-official Members only and not by Members of Government?"

Mr. SAMI VENKATACHALAM CHETTI:—"Surely, the rules cannot provide for absurdities. It is strange, on the face of it, that a Member of Government should move a resolution recommending to himself, as part of the Government. The difficulty will arise when one Member of the Government makes a recommendation and another Member has got the liberty of opposing it. Even with regard to grants, that is, 'on the recommendation of the Governor', if the object of the resolution is to be achieved by asking for a grant, we can understand. He may as well say, that 'this Council gives sanction,' etc. But he cannot put it in the way he has done. Suppose this recommendation is not accepted by Government in the Cabinet, what is the position of the Minister?"

* The Hon. the PRESIDENT:—"He will look to it for himself."

Mr. SAMI VENKATACHALAM CHETTI:—"It is the responsibility of this House. If his own recommendation was not accepted by Government, then he loses confidence not only in himself but in Government also."

* The Hon. the PRESIDENT:—"That is a position which he will have to answer for himself later on."

* The Hon. Mr. P. T. RAJAN:—"The resolution itself is very clear. But I wish to bring to the notice of the House that in guaranteeing the principal of debentures and the interests on them, it is not obligatory on the part of the Government to come to the Council and take its sanction. The obligation comes in only when the Local Government wish to increase the maximum amount of any guarantee given by them. But in pursuance of the promise made by me on the floor of the House when the Bill was under discussion, especially with reference to the suggestion made by my hon. Friend, Mr. Muniswami Nayudu, that when the question of guarantee comes up before the Government after the passing of this Act, I would take the House into confidence by

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bringing that fact to the notice of the House, I have come before the House with this resolution. Now the Government propose to guarantee from the Provincial revenues the principal of the debentures issued by the Central Land Mortgage Bank after the coming into force of this Act, up to a total face value of Rs. 50 lakhs exclusive of such debentures as the bank may from time to time redeem, and interest on those debentures at a rate not exceeding 5 per cent per annum. The resolution states that interest should not exceed 5 per cent, the maximum. But it does not necessarily mean that the bank should charge the maximum.

"As regards the period, the original intention was to fix it at 20 years; but, on the recommendation of the President of the bank, the Government have decided to fix it at 25 years in order to meet any eventuality occasioned by bad years when it may be necessary to give more time for the people to make repayment of the loans they have taken. As I said before, only with a view to redeem the promise I made to this House that I would take the House into confidence in these matters, that I am moving this motion now." 11-45 a.m.

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second the motion."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, while thanking the Hon. Minister for giving this House an opportunity to express its views on this motion in fulfilment of the promise he made the other day, I beg to move the following amendment, viz.—

'in line 8, for the figure '5 per cent substitute '4 per cent.'

Sir, the reason for this amendment is this: We have now got several lakhs of rupees with our local boards for fixed deposits. Recently the Government of Madras prohibited the local bodies depositing their money in co-operative banks with the result that these institutions are now compelled to make their deposits with the Imperial Bank only at 2 per cent interest. The Guntur District Board has deposited Rs. 2 lakhs with the Imperial Bank at 2 per cent and has purchased Government bonds for Rs. 5 or 6 lakhs at 3½ per cent. When large sums are available with public bodies for investment at 2 per cent, I do not understand why the Government should authorize the land mortgage bank to borrow at rates up to 5 per cent. I request the Hon. Minister to accept my amendment and fix the borrowing rate at 4 per cent. As the Rs. 50 lakhs required are available with our local bodies, I have no doubt that at 4 per cent, the loan will certainly be soon forthcoming. The Guntur District Board has about Rs. 14 lakhs for a suitable deposit, but the Government have permitted that institution to deposit only one lakh in the land mortgage bank. I request the Hon. Minister to see that this order is revised so far as the local boards are concerned and to accept my amendment fixing the rate of interest at 4 per cent. I have no doubt that the amount lying with the local boards would come to

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this sum of Rs. 50 lakhs, but, if later on it is found that sufficient sums are not forthcoming at the rate of 4 per cent offered, he can come to the Council in November or so with a motion offering a higher rate."

Rao Bahadur Sir A. P. PATRO:—"Sir, I second the amendment. The land mortgage bank is a very useful institution as it is intended to relieve the indebtedness of the cultivators which in its turn will have some beneficial effect on rural indebtedness also. But the point I wish to emphasize to-day is that money is very cheap now. It is anticipated that for sometime to come the condition will be the same. It is therefore necessary that every measure which would relieve the borrower should be helped forward. In this case, it must be remembered that the Imperial Bank is paying only 2 per cent for all deposits, but if money is borrowed from it or from other standard banks on the security of Government securities, the interest charged is 3 or $3\frac{1}{2}$ per cent. When that is the rate they charge on loans taken under gild-edged securities, it passes one's understanding why the Government should, under similar conditions, authorize the land mortgage bank to offer as much as 5 per cent on the debentures floated by it. There is no doubt that once you fix the maximum at 5 per cent, the Board of Directors will easily pass a resolution and offer only 5 per cent and never less. We have found from experience how these matters are worked out. You fix the rate at not less than so and so and, when that is done, a lesser rate is never offered. Therefore, it is necessary that we should, in this motion, specify the rate at 4 per cent.

"Now, what is the rate which the land mortgage bank charges its borrowers? Is it 5 per cent, or 9 per cent or 10 per cent? We have not yet been told that. I would be glad if we are told at what rate money is lent by the land mortgage bank. (Rao Bahadur T. A. Ramalingam Chettiyar: 'It is 6 per cent.') I am told by a person interested in this matter that it is 6 per cent. Now, if it is 6 per cent, I see absolutely no reason why the State should guarantee the repayment of the principal and interest. When the State revenue is the guarantee for repayment, the rate can be a little less. The only thing is that there must be a margin between the borrowing rate and the lending rate. The usefulness of the bank will be very much minimized if there is more than 1 per cent difference between the rates. Therefore the rate which the borrower should be charged should be reduced to 5 per cent. It is very necessary to do so in view of the fact that if we do not do so, there will be practically no difference between a private banking agency lending money to the agriculturists and a Government land mortgage bank doing so, enjoying the security of the State revenues. In seconding this motion for fixing the rate offered by the land mortgage bank definitely at 4 per cent, I suggest that 5 per cent should be the rate at which loans are offered by the bank."

Mr. K. KOTI REDDI:—"Mr. President, even at the time when the Land Mortgage Bank Bill was under discussion in this Council, I asked the Hon. Minister to tell us at what rate the bank would offer money

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to the indebted ryots and I was told that it would depend on the rate of interest paid by the bank for securing the necessary funds. Now, Sir, the degree of usefulness of this bank to help the indebted ryots would entirely depend upon the rate that would be charged by it. It is a matter of common knowledge that the lower the rate, the better for the ryots. I see no reason why the Government should consider that they should offer as much as 5 per cent for the debentures floated by the bank guaranteed as it is by Provincial revenues. As my hon. Friend has already said, I have great apprehensions that when once you fix the maximum at 5 per cent, the directors of the bank and the public would naturally come to the conclusion that the bank should pay 5 per cent. In the interests of the borrowing ryots, we should see that the land mortgage bank gets its money at as low a rate of interest as possible, so that it may lend it out at reasonably low rates to the ryots. At present the $3\frac{1}{2}$ per cent Government paper is available in the market for Rs. 89-6-0. It works out to 4 per cent. The $3\frac{1}{2}$ per cent 1947-50 Government bonds are available almost at par. The maximum price is Rs. 99-6-0. The 5 per cent 1945-55 bond is selling at Rs. 117-4-0. When such is the case, I see no reason why the land mortgage bank should not be able to get Rs. 50 lakhs or even more at the maximum rate of 4 per cent. It is a well-known fact that on account of the depression in the country the sowcars in the villages have plenty of money locked up in their safes which they do not want to lend to the ryots for fear they might not get it back from them and might lose it altogether. They would be quite satisfied with a return of 4 per cent on their capital and if only they know that the Government guarantee the interest and principal of the bank's debentures, they will be prepared to take these debentures even if they get less than 4 per cent. I appeal to the Hon. Minister not to yield to the requests of the directors of the bank who may be legitimately anxious to get as much money as possible and that as early as possible. I am absolutely certain that if only the monied people in the country know of the Government guarantee they would be willing to take these debentures even at less than 4 per cent. That being the case, I see no reason why we should fix the maximum at 5 per cent. It will be more than enough if the maximum is fixed at 4 per cent. I appeal to the Hon. Minister to accept the amendment."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, the resolution before the House gives the terms on which the Government propose to guarantee the debentures of the Central Land Mortgage Bank. On this point I have one or two observations to make. It is not clear as to what is the amount of the demand from the Central Land Mortgage Bank itself for the purpose of its immediate necessities, and the extent to which it wants to issue debentures. The Government have not made it clear whether the bank proposes to issue debentures of the value of Rs. 50 lakhs immediately or in the course of two or three years. I think the Hon. Minister in charge of this subject should tell us what has been the correspondence between the Government and the bank and

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on what materials they have come to this House and asked for its opinion on this matter. The Government may also tell us whether they are asking for this guarantee of Rs. 50 lakhs merely to save themselves the trouble of coming to this Council now and then. If that is the purpose, I deprecate any such attempt of the Government to keep out of the purview of the House the state of affairs of the bank and not to give us an opportunity from time to time to review the work of the bank. In fact when this Bill was on the anvil, the Government agreed to consult the Legislative Council whenever they wanted to increase the maximum. What I am now asking is whether in asking for this guarantee of Rs. 50 lakhs the Government want to avoid the Legislative Council for one or two years. On the other hand, if there is a real demand for Rs. 50 lakhs immediately, then the proposition before the House will be justified. But if the demand is not there immediately, and if the issue of debentures is to extend over a period of two or three years, the Government should restrict themselves to the immediate demand, to such amount as may be reasonably required in the course of six months or one year.

“The next point is that we have absolutely no idea as to the rate of interest that the Central Land Mortgage Bank proposes to give to the debenture-holders. My Friend, Mr. Ramalingam Chettiyar, who is a prominent member of the bank has stated that from June of this year it has been proposed to raise debentures at 4 per cent. They had been raising debentures at 5 per cent previously. If that is so, I fail to understand why the Government should guarantee the interest on these debentures at a rate not exceeding 5 per cent per annum. Of course, the phrase ‘not exceeding’ is a convenient phrase and the Government may say, ‘we will not guarantee more than 4 per cent.’ Therefore we would like to know from the Government at what rate the Central Bank wants to issue its debentures. If the Central Bank proposes to issue its debentures at 4 per cent, there is no justification for the Government saying, ‘We will guarantee up to 5 per cent.’

“Apart from these, there is yet a third point. The Central Land Mortgage Bank is not a Government institution, is not a department of Government. It is after all a bank started by private subscriptions and private investments. It is unlike other banks only in this that the Government guarantee the principal and the interest of the debentures issued by it. This guarantee is given because of the over-riding necessity of making private capital available for long-term loans to agriculturists. Both the Government and the public thought that some such guarantee should be given to enable the agriculturists to get the benefit of private capital. That being the case, the Government are eminently interested in the working of the bank, in the sound working of the bank. But that does not mean that the bank’s directors, the debenture-holders and the shareholders, who are ultimately responsible for the sound finance and proper administration of the bank are to feel no responsibility whatever with regard to the affairs of the bank. If

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for a period of 25 years and to the extent of Rs. 50 lakhs the Government are going to guarantee not only the principal but also the interest on the debentures—if it is 4 per cent the Government will guarantee 4 per cent; if it is 3 per cent, they will guarantee 3 per cent; if it is 5 per cent, they will guarantee 5 per cent—if the Government guarantee up to the maximum rate of interest on the debentures, then where is the interest of the debenture-holders, the shareholders or other people associated with the bank, in the sound working of the bank? The debenture-holders will feel satisfied and say to themselves: ‘Well, our monies are safe; they are locked up for 25 years; our principal is safe and our interest also is assured.’ Do you not think that when the Government give a guarantee for the interest on the debentures, there should be some margin so that the debenture-holders may take some interest in the sound financial working of the bank and they may be driven to the necessity of trying to look after their own affairs. The debenture-holders must be made to see that the directors of the bank discharge their duty in a business-like manner. If the Government guarantee the full interest, how will the debenture-holders save any interest in the sound working of the bank? I think the Hon. the Finance Member and his department should examine this joint and see to it that, if the Government guarantee the interest, the guarantee does not extend up to the maximum amount but to something less.

“My Friend, Mr. Krishnayya Choudari, gave notice of an amendment to reduce 5 per cent to 4 per cent. That objection might be met by the Government by saying that they would not guarantee 5 per cent but that they were only taking power to guarantee up to 5 per cent. Whatever may be the intentions of the Government, if the debentures are issued at a certain rate of interest, the Government guarantee ought not to extend to the full but only to something less, so that there may be a margin which would induce the debenture-holders and others interested in the bank to see that the affairs of the bank are conducted properly. No doubt, there is one safeguard, namely, the Registrar of Co-operative Societies is a director of this bank and it is only with his permission that debentures can be issued. That no doubt is a safeguard so far as the Government are concerned. But that by itself would not be a safeguard against any future maladministration or wrong administration by the bank itself. I hope the Finance Department in agreeing to this guarantee would see that the Government guarantee does not extend to the last pie of the interest on the debentures but to something less. And that ‘less’ should be such as to give a direct interest to the debenture-holders and make them see to it that the administration of the bank is properly conducted by the directors elected by them.

“Lastly, Sir, this amendment tries to reduce the rate of interest on the debentures from 5 to 4 per cent. As the hon. the Mover of the amendment has put it, the district boards are flush with funds and they do not know where to invest them. The Government would not

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allow them to invest anywhere except in particular investments. The result is they are forced to invest their money in the Imperial Bank or the Indian Bank at 2 per cent. I am only speaking subject to correction. Anyhow I understand from Mr. Sami Venkatachalam Chetti that the Imperial Bank would not allow more than $2\frac{1}{2}$ per cent (An hon. Member: 2 per cent), more than 2 per cent, on fixed deposits. Here is a fixed deposit for 25 years with the Government guaranteeing the principal. And, whether the bank earns profit, or not, the debenture-holders may be sure of their interest, because whatever the deficiency, it will be made good from Provincial revenues. When such is the case, is it right for the Government to guarantee 5 per cent interest? Is it not the duty of the Government when they guarantee the interest to see that they put their rate at such an amount as to force the bank to issue its debentures at the most economical rates? If other banks would not receive deposits at more than 2 per cent, I do not see why the Central Land Mortgage Bank should be given the luxury of raising debentures at 4 per cent? Is not the Government to tell the bank, 'Look here, other banks would not receive deposits at more than 2 per cent; why should you raise debentures at a higher rate? Why should you not try to raise debentures at lower rates? If you fail to raise the necessary amount and if it is found that the only way of getting the required money is by raising the rate of interest, the Government will consider the position and raise the rates.' Unless the bank is able to make out a case that it is not able to raise the necessary debentures at 2 per cent and that it is absolutely necessary to pay a higher rate of interest, the Government should not agree to a higher rate of interest. The rate of interest should not be more than the rate given by the Imperial Bank for long term deposits. As I said when I began, the Government guarantee should not exceed the minimum requirements for a period of six months or a year. The bank may come before the Government and they may consider its position later on. The main object of the Government in agreeing to come before the Council if they wanted to increase the amount of guarantee was to give an opportunity to the Council to review the working of the bank from time to time. If you now give a guarantee of Rs. 50 lakhs—unless you tell me that the bank requires all this sum immediately—there will be no need for the Government to come before the Council for another two or three years in connexion with this bank and the Council will be deprived of an opportunity of reviewing the working of the bank till that time."

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I am really glad we are having this discussion to-day in the House. When the Bill was on the anvil of the House, I made it a point that frequent opportunities should be given to this House to go into the working of the bank. Especially as the bank is for the benefit of the ryots, we, in the Legislative Council who are the representatives of the ryots, will be in the proper position to review the working of the bank. I am glad that to a certain extent the debate has served that purpose. At the same time I

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should like that Members of this House would get themselves acquainted with what is actually going on. If they take some more interest in the working of the institution, it will certainly be for the benefit of the ryots. I may take this opportunity of saying that there are very few workers in the co-operative field and I appeal to the House and to the outside public to join the movement in large numbers. This movement of co-operation will be very much benefited by intelligent and earnest men coming forward in larger numbers and taking part in it. As it is, there is a paucity of men taking interest in the working of the movement. I should like that more Members of the Council and more public men should take interest in the movement, and an active part in the working of these institutions. 12-15 p.m.

"Having said that, I should explain to the House how the system is being worked. We get applications for loans; loans are sanctioned; then when the money is wanted debentures are issued. First we register applications for debentures. It is not a question of borrowing large sums and issuing debentures in the open market all at once to the extent of Rs. 20 or Rs. 30 lakhs. We inform people that we are issuing debentures at a particular rate of interest and for a particular period; as we sanction loans we issue debentures to cover the loans. That is how this is done. It is not possible to fix any limit to the debentures we issue at a particular moment. Any guarantee that is given is only with reference to the debentures we issue. The Government in this case have fixed the limit of the period for which the debentures are issued and the maximum amount which is guaranteed. So, up to that amount, according to our requirements we can issue the debentures. It is difficult to fix the limit up to which the debentures can be issued at a particular moment. I may say from my experience that something like a lakh of rupees is being sanctioned by way of loans at every meeting. Roughly speaking, for 12 months we may require something like Rs. 20 lakhs. Honourable Members should also bear in mind that a very large number of banks are being started and that our requirements are increasing as our activities are increasing. It is expected that our requirements will be very much greater hereafter. So much with regard to the limit of Rs. 50 lakhs.

"The next question is about the rate of interest. We are not anxious to give 5 per cent or even 4 per cent, if we can get money at a cheaper rate of interest. For instance, the first set of debentures issued was at $6\frac{3}{4}$ per cent; gradually we went on reducing the rate of interest from $6\frac{3}{4}$ to $6\frac{1}{2}$, then $6\frac{1}{4}$, 6, $5\frac{1}{2}$ and to even 5 per cent. The last batch of debentures which is not closed was issued at 5 per cent. Most of the subscribers were private individuals. If a list of the subscribers—debentures-holders—is required, we can give it; there is no trouble; it is always open to inspection by any Member of this Council. The last debentures that were issued and which are not yet closed were issued at 5 per cent. I may say that from last June we find that we can get money from the District Boards which, owing to the action of the

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Government, have to come to us. We took advantage of this opportunity. For the last two months we have been issuing debentures to the district boards at 4 per cent. I may also inform the Council that some of our borrowings at the higher rate of interest—6 per cent and more—have been discharged. We have got the option of redeeming these debentures with previous notice and we have paid back all the debentures bearing above 6 per cent. So, the Council will be pleased to see that the directors—whatever my hon. Friend, Mr. Muniswami Nayudu, might mean by his remarks—are not so apathetic or indifferent to the interests of the Government or of the people”

Diwan Bahadur B. MUNISWAMI NAYUDU:—“ I did not refer to any directors personally; I only made a general remark to give more incentive to do good work.”

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ I may say that the directors have in mind the interest of both the Government and the people. In the beginning, debentures were issued at a higher rate of interest and the borrowers were asked to pay interest, taking that rate of interest into calculation. Now after the reduction of the rate of interest for the debentures, we have also reduced the rate of interest to the borrowers. That I am sure will satisfy my Friend, Sir Patro. When the rate of interest for the debentures was 5 per cent, we were charging 6 per cent to the borrowers. If the bank is able to raise money at the rate of 4 per cent, it will reduce the rate of interest to the borrower. So, hon. Members may be satisfied that we are not indifferent to that aspect of the question. Whenever we can get debentures for a reduced rate of interest, we transfer the benefit of it to the borrower. I should say this much that we are still on the experimental stage. It is only for the last two months that we are trying to issue debentures at 4 per cent and there have not been many applications at that rate from private individuals. Some applications were received from public bodies. The Government have fixed the maximum rate of interest, viz., 5 per cent. If by any means we can get money at 4 per cent or less, we will issue debentures at that rate. The Government of India themselves are raising money in the open market at $3\frac{1}{2}$ per cent. Such being the case, it is not possible to get money in the open market at a lower rate of interest than 4 per cent. We are trying to issue debentures now at the rate of 4 per cent. If we are able to get all the money we want at a cheap rate of interest, of course we are not going to increase the rate. The matter has been in the experimental stage for the last two months. So we have asked the Government to fix the maximum rate at 5 per cent.

“ My hon. Friend, Mr. Muniswami Nayudu, raised the question whether the Government should guarantee both the principal and the interest. The point is this, it is thought that banks will be started in larger numbers in future and that their requirements will be very large. Therefore it is necessary to make these debentures negotiable in the open market. Unless the Government guarantee both the principal

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and the interest, the debentures will not be negotiable, and money will not be invested in these banks by trustees. As the hon. the Finance Member tells me, unless the Government guarantee both the principal and the interest, it will not be possible to make the debentures trustee securities. As I said, the requirements of the Land Mortgage Banks may become very much larger in the years to come and the only way in which we can raise funds is by the Government guaranteeing both the principal and the interest. Unless the debentures are treated as trustee securities, insurance companies and others who have trust moneys will not invest money in them.

“ I may say for the information of hon. Members of this House that, so far as the working of the Central Land Mortgage Bank is concerned, the default in the payment of either the principal or the interest either last year or the year before last has been negligible. The overdues up to 30th June 1934 is only very small about Rs. 3,000. So, hon. Members will kindly see that we are trying to manage the bank in the best possible way. 12-30 P.M.

“ It has been asked, Sir, what is the Government share in the management? I may say that the Government have a nominated member on the Board in addition to the Registrar of Co-operative Societies, who is also a member of the executive committee.”

(At this stage the Hon. the President occupied the chair.)

“ No debenture can be issued without the consent of the Registrar, and practically nothing could be done by the Board without his agreeing to the course suggested. It is also in contemplation to allow a further representation for the Government on the executive committee of the Board. Thus, there are ample safeguards to see that the power vested in the Central Land Mortgage Bank is properly used.

“ I hope, Sir, I have answered all the questions that have been raised by hon. Members. I may add that the bank is trying to make itself useful to the ryots and that it is asking the Government from time to time to lend it a helping hand. We are very thankful to the Government for what they have done; but I appeal to the Hon. the Finance Member and to the Hon. Minister in charge of Development that they will see to the development of this and other banks of this kind. The Government can help the bank not only by means of grants but by means of the appointment of officers for valuation of property, so that there may be no loss either to the bank or to the Government. I appeal to them to see that such banks increase in number and that the number of officers given to these banks is also increased. I therefore appeal to the Government to consider this question and to make liberal provision of officers when the time comes, for the stability of these banks.”

MR. SAMI VENKATACHALAM CHETTI:—“ Sir, the Hon. the Minister for Development said that, though the Government have got the ultimate power of deciding this question, he thought it would be better to

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consult this Council in a matter like this. I do not think it is so much as a concession that he has been obliged to bring this resolution, as it is necessary even under the provisions of the Act, that he must consult the Legislative Council, whatever might be the decision of the Government. It won't also be a proper or salutary provision that the Government should set apart its revenues as security for the payment of principal and interest by a semi-public body and that the Council should have no opportunity of discussing its admissibility or the financial responsibility of the Government in an undertaking of that sort. If doubts have arisen with regard to the high rate of interest that is sought to be guaranteed, it is not with a view to cause an impediment in the path of the Government financing this bank which tries to mitigate the distress of the ryots who are in need of financial help, but only with a view to find out whether the directors and the share-holders are keenly alive to their responsibilities in the proper conduct of the bank. I am glad to be assured by my hon. Friend, Mr. Ramalingam Chettiyar, who is very intimately connected with the bank, that whatever might be the guarantee of the Government, the responsibilities of the share-holders and the directors are none the less, that they are certainly alive to their duties, and that a mere guarantee is not going to wean them away from their responsibilities. I am also very much enlightened by the very effective argument of my Friend, Mr. Ramalingam Chettiyar with regard to the full guarantee of the Government of the rate of interest at which debentures are issued. It is said that the Government of India would not allow trust moneys to be deposited in this bank unless the Government undertook full responsibility for the full rate of interest allowed by the bank to the debenture-holders. I however find one omission in the explanation given by my hon. Friend, and I do not know whether that omission is deliberate or unintentional. He said it is a nice arrangement and a profitable arrangement too so far as the bank is concerned, that it raises only such amount of money as is required by it to be given to the borrowers; but very few banks could afford to have an arrangement such as that. While I do not criticise that arrangement from the point of view of profit-making, I do think, from the point of view of the Government which has to undertake responsibility for the principal and interest, that it should be possible for the bank to make an estimate of its requirements at least once in a year and come to the Government for the guarantee of so much as is necessary for that year. According to him, the amount so far required for a period of two months on an average is Rs. 3 lakhs, and therefore for a year it will be about Rs. 18 lakhs. If that be so, the probable annual requirement would be on an average Rs. 20 lakhs. I would suggest that the Government might now take the consent of this Council in respect of liability for payment of principal and interest, of Rs. 20 lakhs. If the bank wants further money, an application may be made to the Government who may then consult the Council again. Why I suggest this kind of arrangement is this: I think the Council should be apprised of the working of this bank from time to time; and the only

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method by which that can be done is for the Council to reserve to itself such opportunities. I hope, Sir, that the Hon. the Minister for Development will consider the advisability of agreeing to guarantee only Rs. 20 lakhs. That arrangement will also keep the bank in touch with the Government and make it alive to public opinion and criticism.

“ Mr. Ramalingam Chettiyar has omitted to explain one matter, viz., how the debenture-holders are chosen. As has been observed by my hon. Friend, Sir Patro, there is no public advertisement calling for debentures or shares. If at a particular meeting they decide that so many lakhs should be lent, how do they approach the public for these debentures? ”

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ May I explain? We do advertise the rate of interest at which we are prepared to issue debentures and we receive applications from time to time. In many cases, the applications are accompanied by money; and till the time when the debentures are allotted, we pay them interest as on current deposits. Supposing, for instance, we advertise that we want money at 5 per cent. Along with some applications we receive money also. That money is kept as current deposit and interest is paid at the rate of 1½ or 2 per cent. I think I do not remember which. So, the money is already there; and as soon as we require the money for loaning purposes, we issue the debentures and thus only an adjustment is made. And if we want more money, we then write to the other applicants to send their money.”

Mr. SAMI VENKATACHALAM CHETTI:—“ The explanation does not convince me that it is a sound arrangement. There may be some people who at the time of your calling for the debentures are in possession of funds. Surely such people cannot wait to put their money into your bank without any guarantee whatsoever. So far as I know, the Government guarantee applies only to the money raised by debentures; and so nobody would be willing to pay money in advance of your allotment of debentures. Therefore, I say that such people as are in a position to deposit money at the time at which you want it will be precluded from doing so. Supposing there have been applications for Rs. 10 lakhs of debentures and you are able only to take about Rs. 3 lakhs or Rs. 2 lakhs, how do you choose your debenture holders? Do you choose merely by cutting down proportionately the amount for which the applicants have applied? ”

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Smaller applicants are preferred; and if we do not want all the bigger applicants, i.e., if we do not want all the money for which they have applied; we allot debentures to them proportionately ”

Mr. SAMI VENKATACHALAM CHETTI:—“ That is something. I only desire that the administrators of the bank should give as much publicity as possible to their requirements of money, so that people who are now depositing their money either in Government securities or in banks or

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other institutions which are in their turn obliged to put their money in Government securities, may avail themselves of the debentures of this bank, because it gives higher rates of interest than those other institutions. I would therefore request the Hon. Minister to tell us if it is not feasible to reduce the total face value of the guarantee amount to Rs. 20 lakhs as that seems to be the average annual requirements of the Bank. I move that as an amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second the amendment."

12-45 p.m. Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"I have great pleasure in supporting this amendment. An alternative has been put forward by Mr. Ramalingam Chettiyar himself that in any one particular year more than Rs. 20 lakhs will not be required. If even this Rs. 20 lakhs is expended in less than a year, the Bank may come forward to the Government requesting to guarantee another Rs. 20 lakhs or Rs. 15 lakhs as the case may be for a period of six months or one year. It does not seem necessary that the Government should guarantee Rs. 50 lakhs even now. It is quite possible that within the coming two or three months we will get debentures for rates of interest not exceeding 4 per cent; or it may even be that after one year we will have to raise the rate to 6 per cent. Therefore, if at that time the present 5 per cent guarantee is to hold good, the Government will have to come forward again to the Council for revising the rate of guarantee. The idea of both these contentions is that the conditions will be varying and for that reason only the amount of the debentures should now be restricted to Rs. 20 lakhs. If they so restrict the amount now, they may afterwards, according to the conditions prevailing after a year or so, again apply for guarantee. Mr. Ramalingam Chettiyar stated that debentures are allotted, in the first instance, only to small applicants, that advertisements are not published calling for applications for the debentures and that applications are called by means of a standing advertisement. If I understood Mr. Ramalingam Chettiyar properly, I think there are always a number of standing current depositors who have got large sums of money in current deposits carrying interest at 1 per cent or 2 per cent, and as soon as they know that any particular debentures are issued, these depositors at once pounce upon these debentures and carry away the whole lot. If opportunity is given to outsiders also, I am sure deposits will be forthcoming on a large scale. If debentures will not be given to small individual investors, or they are not coming forward in large numbers, then there are the public institutions ready to invest money. There are many insurance companies waiting to deposit their funds in good investments, and also local bodies. At present they have no means of investing their moneys carrying a decent interest. By all means give preference first of all to small investors for these debentures. If applications are not forthcoming from them in sufficient numbers, then we have got always the funds of local bodies available which they are willing to invest at higher rates of interest."

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"My Friend, Mr. Ramalingam Chettiyar, said that this is being done in the interests of the ryots. But I want to know in whose interests the Bank itself is administered. The shareholders are not all ryots. About 90 per cent of the debentures are not held by ryots but by public officers, vakils, zamindars and others. We know the poverty-stricken condition of the ryots and so the debentures are not going to be invested by them. Only rich people are going to invest their money in these debentures. So when Mr. Ramalingam Chettiyar says that all this is being done in the interests of the ryots, I am afraid the House cannot agree with him."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Was any ryot at any time excluded from becoming a member or depositor or debenture-holder?"

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"The Bank directors do not exclude the ryot by any resolution. But because of their economic condition, they get themselves excluded. And the few ryots who can deposit money are not given full opportunity to do so. Only the friends of the shareholders and the shareholders themselves who have also the right to invest, put their money in these debentures. They first get to know when these debentures will be issued and they will always be waiting for an opportunity and that opportunity will be availed of by the current depositors. Even in private banks nowadays deposits are refused for 5 per cent interest. Even for 4 or 4½ per cent lots of deposits are forthcoming. In the Quilon Bank, the Travancore National Bank and also in a number of private banks, deposits are refused for a rate of 5 per cent. When that is the case, I cannot understand why the Land Mortgage Bank with the guarantee of the Government should offer such a handsome rate of interest as 5 per cent. If applications are not forthcoming at 4 per cent, then it will be time enough for the Government to move a resolution raising the rate of interest."

* The Hon. Mr. P. T. RAJAN:—"Mr. President, Sir, there are two amendments before the House, namely, that the amount of Rs. 50 lakhs should be reduced to Rs. 20 lakhs and that the rate of interest be reduced from 5 per cent to 4 per cent. Most of the points raised by hon. Members who moved the amendment and those who supported them have been replied to by hon. Friend, Mr. Ramalingam Chettiyar, who is intimately connected with the working of the Bank. I would just supplement those remarks by mine."

"As regards the amount of Rs. 50 lakhs, the House will remember that the Government with the approval of the House have guaranteed interest on a sum of Rs. 50 lakhs. Though the Government guarantee refers to the interest, it indirectly applies to the principal also. They guaranteed the interest on Rs. 50 lakhs. So far, debentures to the value of Rs. 35 lakhs have been issued carrying the higher rate of

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interest, and the Bank in the meantime has redeemed debentures to the extent of 11 lakhs and that amount will now come under the new debentures carrying lesser rate of interest. And secondly, the Bank wants to issue debentures of the face value of Rs. 20 lakhs in the near future for its purposes. That is why the sum of Rs. 50 lakhs has been fixed."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Is it stated by the Central Bank that they would require Rs. 20 lakhs to increase their loan amount?"

The Hon. Mr. P. T. RAJAN:—"Rupees 35 lakhs of debentures guaranteeing higher rate of interest have been issued, and new debentures to the value of Rs. 15 lakhs will be issued by them in the near future. So I would suggest to the House that it will not be possible to accept the amendment limiting the total amount to Rs. 20 lakhs."

"Coming to the rate of interest that should be fixed, whether it should be 4 per cent or 5 per cent, I may tell the House that the Bank is paying only 4 per cent. It has offered only 4 per cent for the new debentures. That shows that the Bank will not take advantage of this motion and raise the interest. Coming to the interest itself, Sir, it was pointed out that these debentures could be made trustee securities provided that the principal as well as interest is guaranteed by the Government. In this connexion it must be remembered that the loans issued by the Government of India and other Governments carry interest as high as $3\frac{1}{2}$ per cent and if the debentures of the Land Mortgage Bank are to be popular and attractive, we must give the people some more inducement. With this view, the rate at 5 per cent has been fixed. As I said this is only the maximum, and I am quite sure that, if the Bank finds later that it can reduce the interest still further,—according to the rules of the Bank they can redeem the debentures—it will issue fresh debentures carrying lesser rate of interest. I should like to point out to my hon. Friends that the directors certainly would not take any advantage of the guarantee given by the Government and allow things to drift. They would try their level best to make the institution a useful one and carry on the administration of the Bank in such a way that the interests not only of the ryots but of the Bank, the shareholders and the debenture-holders will be safeguarded. I can tell the House that the Bank every year issues an administration report and it will be placed before the House. On that occasion and also at the time of the general discussion of the Budget opportunity can be taken to discuss it and the Government will always carefully consider the suggestions of the hon. Members. With these few words, I would request the Movers of both the amendments to withdraw their motions."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, when private banks are in a position to get deposits for 2 per cent and 3 per cent, I am not able to understand why, when the Government is

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guaranteeing interest and also incidentally the principal, they should give the maximum of 5 per cent. I have given a concrete example of my own district. The amount of deposits available in our district comes to Rs. 2 lakhs and they now carry only a rate of 2 per cent interest. If we are to be permitted to deposit or purchase debentures and the local boards and municipalities are also permitted to purchase these debentures, I think the local boards will also be benefited by the higher rate of interest."

* The Hon. Mr. P. T. RAJAN:—"On a point of personal explanation, Sir, I should like to inform the House that an amount to the extent of Rs. 8 lakhs has been deposited in this Bank from the provident funds of district boards and municipalities. And other moneys from the district boards and municipalities could not be taken in this Bank as these bodies are not permitted to invest their property like that, because these are long term loans and the money will not be available to them to spend for the local bodies. That is, the local bodies cannot get the money back whenever they want. That is one of the reasons why the Guntur district has not been able to invest in this Bank."

Mr. P. V. KRISHNAYYA CHOUDARI:—"That option may be given to the boards by telling them beforehand that they will not get their moneys back until after 25 years or so. If the district boards are agreeable, I do not understand why the Government should prevent them from depositing their money in the Mortgage Bank debentures. As a matter of fact our moneys are locked up for 40 years and 50 years as Railway accumulations; and if we are permitted to utilize that amount, we can take the debentures, and whenever we require money we can sell the debentures and get cash. I would request the Hon. the Minister and the Member in charge of this portfolio to allow the local boards and municipalities to deposit money or purchase debentures in the Land Mortgage Bank."

"Another thing I want to say is this. If we are going to restrict the rate of interest to 4 per cent, the benefit will go to the ryot, because if the Mortgage Bank is in a position to get the money at a lesser interest, they can as well give loans to the debtors with one per cent increase for expenses. Thereby the ryot will be benefited, and they can also secure the money at a cheaper rate. If we allow the Government to fix 5 per cent interest, it will hit the ryot. So I suggest that the Government may reduce the rate of interest to 4 per cent, as the Hon. the Minister has already stated in his speech that the Bank is not going to pay more than 4 per cent. When once the Minister assures the House in that regard, where is the harm even in accepting this 4 per cent rate? We are not going to reduce the rate to less than 4 per cent. So, I would request the Hon. the Minister not to oppose my amendment and accept the rate of 4 per cent, as he himself said that 4 per cent would be sufficient."

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1 p.m. Mr. SAMI VENKATACHALAM CHETTI:—"Sir, in view of the fact that the Hon. the Development Minister is inclined to support the principle (the Hon. Mr. P. T. Rajan:—"No, no") of my amendment. I beg leave to withdraw it."

The amendment of Mr. Sami Venkatachalam Chetti was, by leave, withdrawn.

Mr. Krishnayya Choudari's amendment was put and lost.

The main motion was put and carried.

IV.—THE MADRAS CITY MUNICIPAL (AMENDMENT) BILL
(BILL No. 11 OF 1934.)

The Hon. the RAJA OF BOBBILI:—"I beg to introduce the Madras City Municipal (Amendment) Bill (Bill No. 11^a of 1934) and move that the Bill be referred to a Select Committee consisting of the following Members:—

- (1) Mr. R. Madanagopal Nayudu.
- (2) Rao Sahib C. Jayaram Nayudu
- (3) Mr. T. Sundara Rao Nayudu.
- (4) Rao Bahadur D. Krishnamurthi.
- (5) Mrs. Alamelumangathayarammal.
- (6) Rao Sahib P. Subrahmanyam Chettiyar.
- (7) Rao Bahadur C. Natesa Mudaliyar.
- (8) Mr. H. M. Jagannatham.
- (9) „ C. Basu Dev.
- (10) Rao Sahib N. Siva Raj.
- (11) Mr. M. A. Muthiah Chettiyar.
- (12) Mr. S. G. Sengodaiyan.
- (13) „ W. W. Ladden.
- (14) „ J. K. Methereil.
- (15) Khan Bahadur Javad Hussain Sahib.
- (16) Mr. Sami Venkatachalam Chetti.
- (17) Mr. T. S. Ramaswami Ayyar.
- (18) „ Abdul Hameed Khan.
- (19) „ Basheer Ahmed Sayeed.
- (20) „ P. V. Krishnayya Choudari.
- (21) Diwan Bahadur C. S. Ratnasabhapaty Mudaliyar.
- (22) Mr. C. Indriah.
- (23) „ Ahmed Meeran Sahib.
- (24) The Hon. the Mover (The Raja of Bobbili).

"In doing so I wish to say a few words regarding the history of this legislation. Hon. Members are aware that it is 14 years since the Madras City Municipal Act was passed into law and that we have been for the last ten years experiencing various difficulties found out in the working of the Act and other proposals made by the Corporation and suggested

^a Published in the Fort St. George Gazette on 24th July 1934.

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to us. In 1925 the Madras Corporation appointed a Committee which submitted a report. In G.O. No. 5297, I. & M., dated 19th September 1929, Government appointed the following members to constitute a Committee: Messrs. A. Ramaswami Mudaliyar, G. Narayanaswami Chetti, Sami Venkatachalam Chetti, S. Satyamurti, Rutherford and Conran Sraith. Subsequently the following four members were added: Mr. Basheer Ahmed, Mr. C. Natesa Mudaliyar, Mr. Dann and Mr. F. E. James. Under the Chairmanship of Dr. Natesa Mudaliyar the Committee submitted its report. The present Bill is based on the recommendation of these two Committees and Government have accepted such of those recommendations as it is possible to accept. Some of the main changes introduced in the present Bill are that nominations have been removed except the nomination of the expert members who will have the right to vote only on those specific questions for which they were nominated. The strength of the Council has been increased from 50 to 60 in view of the desirability of dividing some of the larger divisions and in view of the general extensions of the franchise and also made provision for the addition of five aldermen. We have also proposed after consideration of Government to extend the present boundary of the Corporation by including the municipality of Saidapet and the panchayat of Sembiam. As regards the consideration of the various communities it has come to my notice that as no specific provision has been made in the Act itself the members of the Depressed Classes are apprehensive as to what their future position would be. I do realize that it is necessary to provide for some special measures to safeguard their interests to give them adequate consideration. There are several alternatives before Government which are matters for the Select Committee to come to final conclusions. As regards the method to be devised for securing adequate representation to Depressed Classes, one is by dividing some of the divisions so that it may be seen that there is a majority of votes for the Depressed Classes in that division. The second method would be to reserve particular divisions for the members of the Depressed Classes community. The third method would be what has been adopted with regard to the district boards and municipalities to have dual member constituencies to certain wards and allot one general seat and one reserved seat for particular wards. As regards representation of other communities, hon. Members are aware that at present there has been no such reservation as far as this Act is concerned. Experience has also told that all the important communities have been returned to the general seats in the Corporation and on that account no case has been made out for special reservations. But at the same time I wish to make it clear that on principle Government have no objection to the reservation of seats. It is not a matter in which Government have come to any unalterable conclusions and, if, in their opinion, reservation is necessary, Government would certainly support such a proposal. Instead of three years in which it will be possible to complete election by rotation, the period has been extended to four years as it is proposed to provide forty divisions instead of the present number thirty. Statutory standing committees have been increased from four to six and

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provision is made for the additional committees subject to the sanction of the Government. Provision has also been made in conformity with the Local Boards and District Municipalities Act to create joint committees to decide matters by agreement on matters in which not only the Corporation but other local bodies are interested. As regards the other financial proposals the City Municipal Act has been brought into line with the Madras District Municipalities Act. The Corporation has been provided with power to tax advertisements. Also for the first time the principle of graded taxation of property has been conceded. Specific provision has also been made in the Amending Bill fixing the period of five years for tax revision. Another provision is the compulsory metering of house service connexions within a period of two years. In my opinion one of the most important provisions is the new chapter dealing with slums giving adequate power to the Corporation to provide sanitation and other necessary amenities and one or two minor details which I shall place before the Select Committee.

“ I believe I have now dealt with the main features of the Bill briefly. In view of the amendment given notice of by Mr. Sami Venkatachalam Chetti to postpone consideration of the motion before the House, in order to save time I wish to say a few words now. How Members are aware that it has been a decade since this Bill has been under consideration and at various times. Hon. Members have raised questions in this House urging the desirability of early legislation. Of course, from that I do not mean to say that such hon. Members have committed themselves to agree to any measure that Government may bring forward. The main point that I have placed before the hon. Members is that by referring the Bill to the Select Committee, it is not proposed to rush through the measure. This Bill is, I believe, the longest Act on the statute book over 33 sections are touched by the Amending Bill. In the normal course of things it will take not less than six months for the Select Committee to go through the measure and I therefore consider that if we are to tackle the subject and give it all the attention which it deserves, no time shall be lost in referring this Bill to the Select Committee. Of course I am anticipating what my hon. Friend, Mr. Sami Venkatachalam Chetti, may say. I may add that this procedure in his opinion will debar any proposal outside the scope of this Bill to be taken into consideration. I have carefully gone into the various opinions expressed both in the Press and outside and also what I have heard of the proceedings of the Committee appointed by the Corporation. Up to the present moment no proposal has come to my notice that is acceptable to the Government and that is beyond the scope of the present Amending Bill. I might also state that during the course of the deliberations of the Select Committee if any desirable proposal to improve the present Act is brought forward by any Member, I shall certainly consider it the duty of Government to give every attention to that suggestion, and, if it is acceptable to the Government, either bring forward a resolution before this House to include it if it is within the scope of the clauses already embodied in the

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present amending Bill or bring forward a separate small amending Bill which will be referred to the same Select Committee. From this I hope I have made it clear that we will be only losing time if this is now postponed, as there will be sufficient work for the Select Committee for over six months. I therefore hope that, in view of the explanation made by me, the hon. Member representing Madras City, Mr. Sami Venkatachalam Chetti, will desist from making the motion of which he has given notice, and it will be a satisfaction to me that at least once I have been able to convince him.”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I second it.”

MR. SAMI VENKATACHALAM CHETTI:—“ Sir, much as I should desire to respond very heartily to the very significant appeal made by the Hon. the Chief Minister that at least once he would expect me to desist from moving the motion of which I have already given notice, let me assure him and this House that I do not intend that motion to be a dilatory motion, nor an obstructive one. As has been observed, most of us are anxious to have a very progressive reformation in the present Act governing the Madras City Municipal Government. Therefore, I will not be liable to the charge that I intended to impede the progress of this measure. He has no doubt anticipated many of the objections which I might raise for allowing this motion of my Hon. Friend, the Chief Minister, to pass. The defence he put up very much goes to strengthen my position than this. He has said that the Government have been thinking of introducing an Amending Bill in respect of the City Municipal Act ever since 1925. But if I may talk of even a little earlier, I might say that the need for a new Act was felt even before the present Act came actually into force. While the present Act was under discussion in the Legislative Council, no less a person than the late Sir P. Thyagaraya Chettiyar said in the Council that the measure was a very disappointing one, that he expected larger reforms to be carried out in that measure and that he was sorry to find that autonomy and responsibility were not conferred upon the City Government. In some respect, the history of the Madras City Municipal Act is more or less similar to the Government of India Act. Just at the time of the passing of the Government of India Act, the Madras City Municipal Act was passed. Just as the whole country was dissatisfied with the Government of India Act, the Madras City was dissatisfied with the City Municipal Act of 1920. Ever since, there has been an insistent demand for the introduction of a new Act in both cases. In 1925, i.e., five years after the present Act came into force, the Municipal Corporation felt the necessity of suggesting some changes not so much in the constitution of the Council and the responsibility of the Council but in regard to certain administrative difficulties. They sent up a report early in the year 1926 or so. But the Government did not take any action upon that report. But in the year 1929, the Government themselves appointed a Committee consisting of persons to whom the Chief Minister has just now referred. But it must be borne in mind that that was a Committee appointed by the Government and not by the Council

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of the Corporation, and that Committee submitted its report direct to the Government. That report was not discussed in the Council of the Corporation. Therefore the Council as such had no opportunity to know all the suggestions made by that Committee and to judge whether they merited the approval or disapproval of the Council. Practically this Bill in certain sections of the amendments is based upon the recommendations made by that Committee, and as I said that Council having had no opportunity to discuss the recommendations of that Committee, the Council was completely in the dark with regard to the recommendations made by that Committee as to their suitability to municipal conditions at the present day. It is nearly five years since that Committee submitted its report. Within these five years, new experiences have been found and conditions have changed in directions in which it was not foreseen; probably solutions have been found now for difficulties which were originally seen. Therefore, to think that the Government is acting more or less on the recommendations of the Council of the Corporation in regard to this Bill is erroneous and it is misleading. It is desirable that the public should know that the Council as such had absolutely no opportunity to discuss the provisions of this Bill before. This Bill itself was referred to the Corporation of Madras during the middle of May this year. Sir, the Secretary to the Local Self-Government Department, Mr. Smith, was the Commissioner of the Corporation before he became the Secretary to Government. He knows more than anybody else that the Council does not sit during the greater part of the months of May and June. The first meeting of the Council in May we had in the first week of that month and the next meeting was held in the last week of June, just to give an opportunity to members to go outside for summer and so as not to compel those gentlemen who are on the hills to come down from Ootacamund or wherever they might have gone to. It is the rule that the Corporation has been observing for long. Though the Bill was sent up to the Corporation in the middle of May, it could not be taken up except at its very first meeting, which was held about the 28th of June last. The moment the Council was seized of this business, it appointed a Committee and that Committee has been sitting ever since day after day working at the Bill for more than two hours every day to consider each provision of the Bill. They have so far exhausted 140 clauses out of the 241 in the Bill. It cannot therefore be said that the Council is merely adopting dilatory methods, or is trying to delay matters unnecessarily. It is at it very seriously and very keenly and the Committee is sitting for more than two hours in the day over it to consider the provisions of the Bill, as I said. Now, what is the fun of the Government proceeding with this Bill without hearing from the very body which this Bill would affect? Is this the method which the Government will follow in respect of, say, local boards? I expect every one who has got acquaintance with Local Self-Government institutions in this country to protest against this unfair slight of the body with which this Bill is concerned. We have been asked to express our opinion, and even before the expression of an opinion you go on with the Bill.

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"Well, Sir, it is said by the Hon. Minister that he also admitted that it would not be possible for the Council to refer to sections which are outside the amending Bill, that he would consider reasonable suggestions made by the members of the Select Committee if the Government thought them to be acceptable and that if the Government thought fit he would bring in an amending measure or get the consent of the Legislative Council by a resolution. Well, Sir, the proceedings of this Council on every conceivable Bill is characterized by such absurd method as putting the cart before the horse. While the Hon. the Chief Minister admitted that we are not going to rush through this Bill in one session, why not wait till the October session by which time the Corporation Council will be in a position to offer its suggestions. It may be said that so long as the representations of the Council will have a chance of being considered in the Select Committee, why should you not allow this Bill to go through. My only reason why I object to it is, as has been said by the Hon. the Chief Minister, that we will be deprived of the opportunity of suggesting to the Government proposals which are beyond this Amending Bill. The whole question is whether the Government are prepared to go along with a consolidated measure or whether there is going to be a backdoor measure to afford to the Corporation Council and the public an opportunity of amending other sections which are not covered by the clauses of this Bill. I suspect, Sir, that the Government are afraid of throwing open the whole Bill for discussion of this Council because progressive reform might go in the direction of conferring autonomy and responsibility on a Local Self-Government institution. It will be noticed by any casual observer of this Bill that such pivotal clauses which reserve the power and authority in the hands of the Local Self-Government Minister are untouched, so that if it once becomes the subject-matter of discussion in the Council, the Chief Minister is afraid that it might go in the direction of wresting authority from the Government. Well, Sir, if the present history of the Local Self-Governing bodies in the mufassal municipalities and local boards are taken into consideration and if the authority now exercised by the Hon. the Chief Minister in respect of them is also taken into account, I dare say, that most of those who are connected with these institutions will sympathize with me and help me in seeing that the Government should have the least power in controlling these institutions, because they are whipped and lashed for every action of theirs. I know of cases where Local Self-Governing institutions cannot incur an expense of half a rupee, cannot punish for misdemeanours their own subordinates, cannot hang a picture of persons other than those which are put down in the Government Order. They cannot move either to the left or to the right. They are merely subordinates of the commissioners who are appointed by the Government. The Hon. the Chief Minister is anxious to reserve such powers even in regard to the Corporation of Madras."

At this stage, the House adjourned for lunch.

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After Lunch (2-30 p.m.).

Mr. SAMI VENKATACHALAM CHETTI:—"I was referring to the fact that the Council of the Corporation of Madras was given no opportunity to discuss the Bill, and it has been stated by the Hon. the Chief Minister that any suggestions that are not within the scope of the present Bill could not be accepted by the Select Committee. I have not known of any instance in which any Bill which affects a particular body was rushed through the Legislative Council without its opinion being ascertained beforehand. I think there is far more meaning in this attempt to propose an Amending Bill instead of a consolidated measure, than what appears to be the case. I expect, Sir, that the Chief Minister, now we are on the threshold of new Reforms in the matter of Provincial Administration, will have the liberality to see that the City Corporation Act at least is liberalized so that autonomy and responsibility may be fixed on that body instead of being centralized in the Government. It should be the legitimate ambition of any popular Minister to extend the liberties and privileges of the public so as to approximate the Local Self-Government institution to the kind of free institution we see in Western countries. To deprive the Corporation Council of the opportunity of making those representations to the Government and the Minister is perhaps the unkindest cut of all. May I also repeat in the same strain as he has done to me and ask him just at least on this occasion to respond to the request not only of the Opposition but also the City Corporation which, by a unanimous resolution has asked that the introduction of this measure be delayed for some more time so that they may be able to send their representations to Government? I am sure—and I dare say the Mayor of the Corporation who is present in this Assembly agrees with me—there will not be any avoidable waste of time in the matter of considering the provisions of this Bill. Being the Chairman of the Committee he can possibly assure the Minister that the report of the Council would be placed before him before the next meeting of this Council. I therefore once again make an appeal to the Hon. the Minister to consent to delay this motion till the next meeting of the Council. I have put 'next session' in my resolution; it should be 'next meeting.' The next session may mean the March next. I only want that it should be postponed to the next meeting of the Council. I move the following motion—

"that the consideration of this motion to refer the Bill to a Select Committee be adjourned to the next meeting of the Legislative Council in order to give the Corporation of Madras and the public sufficient time to submit their recommendations, so that such recommendations, if necessary, may be incorporated."

Mr. ABDUL HAMEED KHAN:—"In seconding this motion I have only to say a few words. Mr. Sami Venkatachalam Chetti has not moved his original motion but has amended it with a view to arrive at some compromise between the Government and those who suggested this amendment; so it can be acceptable to both sides of the House. This motion

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has been inspired not with a view to delay legislation but because all of us or some of us are interested in amending the old City Municipal Act as early as possible. We certainly agree with the Hon. Minister that amendment should be made to the Act and we also say that it must be a proper amendment. It will not do for the Government to amend the Act without taking into consideration the views of the Corporation which is going to be affected by that legislation. It has been stated already that the Bill was sent to the City Corporation in the month of May but that Council could not meet till about 26th June when it constituted a Committee to go into this question in detail. The Committee has been sitting from day to day and is labouring hard to see through it as early as possible, but it has been found impossible to finish its labours within one month. As things are, it will certainly not do to introduce the Bill here and allow it to be taken up by the Select Committee, as has been stated by the Hon. Raja Saheb himself, within the next six months. Certainly the Select Committee might sit even later than the time the report of the Corporation is received. But that will not help. Because the Bill if it is once introduced in this Council, cannot be altered or amended radically by the Select Committee except in the way of amending the amendments which have been suggested to the provisions of the City Municipal Act. Of course the Hon. Raja Saheb said that in the meantime, if any situation arises which requires further sanction of the Government, he would come forward with an amending Bill further to amend this Act. That spirit of accommodation we accept and thank him for it. My point is that the Corporation while considering the Bill in detail may find it necessary to propose amendments to certain sections of the Act which have not been touched by the Bill. I do not wish to go into the merits of the Bill because the Select Committee will go into this question. All I say is that the Corporation, the body that is going to be affected by this Bill, should be given an opportunity to suggest its amendments to be considered by the Hon. Minister before he introduces a Bill. It may be stated, Sir, that this motion that the Government may be requested to give some more time for the Corporation to go into this question was moved by an European member and it was practically unanimously accepted by the Council, and the Committee has been asked to go into this question thoroughly and in detail so that it may not be necessary when once this Bill has become law for the Government to come forward again and again to amend the other sections of the Act. We have seen from our experience for the last one or two years that Government after passing a measure has been coming forward with amending Bills to the same Act—small amending Bills from time to time. I do not think that is a desirable state of affairs. In this Act, at least, it will be certainly desirable that we deal with this Act thoroughly so that later on it may not be necessary for Government to come forward with similar Bills once every six months. The amendment of the City Municipal Act has been long overdue; it is nearly 14 years since this Act has been under administration. Seeing that it has been delayed so long, when once it is taken up, it should be gone into thoroughly."

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2-45 p.m. * The Hon. the PRESIDENT:—"The amendment is that the consideration of the motion to refer the Bill to amend the Madras City Municipal Act to a Select Committee be adjourned to the next meeting of the Legislative Council, in order to give the Corporation of Madras and the public sufficient time to submit their recommendations, so that such recommendations if necessary may be incorporated. Both the amendment and the main motion are for the discussion of the House."

Mr. SAMI VENKATACHALAM CHETTI:—"Is the main motion also for discussion, Sir?"

* The Hon. the PRESIDENT:—"Yes. What I thought was that if the two motions are discussed separately, there would be overlapping of discussions and that is why I suggested both the motions being discussed together."

Mr. SAMI VENKATACHALAM CHETTI:—"I have no objection to that course, but I request that I may be allowed an opportunity to speak on the main motion."

* The Hon. the PRESIDENT:—"In that case, it is probably better that the House first discusses and disposes of the motion for postponement."

* Rao Bahadur C. NATESA MUDALIYAR:—"Sir, I request my hon. Friend, Mr. Sami Venkatachalam Chetti, to withdraw his amendment. (Hear, hear.) The Hon. the Chief Minister anticipating the arguments of my hon. Friend has explained the position clearly and satisfactorily. In his anxiety to pass this Bill into an Act as early as possible and to satisfy the citizens of Madras, the Raja Saheb of Bobbili also requested Mr. Sami Venkatachalam Chetti to withdraw his motion. The Raja of Bobbili has, despite fierce opposition, dared many Bills in the Council and piloted them in this House which were afterwards found to be acceptable to those who opposed him and to the people of this Presidency generally. A monument of Raja Saheb's democratic ideals is the Estates Land Act. Everybody thought that, as an aristocrat, he would only support the aristocrats. But by his championship of that Bill he believed that belief and proved to the public that he is a democrat of democrats. (Laughter.) He outwitted the democrats. Sir, the Justice democrats, the Justice aristocrats and all voted for his Bill. (Laughter.) He has thus shown that he is a progressive democrat and his Estates Land Act is a monument of his democratic spirit. This must be a sufficient reason to induce the hon. Mover and Seconder of this motion to withdraw their amendment."

"Sir, it is true that there was a resolution passed at the Madras Corporation asking for more time to consider this measure. I have a great respect for that body. But I am sure that, if the members thereof had known the whole history of this Bill, they would have opposed that resolution. (Mr. Sami Venkatachalam Chetti: 'Did you not vote for it?') I voted against it. It was only the Kumararaja who voted for it. I criticized the Kumararaja for that and he said that he thought that,

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if he did not do so, he would have been defeated. (Laughter.) The fear of defeat compelled him to accept it. Afterwards we had a conference and we came to the conclusion that it is better that the Bill is introduced immediately. (Mr. Sami Venkatachalam Chetti: 'Sir, that is a misstatement of facts.') I am sorry the hon. Member doubts the veracity of my statement. (Mr. Sami Venkatachalam Chetti: 'I challenge the hon. Member to prove that his statement is correct.') (A voice: 'Did you not vote for it?') Mr. President, the hon. Member challenges my veracity. I challenge his statement."

* The Hon. the PRESIDENT:—"The hon. Member may continue his speech unmindful of these interruptions."

* Rao Bahadur C. NATESA MUDALIYAR:—"I hope the Kumararaja in his speech will vindicate me. (Mr. Abdul Hameed Khan: 'You neither voted for it nor against.') I did vote by raising my hand against it."

"Now, Sir, the Corporation has appointed a Committee to look into this Bill. The Mayor was convening meetings of the Committee every day. The Committee sits from 3 to 5 p.m. The Mayor was intending to arrange the Council meeting every day, so that the Committee's findings would be brought up before the Council sitting every day. This could have been done and the whole business would have been finished in time. But a resolution was moved and carried in the Corporation Council requesting the Government to give some more time for the consideration of the Bill. I believe that, if the members had been aware of the history of the Bill, they would not have passed the resolution which they did. The history of the Bill is this: When the Bill was on the anvil in March 1919, the late Dr. T. M. Nair, who was an Expert Member in the Legislative Council, addressing His Excellency said as follows: 'This Bill is neither a blessing to the people, nor is it an advance towards Self-Government. From the placative point of view, the Bill will be an absolute failure, while from the substantial point of view of reforming Local Self-Government, it does not carry you far.' This is what the late Dr. T. M. Nair said in reference to the Bill that was passed in 1919. The Bill had many lacunae and the Corporation found it difficult to bring it into practice. It did not give them all the power they wanted to put into practice and in some cases the courts awarded judgments which were not in consonance with the intentions of the Legislature. It was therefore thought that an amending Bill should be brought in. So many discussions were held and the Corporation appointed a Committee in 1925 presided over by the late Dr. Swaminathan to consider and report upon the way in which the Amending Bill should be drafted. The Committee submitted its report and it was sent to Government. In 1929, the Government themselves appointed a Committee which included my hon. Friend, the President of the Corporation, the ex-President, Mr. Sami Venkatachalam Chetti, Mr. Basheer Ahmed, Diwan Bahadur G. Narayanaswami Chettiyar, Diwan Bahadur A. Ramaswami Mudaliyar, Mr. Conran Smith, who was then Commissioner, Mr. Rutherford and Mr. James among others. This Committee, after many

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sittings, submitted its report to the Government. It is true this report was not available to the Corporation. But the suggestions of the Corporation Councillors and the views of this Committee have all been incorporated in the present Amending Bill. I have no doubt, therefore, that if the members of the Corporation had been aware of this fact, they would not have adopted the resolution asking for more time. I am sorry that the veteran Councillor, Mr. Powell was not informed of all these things. I am sure if he had known these things he would not have moved that resolution. As I was saying, the Government Committee made its report to the Government in 1930. After that, people waited and waited for four long years and then the public began to agitate and resolutions were passed in some Madras meeting blaming the Government for not bringing in a Bill. On one occasion perhaps even a month ago Mr. Satyamurti interpellated the Mayor regarding the reason for delaying the introduction of the Amending Bill. So, Sir, in view of the agitation for hurrying on this legislation and in view of the long delay already occasioned, the Hon. Minister took up the matter and introduced this Bill. And now there is this opposition.

"Sir, there is another reason why this Bill should not be delayed any longer. Last year it was thought that the life of the councillorship of the ten councillors who are to be elected every year into the Corporation Council would be extended, but that was not done and there was the election as usual every year for 10 divisional seats. Unless the Bill is passed early, before next June or July, there will have to be the usual election for 10 seats. The passing of the Bill into an Act early will avoid such a contingency of extending the life of the councillorship of ten councillors."

MR. SAMI VENKATACHALAM CHETTI:—"The usual election is going on."

* Rao Bahadur C. NATESA MUDALIYAR:—"I am speaking of the next year when there will have to be election in 10 divisions. I request the Raja of Bobbili therefore to see that this Bill is passed before July or August so that under this Act elections can be held for all divisions together."

"In these circumstances I request my hon. Friend, Mr. Sami Venkatachalam Chetti, to withdraw his motion and see that Madras gets an Act as early as possible. It is only in accordance with the desire of the citizens of Madras that the Hon. the Raja of Bobbili has brought in this Bill. It will remove the necessity for extending the life of the Councillors as it will enable elections to be held within a year. Therefore I once more request Mr. Sami Venkatachalam Chetti to withdraw his motion."

DIWAN BAHADUR B. MUNISWAMI NAYUDU:—"Sir, as one who is not a member of the Corporation of Madras, if I take part in this debate, it is only to make a suggestion to the Member in charge of the Bill. Sir,

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the Madras Corporation is the premier Municipality in this Presidency and the Hon. the Chief Minister's first act was to recognize its importance and raise its President to the position of a Mayor. I think he will follow up that act by realizing that the views of the Corporation, as that is the body concerned with this Bill, ought to be obtained before proceeding further with the measure. This amendment of Mr. Sami Venkatachalam Chetti aims at trying to secure for the Corporation a voice in shaping the provisions of this Bill. In the speech of the Hon. the Chief Minister, he appealed to the Members to help to put this Bill on the Statute Book as early as possible and stated that probably six months' time may be required for the purpose. He, however, had not a word to say that either the Corporation or its Committee was delaying the consideration of the subject and submission of its report. Standing as we 3 p.m. do now and also in view of what Mr. Sami Venkatachalam Chetti said, namely, that at the very first meeting of the Corporation after they had been asked to give their remarks they constituted a Committee and that the Committee had been sitting from day to day and that they had considered 140 out of the 240 clauses, it is only reasonable that the Hon. the Chief Minister, in whatever manner he tries to give effect to it, gives the Corporation some opportunity so that they may put forward their views before the Hon. the Minister and the Select Committee before the various clauses are considered. The Chief Minister said that the Select Committee might take months to consider the Bill. When does he expect the Select Committee, even if it is constituted now, to meet at the earliest? Would he ask the Select Committee to meet after giving the Corporation a reasonable opportunity of formulating its views on the various provisions, or would he say, 'Let the Select Committee go on with its work; it need not wait for the views of the Corporation.' If he is willing to give a reasonable opportunity to the Corporation to conclude its sitting and then send its views to the Select Committee so that the Select Committee might consider the various clauses in the light of the remarks of the Corporation, it will be something. I hope it will go a long way to meet the views of my hon. Friend who moved, in the interests of the Corporation, that their views must be considered. Particularly do I press for the adoption of this course, as I think that, barring four or five members of the Select Committee all the rest are citizens of Madras. The Select Committee is practically a Madras Committee consisting of citizens of Madras who are either members of the Corporation or are directly interested in the Corporation. If the Select Committee is to meet before the Corporation has had time to consider the Bill and send its views, these Members I have referred to just now will be in the peculiar position of having taken decisions in the Select Committee itself before they have had an opportunity of expressing their views in the Corporation meeting. I therefore think that it is absolutely essential and probably wise to allow these Members to have their first say in the Corporation, take their cue from the decisions of the Corporation before they make themselves parties to any decision in the Select Committee.

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"Sir, you will probably announce this evening that the next meeting of the Council will be held on the 22nd October, so that there will be more than two months before the next meeting. If my hon. Friend, Mr. Sami Venkatachalam Chetti's suggestion is accepted, it will mean that the constitution of the Select Committee would be put off by two months. But, if that suggestion is not to be accepted and the Committee is to be constituted at once, my suggestion is that the Select Committee may be asked to meet some time two months later, so that the Corporation may have reasonable opportunities of formulating its views and putting them before the Select Committee. I submit for the consideration of the Hon. Minister that, if he should insist on having the Select Committee constituted immediately, he would at least give two months time to the Committee before it meets, so that the Corporation may have a chance of offering its remarks on the various clauses."

Mr. T. S. RAMASWAMI AYYAR:—"If I rise to support this motion it is not with a view to support any dilatory motion, or to see that the Bill is put off. I am as anxious as any Member of this House to see that the City Municipal Act is amended. There has been great agitation in the City for the amendment of this Act. Great hardships have been felt in the working of the Act, especially with regard to the improvement of the conditions of life in the slum areas. It is a happy augury that the provisions relating to the eradication of slums and improvement of the conditions of life there have been copied from the Calcutta Act which has done a good deal to help the people living in those areas. Other changes also have been contemplated—changes suggested by the Corporation and changes suggested by the citizens from time to time. The Government have taken this opportunity to introduce sections which they think are necessary. It is not with regard to the general provisions of the Act I have any quarrel with the Government now, but the main question now, as has been pointed out by previous speakers, is this. At a meeting of the Corporation after discussion had taken place on the general principles of the Bill, it was proposed and seconded that the Corporation should appoint a Committee of its own to consider the Bill so that they might give their views to the Government. I therefore take it, as a City Councillor myself, that it is a mandate to such of the City Councillors who are Members of this House and who have been parties to the decision of the Corporation to support the motion now before the House. Those City Councillors have not only been parties, but also willing parties. That being the case, I do not very much appreciate the views expressed here regarding the correctness or otherwise of the resolution of the Corporation. I take it that it is a convention that the nature of the voting in public bodies should not be a matter for discussion in those bodies. It has often been the practice of this House, and I think it is almost a law, that the nature of the voting on a particular measure and the way in which particular people voted should not be a matter for comment, unless it be to show that a certain member is taking an inconsistent view. It is not fair, I submit, to go on discussing the

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details of the voting. I do not welcome the difference of opinion that has been expressed by some Members of the House regarding the nature of the voting. As has been pointed out, it was not as if the resolution before the Corporation was a contentious resolution so far as the Corporation was concerned. The City Council was as anxious as the Members present here and the Government themselves about the proposed changes. As has been pointed out by one of the previous speakers, it was at the instance of a member of the European group that this suggestion regarding the extension of time was accepted by the Corporation. There had been discussion as to whether the Bill should go forward as it was and whether a more comprehensive Bill was not necessary. It was then suggested that as this was the first time that a Bill was put forward before the City Council, they might ask for some time to consider the Bill. Meanwhile it was decided that the Committee of the City Corporation should meet and give its views. After that decision, the Committee has been meeting under the presidency of the Mayor almost from day to day and discussing the Bill. I therefore feel that it is certainly a bona fide request that the Corporation has made. It may be said that, after all the agitation that has taken place, it looks anomalous that the persons who agitated for speedy reform should now ask for time. The question is not that they have asked for time after having asked for the reforms; they have asked for time after the Bill has been published. It is not as if all that the Corporation wanted have been given, nor is it as if the Bill contains nothing but provisions which the Corporation do not like at all. There are provisions which are advantageous to the Corporation and there are also those which are not advantageous to the Corporation. Therefore it is necessary for the City Council to enquire into the question. After all, which is the body which is most affected by the Bill? The City Council. Unlike the local boards which are very many in number, the Corporation is one corporate body and many of the councillors are Members of the Legislative Council here. I think it will be a good gesture on the part of the Government to allow the Corporation to formulate and send its views. After all, they have been working hard at the Bill and it will be but fair that they should be given an opportunity to send their views on the Bill. At the same time it has been suggested that the Select Committee might be constituted and that, while they are considering the Bill, the opinion of the Corporation may be placed before them. But I submit that that is not the correct way of looking at the question. After all, what could the Select Committee do? They could not go beyond the points raised in the Bill since the Standing Orders completely debar them from going into questions which have not been placed before them. For example, if to-morrow the City Council says that other amendments are vitally necessary and that they should be incorporated in the Bill, I wonder whether the Select Committee will have the power to incorporate those provisions in the Bill even though they are willing to do it. I understand that the Hon. the Chief Minister is prepared to help us, but how could he help us in a case of this kind, unless it be by introducing another Bill? It may be he is anxious to help

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us, but he himself will not be able to help us except by bringing another amending Bill for which he would have to get the previous sanction of the Government of India if it happens to be, for instance, a taxation measure.

"Sir, I said that some of the provisions in the Bill would be advantageous to the Corporation and some not. Certainly there are certain points which are not at all favoured by the Corporation. It is the privilege of autonomous bodies to see that their autonomy is safeguarded. Only the other day during question time, it was elicited from the Hon. the Chief Minister that, in attempting to improve the efficiency of the administration of local bodies, encroachments were made on their autonomy. While I appreciate the anxious desire of the Hon. Minister to improve the efficiency of the administration of local bodies, I for one am unable to agree with him in thinking that, if efficiency has to be improved, we may even deprive the people of the autonomy which they are enjoying. After all, Sir, what does local self-government mean? Government by the people themselves. In the modern days of democracy, when we are anxious to give more and more privileges to the people, is it right to cut down the powers already possessed by the people? I asked people who are interested in the administration of local bodies whether they liked this new encroachment on their autonomy in order to improve the efficiency of the administration. I have found everywhere that they do not like this appointment of officers and more officers to local bodies whether they want them or not. After some time, these bodies will become like so many departments of Government instead of being autonomous bodies with power vested in them. I would like to ask with regard to some of the provisions which do not tend to increase the power of the Corporation whether the Corporation really deserves them. I certainly feel proud to belong to the City Corporation. It has done well in its administration and very many occasions have not arisen where it has had to be pulled up for inefficient administration. It may be that like other democratic bodies it may have committed a few errors here and there. After all, has not the Government itself committed many errors and gained by experience? Then why not let the City Corporation have its autonomy? I was amused to see a provision in the Bill to the effect that, if the names of public streets have to be changed, then the consent of the Government has to be obtained. Of course, it is *funny* to find people ask that the names of the streets be put in *one way or the other*. Anyhow it is too trifling a matter for the Government to interfere. It may be left to the City Council itself to make up its mind. Its decision may be right or may be wrong, but how is the Government sure that its decision will be right? After all for the Government to interfere in such a trivial matter is not a good thing. I am stating only one instance; there are other instances as well. As regards the constitution of the City Council itself, there has been difference of opinion. I do appreciate the anxiety of the Hon. the Chief Minister to place the City Corporation on a sound basis, but at the same time is he sure that the new changes that

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are to be introduced are going to be very beneficial? Sometimes I feel that the representation that is sought to be given to bodies and more and more bodies . . ."

* The Hon. the PRESIDENT:—"I wish the hon. Member confines his remarks to the amendment before the House. He need not now go into the merits of the Bill."

Mr. T. S. RAMASWAMI AYYAR:—"I was referring to these things only to show that it was not as if the Bill was a non-contentious one and as if it might go forward without the opinion of the Corporation. I therefore feel strongly that it would be a good gesture on the part of the Hon. the Chief Minister and the Legislative Council to give time to the City Corporation to discuss the Bill and give its views thereon. Not only that, the Corporation may be able to point out cases where amendments to other sections of the Act is vitally necessary. Then they could all be incorporated in this Bill instead of bringing forward one Bill in the August meeting, another Bill in the October meeting and still another in the February meeting. It is true we learn by experience, but it is better that all the experience we have had is given effect to all at once instead of in instalments. I therefore feel strongly that there is really a case for this Bill being put off till the next meeting of the Council. As I said at the outset it is not my desire that we should put any obstacle in the way of this Bill going through. I certainly welcome the Bill in so far as it goes; I also think that necessary amendments should be made in the Bill; some of the members of the City Corporation are Members of the Select Committee on the Bill and they will be able to willingly help the Government. It is not that I want to delay or stop the proceedings; at the same time I wish that the views of the City Council should be received and considered by the Select Committee and the House."

3-15
p.m.

Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, certainly it should be a matter for congratulation that the Hon. the Chief Minister ought to have achieved the great task of getting this Bill out of the archives of the Secretariat for our consideration. I should certainly say that he deserves the thanks of all of us. I find that those Members who have spoken in favour of the adjournment motion welcome this Bill; while doing so, their only objection is for the present it should not be considered and it should be delayed for a couple of months. The members of the Corporation belonging to the Justice Party have made their position very clear; I would like to say that, while we are anxious that the Corporation viewpoint should be taken into consideration before the Bill is finally passed by this Council, at the same time, time is a great factor; and the Members of the Opposition have asked questions of the Hon. the Chief Minister when this Bill would come up; they complained that this Bill is being delayed. In the Corporation Council also many Councillors have been interpellating the Mayor about the progress of the Bill. I certainly feel that the Bill should not be delayed further. At the same time I would point out that there will be no difficulty in getting the opinion of the

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Corporation Council. The present Mayor is very energetic; we have been having meetings practically every day; we intended to send the opinion of the Corporation before the last week of July; had the Mayor been allowed his way, that would have been done. Due to the opposition of some of the members, it was not possible. The Justice Party to which I belong and to which my hon. Friend, Dr. Natesa Mudaliyar, belongs, made it quite clear on our part that we are not for any further delay in the consideration of the Bill by the Corporation Council. We agreed with the Mayor when he said that the consideration of the Bill should be finished very soon and we said we would co-operate with the Mayor; we said that we were prepared to sit day in and day out and that the Bill should be considered by the Committee of the Corporation and by the Corporation simultaneously; that procedure was agreed to. If that had been done, the opinion of the Corporation would have been in the hands of the Members of the Council here.

"With regard to the controversy raised by Dr. Natesa Mudaliyar with regard to the voting of this party or of that party, however much I would like not to refer to a matter which took place in another place, I am afraid I have been dragged into it and I have to say what happened. I should certainly say that both Messrs. Sami Venkatachalam Chetti and Natesa Mudaliyar are correct. Mr. Sami Venkatachalam Chetti is technically correct as the resolution was passed without division. First, before the vote was taken, the members of the party to which I belong stated very clearly and expressly that they were for considering the Bill immediately and not for delay; no poll was demanded and the voting went off quietly. If a poll was demanded, I cannot say which way the result would have been. Therefore both of them are quite right. The doctor has made his position very clear and I do not think I have anything to add to it.

"I do not wish to say anything about the provisions of the Bill on this motion. But I can assure the House that the recommendations of the Corporation Council will certainly be available before the Select Committee meets. I am very glad that my hon. Friend, Mr. Muniswami Nayudu, put forward the argument that the Select Committee can meet after the recommendations of the Corporation Council are received. Supposing the Committee should meet somewhere in the month of September, I am sure that the views of the Corporation will be here before then. The Corporation Council have gone half way; it would not be difficult for them to send their views before the end of this month. In these circumstances I hope my hon. Friend, Mr. Sami Venkatachalam Chetti, will withdraw his motion."

The Hon. the RAJA OF BOBBILI:—"Sir, after hearing most of the speeches on this motion, I may be pardoned if I feel that some hon. Members who have criticised my speech did not really follow what I have stated. I did not make any accusation against the Corporation of any deliberate delay in sending their recommendations; nor did I describe

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the motion before the House as obstructive. I have made it as clear as possible that I do not wish to rush through this legislation and that the Select Committee is expected to take no less than six months to carefully scrutinize the measure and that the recommendations of the Corporation will be carefully considered both by the Select Committee and by the Government. I have also made the offer that all those recommendations which are commendable to the Government will be embodied in the form of a Bill. By that I did not mean to say that there will be a succession of amending Bills. What I meant was, long before the Select Committee consider these clauses, if there is any particular provision which we should include and which is not covered by this Bill, it will be possible for the Government to introduce a small Bill containing 2 or 3 clauses which can be considered by the same Select Committee and it can emerge out of the Council as a single Bill. I did not mean that it will be necessary to carry on any piecemeal legislation.

"In this connexion reference has been made to the unsatisfactory character of the Local Boards Amending Bill. I believe this remark was made by Mr. Ramaswami Ayyar. Any improvement that is necessary should be carried out when a number of local bodies are concerned and when difficulties are met with in the administration, in the actual working of these local bodies day after day. I do not think it can be a matter of genuine criticism if Government bring forward amending Bills from time to time to get over difficulties met in the administration of these local bodies.

"As regards the suggestion made by my hon. Friend, Mr. Muniswami Nayudu, I may state that I am in entire agreement with him that the Select Committee should have before it the recommendations of the Corporation before proceeding with the Bill. That is exactly what was in my mind, when I pointed out that there was no question of depriving the Corporation of the opportunity of expressing its opinion before the Select Committee met and before it is too late.

"Mr. Sami Venkatachalam Chetti made certain remarks apart from the question of the postponement of the present amending Bill. He stated that I did not have the courage to bring forward a consolidated measure. I must state that I am never afraid of himself or his friends. I shall take the House into my confidence and I shall say why the Government have not brought forward a consolidating measure. But before I do so I wish to point out that my friend who is an experienced legislator has not brought to the notice of this House a single case of improvement required to the present Bill which is beyond the scope of the present amending Bill. He has not made out any case how the present amending Bill is inadequate to meet the situation and why a repealing Act should be brought forward. Does he feel that the existing City Municipal Act has become so completely obsolete and unworkable that it should be scraped wholly? At least during my two years of administration, although it is conceded on all sides that a reform of this law is necessary, I do not think we have reached a stage when the present Act may be

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characterized as obsolete and entirely out of date. I always believe in improving the existing Act and I for one would have no glamour for another piece of new legislation or a repealing Act.

"As regards the main reason that is responsible for my bringing forward an amending Bill is, in the present scheme of federal finance which has been expounded at the present stage, if a new Act is to be introduced and if sanction of the Government of India is to be applied for, there is every risk that sanction to the profession tax and companies tax would not be forthcoming. I, being in charge of Local Self-Government, cannot take the risk of depriving the City Corporation of no less than Rs. 5 lakhs of revenue.

"As regards the other point mentioned, unless it is a question of sentiment, I do not see in what way the Government are disregarding the wishes and the recommendations of the Corporation; I have already stated that every facility will be given, every opportunity will be given to consider the recommendations of the Corporation. My hon. Friend, Mr. Sami Venkatachalam Chetti, stated 'that as the Chief Minister has said that six months would be required to complete the work of the Select Committee, that argument really strengthened his case for the adjournment motion before the House.' If I say that the work of the Select Committee would take six months, does it mean that we can begin the work five months afterwards and complete it within six months from to-day? The real effect of the suggestions of my hon. Friend would be that Government will have to wait for a month or two until the recommendations of the Corporation are received; then it will be a matter of keenly examining the recommendations in the Secretariat; then a new Bill will have to be drafted right from the beginning and again that Bill has to be sent to the Corporation for them to know how far their recommendations have been accepted by the Government; so that the whole matter will be going in a circle round and round and there will be no finality in the matter. Then we have to send the Bill to the Government of India for the previous sanction of His Excellency the Governor-General. All this might take a long period of time and it will not be possible for me to say when this legislation will become an accomplished fact. It is not the case that I wish to have the credit of piloting this measure before this Council. This business has been agitating the mind of the Government for the last ten years. Both of my previous predecessors have been associated with this measures in various degrees, and I felt, in deference to the wishes, expressed by several Members of this House, that I would be acting up to their wishes by expediting the disposal of the various points connected with this measure. Therefore I have brought forward this Bill. As far as I am concerned, I may make it clear that questions of prestige are not at all involved here; it is only a question of administration; and when I am convinced that by the procedure I have now outlined there will be every opportunity given to the Corporation to make their recommendations and that the best consideration will be given to those recommendations both by the Select Committee and by the Government, there will be no difficulty in

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adding such of those amendments as are acceptable to the Government. I do not think any advantage will be gained in further postponing the Bill. I hope, Sir, that what I have said will certainly convince all reasonable men."

Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, it is a serious handicap to persons in opposition that the persons in power carry with them the acceptance of a majority of Members in this Council and everything that is said by the persons in power appear to be reasonable and plausible. Well, Sir, in such a constitution as this, it will be sheer unwisdom to attempt to persuade persons who think that every opposition is unreasonable. The Hon. the Chief Minister has made up his mind to pilot this Bill through, whether the Corporation submits its representation or not, and there are ready at hand a galaxy of persons who would agree with him in whatever position he chooses to assume. If, by any transformation, the Hon. the Chief Minister is now prepared to say that 'there seems to be some force in what Mr. Sami Venkatachalam Chetti says; I would delay the motion', I have no doubt that my hon. Friend, Mr. C. Natesa Mudaliyar, will be the foremost to say that that will be the wisest thing, and that Mr. Sami Venkatachalam Chetti did the wiser thing."

Rao Bahadur C. NATESA MUDALIYAR:—"I am extremely sorry, Sir; he is uttering a falsehood."

* The Hon. the PRESIDENT:—"The hon. Member may withdraw that word."

Rao Bahadur C. NATESA MUDALIYAR:—"I will withdraw the word 'falsehood' because it is unparliamentary. But please give me some other word which is parliamentary in its place." (Laughter.)

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I do not want again to waste the time of the Council by trying to teach good manners to persons who cannot claim it. Apart from that, Sir, the only point which the Hon. the Chief Minister has made against my motion is that there is the chance of this Bill not being sanctioned by the Government of India if it should be a comprehensive measure instead of only an amending measure as now. That is no doubt a very good hoax, not an argument. I am willing to concede so far, even though I do not know what exactly the nature of the objections of the Government of India could be for allowing this Bill to go through as a consolidating measure. The Hon. the Raja of Bobbili is really afraid that the Government of India will stand against the provisions of the Bill in respect of the profession-tax and the companies tax; but I may say this, that he has got to grapple with that situation at any time. Is it not a question merely, that the Provincial Government should not ask for the sanction of the Government of India, as in this case? If really the Government of India wanted to do so, they could ask the Provincial Governments to amend the law in order to conform to their requirements. Since they have not done so, I have got to examine that position much more critically than what the Hon. the Chief Minister expects me to do just at present. But at any rate, Sir,

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that argument itself cannot be an impediment to his listening to the representation of the Council of the Corporation. Whatever might be said by the Hon. the Chief Minister, he has not met another point, viz., that the Select Committee will be debarred from considering any suggestion in respect of sections which cannot be included in this amending Bill. The Hon. the Chief Minister turned round and said: 'Mr. Sami Venkatachalam Chetti did not mention in what respects this Bill could be improved.' I thought, Sir, the Chief Minister is too much of a parliamentarian to think that I omitted to do so as a matter of weakness. I reserved those things to a later occasion. We were confined then to the question of the adjournment motion. Certainly I should have violated the rules of procedure if I referred to the merits of the Bill. I shall not however disappoint the Hon. the Chief Minister; I shall certainly tell him on a suitable occasion what the omissions are in this Bill.

"My hon. Friend, Mr. Muniswami Nayudu, has also fallen into the trap which the Hon. the Chief Minister has laid—that the Select Committee might consider all these things. I have been repeatedly saying here that the Select Committee cannot do so. Because, there was a provision before the rules were amended recently, that the Council could give instructions to the Select Committee to touch upon subjects which have not been touched by the amending Bill, which might form 'instructions from the Council to the Select Committee.' Even that provision has been taken away by the recent amendments. So, it will be wrong on the part of the Select Committee to consider any question beyond what is contained in the Bill. I have stated my case, Sir, and I leave it to the good sense of the House either to accept my amendment or to reject it."

* The Hon. the PRESIDENT:—"I shall put the amendment to the vote of the House. The question is:—

'that the consideration of this motion to refer the Bill to a Select Committee be adjourned to the next meeting of the Legislative Council in order to give the Corporation of Madras and the public sufficient time to submit their recommendations, so that such recommendations, if necessary, may be incorporated.'"

The amendment was declared lost. Mr. Abdul Hameed Khan demanded a poll and the House divided thus:—

Ayes.

- | | |
|---------------------------------|-----------------------------------|
| 1 Mr. T. C. Srinivasa Ayyangar. | 8 Mr. Abdul Hameed Khan. |
| 2 " Sami Venkatachalam Chetti. | 9 " Basheer Ahmed Sayeed. |
| 3 " T. S. Ramaswami Ayyar. | 10 " U. C. Subrahmanya Bhatt. |
| 4 " V. T. Arasu. | 11 " K. A. Nachiyappa Gounder. |
| 5 " A. B. Shetty. | 12 " K. S. Sivasubrahmanya Ayyar. |
| 6 Khan Bahadur P. Khalif-ul-lah | 13 " P. Peddiraju. |
| Sahib Bahadur. | 14 " Ahmed Miran Sahib. |
| 7 Mr. B. Pocker Sahib. | 15 Rai Sahib C. Kolanda Reddi. |

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Noes.

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| 1 The Hon. Sir Archibald Campbell. | 39 Mr. K. M. Duraiswami Reddiyar. |
| 2 " Sir Hopetoun Stokes. | 40 " Daniel Thomas. |
| 3 " Sir K. V. Reddi. | 41 Swami A. S. Sahajanandam. |
| 4 " Mr. G. T. H. Bracken. | 42 Mr. H. M. Jagannatham. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 43 Rao Bahadur D. Krishnamurti. |
| 6 " Mr. P. T. Rajan. | 44 Rao Bahadur P. Subrahmanya Chetti. |
| 7 " the Raja of Bobbili. | 45 Rao Sahib C. Jayaram Nayudu. |
| 8 Rao Bahadur G. Jagannatha Raju. | 46 Rao Sahib D. V. Narasimhaswami. |
| 9 Mrs. K. Alamelumangathayaramma. | 47 Rao Sahib Pandit Ganala Ramamurti. |
| 10 Diwan Bahadur V. N. Viswanatha Rao. | 48 Mr. A. Harischandrudu. |
| 11 Mr. J. A. Thorne. | 49 " K. Kesavaramamurti. |
| 12 " C. E. Jones. | 50 " A. Ramakrishna Reddi. |
| 13 " R. Madanagopala Nayudu. | 51 Diwan Bahadur B. Muniswami Nayudu. |
| 14 " S. G. Sengodaiyan. | 52 Mr. K. P. Raman Menon. |
| 15 " T. Sundara Rao Nayudu. | 53 Diwan Bahadur C. S. Ratnasabhapati Mudaliyar. |
| 16 " M. D. T. Ranganatha Mudaliyar. | 54 Mr. M. S. Sreshta. |
| 17 " V. M. Ramaswami Mudaliyar. | 55 " P. V. Krishnayya Choudari. |
| 18 " T. Narasa Reddi. | 56 Sriman M. G. Patnaik Mahasayo. |
| 19 " G. Ranganatha Mudaliyar. | 57 Diwan Bahadur M. Gopalaswami Mudaliyar. |
| 20 " M. Devadasan. | 58 The Zamindar of Chemudu. |
| 21 Rao Sahib N. Siva Raj. | 59 Mr. J. Kuppuswami Choudari. |
| 22 Subadar-Major S. A. Nanjappa Bahadur. | 60 " C. Indrayya. |
| 23 Rao Bahadur R. Srinivasan. | 61 " K. Pattabhiramayya. |
| 24 Rao Sahib V. I. Muniswami Pillai. | 62 " P. Madhusoodhanan Thangal. |
| 25 Mr. G. Sriramulu. | 63 " C. R. Parthasarathi Ayyangar. |
| 26 " P. V. Rajagopala Pillai. | 64 Rao Bahadur Sir A. P. Patro. |
| 27 Diwan Bahadur A. Appadurai Pillai. | 65 Rao Bahadur C. Natesa Mudaliyar. |
| 28 Mr. W. P. A. Soundara Pandiyan. | 66 Mr. M. B. Rangaswami Reddi. |
| 29 " P. Bayappa Reddi. | 67 Diwan Bahadur S. Ellappa Chetti-
yar. |
| 30 " K. Ramachandra Padayachi. | 68 Mr. C. Basu Dev. |
| 31 " G. Lakshmana Reddi. | 69 " R. M. Palat. |
| 32 Rao Sahib V. Dharmalingam Pillai. | 70 " J. K. Metherell. |
| 33 Mr. Javad Hussain Sahib. | 71 Lieut.-Col. C. H. Brock. |
| 34 The Kumararaja of Venkatagiri. | 72 Mr. W. W. Ladden. |
| 35 The Zamindar of Mirzapuram. | 73 " R. Foulkes. |
| 36 Mr. I. C. Iswaran Pillai. | 74 " G. Simbachalam. |
| 37 " M. A. Muthiah Chettiyar. | |
| 38 Mr. A. V. Bhanaji Rao. | |

Ayes: 15. Noes: 74. The motion was lost.

* The Hon. the PRESIDENT:—"The original motion is for the discussion of the House."

* Mr. BASHEER AHMED SAYEED:—"Mr. President, Sir, it is true that the Bill has come before the Council after a very long history of its own. It has taken nearly ten years for the Bill to be placed before the Council for introduction and reference to a Select Committee. Sir, from time to time various aspects of the present legislation were brought to the notice of the Government by the Corporation and hon. Members of this House also have been insisting on an early Bill. It is no doubt a matter for gratification that after all the Bill has seen the light of day; but it is not that aspect alone that ought to satisfy the City Corporation or the Members of this House. The contents and the effect of the amendments and the changes that the Bill seeks to make

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are also important points for consideration by the House. I must at the outset state, Sir, that many of the changes that are sought to be made by this Bill are not to the satisfaction of several members of the Corporation or of this House. It will not be possible, on this occasion, to go into all the details in which the Bill has fallen short of expectations. But I must confine myself only to the general points which are important on an occasion like this, while I am speaking on the motion for reference to the Select Committee.

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"Taking first the constitution that is now to be brought into existence under the amending Bill, I must at once say that several other interests which deserve representation on the Corporation have still been omitted from consideration. I refer to one important association which has been clamouring for representation on the Corporation but whose claims have not been considered in the amending Bill. I refer to the Grain Merchants' Association of Madras. The Piecegoods Merchants' Association has been given a representative. The Nagarathars community has been given a representative. But an important merchants' association like the Grain Merchants' Association which I consider is as important if not more, as that association which deals with the clothing problem of the population, has not attracted the notice of the Government in this amending Bill. For the last five or six years or even more, the Grain Merchants' Association has been agitating, and the Government has been replying that their representation would be considered when the amending Bill is taken up for consideration. Now we find, Sir, that the Grain Merchants' Association has been wholly omitted from the new constitution and the new representation that is sought to be bestowed on various other institutions in the City of Madras has lost sight of this association.

"Again, Sir, there is another aspect. The Madras Port Trust has had a representative on the City Council for some years past, but the Government has failed to notice that there has been no representative of the Corporation on the Port Trust. There is no reciprocity whatever between the Port Trust and the Corporation. And it is right that the City Council should not have any representation for the Port Trust and as long as it sends no representative from the Corporation. The Port Trust Act requires early amendment.

"Again, Sir, with regard to the Railways, it is only one of the Railway Companies, the Madras and Southern Mahratta Railway Company that gives representation to the Corporation in that and the Corporation sends a member to the Advisory Board of the Madras and Southern Mahratta Railway. But in the amending Bill the South Indian Railway Company and the Madras and Southern Mahratta Railway Company have been clubbed together and a representative has been given to these two companies. But the South Indian Railway Company and the Madras Corporation have had no reciprocity between them. On the other hand, the South Indian Railway Company has been always with the aid of the Government riding roughshod on the Corporation.

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and so also, on occasions, the Madras and Southern Mahratta Railway Company. I would say, Sir, that in the amending Bill they should not have included the South Indian Railway Company unless and until it was prepared to give representation to the Corporation in matters relating to the administration of the South Indian Railway.

"With regard to the franchise, Sir, I find that the franchise is no doubt proposed to be enlarged, but the way in which it is sought to be enforced or sought to be administered for practical purposes does not seem to be sound from a legislative point of view. I would urge that the question of franchise should be made part of the main Act and not part of the schedule or rules. I say that because of the intention and the object with which it is included therein. It is stated that the proposed franchise is not final, and that it is subject to some alterations. We do not know what exactly is the implication and the significance of that suggestion. Is the alteration to be by the Legislative Council or by the Madras Corporation or by the Government? This is not made clear. I would say that any franchise that is now given or bestowed upon the voters in the City must be on a permanent basis and that franchise ought to be much wider if possible than the franchise proposed by the Lothian Committee for the Assembly elections. There has been agitation for adult franchise in so far as the Legislative Council and the Legislative Assembly are concerned. Far from giving adult franchise, the Lothian Committee recommended a very restricted form of franchise. But I do not see why adult franchise should not be tried in the case of a City Corporation like the Madras Corporation. It will be admitted that in the case of the District Municipalities the franchise has been widened much more than what it was some years ago, but that was in relation to mufassal areas where conditions are far different from those that obtained in the City of Madras. Although the Simon Commission was inclined to give adult franchise in certain areas, they have stated that on account of practical administrative difficulties it was not possible to have adult franchise. That was the main contention on which the Simon Commission ruled out the possibility of adult franchise. But so far as the City of Madras is concerned, I do not think that any such argument would hold water. In the City of Madras it ought to be quite feasible that adult franchise should be given and worked out. There can be no administrative difficulties whatever in regard to adult franchise being introduced and worked in the City of Madras.

"Then, Sir, with regard to reservation, I want to make a few observations. It is sought by redivision of the existing council areas to secure representation to minority communities. I should say that this idea will not be a practical one. If there is going to be any adequate safeguards for minorities, they must be based on sound and accepted principles. We are working the Legislative Councils and the Assembly on certain principles and a certain accepted and acknowledged basis. In the Provincial Council, for the Presidency of Madras we have got minorities enjoying some weightage and I do not think that there has been any great grievance on that score so far.

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as the representation of minorities is concerned. That principle of minority representation with weightage ought to be extended to a City Corporation like that of Madras. The idea of securing adequate representation of minority communities, whether they be Muslims, Adi-Dravidas or Christians, by reallocating the divisions is, I say, impracticable and will not succeed. From the Muslim point of view as also from the point of view of other minorities, it is eminently desirable, and it is to the interests of these minorities as well as to the interests of the majorities, that their proportions should be adequately represented. Their adequate proportions should be stated and provided for under the Act in clear terms. The Muslim community will not demand more than 15 per cent of the seats that are allotted to the Corporation of Madras. The Muslim community and other minorities should either have the representation that they are enjoying in the Legislative Council, or there should be no reservation at all. There is no means of securing it by these so-called methods which after all will not result in getting any representation of the minorities recognized. I say that one of the two positions must be taken up. The minorities must get their share in the Corporation Council, or let there be no reservation for them and let things continue as they are to-day. If Muslims are financially, educationally and economically well off, they will secure what they deserve. But, they will not be able to do it. If not, this sort of half-hearted measures like attempting to secure for them adequate representation by means of a redivision of the areas is not sound. It is not practicable. It will jeopardise the interests of the minorities. Then again, Sir, the idea of reservation of certain seats in certain areas or the very idea of having such areas set apart are likely to elect a certain type of people belonging to a certain community is a pernicious one. The moment reservation is made for the community without due proportion to their strength or without weightage or if it is stated that certain divisions are likely to elect certain members of a certain community, a kind of poisonous mentality is created; that mentality always works to the serious detriment of the minority communities. If it is stated, for example, that the area in Nungambakam will elect an Adi-Dravida, I am sure the Adi-Dravida community in no other area will elect any other Adi-Dravida, however competent or however fit he may be. Similarly, in the case of Muslims, if any area is stated to be intended for returning a Muslim, that area alone will send up a candidate and no other area will send up another Muslim candidate. I have experience of this in the District Municipalities. I have always been thinking that the idea of this reservation has created a very serious kind of poisonous mentality so far as the interests of the Muslims are concerned. I do not want any such reservation of seats, nor do I want that there should be any separate areas and segregation for the Muslims. Either there is representation on the weightage basis, or there is no representation at all and all people are allowed to contest on their own merits and according to their own conditions, and secure seats or otherwise find their level.

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" On the question of representation to the University, I am against the omission of representation to this body. The University has on its Senate four members elected by the Corporation of Madras and the University has been sending but one representative to the Council of the Corporation. There has been reciprocity and the City Corporation has had this privilege, i.e., to be on the Senate of the Madras University. I do not see why the University has been deprived of this representation on the City Council. The University is an integral part of the City and the Corporation is a self-governing unit. There are several interests which require mutual adjustment and there has been good reciprocity between the University and the Madras Corporation. There have been no reasons given in this note of the Government for having made the University disappear. I am sure the representative of the University will fight the case of the University. I want only to mention that there has been no justifiable cause for omitting the representation to the University on the Corporation Council.

" It is a good idea that the Madras Trades Association and the European Association have been clubbed together. It will probably facilitate election for them and also sending up at a time a large number of representatives and to fill the vacancies more easily whenever vacancies occur among themselves.

" The amending Bill provides for the taking of oath or affirmation of allegiance to the Crown by councillors and aldermen. I do not see what necessity there is for this new provision. It is true that this provision has been included in the District Municipalities and Local Boards Acts, but when the present City Municipal Act was originally conceived and enacted, there was no such provision therein. And I do not see why this has been included in this Bill. Is it with a view to reduce the Corporation to a level with the district municipalities or is it with any other purpose? The purpose is not given in the notes explaining the various clauses, nor in the Statement of Objects and Reasons is it clearly stated why the oath of allegiance is required. Even without the oath every one who serves in the Corporation or any similar institution is bound to loyally carry out his duties. The mere introduction of an oath of allegiance does not make one more loyal than one would otherwise be, nor does the oath prevent members from being disloyal if his convictions are that way. What I say is that this is an unnecessary inclusion in the amending Bill and there is no justification for this. This will give rise to a lot of controversy and may not be conducive to a harmonious working of the Act. Sentiment apart, I am opposed to it because it tends to reduce the City Council to the level of district municipalities where conditions are far different from those that are obtaining in the Presidency town.

" The amending Bill provides for a joint conference between the City Corporation and the adjacent local bodies for purposes in which they are jointly interested. We have had no occasions of this kind and

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the Government have made no case for the introduction of this new clause. We have not had much dealing with the Chingleput District Board or the Municipality of Saidapet which are next to the City. I do not see what is the need for such a provision in the City Municipal Act. Circumstances hitherto obtaining and the cases so far that have occurred have not given rise to any such necessity.

“ With regard to finance I must say that the whole attempt seems to be to take away what little fiscal autonomy there is at present for the City Council. The City Council is sought to be reduced to the position of district municipalities where it has been stated that mismanagement, misappropriation, and maladministration are the order of the day. I cannot say how far the Government are right in that view. There might have been two or three cases of maladministration and mismanagement, but that does not justify a general charge being levelled against the district municipalities and on that ground affect the position of the City Corporation. The City Corporation has at no time done anything to justify any such interference. The autonomy of the Corporation, as it is, is not very much. But if inroads are going to be made into it, it will create a serious position. The City Council should be fiscally autonomous. Instead of that Government have now suggested to impose other restrictions on the powers of the Corporation to levy tax and to adjust their own budget, or to reduce tax, or duties and so on. It is stated that it is proposed to minimise undesirable juggling with taxation for election purposes. The statement is very unwarranted. There was no juggling for election purposes. There was a genuine necessity felt to reduce taxation and then the Council by a majority passed that the then existing rate should be reduced to a lower rate. That was a single solitary instance and that occasion alone does not justify the amendment proposed. By that reduction the ratepayers were relieved to a large extent and subsequently when necessity arose the Corporation raised the rate of taxation. Power to tax should always be vested in the Corporation as an autonomous body in itself. Instead of amending the Bill and giving greater power in a matter concerning home affairs, the Government seek to superimpose restrictions. That is derogatory to the position of the Corporation and also against the best interests of the civic government of the City.

“ Again, Sir, the provision of appeals to the committees seems to have been taken away by the amending Bill. The question of appeals to the Standing Committee has been considered to be a very healthy one by several of the councillors and the public. No doubt the Committee appointed by Government in 1929 by a majority passed that appeals against taxation should go straight to the Court of Small Causes. But I venture to think, Sir, that such a provision will impose a serious hardship against poor assesses. It is not in every case that he can engage an advocate and go to the Small Causes Court paying two annas in the rupee for instituting the case and perhaps to get an adverse decision. It will be very rare that people who are affected will really take to this course of action. It will impose a serious restriction on the

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forum that is now available to them. Now a Committee sits on the appeals and decides the cases in which anybody is aggrieved and a large number of people are still aggrieved. But the cases now going to the Small Causes Court have been very few and far between and if this is going to be made the ordinary rule, viz., that every man who is not agreeable to the decision of the Commissioner should proceed to the Small Causes Court it will entail great hardship and in these days of economic depression it will entail lot of inconvenience and expenses to the assessee. This provision requires careful consideration and revision, if necessary.

“ Sir, the Government amending Bill has proceeded further and has sought to limit the maximum and the minimum rate at which the tax should be levied. I say this is an instance of taking away the little power that is vested in the Corporation. Instead of the policy being one of more and more devolution and decentralization, Government is actually thinking of further and further centralization. This is not in keeping with the spirit of Local Self-Government in this Presidency or in this country as a whole. Instead of devolving on the local and municipal bodies particularly upon the City Corporation greater and greater rights and greater and greater powers, the Ministry in power having had some little experience in the affairs of the mufassal municipalities are drawing general conclusions and are trying to apply them to the City of Madras. The City Council has conducted its affairs in a most exemplary fashion and there has been no case for any uncalled for interference by Government. I would therefore say that this question of Government superimposing itself upon the autonomy of the Corporation on the basis of the limited experience that they have gained is wholly unwarranted. This clause requires very deep consideration at the hands of the Select Committee.

“ There is one other question, Sir, which I would like to refer to before I am done. It is the question of the metering of the Houses. This question has been engaging the attention of the Corporation from year to year and its Standing Committees from day to day. It is not an easy problem for the Corporation of Madras or to this House. The clamour has been that we should get more and more water for each house. Instead of that, Government having done nothing to supply greater quantity of water to the citizens of Madras whose population has grown to more than 6½ lakhs are now trying to restrict the supply of water to the ratepayers. It is true that the Corporation ought to get some income out of the water that it supplies to the ratepayers. But is it the case that every consumer is able to pay the meter rent and a rate for the consumption of water that is necessary for his ordinary daily needs? Can every house be metered even though the Government are prepared to give a loan of 3 or 4 crores of rupees? Is it possible, and is it desirable, to meter every house? There are a number of houses in which the number of people who live ranges between 10 to 20. In such cases the house may be paying very small assessment. Should the inmates deny to themselves the necessary quantity of water? Then all kinds of

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difficulties and insanitary situations will arise. What the Corporation will be getting by way of meter rents it will have to spend for sanitary arrangements and other safeguards against the breaking out of diseases and epidemics. I therefore suggest that this is a question which ought to be gone into with great care and caution. It is not an easy question that every house should be metered. People will have to be put to serious difficulties whatever may be the profit. On the other hand, Government would do well to support the Corporation plans to acquire the ayacut of the red hills lake and then convert the wet ayacut into dry lands paying compensation to the owners and thus increase the water available for the City consumption. Instead of doing that, making the houses pay rent for the meters and water-rate irrespective of the assessment that is paid and the number of people living will not be a proper or sound policy, nor will it be in the interests of the rate-payers.

"Sir, with regard to the budget of expenditure of municipal funds, that the Government has gone too far and interfered too much with the autonomy of the Corporation. The whole Act seems to take it for granted that there should be larger and larger power vested in the Government and that the Corporation should be merely a department of Government. If that is the idea, then we should be glad to hear from the Minister and those responsible in that party that the Corporation is sought to be made into a department of the Government that it is not going to be autonomous and not going to be self-governing or even an independent institution. Let it be converted into a department and the municipality of the City be wiped out; surely all these things Government can have and do as they like. But to call it a big Corporation with 60 councillors and at the same time to require previous sanction at every stage, not only previous sanction but even post sanction is really not the way in which municipal Government can be advanced in this country.

"I submit that this Bill has omitted several other necessary amendments that ought to have been incorporated into it. For instance, the question of beggars in the city whose numbers are increasing has not been tackled. It should have been possible for the Government to make provision for the tackling of the question of beggars. That problem is facing us very seriously. The Corporation has already got a Poor House and there should be some facility for the Corporation to commit all the poor and indigent beggars in the City who have become a nuisance to the City and to the ratepayers. It has not been done. There are many other directions requiring immediate attention such as heavy traffic where human energy is wasted and life is cut short. The Municipality has brought to the notice of the Government that some legislation was necessary. Heavy carts are being dragged by two or three people such as cannot be dragged by 20 or 30 horse-power engines. Such a thing is appalling. There should be some provisions to put an end to this. There are no doubt provisions with regard to the slum area. They are quite welcome. But I submit they have not gone far enough. It was quite possible for the Government to have gone further

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than the Calcutta Municipal Act. The question of middle class overcrowding of houses should have been considered and dealt with by the Government in the amending Bill. That has not been done. I therefore say, Sir, that considering all these aspects, the Bill has not come up to expectations. On the question of the appointment of the officers of the Corporation particularly the Commissioner, Government has not given any heed to the proposal of the Committee which was appointed by the Government itself. That recommendation was more or less unanimous and the Government have not even explained why that recommendation was not accepted. I therefore say, if the Bill is going to be referred to the Select Committee, it will take into consideration all these aspects and then modify the Bill suitably."

* The Hon. the PRESIDENT:—"It is the general wish of Hon. Members to have the motion put to vote at 4-45 and as such there will be chance for very few hon. Members to speak. The few hon. Members who speak will do well to be brief to enable as many hon. Members to speak as possible." 4-15 p.m.

Mr. SAMI VENKATACHALAM CHETTI:—"I shall not occupy more than five minutes, Sir. I shall not on the present occasion deal with such of the provisions which have been proposed to be amended such as financial provisions, tax on advertisements, compulsory metering, standing committee appeals, improvement of slums, enlargement of franchise and all such things which can be tackled in the Select Committee. I shall only confine myself to the more important points of omission which the Hon. the Chief Minister has committed in this matter. Sir, I am afraid this is a very unsatisfactory measure. It very rarely falls to the lot of any Ministry to tackle a problem like the one which is under consideration. Fourteen years ago, the City Municipal Act was passed, and it was in the pre-reformed Government. For the first time under the reformed Government, this Ministry has the opportunity to improve or to introduce more reactionary measures in the city government. I expected, Sir, that the Justice Party which at any rate proclaims to be a democratic party would have introduced a scheme of city municipal administration making some improvement in the city government. Sir, it is often quoted in this House and outside that in the appointments of commissioners in the municipalities they were following the example of western institutions. I wish, Sir, the model of western institutions has been fully copied not only in the district municipalities but also in the city government. I expected this Ministry to treat this more or less as a crucial test of their popularity not only in the Presidency but also in this city. I think, Sir, whether the Hon. the Raja of Bobbili is afraid of me and my friends or not, he has got to be afraid of the general public which is keenly watching the progress of this department. The time is coming very near when the Raja of Bobbili that he is not its merits. This statement from the Raja of Bobbili that he is not afraid of me or my friends, coming from him as it does, is undignified, and is akin to something which the Raja of Panagal once said. I do not

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know if that gave the cue to the Raaj of Bobbili. The most significant test of the Justice Ministry will be the handling of the City Municipal Act. It is no doubt true that we want a measure to reform the city administration. But I challenge any person who is acquainted with the matter to tell me in what particular respect there has been a genuine and sustained attempt to improve the administration of the city. If it is intended to reform the city government, it must be such as to fix the responsibility on the Council and also to make that body quite autonomous. That must be the direction which improvement of Local Self-Government should take place. I challenge the Hon. Chief Minister to say in what aspect the Government intend to make the city government responsible to the elected Council; on the other hand there have been many attempts made to restrict the privileges of the Council. When we come to brass-tacks and deal with each of the questions, even those who are now enthusiastic and zealous to support the Chief Minister will see the attempt at maintaining his present powers unimpaired and also to add to them. One great difficulty which we have been feeling in the administration of the City Municipal Act is this, that the responsibility for the proper administration does not lie upon any particular person or authority. There are three authorities charged with the administration of the city government, namely, the Council, the Standing Committees and the Commissioner. Their duties are such that very often they conflict with each other. There is every loophole for each of these authorities denying their responsibility. So far as the Commissioner's powers are concerned, his power in regard to the staff is circumscribed to getting work from the staff and taking disciplinary action. With regard to the emoluments and appointment of the staff, the power rests with the Council. Then again the Commissioner has got power to issue licences and the Standing Committee to revise them. There is no authority by which we can say which of them shall prevail over the other. This kind of irresponsibility is leading to maladministration of the Corporation. At present, the civic administration is the result of the conflict of powers between the Commissioner and the President or Mayor of the Corporation. Though the Government deals with the Mayor as the Chief of the Corporation and he is said to be responsible for the actual working of the Corporation, he has been reduced to a figurehead. He is only to preside over the meetings of the Council and dispose of the business placed before it. His powers are very much less than those of the Commissioner and the Chairmen of mufassal municipalities. I do not think even the Chairmen of municipalities would like such a thing to continue in the Madras Corporation. The administration of the Corporation must be a model for all self-governing institutions in the Presidency. If the non-official public is to take part in the administration of local self-government institutions, every improvement should be in the direction of liberalizing the administration rather than circumscribing the powers of the Council. It is a pity that the Hon. the Chief Minister did not tackle this problem. Apart from tackling the problem, I am afraid there is some show of

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enlargement of the number of divisions and also of bodies which have got to return members to the Council. I am afraid in the actual working of it the new Council will be more conservative than the Council we have at present. The proposed constitution is more or less akin to the White Paper scheme. As in the case of the White Paper scheme, there is some show of reform but in the actual working of it all the power is centralized. The present ratio of elected members to nominated members is 40 to 10; nine members are nominated by the Government, a few others are sent up by institutions and thirty are elected. Is that ratio maintained with regard to the new constitution? The divisions are no doubt increased from 30 to 40. There has been a large increase in the representation of institutions. The representatives of these institutions are always conservative; they do not help the popular cause; they are always swayed by considerations of their associations and groups. It is very desirable that the ratio of the elected majority should be further increased than what it is now. Even among institutions, certain institutions are given representation and certain others have not been given. There must be a principle followed with regard to the representation of these institutions. There is no principle in showing consideration to one and rejecting the claims of another. As I said, I do not want to deal with matters which come within the ambit of discussion in the Select Committee.

"One other thing I may say, and that is a very important thing. The Hon. Minister has increased the number of standing committees. I agree that a public accounts committee is quite necessary. That is a very desirable innovation. But when provision is made for a public accounts committee, there is no provision with regard to the powers of that committee. The amendment which deals with the financial provision is untouchable, and the Select Committee cannot touch it. If the Hon. Minister realizes that a standing committee on public accounts should function efficiently, he must also give powers to that committee, in order to ensure proper administration of budget grants. I do not know if the Hon. Minister is going to do it by a short amending Bill as he calls it.

"I have only touched upon a few of the salient points in which the Hon. Minister must liberalize the administration. As I said, he need not be afraid of me or my friends, but he must be afraid of our common master, that is the public and the electorate."

Rao Bahadur C. NATESA MUDALIYAR:—"I am sorry, Mr. Sami Venkatachalam Chetti is going away, Sir."

MR. SAMI VENKATACHALAM CHETTI:—"Sir, I am going away to attend the Appeals Standing Committee of the Corporation."

* Rao Bahadur C. NATESA MUDALIYAR:—"Mr. Sami Venkatachalam thinks that he knows everything and nobody else knows anything. When he refers to the Raja of Panagal or the Raja of Bobbili, he is getting unnecessarily excited. He says one who gives must be

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prepared to take. He says that I should learn manners. Let him have control over his tongue. I want to be excused for saying so, Sir. Even the most dreaded snake, if it does not bite, will be beaten to death. So, although I am not willing to bite I should at least be hissing to show that I too can bite. That is what I want to do. (Laughter.) Otherwise, I have great regard for Mr. Sami Venkatachalam Chetti as I have for my friend, Mr. Hameed Khan, both of whom attacked me a few minutes ago.

"Coming to the amending Bill, Mr. Sami Venkatachalam Chetti says it is no improvement on the present Act. My opinion is this. If more things are wanted they can be dealt with in the Select Committee stage, and Mr. Sami Venkatachalam Chetti himself will be there. Now, there are thirty divisional councillors, nine nominated councillors and eleven institutional councillors; the nine nominated councillors in the present Act will become elected councillors. Now, the thirty-nine councillors will all become elected councillors. There are eleven institutional councillors. In the present Bill, institutional councillors are to be increased to fifteen. I want one seat for the University and one for women. These institutional councillors will be seventeen. The seats for the divisional councillors are to be proportionately increased. We should have sixty-two elected councillors and seventeen institutional councillors. Then, as regards aldermen, if outside people without having any knowledge of the Corporation are to be elected, they would be a drag upon the Corporation deliberations. What I propose is that those people who have experience of the Corporation but who on account of age or on account of incapacity to struggle through an election do not stand for election should be co-opted as aldermen. I would like very much that they should be very experienced people in the Corporation affairs. Again, some of the elected seats should be reserved for minorities. Mr. Basheer Ahmed said that he does not want reservation for Muslims. The majority of Muslims still want reservation, I know. So some seats should be reserved for Muslims. Then, the Depressed Classes should have some reserved seats; so also Indian Christians as very rarely Indian Christians come through the general election. There should be reservation also for labourers. There is a complaint that we are neglecting labour. All these people should have reservations of seats in the sixty-two elected seats. Women also should be given a seat. Such institutions like the Women's Indian Association might be thought of. I do not want to take up more time, Sir. Is not this constitution, I ask my hon. Friend, Mr. Sami Venkatachalam Chetti, an improvement on the present constitution?

4-30
p.m.

"But let me go to the electors. Everybody who pays a tax to the Corporation can be a voter hereafter. Now the franchise is very much extended. The electorate will be nearly fourfold, or even more. If you have a dog and pay eight annas to the Corporation, you become a voter. So, why should Mr. Sami Venkatachalam Chetti say that there is no progress in the Raja Saheb's Bill?

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"I am for adult franchise, but would work the present franchise and make further improvements thereafter; then there will be two lakhs of voters. I ask Mr. Hameed Khan Sahib even now what an amount of trouble he will have with 4,000 voters in a division. At present even with about 1,200 he has enough trouble. If adult franchise is accepted, I believe, reservations must go; and that is the opinion expressed by Mr. Satyamurthi Ayyar. As regards literacy, we do not want that as a qualification. Literacy means some of the minorities will not be represented at all. We request the Hon. the Raja Saheb to have it attended to in the Select Committee. We want tax-paying capacity to the lowest degree.

"Then as to taxation appeals. Now the Bill says that we should go to the Small Causes Courts even if the taxation be raised from Rs. 2 to Rs. 5. Many people cannot afford to go to the courts. But there is a grievance against the present constitution of the finance committee which is the taxation appeal committee, because the committee members have undue influence over the people that come for appeals and so the elected councillors should not be there. What we propose to have is a committee from out of the institutional councillors called the Taxation Appeal Committee. The present Bill allows such a committee to be formed.

"Then the franchise has been increased to a very large extent. In certain cases where a man is a voter his wife also becomes eligible to vote. Mr. Sami Venkatachalam Chetti is not here. I ask him, is it not an improvement on the present Act?

"Then as regards metering. Metering every house means creating dirt and disease in the houses in the city. Where there is meter, the occupants do not keep their premises clean and do not even bathe properly. Every time they open the tap the feeling comes up that they are to pay for it. They do not in some cases even open the taps in their houses. (Mr. Abdul Hameed Khan: A very nice measure, according to the Raja Saheb.) We would request the Hon. Raja Saheb to do away with that. Even hotels should not be metered. If they are metered, the hotel-keepers will not keep their premises clean and will be frugal in the use of water and will not give tap water even for drinking. Drinking well water is not conducive to health especially, surface well water. So I request the Raja Saheb to see that meters are fixed where the water is used for non-domestic purposes such as for gardening and in manufacturing places but not for houses where water is used for domestic purposes.

"Then there are the grounds. These must go and model houses should be created in their places. I request the Raja Saheb to see that every year some grant is given for this purpose, so that all the hutting grounds may be converted into model houses as we did in Bogipalaiyam. The hutting system should be completely wiped out. If there is fire,

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all the houses in the cheri are burnt away and you are put to the necessity of always relieving these people; and besides such fires are becoming very frequent.

"I am thankful to the Raja Saheb for introducing revaccination. I hope revaccination every seven years would continue. Berlin was able to stamp out smallpox by revaccination.

"As there are many other friends wanting to speak on this matter, I do not want to take up more time of the House."

* Mr. V. T. ARASU:—"Mr. President, a perusal of the draft Bill before the House and some of the other measures governing the local bodies which have recently come up cannot but leave the impression on the mind of the reader that the Government, or rather the Party now in power is trying to set back the hand of the clock of progress of this country. Whereas all the world over, the tendency is to decentralize, the legislative measures concerning our local bodies, and particularly the Madras Corporation, appears to me to make the institutions mere agencies of Government, if not mere departments of Government. It is from that point of view that I say the Party-in-power is trying to set back the hand of progress of the local self-governing institutions in this country. I can quote any number of instances from the draft Bill of the City Municipal Act pointing out how the present Government are trying to make this Corporation a mere agency of theirs and not an autonomous body. But as you, Sir, have hinted that there is very little time before me, I wish to point out only one important provision in the Bill in support of my contention. And that is, the representation which is sought to be given to certain institutions and interests on the Corporation. This, I submit, is a retrograde measure. A close study of the constitution of local bodies in important countries all over the world, leads one to the conclusion that nowhere in the world is representation being given to institutions and interests on municipal bodies, at any rate in the proportion in which it is sought to be given on the council of the Madras Corporation. One can understand such representation being given on legislative bodies in order to make up certain deficiencies, but certainly not in administrative bodies, like Municipal Corporations and local self-governing institutions, at any rate not in the proportion in which it is sought to be given under the draft Bill now before us. I enter my emphatic protest against such representation being given. I have said at the beginning that the tendency all the world over is to decentralize and invest local self-governing institutions with greater and real powers. The only country which may be said to be an exception to this rule is France. From the year 1784, France had nothing like local self-governing institutions. The communes which were the basis of local administration in France were merely agencies of Government and were administered through their prefects who were controlling the mayors in charge of the

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communes. Even in that country I must point out to the Hon. the Chief Minister, the tendency now is otherwise. Now the tendency is to decentralize and invest greater and real powers in the mayors. Even as far back as 1926, by means of decrees the French Government have divested themselves of certain powers which they held in their own hands and conferred real and substantial powers on the mayors of the communes. When that is the case even in a country where a centralized form of local administration was the rule, it is strange that the Madras Presidency should try to go back and centralize these local self-governing institutions and make them mere agencies of Government. Perhaps it may be said that this system of centralization is now going on in Fascist Italy. I admit it is going on there; but is this Council prepared to follow that model and establish a dictatorship which will put an end to all self-government and autonomous institutions? If that is the case I am prepared to consent to this measure being proceeded with as it stands.

"But I would point out to the Hon. Minister the danger attached to this form of centralization as experienced in Italy. In Italy, the basis of local government is the commune and every commune is governed by an officer of the Government who is called Podesta. It is the function of the Podesta to nominate members to represent the various—I would not say interests but various—parties which would balance and help a Mussolini to carry on his administration. If that is the idea of the Party now in power, I have no objection to allow this Bill to go through. I would only, Sir, in conclusion sound a note of warning that in the name of autonomy and democracy we should not enthrone dictatorship of the person who for the time being may happen to be the Minister in charge of Local Self-Government."

The Hon. the RAJA OF BOBBILI:—"I am much obliged to the remarks on the merits and demerits of the Bill. I have never made a claim that the Bill in the form in which it is presented is perfect. The very object of sending it to a Select Committee is to have the benefit of the views of the various Members of this House as to how far we can improve it. Referring to some of the remarks of Mr. Sami Venkatachalam Chetti with reference to institutional representation, I was under the impression that my friend was careful of distorting facts, but I am surprised to find he was trying to juggle with figures. If you go into the figures you will find that there is an actual reduction in the total percentage of institutional councillors allotted under this Act. In the old Act, the total number was 41, and the percentage of institutional members was 27 per cent. In the amending Bill, the total number elected is 60, the number of institutional members 15."

Mr. ABDUL HAMEED KHAN:—"I do not know what the Hon. the Chief Minister means by 'institutional councillors.' He is not giving facts."

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The Hon. the RAJA OF BOBBILI:—" 'Institutional councillors' means councillors representing institutions.

"As regards the other remarks of some Members that this Bill does not go far enough, I have already stated that every opportunity will be given to consider the opinions of the Corporation; and at this stage I do not consider that hon. Members would expect me to commit myself to any other position. My friend, Mr. Arasu, has given us a description of the structure of local self-government in France. I am afraid he has exhibited total ignorance of the position there. If you go into the history of self-governing systems in France, America and Japan, you will find that we are by far in advance, considering from the democratic point of view, of those countries. But I will have no hesitation in supporting or introducing any measure which, although technically may be described as undemocratic, yet will be in the interests of the people and tax-payers. I do not think, Sir, there is anything further I can add."

4-45 p.m. * The Hon. the PRESIDENT:—"The question is that the Bill (No. 11 of 1934) be referred to a Select Committee consisting of more than 13 Members in addition to the Mover and that the following Members do constitute the Select Committee for the consideration of the Bill:—

- 1 Mr. R. Madanagopal Nayudu.
- 2 Rao Sahib C. Jayaram Nayudu.
- 3 Mr. T. Sundara Rao Nayudu.
- 4 Rao Bahadur D. Krishnamurti.
- 5 Mrs. K. Alamelumangathayaramma.
- 6 Rao Sahib P. Subrahmanyam Chetti.
- 7 Rao Bahadur C. Natesa Mudaliyar.
- 8 Mr. H. M. Jagannatham.
- 9 „ C. Basu Dev.
- 10 Rao Sahib N. Siva Raj.
- 11 Mr. M. A. Muthiah Chettiyar.
- 12 „ S. G. Sengodaiyan.
- 13 „ W. W. Ladden.
- 14 „ J. K. Metherell.
- 15 Khan Bahadur Javad Hussain Sahib Bahadur.
- 16 Mr. Sami Venkatachalam Chetti.
- 17 „ T. S. Ramaswami Ayyar.
- 18 „ Abdul Hameed Khan.
- 19 „ Basheer Ahmed Sayeed.
- 20 „ P. V. Krishnayya Choudari.

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[The President]

- 21 Diwan Bahadur C. S. Ratnasabhapat Mudaliyar.
- 22 Mr. C. Indriah.
- 23 Mr. Ahmed Meeran Sahib.
- 24 The Hon. the Raja of Bobbili (The Mover)."

The motion was carried.

* The Hon. the PRESIDENT:—"I appoint Mr. M. A. Muthiah Chettiyar to be the Chairman of the Committee.

"Is the Hon. Minister going to move the other motions?"

The Hon. the RAJA OF BOBBILI:—"I have no objection to move them, but there will be no time to dispose of them."

* The Hon. the PRESIDENT:—"The House will now adjourn and meet again at 11 a.m. on the 22nd October 1934."

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

[4th August 1934]

APPENDIX I.

[Vide answer to question No. 108 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council held on the 4th August 1934, page 306 supra.]

(1)

Extracts of Relevant Rules.

Rule 3 of Special Rules for the Madras Police Service.

3. *Communal representation*.—The provisions of sub-rule (b) of General Rule 7 shall apply to the Service.

Rule 7 (b) of General Rules for Provincial Services.

7. *Communal representation*.—(b) (i) Where the special rules lay down that the provisions of this sub-rule shall apply to any service, class or category, appointments thereto otherwise than by transfer from a corresponding subordinate service or by promotion, shall be so regulated as to secure, as near as may be, the distribution of membership in such service, class or category, among the following communities in the proportion specified against each:—

Non-Brahman Hindus—Five out of twelve.

Brahmans—Two out of twelve.

Muhammadans—Two out of twelve.

Anglo-Indians, Christians and Non-Asiatics—Two out of twelve.

Scheduled Classes—One out of twelve.

Explanation.—(1) The expression “Non-Brahman Hindus” shall include members of all communities other than the Brahman, the Muhammadan, the Anglo-Indian, Christian or Non-Asiatic and the Scheduled Classes.

(2) Appointments to any such service, class or category by transfer from the corresponding subordinate service or by promotion shall be made irrespective of communal consideration.

(ii) Every appointment to any such service, class or category, otherwise than by transfer or promotion as aforesaid shall be made from that community which at the time of appointment is most disadvantageously situated with reference to the proportions specified in clause (i); if no qualified and suitable candidate of that community is available, a candidate from the community next in the order of disadvantage who is qualified and suitable shall be appointed. If it is found that the disadvantage of two or more communities is equal, a candidate belonging to any such communities who is best fitted for the post shall be appointed.

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(2)

Madras Police Service.

Madras Police Subordinate Service.

Name of the officer.

Nature.

Period.

Nature.

Period.

1 Mr. K. Raghava Acharya .. Officiating Deputy Superintendent of Police
 2 " V. Bhujanga Rao .. Temporary Deputy Superintendent of Police
 3 " C. N. Krishnaswami Nayudu. Officiating Deputy Superintendent of Police

4 " V. Natesa Ayyar .. Do.
 5 " A. C. Hensman .. Do.
 6 " M. S. Vaidyanatha Mudali-
 yar. Do.
 7 " D. T. Venkata Acharya .. Do.

8 " K. V. Swaminatha Ayyar .. Assistant Commissioner of Police
 9 " S. P. Krishna Ayyar .. Officiating Deputy Superintendent of Police
 10 " T. S. Kalyanasundaram .. Assistant Commissioner of Police
 11 " E. V. Krishnaswami Ayyar. Officiating Deputy Superintendent of Police
 12 " A. Rajavelu Mudaliyar .. Do.

13 " S. Satyanarayana .. Do.
 14 " U. C. Kunhi Kannan .. Do.
 15 " C. Elayalwar Nayudu .. Do.
 16 " D. Ramachandra Raju .. Do.
 17 " B. O'Brien .. Assistant Commissioner of Police
 .. Officiating Deputy Superintendent of Police

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[4th August 1934]

Name of the officer.	Madras Police Service.	Nature.	Period.		Madras Police Subordinate Service.	Nature.	Period.	
			Y.	M.			Y.	M.
18 Mr. Muhammed Ghouse Chida Sahib.	Officiating Deputy Superintendent of Police	Do.	0	7	Inspector	..	13	1
19 " M. Krishnamurti Nayudu ..	Do.	Do.	0	6	Do.	..	13	2
20 " A. Sudarsana Nayanar ..	Do.	Do.	0	5	Sub-Inspector	..	17	1
21 " A. Muttaiyya Mudaliyar ..	Do.	Do.	0	3	Inspector	..	10	1
22 " Saiyid Rahmatulla Saiyid Uman Sahib.	Do.	Do.	0	1	Sub-Inspector	..	12	1
23 " M. Venkateswami Nayudu ..	Do.	Do.	0	4	Inspector	..	14	4
24 " N. Ramanatha Pillai ..	Do.	Do.	0	1	Sub-Inspector	..	16	11
25 " G. R. Devaraja Ayyangar ..	Do.	Do.	0	1	Inspector	..	10	7
					Sub-Inspector	..	14	1
					Inspector	..	10	3
					Sub-Inspector	..	15	6
					Inspector	..	11	7
					Sub-Inspector	..	6	5
					Inspector	..	10	1
					Sub-Inspector	..	28	
					Inspector	..	1	24

4th August 1934]

APPENDIX II.

[Vide answer to question No. 124 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on 4th August 1934, page 316 supra].

List of Land Mortgage Banks in the Presidency.

Serial number and name of the district.	Name of the Land Mortgage Bank.	Headquarters of the Land Mortgage Bank.
1 Ganjam ..	Chicacole Land Mortgage Bank ..	Chicacole.
2 Kistna ..	Gudlavalleru ..	Gudlavalleru.
3 Do. ..	Vadlamannadu ..	Pedana.
4 Do. ..	Kalkalur ..	Kaikalur.
5 Do. ..	Vuyyur ..	Vuyyur.
6 Vizagapatam ..	Vizianagram ..	Vizianagram.
7 Do. ..	Narasapatam ..	Narsapatam.
8 Do. ..	Veeravilli ..	Chodavaram.
9 Do. ..	Yellamanchili ..	Yellamanchili.
10 East Godavari ..	Alamuru ..	Alamuru.
11 Do. ..	Pithapuram ..	Pithapuram.
12 Do. ..	Amalapuram ..	Amalapuram.
13 Do. ..	Razole ..	Razole.
14 Do. ..	Rajahmundry ..	Rajahmundry.
15 Do. ..	Cocanada ..	Cocanada.
16 West Godavari ..	Bhimavaram ..	Bhimavaram.
17 Do. ..	Penugonda ..	Penugonda.
18 Do. ..	Ellore ..	Ellore.
19 Do. ..	Narasapur ..	Narasapur.
20 Do. ..	Kovvur ..	Kovvur.
21 Do. ..	Tadepalligudem ..	Tadepalligudem.
22 Nellore ..	Nellore ..	Nellore.
23 Do. ..	Kavali ..	Kavali.
24 Guntur ..	Repalle ..	Repalle.
25 Do. ..	Ponnur ..	Nidubrolu.
26 Bellary ..	Hospet ..	Hospet.
27 Kurnool ..	Nandyal ..	Nandyal.
28 Chingleput ..	Chingleput ..	Chingleput.
29 Do. ..	Madurantakam ..	Madurantakam.
30 Do. ..	Conjeeveram ..	Conjeeveram.
31 Do. ..	Kilacheri ..	Kilacheri.
32 South Arcot ..	Vriddhachalam ..	Vriddhachalam.
33 Do. ..	Chidambaram ..	Chidambaram.
34 Do. ..	Kattumannargudi ..	Kattumannargudi.
35 Do. ..	Cuddalore taluk ..	Cuddalore N.T.
36 Tanjore ..	Mayavaram ..	Mayavaram.
37 Do. ..	Tiruvarur ..	Tiruvarur.
38 Do. ..	Tanjore ..	Tanjore.
39 Do. ..	Kumbakonam ..	Kumbakonam.
40 Do. ..	Kodavasal ..	Kodavasal.
41 Do. ..	Mannargudi ..	Mannargudi.
42 Do. ..	Tiruturaipundi ..	Tiruturaipundi.
43 Trichinopoly ..	Trichinopoly ..	Trichinopoly.
44 Do. ..	Lalgudi ..	Lalgudi.
45 Do. ..	Kulittalai ..	Kulittalai.
46 Salem ..	Velur ..	Velur.
47 Madura ..	Madura ..	Madura.
48 Do. ..	Sholavandan ..	Sholavandan.
49 Do. ..	Uttamapalayam ..	Uttamapalayam.
50 Ramnad ..	Watrap ..	Watrap.
51 Do. ..	Rajapalayam ..	Rajapalayam.

[4th August 1934]

List of Land Mortgage Banks in the Presidency—cont.

Serial number and name of the district.	Name of the Land Mortgage Bank.	Headquarters of the Land Mortgage Bank.
52 Tinnevely ..	Ambasamudram Land Mortgage Bank.	Ambasamudram.
53 Do. ..	Srivaikuntam ..	Srivaikuntam.
54 Coimbatore ..	Peelamedu ..	Peelamedu.
55 Do. ..	Sulur ..	Sulur.
56 Do. ..	Bhavani ..	Bhavani.
57 Do. ..	Gopichettipalaiyam ..	Gopichettipalaiyam.
58 Do. ..	Tiruppur ..	Tiruppur.
59 Do. ..	Pollachi ..	Pollachi.
60 Do. ..	Perundurai ..	Perundurai.
61 Do. ..	Kambiliampatti ..	Kambiliampatti.
62 Do. ..	Erode ..	Erode.
63 North Arcot ..	Ambur ..	Ambur.
64 Do. ..	Walajapet ..	Walajapet.
65 Do. ..	Cheygar ..	Cheygar.
66 Do. ..	Tiruvannamalai ..	Tiruvannamalai.

APPENDIX III.

[Vide answer to question No. 127 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 4th August 1934, page 317 supra.]

Proclamation.

Whereas the area comprised by the Attayampatti village in Salem taluk, Salem district, has been found to be in a dangerous state and whereas from the conduct of the inhabitants of the said area it has been found expedient to increase the number of police stationed in it, it is hereby notified under section 15 of the Police Act No. V of 1861, as amended by Act No. VIII of 1895, that for a period of one year from the 1st January 1933 such police force as may be considered necessary by the Governor in Council in addition to the fixed complement quartered in the village shall be employed therein and that the cost of that force shall be defrayed by the inhabitants of the village according to such apportionment as may be made by the Magistrate of the district under sub-section (4) of section 15 of the Act.

[4th August 1934]

APPENDIX IV.

[Vide answer to question No. 134 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 4th August 1934, page 321 supra.]

G.O. Mis. No. 1013, Revenue, dated 12th May 1932.

READ—The following papers:—

G.O. No. 1958, Revenue, dated 14th August 1920.

G.O. No. 1006, Revenue, dated 2nd June 1922.

Order—Mis. No. 1013, Revenue, dated 12th May 1932.

The attention of the Board of Revenue is invited to the speeches of Mr. K. A. Nachiyappa Gounder and of the Hon'ble the Revenue Member at the meeting of the Legislative Council held on 15th March 1932. The Board is requested to draw the attention of Collectors to paragraph 6 of Board's Proceedings No. 88, Press, dated 1st November 1920, and impress on them again that village officers should be treated properly by the officers of Government.

(By order of the Governor in Council)

J. A. THORNE,
Secretary to Government.

To the Board of Revenue (Land Revenue and Settlement).

ENCLOSURE.

Extract of Proceedings of the Board of Revenue (Land Revenue)
No. 88, Press, dated 1st November 1920.

6. Paragraph 10 of the Government Order—Treatment of village officers.—The Board desires to impress on Collectors that headmen and karnams are to be treated properly by their subordinates.