

MADRAS LEGISLATIVE ASSEMBLY DEBATES



SECOND SESSION OF THE FIRST LEGISLATIVE ASSEMBLY
UNDER THE GOVERNMENT OF INDIA ACT, 1935.

Volume IV—Nos. 1 to 7.

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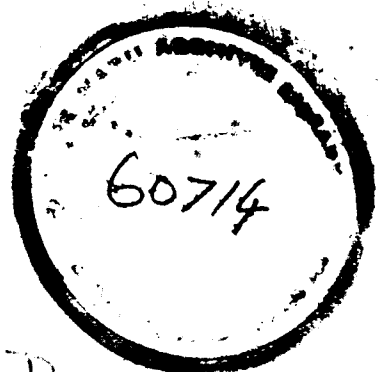
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PERSONNEL OF THE GOVERNMENT OF MADRAS.

GOVERNOR OF MADRAS.

HIS EXCELLENCY LORD ERSKINE, G.C.I.E. Took his seat on the 15th November 1934.

COUNCIL OF MINISTERS.

1. THE HON. MR. C. RAJAGOPALACHARIAR, Prime Minister. Took his seat on the 14th July 1937 and is in charge of the following portfolios:—

A. CHIEF SECRETARIAT (PUBLIC DEPARTMENT).

Provincial subjects—

- Agency tracts.
- Assumption of office by Governor.
- Business and Secretariat Rules.
- Business of Government—Distribution among Departments of the Secretariat.
- Cabinet—Arrangements for meetings.
- Civil Lists—Preparation.
- Committees and conferences not pertaining to any other department of the Secretariat.
- Correspondence—Objectionable—Censorship.
- Criminal Investigation Department—Other than establishment.
- Elections to the Provincial legislature including election offences and disputed elections.
- Examinations—Government—Departmental—Board of Examiners.
- Foreign Governments and Indian States—Correspondence with.
- General—Questions of a general nature which cannot be allotted to any particular department.
- Government House—
 - (i) Establishments—
 - Band.
 - Bodyguard.
 - Governor's Secretary's office.
 - Medical.
 - Military Secretary's office.
 - (ii) Grants—
 - Contract.
 - Furniture.
 - Sumptuary.
 - Tour.
 - (iii) Personal staff of the Governor.
 - (iv) Works—
 - Construction.
 - Maintenance and furnishing.
 - Government Servants' Conduct Rules.
 - Handbook of Procedure and Precedents.

A. CHIEF SECRETARIAT (PUBLIC DEPARTMENT)—*cont.**Provincial subjects—cont.*

High Court Judges—Leave.
 Holidays.
 Indian Civil Service and listed posts.
 Internal Security.
 Islands—Laccadives, Amindivi and Minicoy.
 Judicial and Executive functions—Separation of.
 Land returns—General questions.
 Legislative bodies (other than Madras)—Proceedings—Marking of subjects for the perusal of Members of Government.
 Legislative Council and Legislative Assembly.
 Madras Public Service Commission.
 Magistrates (other than Honorary)—Suspension, removal, etc.
 Ministers—Appointments and resignation.
 Newspapers and Periodicals—Perusal of.
 Office procedure.
 Officers—European—Casualty report.
 Ootacamund, Stonehouse Hill—Move to and from.
 Petition Rules.
 Political Handbook.
 Political offences—Prosecutions.
 Precedence—Warrant of—
 Darbari Zamindars.
 Prisoners, State.
 Public Peace—Disturbance of.
 Public Services—
 Communal representation—General questions.
 General questions and commissions of enquiry.
 Notification (including exemptions).
 Revised scales of pay.
 Service associations.
 Services under the control of the Local Government—
 Statutory rules to regulate the method of recruitment, conditions of service, pay, allowances and pension—General revision and amendments of existing rules.
 Special tests—General questions and exemptions.
 Statutory Rules and Orders—
 Civil Services (Classification, Control and Appeal) Rules.
 Superior Civil Services Rules.
 Subordinate Services—
 Discipline and Appeal Rules.
 Passage Rules.
 Railway lands—Jurisdiction.
 Religious or communal disputes.
 Reports—
 Fortnightly.
 Matters of political and administrative importance.
 Returns—Next of kin.
 Secretariat—
 Buildings.
 Central Issue Branch.
 Central Records Branch.
 Establishment.
 Library.
 Manual.

A. CHIEF SECRETARIAT (PUBLIC DEPARTMENT)—*cont.**Provincial subjects—cont.*

Telegrams—Reuters and News Agency.
 Visits—
 Commander-in-Chief.
 Distinguished foreigners.
 Flag Officer, Commanding Royal Indian Navy.
 Governors of other provinces.
 Indian Chiefs.
 Naval Commander-in-Chief.
 Viceroy.
 Warships, British and foreign.

Concurrent subjects—

Periodicals, Newspapers, Books and printing presses—Control of.

Federal subjects—

Conduct of elections to the Federal legislature including election offences and disputed elections.

Consuls—

British.
 Foreign.

Council of State—Nomination of members.

Defence of India—

Army in India Reserve of Officers.
 Auxiliary and Territorial forces.
 Ex-army men.
 Movement of troops.
 Naval, military and air forces in India.

*Ecclesiastical affairs.**External affairs.**Federal Public Services.**Federal Public Service Commission.**French Settlements in India.**Indian Chiefs and States.**Naval, military and air force works.**Political charges.**Political detenus from Indian States.**Political Pensions.*

Preventive detention for reasons of State connected with defence, external affairs or the discharge of the functions of the Crown.

Reforms.

Regulation of ceremonials, titles, orders, precedence and civil uniform.

Relations with States in India.

Territorial Changes.

B. HOME DEPARTMENT.

Provincial subjects—

Police including C.I.D. (Establishment), railway police and village police.

Concurrent subjects—

Persons subject to preventive detention under Federal authority.

B. HOME DEPARTMENT—cont.

Federal subjects—

Central Intelligence Bureau.

Police—Extension of the powers and jurisdiction of members of a Police force belonging to any part of British India, to any area, in another Governor's province or Chief Commissioner's province, and the extension of the powers and jurisdiction of the members of a Police force belonging to any unit to railway areas outside that unit.

C. FINANCE DEPARTMENT.

Provincial subjects—

Accounts, Provincial (including classification and prescription of units)

Annual financial statement (Budget).

Appropriation Accounts and Auditor-General's report thereon.

Audit of receipts and accounts of stores and stock.

Commercial accounts.

Economies in expenditure.

Famine Relief Fund.

Federal taxes and duties in which the Provinces are interested, such as income-tax, Federal excises, etc.

Financial Rules.

Fundamental Rules (including Revised Leave Rules).

Loans and Advances.

Local Fund Audit.

Provincial balances.

Public Debt of the Province including borrowings from the Government of India.

Reappropriations.

Re-employment of civil pensioners.

Secretariat—Cash Bureau.

Service Pensions (including Provident Funds).

Supplementary Statements of expenditure.

Taxation and allied measures—Initiation of.

Travelling allowance rules.

Treasury Rules.

Ways and Means.

Federal subjects—

Corporation Tax.

Currency, coinage and legal tender.

Federal pensions, that is to say, pensions payable by the Federation or out of Federal revenues.

Indian Audit and Accounts Service examination.

Post Office Savings Bank.

Public Debt of the Federation.

2. THE HON. MR. T. PRAKASAM, Minister for Revenue. Took his seat on the 14th July 1937 and is in charge of the following portfolios:—

Provincial subjects—

Betting Tax Act.

Board of Revenue (general).

City Tenants' Protection Act.

Constitution of districts, divisions and taluks.

Court of Wards and Zamindars—

Impartible Estates Act.

Deputy Collectors.

Provincial subjects—cont.

District Gazettes and Gazetteers.

Duties in respect of succession to agricultural land.

Estates Land Act.

Famine relief.

Floods.

Inams.

Irrigation (minor works)—

Minor irrigation establishments.

Minor irrigation works.

Navigation.

Water-rate.

Land Revenue administration as described under the following heads, namely:—

Alienation of land revenue.

Assessment and collection of land revenue.

Buildings.

Colonization and disposal of Crown lands.

Establishment.

Land improvement and agricultural loans.

Laws regarding land tenures—Easements—Relations of landlord and tenant—Collection of rents—Transfer and devolution of agricultural land.

Maintenance of land records—Survey for revenue purposes—

Records of rights.

Management of Government estates.

Miscellaneous.

Revenue Recovery Act.

Lands—

Acquisition.

Alienation.

Assignment.

Encroachment.

Land records.

Military lands.

Railway lands.

Transfer of lands between Central and Provincial Governments.

Malabar Tenancy Act.

Pensions—Hereditary not being political.

Pounds and prevention of cattle trespass.

Procedure in rent and revenue courts.

Registration.

Season.

Settlement—Kistbandi.

Special funds.

Stamp duty on documents—Rates of.

Survey—Boundary disputes.

Taxes on agricultural income.

Transfer of villages.

Treasure trove.

Treasuries.

Village accounts.

Village establishments.

Water-supply.

Yeomahs.

Concurrent subjects—

Recovery in a Governor's province or a Chief Commissioner's province of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such, arising outside that province.

Registration of deeds and documents.

Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty.

Federal subjects—

Duties in respect of succession to property other than agricultural land.

Excise duties on tobacco and other goods manufactured or produced in India except those assigned to the province.

Lands vested in or in the possession of His Majesty for the purposes of Federation.

Opium so far as regards cultivation and manufacture or sale for export.

Salt.

Stamp duty—Rates of in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, proxies and receipts.

Survey of India.

3. **THE HON. MR. YAKUB HASAN**, Minister for Public Works. Took his seat on the 14th July 1937 and is in charge of the following portfolios:—

Provincial subjects—

Canals—Irrigational and navigable.

Drainage and embankments, water-storage and water-power.

Gas and gas works.

Hydro-electric schemes.

Inland waterways and traffic thereon.

Irrigation—Major works.

Isolated tombs of European Government servants and their families including isolated tombs of historical or archaeological interest and of British soldiers, non-commissioned officers and their families.

Minor ports.

Minor railways, light and feeder railways.

Public works (buildings, roads, bridges, ferries, ropeways, etc.).

Railway—Accidents.

Rivers—Conservancy.

Taxes on boats.

Tramways—Extra municipal.

Works and buildings vested in or in the possession of His Majesty for the purposes of the Province.

Concurrent subjects—

Boilers.

Electricity.

Shipping and navigation on inland waterways as regards mechanically propelled vessels, carriage of passengers and goods on inland waterways.

Federal subjects—

Air craft and air navigation; regulation and organization of air traffic and of aerodromes.

Carriage of passengers and goods by sea, or by air.

European cemeteries.

Lighthouses, including light ships and beacons.

Major ports—Constitution and powers of port authorities therein.

Marine—Maritime shipping and navigation, including shipping and navigation on tidal waters; admiralty jurisdiction.

Port quarantine and marine hospitals.

Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

Railways other than minor railways—Construction and regulation.

Taxes on railway fares and freights.

Terminal taxes on goods or passengers carried by railway, water or air.

Works and buildings vested in or in the possession of His Majesty for the purposes of the Federation.

4. **THE HON. DR. P. SUBBARAYAN**, Minister for Education and Legal Departments. Took his seat on 30th July 1937 and is in charge of the following portfolios:—

*A. EDUCATION.**Provincial subjects—*

Appeals from educational staff employed under local boards and municipal councils.

Books—

Copyright—

Registration of.

Books and periodicals—Questions relating to their purchase and supply to public offices.

Certificate of age and qualification.

Civil Orphan Asylum.

Education including, European and Anglo-Indian education and educational questions relating to the Corporation of Madras and local bodies.

Epigraphy.

Examinations except Public Service Notification and Board of Examiners.

Government Presses.

Libraries.

Literary, scientific, religious and other societies and associations.

Liveries and clothing.

Madras Record Office.

Museums.

Preservation and translation of ancient manuscripts.

Provincial gazetteers.

Stationery and printing.

Translators to Government.

Zoological gardens.

Concurrent subjects—

Legal, medical and other professions.

A. EDUCATION—*cont.**Federal subjects—*

Ancient and historical monuments.
 Archæology.
 Copyright.
 Federal agencies and institutes for research, for professional or technical training, or for the promotion of special studies.
 The Imperial Library, the Indian Museum and any other similar institution controlled or financed by the Federation.

B. LEGAL.

Acts.

Advising Government—

- (a) in matters of litigations, appeals, etc.;
- (b) on legal questions which are not of sufficient importance to necessitate a reference to the Advocate-General.

Bills, non-official—Scrutiny of.

Government Bills—Drafting and scrutiny.

Law Officers—References to.

Legal assistance to Government servants.

Legal and legislative publications, such as Codes, Acts, Manuals, etc.

Legislation—Secretariat work connected with.

Legislature—Rules of procedure and standing orders of—Scrutiny.

Notifications—Scrutiny of.

Subsidiary legislation, viz., Statutory Rules and Orders (other than Service Rules) and generally assist other departments in all matters of a legal nature that may be referred to it.

5. THE HON. DR. T. S. S. RAJÁN, Minister for Public Health. Took his seat on 14th July 1937 and is in charge of the following portfolios:—

Provincial subjects—

Adulteration of foodstuffs and other articles.
 Appeals from medical and public health staff employed under local boards and municipal councils.
 Burials and burial grounds other than European cemeteries.
 Choultries.
 Hospitals and dispensaries.
 Inns and inn-keepers.
 Langarkhanas including Triplicane Poor House.
 Medical Administration, including medical questions relating to the Corporation of Madras and local bodies.
 Pilgrimages within British India.
 Places of Public Resort Act.
 Public Health, including public health questions relating to the Corporation of Madras and local bodies.
 Registration of births, deaths and marriages.
 Religious and charitable endowments.
 Sanitation.
 Stores—Rules and general questions.
 Town-planning.
 Vital statistics.

Concurrent subjects—

Health insurance, including invalidity pensions; old age pensions.
 Lunacy and lunatic asylums.
 Prevention of the extension from one unit to another of infectious or contagious diseases affecting men.

6. THE HON. MR. V. I. MUNISWAMI PILLAI, Minister for Agriculture and Rural Development. Took his seat on 14th July 1937 and is in charge of the following portfolios:—

A. DEVELOPMENT DEPARTMENT.

Provincial subjects—

Agriculture including agricultural education.
 Agricultural statistics.
 Cinchona.
 Cottage Industries.
 Fisheries.
 Forests, including ryots' and panchayat forests.
 Money-lending and money-lenders.
 Protection of wild animals and birds.
 Rural indebtedness.
 Statistics for purposes of provincial matters.
 Veterinary department including Veterinary Education.
 Weights and measures.

Concurrent subjects—

Prevention of the extension from one unit to another of infectious or contagious diseases or pests affecting animals or plants.
 Statistics for the purpose of any of the matters in the concurrent field.

Federal subjects—

Botanical survey.
 Census.
 Fishing and fisheries beyond territorial waters.
 Meteorology—Federal organizations.
 Standards of weight.
 Statistics for the purpose of any of the Federal matters.
 Zoological survey.

B. REVENUE DEPARTMENT.

Provincial subjects—

Excise duties on the following goods manufactured or produced in India—

- (a) Alcoholic liquors for human consumption.
- (b) Opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs.
- (c) Medicinal and toilet preparations containing alcohol, opium, etc.

Production, manufacture, possession, transport, purchase and sale of intoxicating liquors, opium and other drugs and narcotics.

7. **THE HON. MR. V. V. GIRI**, Minister for Industries and Labour. Took his seat on 14th July 1937 and is in charge of the following portfolios:—

Provincial subjects—

Co-operative Societies.
Depressed classes and labour.
Development of industries other than cottage industries.
Economic conditions including wages and prices (not famine relief).
Emigration and immigration.
Marketing.
Markets and fairs.
Mines and oil-fields and development of mineral resources.
Taxes on mineral rights.
Trade and commerce.
Unemployment; relief of the poor.
Unincorporated trading associations.

Concurrent subjects—

Contracts, including partnership, agency, contracts of carriage and other special forms of contract.
Factories.
Indian Partnership Act.
Industrial and Labour disputes.
Trade unions.
Unemployment insurance.
Welfare of labour—
Employer's liability and workmen's compensation.
Provident funds.

Federal subjects—

Banking—Conduct of banking business by corporations.
Cheques, bills of exchange, promissory notes and other like instruments.
Corporations—Incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including co-operative societies.
Customs duties including export duties.
Development of industries where development under Federal Control is declared by Federal Law to be expedient in the public interest.
Geological survey.
Import and export across customs frontiers.
Indian Companies Act.
Insurance—The Law of insurance and the conduct of insurance business.
Inventions, designs, trade marks and merchandise marks.
Mines and oil-fields and mineral development—Regulation of (to the extent to which such regulation and development under Federal Control is declared by Federal Law to be expedient in the public interest) and regulation of labour and safety in mines and oil-fields.
Provident insurance societies.
Repatriation.
Tariffs.
Taxes on the capital of individuals or of companies.

8. **THE HON. MR. S. RAMANATHAN**, Minister for Public Information. Took his seat on 14th July 1937 and is in charge of the following portfolios:—

Publicity—General.
Publicity—Free or concessional supply of Government publications.
Presidency Administration Report.

9. **THE HON. MR. K. RAMAN MENON**, Minister for Courts and Prisons. Took his seat on 14th July 1937 and is in charge of the following portfolios:—

Provincial subjects—

Administration of justice, civil and criminal, including constitution, jurisdiction, powers, maintenance and organization of courts within the province—
Additional and Assistant Sessions Judges.
Bench Courts.
Civil Courts including High Courts.
Civil Rules of Practice.
Criminal appeals.
Criminal justice report.
Criminal powers.
Criminal Rules of Practice.
Honorary Magistrates.
Presidency Magistrates and Courts.
Remission and commutation of sentences.
Betting and gambling—except State lotteries.
Breach of Contract Act.
Carbide of Calcium.
Child Marriage Restraint Act.
Children Act.
Cinematograph Act.
Civil Law.
Control of motor vehicles—
Motor Vehicles Act.
Control of vehicles other than mechanically propelled vehicles.
Coroners.
Criminal lunatics.
Discharged Prisoners Aid Society.
Escheats.
Hackney Carriages Act.
Immoral Traffic.
Indian Bar Councils Act.
Jails—
Borstal institutions.
Jails and sub-jails.
Prisoners' homes.
Reformatories.
Justices of Peace.
Kazis Act.
Law officers.
Madras Motor Vehicles Taxation Act.
Malabar and Rampa Rebellion prisoners.
Petitions for mercy from sentences of death.

Provincial subjects—cont.

Petitions from convicts including Port Blair convicts.
 Preventive detention and persons subject to such detention.
 Prisoners.
 Prisons Act and rules thereunder.
 Provincial law reports.
 Stage Carriages Act.
 Theatres, dramatic performances and cinematographs.
 Towns Nuisances Act.
 Village Courts Act.

Concurrent subjects—

Administrator-General and Official Trustee.
 Adoption.
 Arbitration.
 Bankruptcy and insolvency.
 Cinematograph films for exhibition.
 Civil Procedure including the law of Limitation and all matters included in the Code of Civil Procedure at the date of the passing of the Government of India Act, 1935.
 Criminal law including all matters included in the Indian Penal Code at the date of the passing of the Government of India Act, 1935.
 Criminal Procedure including all matters included in the Code of Criminal Procedure at the date of the passing of the Government of India Act, 1935.
 Criminal tribes.
 European Vagrancy Act.
 Evidence and oaths.
 Indian Christian Marriage Act.
 Indian Poisons Act.
 Infants and minors.
 Insolvency Act and Rules.
 Jurisdiction and powers of all courts except the Federal Court, with respect to any of the matters in the concurrent legislative list.
 Marriage and Divorce.
 Mechanically propelled vehicles.
 Poisons and dangerous drugs.
 Prevention of Cruelty to Animals Act.
 Prisoners and accused persons—Removal from one unit to another unit.
 Recognition of laws, Public Acts and records and judicial proceedings.
 Royal Humane Society.
 Transfer of property other than agricultural land.
 Trusts and Trustees.
 Wills, intestacy and succession save as regards agricultural land.

Federal subjects—

Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India, subjects of any Federated State, or British subjects domiciled in the United Kingdom.
 Arms, firearms, ammunition and explosives.

Federal subjects—cont.

Extradition including the surrender of criminals and accused persons to parts of His Majesty's Dominions outside India.
 Foreign missions.
 Migration within India.
 Naturalization.
 Passports including certificates of identity and visas.
 Petroleum and other liquids and substances declared by Federal law to be dangerously inflammable so far as regards possession, storage and transport.
 Pilgrimages to places beyond India including Hedjas.
 State lotteries.

10. THE HON. MR. B. GOPALA REDDI, Minister for Local Administration. Took his seat on 14th July 1937 and is in charge of the following portfolios:—

Provincial subjects—

Appeals from employees of local boards and municipal councils other than educational, medical and public health staff.
 Capitation taxes, taxes on professions, trades, callings and employments.
 Cesses on the entry of goods into a local area.
 Charities and charitable institutions.
 Corporation of Madras.
 Local boards—General administration and all matters relating to them not specifically assigned to other departments.
 Local bodies—Audit reports of.
 Local self-government including village administration and panchayats.
 Monigar Choultry.
 Municipal councils—
 General administration and all matters relating to them not specifically assigned to other departments.
 Taxes on animals.
 Taxes on land and buildings, hearths and windows.
 Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.
 Taxes on the sale of goods and on advertisements.
 Tolls.
 Tramways within municipalities.

Federal subjects—

Local self-government in cantonment areas.

THE MADRAS LEGISLATIVE ASSEMBLY.

PRINCIPAL OFFICERS.

Speaker.

THE HON. MR. B. SAMBAMURTI.

Deputy Speaker.

MRS. A. RUKMINI LAKSHMIPATHI.

Panel of Chairmen.

1. MR. K. KOTI REDDI.
2. DIWAN BAHADUR A. APPADURAI PILLAI.
3. MR. BASHEER AHMED SAYEED.
4. SIR WILLIAM WRIGHT.

Secretary.

M.R.RY. DIWAN BAHADUR R. V. KRISHNA AYYAR AVARGAL, B.A.,
M.L.

Assistant Secretary.

M.R.RY. M. SURYA RAO GARU, B.A., B.L.

ALPHABETICAL LIST OF MEMBERS OF THE MADRAS LEGISLATIVE ASSEMBLY.

Name of member.	Name and class of constituency.
1 Abdul Hameed Khan ..	Madras City, Muhammadan, Urban.
2 Abdul Hakim, Nawab C. ..	North Arcot, Muhammadan, Rural.
3 Abdur Rahman Ali Rajah, Arakal Sultan.	Chirakkal, Muhammadan, Rural.
4 Abdur Rahiman Khan, K. ..	Kurnool, Muhammadan, Rural.
5 Abdul Rawoof, D. ..	Bellary, Muhammadan, Rural.
6 Achuthan, P. ..	Calicut, General, Rural.
7 Adikesavulu Naicker, P. M. ..	Madras City North, General, Urban.
8 Adimoolam, Jamedar ..	Ranipet, General, Rural (Scheduled Castes).
9 Ahmad Thambi Muhammad Mohideen Maracair (<i>Parliamentary Secretary</i>).	Tanjore, Muhammadan, Rural.
10 Ammanna Raja, Srimathi G.	Ellore Town, Women, General, Urban.
11 Anantachar, B. ..	Hospet, General, Rural.
12 Anjalai Ammal, Srimathi ..	Cuddalore, Women, General, Rural.
13 Annamalai Pillai, N. ..	Tiruvannamalai, General, Rural.
14 Appadurai Pillai, Diwan Bahadur A.	Madras cum Chingleput, Indian Christian.
15 Ari Gowder, H. B. ..	The Nilgiris, General, Rural.
16 Arunachalam Chettiyar, Muthu. Kr. Ar. Kr.	Sivaganga, General, Rural.
17 Attakoya Thangal, Khan Bahadur P. M.	Calicut, Muhammadan, Rural.
18 Balakrishna, S. S. ..	Palni, General, Rural (Scheduled Castes).
19 Bapineedu, M. (<i>Parliamentary Secretary</i>).	Ellore, General, Rural.
20 Basheer Ahmed Sayeed ..	Chingleput cum South Arcot, Muhammadan, Rural.
21 Bhaktavatsalam, M. (<i>Parliamentary Secretary</i>).	Tiruvallur, General, Rural.
22 Bhakthavathsalu Nayudu, B.	Ranipet, General, Rural.
23 Bhashyam Ayyangar, K. ..	Chingleput, General, Rural.
24 Bhaskara Rao Mahasayo, Sri-man Y. V. A.	Palakonda, General, Rural.
25 Bhuvarahan, V. ..	Tanjore cum Kumbakonam Towns, General, Urban.
26 Bower, I.S.O., E. H. M. ..	Anglo-Indian.
27 Buchappa Nayudu, P. ..	Ongole, General, Rural.
28 Chandramouli, K. ..	Tenali, General, Rural.
29 Chelvanpathi Chetti, G. ..	Textile Workers' Trade Union (Madras), Labour.
30 Chengam Pillai, O. ...	Tiruvallur, General, Rural (Scheduled Castes).

Name of member.	Name and class of constituency.
31 Chidambara Ayyar, S. ..	Villupuram, General, Rural.
32 Chinnamuthu, P. ..	Koilpatti, General, Rural (Scheduled Castes).
33 Chokkalingam Pillai, T. S. ..	Tinnevely, General, Rural.
34 Congreve, C. R. T. ..	European.
35 Damodaram, M. P. ..	Kottayam, General, Rural.
36 D'Mello, E. M. ..	Anglo-Indian.
37 Doraikannu, M. ..	Tiruttani, General, Rural (Scheduled Castes).
38 Doraiswami Nadar, A. R. A. S. ..	Tuticorin, General, Rural.
39 Ghouse Mohideen, S. ..	Cuddapah, Muhammadan, Rural.
40 Giri, The Hon. Mr. V. V. (Minister).	Bobbili, General, Rural.
41 Gopala Reddi, The Hon. Mr. B. (Minister).	Kavali, General, Rural.
42 Govinda Doss ..	Bellary, General, Rural (Scheduled Castes).
43 Govindan Nayar, C. K. ..	Kurumbranad, General, Rural.
44 Gupta, V. J. ..	Vizagapatam, General, Rural.
45 Guruvulu, S. ..	Chicacole, General, Rural (Scheduled Castes).
46 Halasyam Ayyar, N. ..	Trichinopoly, General, Rural.
47 Hussain, H. S. ..	Mangalore, Muhammadan, Rural.
48 Isaac, D. R. ..	Northern Circars, Indian Christian.
49 Ishwara, K. ..	Coondapoor, General, Rural (Scheduled Castes).
50 Jebamoney Masillamoney, Mrs.	Tinnevely cum Palamcottah cum Tuticorin Towns, Women, Indian Christian, Urban.
51 Jogi Nayudu alias Joga Rao, Allu.	Vizianagram, General, Rural.
52 Kaderkutti, A. K. ..	Kottayam, Muhammadan, Rural.
53 Kadirappa, D. ..	Penukonda, General, Rural (Scheduled Castes).
54 Kala Venkata Rao ..	Amalapuram, General, Rural.
55 Kaleswara Rao, A. (Parliamentary Secretary).	Bezwada cum Masulipatam Towns, General, Urban.
56 Kamaraj Nadar, K. ..	Sattur, General, Rural.
57 Kannan, E. ..	Malappuram, General, Rural (Scheduled Castes).
58 Karant, K. R. (Parliamentary Secretary).	Puttur, General, Rural.
59 Karunakara Menon, A. ..	Malappuram, General, Rural.
60 Khadija Yakub Hasan, Mrs...	Madras City, Women, Muhammadan, Urban.
61 Khalif-ul-lah, Khan Bahadur P.	Trichinopoly, Muhammadan, Rural.
62 Kolandavelu Nayanar, K. ..	Mannargudi, General, Rural (Scheduled Castes).

Name of member.	Name and class of constituency.
63 Koti Reddi, K. ..	Cuddapah, General, Rural.
64 Krishna Rao, G. ..	Northern Central Landholders.
65 Krishnakudumban, S. ..	Pollachi, General, Rural (Scheduled Castes).
66 Krishnamachari, T. T. ..	Southern India Chamber of Commerce.
67 Krishnamurti, G. ..	Railway Trade Union, Labour.
68 Krishnaswami Bharathi, L. ..	Melur, General, Rural.
69 Kulasekaran, K. ..	Tindivanam, General, Rural (Scheduled Castes).
70 Kumararaja M. A. Muthiah Chettiyar of Chettinad.	The Nattukottai Nagarathars Association.
71 Kumaraswami Raja, P. S. ..	Srivilliputtur, General, Rural.
72 Kunhammad Kutty Hajee, P. I.	Calicut cum Cannanore cum Tellicherry Towns, Muhammadan, Urban.
73 Kuppuswami Ayyar, K. ..	Dindigul, General, Rural.
74 Kurmayya, V. ..	Bandar, General, Rural (Scheduled Castes).
75 Kuttimalu Amma, Srimathi A. V.	Tellicherry cum Calicut Towns, Women, General, Urban.
76 Lakshmanaswami, O. ..	Kurnool, General, Rural.
77 Lakshmanaswami, P. ..	Amalapuram, General, Rural (Scheduled Castes).
78 Lakshmi Ammal, Srimathi ..	Sermadevi, General, Rural.
79 Lakshmi Ammal, Srimathi K.	Dindigul, Women, General, Rural.
80 Lakshmi Devi, Dr. N. ..	Bellary, Women, General, Rural.
81 Langley, W. K. M. ..	Madras Planters. ✓
82 Madhavan, P. ..	Chirakkal, General, Rural.
83 Mahboob Ali Baig ..	West Godavari cum Kistna, Muhammadan, Rural.
84 Manickam, R. S. ..	Sattur, General, Rural (Scheduled Castes).
85 Mariemuthu, M. ..	Tanjore, General, Rural (Scheduled Castes).
86 Marimuthu Pillai, S. T. P. ..	Musiri, General, Rural.
87 Maruthai, R. ..	Ariyalur, General, Rural (Scheduled Castes).
88 Mir Akram Ali ..	Vizagapatam cum East Godavari, Muhammadan, Rural.
89 Moideen Kutty, P. K. ..	Palghat, Muhammadan, Rural.
90 Muhammad Abdül Kadir Ravuttar, K. S.	Madura, Muhammadan, Rural.
91 Muhammad Abdur Rahman.	Malappuram, Muhammadan, Rural.
92 Muhammad Schammad, Khan Bahadur.	Puttur, Muhammadan, Rural.
93 Muhammad Rahmatullah, K.	Anantapur, Muhammadan, Rural.
94 Muniswami Pillai, The Hon. Mr. V. I. (Minister).	Tirukkoyilur, General, Rural (Scheduled Castes).

Name of member.	Name and class of constituency.
95 Murti, B. S. (<i>Parliamentary Secretary</i>).	Cocanada, General, Rural (Scheduled Castes).
96 Muthuramalinga Tevar ..	Ramnad, General, Rural.
97 Nachiyappa Goundar, K. A.	Omair, General, Rural.
98 Nadimuthu Pillai, A. Pl. N. V.	Tanjore, General, Rural.
99 Nagappa, S.	Kurnool, General, Rural (Scheduled Castes).
100 Nagaraja Ayyangar, N. ..	Namakkal, General, Rural.
101 Nagiah, S.	Cuddapah, General, Rural (Scheduled Castes).
102 Nanjappa Goundar, K. N. ..	Gobichettipalayam, General, Rural.
103 Narasimha Raju, D. L. ..	Sarvasiddhi, General, Rural.
104 Narasimha Raj, P. L. ..	Vizianagaram, General, Rural.
105 Narasimham, C.	Chicacole, General, Rural.
106 Narasimham, V. V. ..	West Godavari <i>cum</i> Kistna <i>cum</i> Guntur Factory Labour, Labour.
107 Narayana Raju, D.	Bhimavaram, General, Rural.
108 Narayana Rao, K. V. ..	Bezawada, General, Rural.
109 Natesa Chettiyar, M. G. ..	Dharmapuri, General, Rural.
110 Natesa Mudaliar, P.	Saidapet, General, Rural.
111 Nuttall, J.	European.
112 Obi Reddi, C.	Anantapur, General, Rural.
113 Orchard, G. L.	European Commerce (Madras Chamber of Commerce and the Madras Trades Association).
114 Palaniswami Gounder, V. C.	Coimbatore, General, Rural.
115 Palaniswami Gounder, V. K.	Pollachi, General, Rural.
116 Palat, R. M.	West Coast Landholders.
117 Pallam Raju, M.	Cocanada, General, Rural.
118 Pannirselvam, Rao Bahadur A. T.	Tanjore <i>cum</i> Madura <i>cum</i> Ramnad, Indian Christian.
119 Parthasarathi Ayyangar, C. R.	Chittoor, General, Rural.
120 Pedda Padalu, P.	Backward Areas and Tribes.
121 Periaswami Gounder, K. S. ..	Erode, General, Rural.
122 Periyaswami Gounder, K. ..	Trichinopoly, General, Rural.
123 Periyaswami, M. P.	Namakkal, General, Rural (Scheduled Castes).
124 Perumal Chettiyar, V. R. ..	Salem Town, General, Urban.
125 Perumalla Nayudu, B. ..	Kandukur, General, Rural.
126 Ponnuswami Pillai, R. ..	Chidambaram, General, Rural.
127 Prakasam, The Hon. Mr. T. (<i>Minister</i>).	Madras City, South-Central, General, Urban.
128 Raghava Menon, R.	Palghat, General, Rural.
129 Rajagopalachariar, The Hon. Mr. C. (<i>Prime Minister</i>).	University.
130 Rajah, Rao Bahadur M. C. ..	Chingleput, General, Rural (Scheduled Castes).
131 Raja Rao, B.	Rajahmundry, General, Rural.
132 Raja Rao, J.	Guntur <i>cum</i> Nellore, Indian Christian.

Name of member.	Name and class of constituency.
133 Ramachandra Reddiyar, A. K. A.	Tirumangalam, General, Rural.
134 Ramakrishna Raju, R. B. ..	Tiruttani, General, Rural.
135 Ramakrishna Reddi, T. N. ..	Madanapalle, General, Rural.
136 Ramalinga Reddiyar, D. ..	Cheyyar, General, Rural.
137 Ramalingam, A.	Tiruvannamalai, General, Rural (Scheduled Castes).
138 Raman Menon, The Hon. Mr. K. (<i>Minister</i>).	Ponnani, General, Rural.
139 Ramanathan, The Hon. Mr. S. (<i>Minister</i>).	Mayavaram, General, Rural.
140 Ramaswami, D. V.	Viravalli, General, Rural.
141 Ramaswami Goundar, K. S.	Palladam, General, Rural.
142 Ramaswami Mudaliyar, V. M.	Vellore, General, Rural.
143 Ramaswami Nayudu, N. G. ..	Textile Workers, Non-Union, Labour.
144 Rami Reddi, A.	Guntur, General, Rural.
145 Ranga Reddi, N.	Rajampet, General, Rural.
146 Rangiah Nayudu, G.	Madras City, North-Central, General, Urban.
147 Ratnavelu Tevar, P.	Trichinopoly <i>cum</i> Srirangam Towns, General, Urban.
148 Roade, G. B.	European.
149 Roche Victoria, J. L. P. ..	Tinnevely, Indian Christian.
150 Rukmini Lakshmipathi, Mrs. (<i>Deputy Speaker</i>).	Madras City, Women, General, Urban.
151 Sahajananda, Swami A. S. ..	Chidambaram, General, Rural (Scheduled Castes).
152 Saiyed Ibrahim	Ramnad, Muhammadan, Rural.
153 Sakthivadivelu Gounder, K.	Periyakulam, General, Rural.
154 Salam, M. A.	Nellore, Muhammadan, Rural.
155 Sambamurti, The Hon. Mr. B. (<i>Speaker</i>).	Cocanada Town, General, Urban.
156 Samu Pillai, V. J.	South Arcot <i>cum</i> Trichinopoly <i>cum</i> Salem <i>cum</i> Coimbatore, Indian Christian.
157 Samuel, Dr. M. J.	Central Districts, Indian Christian.
158 Sarma, P. R. K.	Madras City Dock and Factory Labour excluding Textile and Railway Labour, Labour.
159 Saptharishi Reddiyar, K. S. ..	Southern Central Landholders.
160 Sattanatha Karayalar, L. ..	Koilkatti, General, Rural.
161 Shaik Rowther, S. K.	Palghat, Muhammadan, Rural.
162 Shaiku Muhammad Laljan ..	Guntur, Muhammadan, Rural.
163 Sheik Dawood, Khan Sahib K. A.	Salem <i>cum</i> Coimbatore <i>cum</i> The Nilgiris, Muhammadan, Rural.
164 Sheik Mansoor Tharaganar, V. S. T.	Tinnevely, Muhammadan, Rural.
165 Shetty, A. B. (<i>Parliamentary Secretary</i>).	Coondapoor, General, Rural.
166 Shanmugam, K.	Gudur, General, Rural (Scheduled Castes).

Name of member.	Name and class of constituency.
167 Shanmuga Mudaliyar, K. A.	Tiruppattur (North Arcot), General, Rural.
168 Seshadrichariyar, B. T. ..	Gudiyattam, General, Rural.
169 Sitarama Reddi, H.	Bellary, General, Rural.
170 Sitarama Reddiyar, K. ..	Cuddalore, General, Rural.
171 Sivashanmugham Pillai, J. ..	Madras City, South-Central, General, Urban (Scheduled Castes).
172 Smith, J. M.	European Commerce, The Madras Chamber of Commerce and the Madras Trades Association.
173 Sri Raja Vasi Reddi Durga Sadasiveswara Prasad Bahadur Manne Sultan.	Bezwada, General, Rural.
174 Srinivasa Ayyar, D.	Gopichettipalaiyam, General, Rural.
175 Srinivasa Ayyar, P. S. ..	Conjeeveram, General, Rural.
176 Subba Rao, Kallur	Penukonda, General, Rural.
177 Subba Rao, Karunakaram ..	Vizagapatam cum East Godavari, Dock and Factory Labour, Labour.
178 Subbarama Ayyar, N. M. R. . .	Madura Town, General, Urban.
179 Subbarayan, The Hon. Dr. P. (Minister).	Tiruchengode, General, Rural.
180 Subbiah, P.	Ongole, General, Rural (Scheduled Castes).
181 Subbiah Mudaliyar, C. P. ..	Coimbatore Town, General, Urban.
182 Subbaraya Chettiyar, A. M. P.	Negapatam, General, Rural.
183 Subramanian, A.	Tirukkoyilur, General, Rural.
184 Swami, K. V. R.	Rajahmundry, General, Rural.
185 Syamasundara Rao, P. ..	Tekkali, General, Rural.
186 Unnikammoo, Khan Sahib V. K.	Malappuram, Muhammadan, Rural.
187 Valliappa Chettiyar, V. S. R. M.	Tiruppattur (Ramnad), General, Rural.
188 Varadachari, K.	Chandragiri, General, Rural.
189 Varadachari, N. S. (Parliamentary Secretary).	Madras City, South, General, Urban.
190 Varkey, C. J. (Parliamentary Secretary).	West Coast, Indian Christian.
191 Vedaratnam Pillai, A. ..	Mannargudi, General, Rural.
192 Venaudaya Gounder, S. V. ..	Dharapuram, General, Rural.
193 Venkanna, G.	Ellore, General, Rural (Scheduled Castes).
194 Venkata Reddi, Gopavaram.	Nandyal, General, Rural.
195 Venkata Reddi, Grandhi ..	Narasapur, General, Rural.
196 Venkata Reddi, K.	Narasaracpet, General, Rural.
197 Venkatachalam Pillai, B. ..	Ariyalur, General, Rural.
198 Venkatachari, P. T.	Hosur, General, Rural.
199 Venkatanarayana Reddi, B.	Gudur, General, Rural.
200 Venkatappa Chettiyar, S. C.	Salem, General, Rural.
201 Venkatappa Nayudu, R. ..	Gooty, General, Rural.

Name of member.	Name and class of constituency.
202 Venkatappayya Pantulu, K. . .	Guntur cum Tenali Towns, General, Urban.
203 Venkatarama Ayyar, P. ..	Kumbakonam, General, Rural.
204 Venkataramiah, R. S. ..	Palni, General, Rural.
205 Venkatarao Baliga, B. ..	Mangalore, General, Rural.
206 Venkatasubba Reddiyar, R. . .	Tindivanam, General, Rural.
207 Venkatasubbayya, V. ..	Nellore, General, Rural.
208 Viswanatham, T. (Parliamentary Secretary).	Vizagapatam Town, General, Urban.
209 Wright, Sir William Owen ..	European Commerce, The Madras Chamber of Commerce and the Madras Trades Association.
210 Yagneswara Sarma, K. P. ..	Tinnevelly cum Palamcottah Towns, General, Urban.
211 Yakub Hasan, The Hon. Mr. (Minister).	Chittoor, Muhammadan, Rural.
212 Zamindar of Bodinayakkanur (T. V. K. Kamaraja Pandiya Nayakar).	Southern Landholders.
213 Zamindar of Challapalli (Zabdatul Aqran Sreemanthu Rajah Yarlagadda Siva Rama Prasad Bahadur Zamindar).	Bandar, General, Rural.
214 Zamindar of Chemudu (Vyricherla Narayana Gajapathi Raju Bahadur).	Northern Landholders I.
215 Zamindar of Mirzapuram (Sri Raja Moka Venkataramaiah Appa Rao Bahadur).	Northern Landholders II.

THE MADRAS LEGISLATIVE ASSEMBLY.

SECOND SESSION OF THE FIRST LEGISLATIVE ASSEMBLY
UNDER THE GOVERNMENT OF INDIA ACT, 1935.

Monday, the 20th December 1937.

The House met in the Assembly building at eleven of the clock,
Mr. Speaker (THE HON. MR. B. SAMBAMURTI) in the Chair.

I.—PRAYER—POINT OF ORDER.

The proceedings commenced with the singing of ' Vande Mataram ' song when all but a few members in the Opposition benches stood up in their seats.

MR. B. RAJA RAO:—" I rise to a point of order, Sir."

* MR. SPEAKER:—" What is the point of order? "

MR. B. RAJA RAO:—" Is it permissible for some members to be sitting while the prayer is on? "

RAO BAHADUR A. T. PANNIRSELVAM:—" May I know, Sir, whether the ' Vande Mataram ' song is a prayer at all? "

* MR. SPEAKER:—" I shall deal with all these matters afterwards."

MR. ABDUL HAMEED KHAN:—" Mr. Speaker, I want to make a statement with regard to the subject of prayer."

MR. K. BHASHYAM AYYANGAR:—" You have ruled, Sir, that you will deal with it later on."

* MR. SPEAKER:—" The hon. Member, Mr. Hameed Khan, will please note that the point has been raised and I have given the ruling that we will deal with it later."

MR. ABDUL HAMEED KHAN:—" I would like to know ."

* MR. SPEAKER:—" I have given the ruling."

MR. ABDUL HAMEED KHAN:—" It may be a new matter."

* MR. SPEAKER:—" It is all the same. We shall now deal with the business before the House."

[20th December 1937]

II.—SWEARING IN OF NEW MEMBER.

MR. G. L. ORCHARD was sworn in.

III.—RESOLUTION OF CONDOLENCE.

* THE HON. MR. C. RAJAGOPALACHARIAR:—“ Mr. Speaker, it is a sad duty that I am performing.

“ I move the resolution of condolence of which I have given notice to the House, that an expression of the sincere feelings of grief of this Assembly at the death of the late Mirza Raja Sri Pushavati Alakh Narayana Gajapathi Raj Manne Sultan Bahadur Garu of Vizianagaram, M.L.A., and of deep sympathy with his bereaved family be placed on record and conveyed to them.

“ It was on the 26th of October last that the late Mirza Raja Sri Pushavati Alakh Narayana Gajapathi Raj Manne Sultan Bahadur Garu of Vizianagaram came to an untimely death at Admiralty House, his residence at Adyar, having suffered continued illness for a long time and in a fit of mental depression felt that he must pass away from this world. He was born in 1902 and died at the early age of 35. He was educated in the Princes College, Ajmere, and succeeded to his estate 15 years ago. He had travelled widely on the continent. He had an ‘ A ’ class certificate in aviation. He was a scholar and took keen interest in electricity, medicine and law and cinematography and in the recent elections to this House as an independent candidate he was returned by an overwhelming majority. Members might remember that on the first day he was sworn in he was brought in a stretcher, even then having been seriously ill. He leaves his mother, the Dowager Maharani of Vizianagram, his brother the well-known Maharajkumar, well-known in the world of cricket, his widow, four children and his sister. These are details which it is worth while to remember when tendering our sympathy to his family. I do not think, Sir, I should detain the House but hope all the members will stand and accept the resolution on your order.”

The resolution was put and carried, all the members standing.

IV.—COMMUNICATION RE TRAVANCORE TEMPLE ENTRY RESOLUTION.

* MR. SPEAKER:—“ I have to announce to the House the following communication, dated 12th October 1937, received from the Resident for the Madras States, regarding the resolution on the Travancore Temple Entry Proclamation, passed by this Assembly on 24th September 1937:—

‘ I have the honour to inform you that His Highness the Maharaja of Travancore has desired me to convey to the Government of Madras and the Madras Legislative Assembly. His Highness’ very sincere thanks for passing the resolution of 24th September 1937 ’.”

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V.—PANEL OF CHAIRMEN.

* MR. SPEAKER:—“ I have to announce to the House that under rule 9 of the Madras Assembly Rules, I have nominated the following four members of the Assembly to be a panel of chairmen for the second session of the Assembly:—

- (1) Mr. K. Koti Reddi.
- (2) Diwan Bahadur A. Appadurai Pillai.
- (3) Mr. Basheer Ahmed Sayeed.
- (4) Sir William Wright.”

VI.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Grant of conduct certificates by gazetted officers to Public Service Commission candidates.

* 1 Q.—MR. D. ABDUL RAWOOF: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that applicants for appointments advertised by the Public Service Commission are directed to produce certificates of good conduct from gazetted officers; and

(b) if the answer to the above is in the affirmative, what the reason for this rule is and how gazetted officers are considered to be in a fit position to issue these certificates?

THE HON. MR. C. RAJAGOPALACHARIAR:—“ (a) The answer is in the negative.

“ (b) The question does not arise.”

MR. S. M. LALJAN:—“ Will the Hon. the Prime Minister be pleased to accept the suggestion that certificates of good conduct may also be accepted from members of the Legislative Assembly and members of local bodies? ”

THE HON. MR. C. RAJAGOPALACHARIAR:—“ There is no rule, Sir, I said already, that certificates of good conduct should be brought from gazetted officers. But if particular candidates choose to obtain and send such, they are received. There is no rule as to who should give them.”

Travelling allowance to candidates imported from mufassal districts for appointments in the city offices.

* 2 Q.—MR. D. ABDUL RAWOOF: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that the Madras Public Service Commission furnishes lists of candidates eligible for appointment in the offices in the city;

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(b) whether candidates from mufassal districts are also included in such lists;

(c) whether candidates are imported from mufassal districts also for filling up vacancies in the offices in the city;

(d) whether such imported candidates are given any travelling allowance to join and return to their places in cases where they are imported to act in short time vacancies; and

(e) if the answer to (d) is in the negative, whether Government will consider the desirability of granting the same?

THE HON. MR. C. RAJAGOPALACHARIAR:—"The question evidently refers to appointments to the Madras Ministerial Service in the city offices and the following answers are accordingly given:—

“(a) The answer is in the affirmative.

“(b) Yes, if they indicate a preference for city offices in their applications to the Commission.

“(c) Yes, with the consent of the candidates, if the list for the city is deficient and candidates can be spared from the mufassal lists.

“(d) The answer is in the negative.

“(e) The Government see no good reason to undertake the expense incurred for travelling in such cases.”

MR. D. ABDUL RAWOOF:—"At least in the case of short time vacancies, will the question be considered?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"It has to be considered carefully, Sir, whether such additional expenditure could be undertaken.

Appointment of qualified Muslim candidates in cases of non-availability of Muslim candidates selected by the Public Service Commission.

* 3 Q.—MR. D. ABDUL RAWOOF: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that when there are no Muslims in the list furnished by the Public Service Commission the claims of the community are overlooked; and

(b) whether the Government will consider the desirability of appointing a Muslim (for the period of the vacancy) who is otherwise qualified, when there are no candidates in the list furnished by the Public Service Commission so that the claims of the community may not be overlooked?

THE HON. MR. C. RAJAGOPALACHARIAR:—" (a) The claims of the community are not overlooked, but only postponed. Appointments are made from the several communities either in a certain order or from the community which is least represented at the time of appointment. In the former case, the community which lost its turn has a preferential claim for appointment when

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a vacancy next arises and in the latter case, i.e., under the proportion rule, the community which lost its turn will still be least represented when the next appointment is made and will have a claim for that vacancy;

“(b) It would be frustrating the object underlying the constitution of the Public Service Commission for the Government to appoint one who is not in the list recommended by them and who is not duly qualified. The Government do not desire to adopt this procedure.”

MR. D. ABDUL RAWOOF:—"I say, 'otherwise qualified.' I do not say 'not qualified'."

THE HON. MR. C. RAJAGOPALACHARIAR:—"The answer is, 'duly qualified'."

Alleged collection of money by the Police in Cannanore from the bus-owners, drivers and conductors.

* 4 Q.—MR. P. MADHAVAN: Will the Hon. the Prime Minister be pleased to state whether the Government are aware that on the occasion of the send-off to Mr. Mammad who was the Circle Inspector of Police in Cannanore, organized by the Police constables, the money necessary to meet the expenses was collected from the bus-owners, drivers and the conductors, in Cannanore?

THE HON. MR. C. RAJAGOPALACHARIAR:—"The Government are not aware of any such occurrence."

MR. P. S. KUMARASWAMI RAJA:—"Is it a fact that such an occurrence has been found out in the Tinnevely district?"

MR. SPEAKER:—"That does not arise."

Assault on one Mr. Kannan by the Circle Inspector of Police, Cannanore.

* 5 Q.—MR. P. MADHAVAN: Will the Hon. the Prime Minister be pleased to state—

(a) whether the Government are aware that a decree for damages was passed by the Cannanore District Munsif's Court against Mr. Mammad who was the Circle Inspector of Police in Cannanore and who is now on leave, for having illegally belaboured one Mr. Kannan; and

(b) whether the Government intend taking any departmental action against Mr. Mammad in this matter?

THE HON. MR. C. RAJAGOPALACHARIAR:—" (a) The answer is in the affirmative.

“(b) The Government will consider the question of taking departmental action after the appeal filed by the Inspector against the decision in O.S. No. 251 of 1936 on the file of the District Munsif's Court, Cannanore, has been decided.”

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* * 6 to 10 Qs.

b * 11 to 13 Qs.

Progress in the construction of the special supply channel for the Damal tank from the Palar river.

* 14 Q.—MR. P. S. SRINIVASA AYYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government are aware that a special supply channel has been sanctioned in 1936–37 for the Damal tank from the Palar river;

(b) whether the masonry works in connexion with the same have been finished in 1936 itself; and

(c) why the earthwork in connexion with the same has not been begun and whether the Government will finish the work of the channel at least before the end of 1937?

THE HON. MR. YAKUB HASAN:—“(a) Yes.

“(b) The Government have no information.

“(c) Earthwork will have to be begun only after acquisition of land is completed and lands handed over to the Public Works Department. Owing to a change of alignment of the channel, revised land plan and schedules are being prepared. It is expected that land acquisition will be completed during the current year and the entire work in 1938–39.”

Present stage in regard to the proposal for the construction of the Gundlakamma project in the Ongole taluk, Guntur district.

* 15 Q.—MR. K. VENKATAPPAYYA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the irrigation scheme called the Gundlakamma project intended to bring into wet cultivation some villages in the Ongole taluk in the Guntur district is still under consideration; and

(b) if so, the stage which the investigations have reached?

THE HON. MR. YAKUB HASAN:—“(a) Yes.

“(b) Gaugings of the river at Tangirala and Jammalamadugu are being conducted and the results are expected to be available by the end of 1937–38. The Agricultural Department is examining the nature of the soil. The result of this examination is also awaited.”

^a Vide pages 49–51 infra.

^b Vide pages 52–53 infra.

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Issue of poverty certificates to Muslim students applying for school-fee concession.

* 16 Q.—MR. D. ABDUL RAWOOF: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether it is a fact that Muslim students applying for school-fee concessions are directed to produce poverty certificates from Deputy Collectors while students of other communities claiming similar concessions are directed to produce such certificates from Tahsildars;

(b) if the answer to the above is in the affirmative, the reason for this discrimination; and

(c) whether any instructions are issued to the Deputy Collectors making it obligatory on them to issue the certificates after due enquiry or whether it is left to the discretion of the officers?

THE HON. DR. P. SUBBARAYAN:—“(a) & (b) No such directions have been issued.

“(c) No such instructions have been issued.”

MR. D. ABDUL RAWOOF:—“It is being done, Sir.”

THE HON. DR. P. SUBBARAYAN:—“If the hon. Member will bring to my notice any such procedure adopted anywhere, I shall make an enquiry.”

Taking over by the Government of the management of secondary schools from local boards and municipalities.

* 17 Q.—MR. C. NARASIMHAM: Will the Hon. the Minister for Education and Legal Departments be pleased to state the policy of the Government in taking over the management of secondary schools from local boards and municipalities which are not in a position to efficiently maintain the said schools on account of the slender resources at their disposal?

THE HON. DR. P. SUBBARAYAN:—“The general policy is that secondary education should be provided by State-aided schools subject to departmental control and inspection. The Government are accordingly averse to assuming management of existing schools maintained by local bodies or other aided institutions.”

MR. K. A. NACHIYAPPA GOUNDER:—“May I ask, Sir, what steps Government have taken to achieve efficiency in such schools?”

THE HON. DR. P. SUBBARAYAN:—“I do not understand the import of the question.”

MR. K. A. NACHIYAPPA GOUNDER:—“Sir, I want information with regard to schools which are maintained by local bodies and municipalities as to what the Government propose to do to make them as efficient as Government institutions especially in the matter of accommodation?”

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THE HON. DR. P. SUBBARAYAN:—"The hon. Member who is the president of a district board ought to realize himself as to how efficiency can be created."

MR. K. A. NACHIYAPPA GOUNDER:—"May I ask, Sir, how efficiency can be achieved when the Government are not providing sufficient funds?"

THE HON. DR. P. SUBBARAYAN:—"Funds have been provided, and if those funds can be properly utilized, local bodies can run their schools efficiently."

Revision of the scale of pay of teachers in the Nellore Municipality.

* 18 Q.—MR. V. VENKATASUBBAYYA: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether G.O. No. 4619 of 1934 fixing a scale of salaries for teachers in secondary schools managed by the district boards was made applicable to teachers in municipal schools also; if so, when;

(b) whether there was any time-scale of salaries in force in the Nellore Municipality, before the said Government Order of 1934 was made applicable to it;

(c) whether it is a fact that the salaries of teachers in the Nellore Municipality were lower than those fixed by the above Government Order;

(d) whether the Nellore Municipality revised the pay of its teachers in accordance with the terms of the Government Order; and

(e) whether, in so revising the scale of salaries, the service each teacher had put in previously was taken into account?

THE HON. DR. P. SUBBARAYAN:—" (a) The scales of pay fixed for teachers in district board secondary schools apply to teachers in municipal secondary schools also.

" (b) to (e) The Government have no information."

Half-fee concession to all Muslim students in schools and colleges.

* 19 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether Government contemplate the reduction of fees in schools and colleges; and

(b) whether half-fee concession had been allowed at any time to all Muslim students in schools and colleges apart from the existence or otherwise of any rules?

THE HON. DR. P. SUBBARAYAN:—" (a) The answer is in the negative.

" (b) The Government are not aware of any such concession."

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MR. ABDUL HAMEED KHAN:—"May I know whether the Hon. Minister is aware that half-fee concessions have been granted to Muslims and backward communities and that a committee appointed by the previous Government is still considering the question?"

THE HON. DR. P. SUBBARAYAN:—"No, Sir, half-fee concessions have always been granted on production of poverty certificates to the communities mentioned in the Educational Code, because the pupils concerned are poor. But in cases where the parents can afford to pay, even though they belong to the backward communities, full fees will have to be paid."

MR. K. A. NACHIYAPPA GOUNDER:—"May I ask the Hon. Minister whether the list of backward communities is interpreted or understood according to the nature of the communities in local areas?"

THE HON. DR. P. SUBBARAYAN:—"No, Sir, unless the Government have put a particular community on the list, it cannot be considered backward."

Proposal for retrenchment in the cost of education.

* 20 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether the Government propose to effect any general retrenchment in the cost of education; and

(b) if so, whether they propose to appoint any committee for the purpose?

THE HON. DR. P. SUBBARAYAN:—"There is no such proposal before the Government at present."

MR. K. V. R. SWAMI:—"May I ask whether the Government feel that the cost of education is higher than it ought to be?"

THE HON. DR. P. SUBBARAYAN:—"The question deals with only a relative term. What the hon. Gentleman thinks is higher may not be thought higher by the Government."

MR. K. V. R. SWAMI:—"I mean to ask whether the present cost of education is in the opinion of the Government high and requires reduction?"

THE HON. DR. P. SUBBARAYAN:—"No, Sir."

Alleged death of a Muslim student in the General Hospital for want of prompt medical aid.

* 21 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that as reported in the *Madras Mail*, dated 21st September 1937, a Muslim student by name Kadar Batcha, who was taken to the General Hospital for treatment for certain injuries caused by an alleged attack by certain Hindus, succumbed to his injuries, as there was no doctor to attend upon him for about an hour;

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(b) whether any inquiry had been conducted into the matter; and

(c) what action has been taken against the individual actually responsible for it?

THE HON. DR. T. S. S. RAJAN:—“(a) A Muslim patient by name Khader Batcha, aged 15 years, living in No. 31, Choolai, Old Lodder House, was admitted in the Government General Hospital, Madras, by two Police constables on 15th August 1937 at 8-30 p.m. for treatment for injuries. He was at once attended to in the Casualty department by the Duty House Surgeon. At 8-45 p.m. he was admitted in the Canning Ward and was subsequently sent to the emergency operation theatre for operation. He died at 11-30 p.m.

“(b) There was no need to conduct an enquiry in the matter.

“(c) Does not arise.”

MR. ABDUL HAMEED KHAN:—“May I know, Sir, the time when the operation took place?”

THE HON. DR. T. S. S. RAJAN:—“There is no information in my possession as to the exact time when it was done. But he was taken immediately after arrival into the ward and sent to the operation theatre at 8-45 p.m.”

Provincialization of the services of Medical officers working under local bodies.

* 22 Q.—MR. G. RANGAYYA NAYUDU: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether there is any proposal before the Government to provincialize the services of Medical officers working under local bodies;

(b) if so, at what stage the proposal stands;

(c) whether the services of Medical officers in local bodies are pensionable; and

(d) if the services of Medical officers are provincialized—

(i) by whom fresh vacancies will be filled up;

(ii) from whose funds their salaries will be paid, whether it is from the Government's or the local bodies' concerned; and

(iii) from whose funds their pensions, if any, will be paid?

THE HON. DR. T. S. S. RAJAN:—“(a) There is no such proposal before the Government.

“(b) The question does not arise.

“(c) Pension is not admissible to medical officers in municipal service. Local Fund Medical Officers entertained in service on or after 1st April 1932, are not eligible for any pension from the funds of local boards but such officers as were appointed before 1st April 1932 and were eligible for pension continue to be eligible for it so long as they are in service.

“(d) The question is hypothetical.”

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MR. G. RANGAYYA NAYUDU:—“Mr. Speaker, are there any representations received by the Government from the medical officers working in the local bodies saying that their services should be provincialized? If so, when will it be done?”

THE HON. DR. T. S. S. RAJAN:—“The Government are not aware of any such representation.”

Opening of an institution for medical training at Guntur.

* 23 Q.—MR. K. VENKATAPPAYYA: Will the Hon. the Minister for Public Health be pleased to state whether the Government propose to reconsider the question of opening an institution for medical training at Guntur?

THE HON. DR. T. S. S. RAJAN:—“The answer is in the negative.”

MR. K. VENKATAPPAYYA:—“Is the Hon. Minister aware of the fact that there is a building constructed at Guntur for a medical school at a cost of nearly Rs. 70,000 and that no medical school was started there?”

THE HON. DR. T. S. S. RAJAN:—“The Government are aware of the fact that a building was constructed for a proposed medical school. But the medical school idea was dropped, and the building that was intended for a medical school is now occupied by some other educational institutions.”

MR. K. VENKATAPPAYYA:—“For the educational institution, is such a costly building necessary?”

THE HON. DR. T. S. S. RAJAN:—“The building was originally built for a medical school.”

MR. K. VENKATAPPAYYA:—“Who is responsible for the waste of money?”

THE HON. DR. T. S. S. RAJAN:—“Will the hon. Member please repeat the question?”

MR. K. VENKATAPPAYYA:—“Who is responsible for the waste of such a large sum of money in constructing that building?”

THE HON. DR. T. S. S. RAJAN:—“Of course, the Government is certainly responsible for the building.”

MR. BASHEER AHMED SAYEED:—“How long after the construction was the building abandoned?”

THE HON. DR. T. S. S. RAJAN:—“The building is still there.”
(Laughter.)

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Action taken on the memorial of the people of Guntur regarding the water-supply scheme for their town.

* 24 Q.—MR. K. VENKATAPPAYYA: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government have considered the memorial recently submitted to the Government by the citizens of Guntur through the District Collector, Guntur, regarding the scheme of water-supply to Guntur; and

(b) if so, whether any and what orders have been passed thereon?

THE HON. DR. T. S. S. RAJAN:—(a) & (b) “The memorial has been received and is under the consideration of the Government.”

Action taken on the representations in regard to the affairs of Sri Mahalingeswara temple at Padabidre in South Kanara district.

* 25 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether any representations in respect of the affairs of the Sri Mahalingeswara temple of Padabidre in South Kanara have been received by the Government; and

(b) if so, what action the Government propose to take in the matter?

THE HON. DR. T. S. S. RAJAN:—“(a) Yes.

“(b) The representations were forwarded to the Hindu Religious Endowments Board which is competent to take action in the matter.”

Selection of a Muslim candidate for appointment as Assistant Director of Agriculture.

* 26 Q.—MR. D. ABDUL RAWOOF: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether it is a fact that the Public Service Commission invited applications from Muslim candidates for the appointment of Assistant Director of Agriculture;

(b) whether any applications were received from qualified Muslims; and

(c) whether the appointment was made; if not, why not?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) Yes.

“(b) & (c) Only one candidate applied and he was not found suitable by the Commission.”

MR. ABDUL HAMEED KHAN:—“May I know, Sir, on what consideration, whether educational or otherwise, the candidate was not found suitable?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“Notice, Sir.”

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Appointment of assistants to the millet and cotton specialists of the Agricultural department.

* 27 Q.—MR. D. ABDUL RAWOOF: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) the criterion for the appointment of assistants to the millet and cotton specialists in the research section of the Agricultural department; and

(b) why in 1930 when a Non-Brahman, who passed out first in the rank was not taken, Brahmans who passed the same year as second and third in rank were taken?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) There are no special criteria. They are men of the grade of upper subordinates and like all upper subordinates are chosen from the list of candidates prepared by the Madras Public Service Commission and in the order of preference shown in the list. But prior to January 1931, heads of sections used to nominate candidates for the vacancies in their respective sections with reference to the suitability of the candidates and the language area in which they were to be ultimately employed.

“(b) In the 1930 B. Sc. (Agrl.) Examination, the candidates who passed out I, II and III in rank were—

(i) J. Natarajan—a native of Vizagapatam district.

(ii) K. Narayana Nayar—a native of Malabar district.

(iii) M. Venkoba Rao—a native of Ceded districts.

“Nos. (i) and (ii) are Non-Brahmans and No. (iii) is a Brahman.

“In his application for an appointment in the department No. (i) preferred Chemistry section, failing that, Agricultural section in the I Circle. He was, therefore, appointed to the Agricultural section and posted to I Circle as requested by him.

“No. (ii) was nominated by the Millets Specialist. He was intended for work at Coimbatore.

“No. (iii) was nominated by the Cotton Specialist for appointment at Hagari in the Bellary district.

“There are no Cotton or Millet stations in the I Circle to which No. (i) could be appointed.”

Representation of Muslim community in the Ministerial Service in the Agricultural department.

* 28 Q.—MR. D. ABDUL RAWOOF: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether it is a fact that there is only one Muslim in the Ministerial service in the Agricultural department; and

(b) his service and the grade in which he is?

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THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) Yes.

“(b) He is in the scale of Rs. 40, 40—1½—55—1—65, and has put in a total service of 15 years and 9 months.”

Creation of two posts of temporary Assistant Directors of Agriculture.

* 29 Q.—MR. D. ABDUL RAWOOF: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state whether there is provision made in the budget for the appointment of two temporary Assistant Directors of Agriculture?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“Yes. The hon. Member apparently refers to the two temporary posts shown on page 300 of the Civil Budget Estimate for 1937–38.”

Removal of toddy and arrack shops in Karkal, South Kanara district, to a less objectionable locality.

* 30 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state with reference to the answer to unstarred question No. 24 laid on the table on 31st August 1937—

(a) whether any information or report has been received by the Government; and

(b) if so, what steps have been or are contemplated to be taken by them for immediate removal of the toddy and arrack shops to a less objectionable locality?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) & (b) A copy* of the report of the Collector is laid on the table. In the circumstances stated therein, the Government do not consider it necessary to change the location of the shops.”

MR. H. S. HUSSAIN:—“Will the Government be pleased to ascertain the views of the school and temple authorities and the local panchayat board in the matter?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“I understand the Collector has already done it.”

Delegation of the power to grant aid under section 7 of the State Aid to Industries Act.

* 31 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government have delegated under section 7 of the State Aid to Industries Act the power to grant aid under section 6 of the Act in cases where such aid does not exceed Rs. 10,000; and

(b) if not, why not?

* Printed as Appendix I on page 154 infra.

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THE HON. MR. V. V. GIRI:—“(a) Section 7 of the Madras State Aid to Industries Act has been deleted by the Government of India (Adaptation of Indian Laws) Order, 1937.

“(b) Does not arise.”

Concessions to the paper mill at Rajahmundry.

32 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the paper mill at Rajahmundry has been given any concessions by the Government;

(b) whether it has applied for any further concessions; and

(c) if so, what the nature of these concessions is?

THE HON. MR. V. V. GIRI:—“(a) Yes. On the recommendation of the Board of Industries the Government have granted the following concessions to the paper mill:—

(i) the exclusive right to purchase and remove waste paper and press cuttings from Government offices under the control of the Local Government for a period of five years from 1st April 1937 at the rate of Rs. 28 per ton;

(ii) the exclusive right of cutting and removing bamboos from certain areas on the Pulusumamidi range in the Rekapalle forest for a period of ten years on an annual payment of Rs. 8,000; and

(iii) the use of water required by the mills from the river Godavari at a concessional rate of Rs. 1-8-0 per 1,000 cubic yards for a period of one year from the date of commencing manufacturing operations.

“(b) The answer is in the negative.

“(c) Does not arise.”

Starting of sugar factories in this Province.

* 33 Q.—MR. R. VENKATASUBBA REDDIYAR: Will the Hon. the Minister for Industries and Labour be pleased to state whether the Government propose to start any sugar factory in this Province, and if so, at what stations?

THE HON. MR. V. V. GIRI:—“There is no such proposal before the Government.”

Representation of Muslims in the appointment of District Munsifs in this Province in 1936 and 1937.

* 34 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the number of District Munsifs newly appointed in this Presidency in 1936 and 1937;

(b) the number of Muslims amongst them;

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(c) how many remained to be provided among the candidates selected by the Madras High Court; and

(d) how many of them were Muslims?

THE HON. MR. K. RAMAN MENON:—“(a) Eleven in 1936, and six from 1st January to 1st November 1937.

“(b) One in 1936, and none in 1937.

“(c) Seven.

“(d) One.”

(Mr. Abdul Hameed Khan rose to put a supplementary question. By that time Mr. Speaker had called the next question.)

MR. ABDUL HAMEED KHAN:—“Are we not allowed to put supplementary questions?”

MR. SPEAKER:—“Yes; if the hon. Member is willing, he can.”

MR. ABDUL HAMEED KHAN:—“Not only am I willing but I also want to ask . . .”

MR. SPEAKER:—“You will please hereafter rise quickly; we cannot afford to waste the time of the House; for the present you can put the question.”

MR. ABDUL HAMEED KHAN:—“Mr. Speaker, Sir, may I know from the Hon. Minister in charge of Justice why no Muslim has been appointed out of the six that were selected in 1937?”

THE HON. MR. K. RAMAN MENON:—“One out of the eleven is a Muslim.”

MR. ABDUL HAMEED KHAN:—“From the information given by the Hon. Minister, out of eleven there is only one Muslim and out of six, none, appointed; and out of seven (remaining to be provided) there is one Muslim?”

THE HON. MR. K. RAMAN MENON:—“The six refers to the second list. There was no Muslim, probably because there were no Muslim applicants.”

Proposal for the abolition of the race course at Guindy.

* 35 Q.—MR. D. ABDUL RAWOOF: Will the Hon. the Minister for Courts and Prisons be pleased to state whether there is any proposal to close down the race course at Guindy?

THE HON. MR. K. RAMAN MENON:—“The answer is in the negative.”

MR. D. ABDUL RAWOOF:—“Will Government consider the advisability of closing down the race course?”

THE HON. MR. K. RAMAN MENON:—“The matter has not been considered till now, but it will be considered.”

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MR. K. BASHYAM AYYANGAR:—“May I know whether any representation has been received by the Madras Government in the matter?”

THE HON. MR. K. RAMAN MENON:—“Not to my knowledge.”

MR. ABDUL HAMEED KHAN:—“May I know whether the Government is aware of the enormous havoc that the races not only in this city but elsewhere also are perpetrating on the poor people of this province?”

THE HON. MR. K. RAMAN MENON:—“The Government have no such authentic information.”

MR. ABDUL HAMEED KHAN:—“May I know whether the Hon. Minister has asked one of his colleagues who is a steward of the race course, for that information?”

THE HON. MR. K. RAMAN MENON:—“Private conversations are not to be used on the floor of the House.”

MR. P. R. K. SARMA:—“Will the Government consider the advisability of making an attempt to close the second enclosure at least in order to protect the poor people from ruin?”

THE HON. MR. K. RAMAN MENON:—“When the Government gets authentic information that there is any mischief done, they will consider it.”

MR. MAHABOOB ALI BAIG:—“Is it a fact that the Government is not in a mood to enquire into the matter?”

THE HON. MR. K. RAMAN MENON:—“That assumption is certainly wrong.”

MR. MAHABOOB ALI BAIG:—“Then may I request the Government to take up the matter as soon as possible?”

THE HON. MR. K. RAMAN MENON:—“That is the answer that was given to the first supplementary question.”

Number and pay of process-servers in Civil and Sessions Courts.

* 36 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) what the number of persons employed in Process service in mufassal Civil and Sessions Courts is;

(b) what the grades of pay received by them are;

(c) what the total annual expenditure on this department is; and

(d) what the total annual revenue under this head is?

THE HON. MR. K. RAMAN MENON:—“(a) The following statement furnishes figures for 1937-38:—

Nazirs	..	..	..	149 (including Deputy and Assistant Nazirs).
Amins	..	..	..	1,757
Peons	..	..	..	6,276

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“(b) The following statement shows the pay of the process service establishments prior to 4th October 1933 and from 4th October 1933:—

Names of posts.	Pay prior to 4th October 1933 (old scale).	Pay from 4th October 1933 (new scale).
	RS.	RS.
Nazirs	80—4—120	70—5/2—85—7½/2—100
Deputy Nazirs	60—4—80	55—5/2—70
Assistant Nazirs	35—35—1½—50—1—60	30—3/2—45—2/2—55
Amins	22—1—35	21—2/2—31—1/2—33
Peons	15	15
Peons	14	14

“(c) & (d) Receipts and charges for the years 1933, 1934 and 1935 are given below. Similar figures for 1936 are not available:—

Year.	Receipts.	Charges.
	RS.	RS.
1933	23,40,800	23,85,600
1934	22,94,500	24,13,000
1935	22,24,700	24,30,500

MR. P. R. K. SARMA:—“Do Government consider that Rs. 14 is sufficient for an employee to maintain a family?”

THE HON. MR. K. RAMAN MENON:—“That question has not been considered by Government. That is not the only consideration for fixing the pay.”

Revenue from and expenditure on the High Court of Judicature at Madras for the last year.

* 37 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the total revenue from the High Court of Judicature at Madras for the last year; and

(b) the total expenditure thereon for the same period?

THE HON. MR. K. RAMAN MENON:—“(a) It is not possible to apportion the revenue under the head ‘Administration of Justice’ between the High Court and the other courts in the presidency.

“(b) The total expenditure under the head “27. Administration of Justice—a. High Court” in 1936–37 was Rs. 12,86,944. This, however, does not include expenditure incurred in England on account of the High Court under the head “27. Administration of Justice,” or expenditure on account of the High Court debited to other heads, such as Civil Works, Pensions, and Stationery and Printing, as separate figures have not been compiled in respect of the High Court under these heads.”

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Retainer of the Advocate-General during last year and last month.

* 38 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Courts and Prisons be pleased to state the retainer of the Advocate-General during—

(a) last year; and

(b) last month?

THE HON. MR. K. RAMAN MENON:—“(a) & (b) The retainer of the Advocate-General during last year was Rs. 1,800 a month and he continues to draw that amount.”

Construction of a bridge by the District Board of Bellary across the Tungabhadra river.

* 39 Q.—MR. D. ABDUL RAWOOF: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the District Board of Bellary has sanctioned the construction of a bridge across the river Tungabhadra connecting the villages of Desanoor and Siruguppa;

(b) if so, the amount of the estimate; and

(c) whether Government consider it necessary to spend such a large sum of money in view of the fact that the village is very small, of no commercial importance?

THE HON. MR. B. GOPALA REDDI:—“(a) The Government of India have sanctioned the construction from the Road Development Fund of a girder bridge over a tributary of the Tungabhadra at Desanur on the road from Siruguppa to Desanur.

“(b) Rs. 50,000.

“(c) The question is under the consideration of Government.”

MR. D. ABDUL RAWOOF:—“Have Government received representations from all the members of the legislatures of the district to suspend the work?”

THE HON. MR. B. GOPALA REDDI:—“The matter is under consideration.”

MR. D. ABDUL RAWOOF:—“What action do Government propose to take in the matter?”

THE HON. MR. B. GOPALA REDDI:—“I have addressed the President, Bellary District Board, that the construction may be dropped for the time being, till final orders are issued by the Government.”

MR. D. ABDUL RAWOOF:—“Was any enquiry made?”

THE HON. MR. B. GOPALA REDDI:—“If it is desirable, it will be made.”

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Proposed construction of a causeway across the Hagari river on the Siruguppa-Adoni Road.

* 40 Q.—MR. D. ABDUL RAWOOF: Will the Hon. the Minister for Local Administration be pleased to state whether there are any proposals before the Government for the construction of a causeway across the river Hagari on the Siruguppa-Adoni road?

THE HON. MR. B. GOPALA REDDI:—"The answer is in the affirmative."

Extension of the franchise in the case of elections to local bodies.

* 41 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Local Administration be pleased to state whether there is any intention of extending the franchise in the case of elections to local bodies to all adults or at least to literates and wives of men paying taxes as in the case of Assembly voters?

THE HON. MR. B. GOPALA REDDI:—"In view of the decision to have one common roll for Assembly and local bodies elections the Government do not propose to introduce adult franchise for elections to local bodies at present. They have decided, however, to assimilate the franchise for the Madras Legislative Assembly to that of all local bodies in the Province of Madras."

MR. BASHEER AHMED SAYEED:—"May I ask, Sir, whether before Government adopt the rules of the Assembly elections to municipalities and local boards, they will also consider the desirability of amending the rules so as to fit in with the new idea?"

THE HON. MR. B. GOPALA REDDI:—"Certainly, Sir. In the January Session Government will come forward with a Bill."

Proposal for the revision of the Travelling Allowance Rules of Government servants.

* 42 Q.—MR. P. MADHAVAN: Will the Hon. the Prime Minister be pleased to state whether any steps are taken by the Government to revise the rules regulating the travelling allowances and halting allowances of Government officials in the interest of economy?

THE HON. MR. C. RAJAGOPALACHARIAR:—"The rates of travelling allowances including halting allowances applicable to Government servants were reduced in 1931. The possibility of making further economies was very recently considered again but it has been found that no further reduction is possible."

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Qualifications for and the nature of control over the members of the Madras Public Service Commission.

* 43 Q.—MR. K. VENKATAPPAYYA: Will the Hon. the Prime Minister be pleased to state—

(a) the qualifications by virtue of which the members of the Madras Public Service Commission at present hold their appointments; and

(b) the nature of control, if any, which the Government exercise over them?

THE HON. MR. C. RAJAGOPALACHARIAR:—" (a) There are no qualifications by virtue of which, as stated in the question, individual members of the Madras Public Service Commission hold their office; but under the proviso to sub-section (1) of section 265 of the Government of India Act, 1935, at least one-half of the members should be persons who at the date of their respective appointments have held office for at least ten years under the Crown in India. Two of the three members of the Commission satisfy this condition;

" (b) Under clause (a) of sub-section (2) of section 265 of the Government of India Act, 1935, the conditions of service of the members of the Commission, which include disciplinary control over them, are determined by regulations made by the Governor of the Province in his discretion. Under paragraph 2 of Regulation 4 of the Regulations so framed by His Excellency the Governor of Madras, the Governor may for sufficient reason at any time in his discretion remove a member of the Madras Public Service Commission from office. The objects for which the Public Service Commission is constituted preclude any control over them being exercised by the Government."

Measures to put down the practice of the Sub-Inspectors' supplying Circle Inspectors and Deputy Superintendents of Police with provisions, etc., during their camp.

* 44 Q.—MR. V. S. R. M. VALLIAPPA CHETTIYAR: Will the Hon. the Prime Minister be pleased to state—

(a) whether the Government are aware that the Sub-Inspectors have to provide for and bear the expenses of their Circle Inspectors and Deputy Superintendents of Police while they are camping within their station area; and

(b) if so, whether steps are proposed to be taken to discourage such practices?

THE HON. MR. C. RAJAGOPALACHARIAR:—" (a) & (b) The answer to clause (a) of the question is in the negative and consequently clause (b) does not arise."

* * 45 Q.

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Admission of students of the Ceded districts in the Teachers' Training College, Saidapet.

* 46 Q.—MR. H. SITARAMA REDDI: Will the Hon. the Minister for Education and Legal departments be pleased to state—

(a) the number of students studying in the Saidapet Teachers' Training College, who belong to Ceded districts (each district separately); and

(b) the number of students of the above districts that have been refused admission in that College for the last five years (each year separately)?

THE HON. DR. P. SUBBARAYAN:—“(a) Anantapur—1.
Bellary—1.
Cuddapah—Nil.
Kurnool—1.

(b)—	Anantapur.	Bellary.	Cuddapah.	Kurnool.
1933-34	3	3	10	1
1934-35	5	4	3	Nil.
1935-36	3	6	6	2
1936-37	5	Nil.	4	1
1937-38	8	Nil.	2	1

MR. H. SITARAMA REDDI:—“May I know from the Hon. Minister whether it is a fact that the students who were refused admission into the Training College at Saidapet, joined the Rajahmundry College?”

THE HON. DR. P. SUBBARAYAN:—“Sir, only very few places are available in the Madras Teachers' College as well as in the Training College at Rajahmundry. Further, the question of admission into these colleges depends upon the qualifications of the students as well as the service which each one has put in in the various schools.”

MR. H. SITARAMA REDDI:—“Do the Government contemplate increasing the accommodation in the institutions concerned?”

THE HON. DR. P. SUBBARAYAN:—“Not at present.”

Abolition of the District Educational Councils in the Presidency.

* 47 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Education and Legal departments be pleased to state whether there is any proposal with the Government to abolish the District Educational Councils at an early date?

THE HON. DR. P. SUBBARAYAN:—“The attention of the Hon. Member is invited to the answer given to Legislative Assembly unstarred question No. 25 on 31st August 1937.”

MR. BASHEER AHMED SAYEED:—“May I ask, Sir, whether the Hon. Minister will read out the answer to question No. 25 for the benefit of the House?”

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THE HON. DR. P. SUBBARAYAN:—“No. The hon. Member should have looked it up.”

MR. D. RAMALINGA REDDIYAR:—“Is it a fact that maladministration is a peculiar feature of these educational councils?”

THE HON. DR. P. SUBBARAYAN:—“Maladministration is a relative term, and if the hon. Member will expand his question, I shall consider a reply.”

MR. BASHEER AHMED SAYEED:—“May I ask, Sir, whether, in cases where reference is made in the answer to answers given on previous occasions, at least half an hour's notice will be given to Members to look up the answers?”

THE HON. DR. P. SUBBARAYAN:—“May I point out, Sir, that these answers are printed in the Proceedings of the House which hon. Members have got? If they are so particular about supplementary questions, I am quite sure they could find out the answers referred to.”

MR. ABDUL HAMEED KHAN:—“May I know, Sir, what the Hon. Minister means by asking the Members to look up the reference before the questions are answered on the floor of the House?”

THE HON. DR. P. SUBBARAYAN:—“Sir, notice of questions are sent out to Members of this House, and from the questions themselves, if the hon. Members take the trouble and if they are interested, they can very well look up the answer.”

MR. BASHEER AHMED SAYEED:—“May I ask, Sir, whether it is fair to the Members of the House that, instead of the Minister concerned repeating the answer which was given some months ago, they should be asked to look up the previous answers without knowing what the answer of the Minister to a particular question would be?”

THE HON. DR. P. SUBBARAYAN:—“As I have submitted already, the question itself would have shown to the hon. Member what would be the nature of the answer that would be given.”

MR. BASHEER AHMED SAYEED:—“May I ask, Sir, whether courtesy does not require this much of a concession?”

THE HON. DR. P. SUBBARAYAN:—“If the hon. Member had been courteous in the way in which he put the question, he would have received an equally courteous reply.”

Proposals for transferring the elementary schools under the management of the Fisheries department in Malabar to the control of the Malabar District Board.

* 48 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether there was or is a proposal to entrust the management of elementary schools under the Fisheries department in Malabar to the Malabar District Board; and

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(b) if not, whether the Government will consider the desirability of doing so?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"The question of transfer of these schools from the control of the Fisheries department has been raised and is under the consideration of the Government."

Agricultural farm at Lam in the Guntur district.

* 49 Q.—MR. K. VENKATAPPAYYA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) the annual cost of the maintenance of the agricultural farm at Lam in the Guntur district;

(b) the area under cultivation;

(c) the crop raised therein;

(d) the net profit or loss to Government annually for the last five years; and

(e) the salaries of the manager and staff engaged in the farm?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" (a), (b), (c) & (e) The attention of the hon. Member is invited to the Statement of Receipts and Charges of the Agricultural Research Station, Guntur, during 1935-36 in appendix I on page 118 and to the short history of the station in appendix II on pages 119-121 of the Madras Agricultural Station Reports for 1935-36."

" (d) The hon. Member's attention is invited to the Statement of Receipts and Charges of the Agricultural Research Station, Guntur, printed in the Station Reports for the respective years."

Provisions for preventing abuse of powers conferred by the new rules under the Motor Vehicles Act.

* 50 Q.—MR. P. BUCHAPPA NAYUDU: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) what the immediate reasons are which necessitated the amendment of the rules under the Madras Motor Vehicles Act of 1923 issued in G.O. No. 2705 (62-S), dated 14th July 1937; and

(b) what check they have provided against abuse or autocratic exercise of power by the officers invested with powers under these amended rules?

THE HON. MR. K. RAMAN MENON:—" (a) The Government were satisfied that there was considerable overloading in lorries and that unless it is stopped there is very great risk to the road-using public and loss to the local bodies on account of the damage done to the roads.

" (b) In matters of this nature the District Superintendent of Police is subject to the control of the District Magistrate and the District

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Magistrate is subject to the control of Government. So far as the City is concerned, the Commissioner of Police is subject to the control of the Government."

MR. P. BUCHAPPA NAYUDU:—" May I ask the Hon. Minister whether the grant of these powers to officers is warranted by the results of the working of the Madras Motor Vehicles Act? "

THE HON. MR. K. RAMAN MENON:—" Yes; that is the opinion of the Government."

Number of Muslims in the Revenue Department.

* 6 Q.—MR. D. ABDUL RAWOOF: Will the Hon. the Minister for Revenue be pleased to state—

(a) the number of Muslims in the Revenue Department before and after the advent of the Public Service Commission; and

(b) the reason for the decrease, if any?

MR. T. VISWANATHAM, Parliamentary Secretary, on behalf of the Hon. Mr. T. Prakasam:—" (a) The numbers of Muhammadans who held permanent, temporary, officiating and probationary appointments in the Revenue Department on the 1st of April in each of the years 1931 and 1937 were respectively 2,876 and 2,518. The Madras Public Services Commission published its first list of candidates for appointment as clerks in August 1931.

" (b) The decrease between 1931 and 1937 is largely in the number of Muhammadans employed on a salary of less than Rs. 35 per mensem, presumably in the menial establishments. As regards superior appointments the decrease is only forty-eight. The decrease is presumably due to a shortage of qualified Muhammadan candidates and to the reduction in the permanent strength of the establishment in the Revenue Department in 1937 (13,697) as compared with that in 1931 (15,323)."

MR. ABDUL HAMEED KHAN:—" May I ask whether these figures were examined by the Parliamentary Secretary before he read them out here? "

MR. T. VISWANATHAM:—" Mr. Speaker, when a question is answered by me, the hon. Member knows that I speak on behalf of the Government and the hon. Member must realize that the Government would examine the figures before they are given on the floor of this House."

Amount of jodi and total rents collected during last year from permanently settled estates.

* 7 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the amount of total jodi collected during the last year from permanently settled estates;

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(b) the number of persons paying the same; and

(c) the amount of total rents collected by persons paying the above jodi?

MR. T. VISWANATHAM, Parliamentary Secretary, on behalf of the Hon. Mr. T. Prakasam :—“(a) to (c) The Government have no information.”

Action taken on the petitions of the zamin ryots of Udayarpalayam in regard to kist payable by them

* 8 Q.—MR. B. VENKATACHALAM PILLAI: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that a large number of petitions for reduction of kist and postponement of kist collections by the Zamindar of Udayarpalayam were preferred by the zamin ryots to the Collector of Trichinopoly;

(b) whether any action was taken to redress their grievances; and

(c) if not, whether the Government will take steps in the matter?

MR. T. VISWANATHAM, Parliamentary Secretary, on behalf of the Hon. Mr. T. Prakasam :—“(a) In some representations received by the Government it is stated that such petitions were sent to the Collector of Trichinopoly.

“(b) The Government have no information.

“(c) The Legislature has already appointed a Committee to enquire into the conditions prevailing in zamindari and proprietary areas.”

Alleged inopportune season fixed for the collection of peshkash.

* 9 Q.—MR. G. KRISHNA RAO: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether he is aware that in certain zamindaris the payment of peshkash to the Government has to be paid in five instalments, i.e., October, December, January, March and April;

(b) whether he is aware that as October and December are mid-harvest seasons in those areas much inconvenience is caused to the zamindar when the Government take coercive steps to recover the instalments of peshkash due from him in those months; and

(c) whether in the interest of both the Government and the zamindar the Government will consider the desirability of shifting the time for payment of peshkash to the period from January to the end of May or June?

MR. T. VISWANATHAM, Parliamentary Secretary, on behalf of the Hon. Mr. T. Prakasam :—“(a) Yes, in a few cases.

“(b) One such representation was received in 1934 and it was considered that there was no sufficient justification for the permanent alteration of the kistbandi.

“(c) The Government see no sufficient reason to undertake the examination of this general question.”

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Cases of corruption inquired into during the term of office of Mr. J. Venkatanarayana as Inspector-General of Registration.

* 10 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the period during which Mr. J. Venkatanarayana was Inspector-General of Registration;

(b) the number of cases of corruption enquired into during his regime; and

(c) the number of punishments awarded?

MR. T. VISWANATHAM, Parliamentary Secretary, on behalf of the Hon. Mr. T. Prakasam :—“(a) From 1st January 1922 to 27th July 1925 except for a period of one month from 5th August 1924 to 4th September 1924 when he was on leave.

“(b) & (c) The Government have no information.”

MR. K. V. R. SWAMI :—“Will the Government be pleased to call for information on this matter?”

MR. T. VISWANATHAM :—“I do not think any useful purpose will be served by calling for information; this is about an officer who retired long ago. Further, the information asked for relates to the years 1924-25.”

MR. K. V. R. SWAMI :—“May I ask whether there have been such cases in the past year?”

MR. T. VISWANATHAM :—“I suppose in all services there will be some cases of complaint.”

Restoration of the cuts in the salaries of all the village officers in the Presidency.

* 45 Q.—MR. G. RANGAYYA NAYUDU: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether cuts from the salaries of all the village officers in the Presidency were made when general retrenchment in Government expenditure was brought into effect last;

(b) if so, what the percentage of cuts so effected was;

(c) what the net amount was of savings to the Government by the enforcing of cuts in the salaries of village officers in the Presidency;

(d) whether such cuts were restored, when the general restoration of cuts in the salaries of Government servants was given effect to;

(e) if not, why not;

(f) whether the restoration of cuts in the salaries of Government servants was partial or complete;

(g) if the answer to clause (d) is in the negative, whether there is any proposal pending the consideration of Government for the restoration of those cuts; and

(h) if so, when such restoration will be brought into effect?

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MR. T. VISWANATHAM, Parliamentary Secretary, on behalf of the Hon. Mr. T. Prakasam:—“(a) Yes.

“(b) On the recommendation of the Retrenchment Committee of 1931–32, the following permanent reductions were made in the pay of village officers appointed after 30th April 1932:—

Rate of pay.	Amount of cut.	Percentage.
1 Below Rs. 6	No cut	
2 Rs. 6 and not exceeding Rs. 12.	As. 4 each per mensem.	From 4·16 to 2·08.
3 Above Rs. 12	As. 8 each per mensem.	From 3·9 to 2.

“(c) The Government have no information.

“(d) The cuts were not restored.

“(e) The reductions made were permanent and the question of restoring the cuts did not therefore arise.

“(f) The restoration was complete but the restoration applied only to ‘existing’ incumbents. In the case of ‘future’ entrants, scales of pay were reduced permanently.

“(g) The answer is in the negative.

“(h) Does not arise.”

MR. G. RANGAYYA NAYUDU:—“Do the Government think that the salaries paid to village officers are sufficient?”

MR. T. VISWANATHAM:—“The Government do not think like that.”

MR. G. RANGAYYA NAYUDU:—“Is it not a fact that some representations have been made to Government that the hereditary rights of village officers should be abolished?”

MR. T. VISWANATHAM:—“There have been some such representations; but there were also representations to the contrary.”

Particulars regarding the supply of water to the Veeranam tank.

* 11 Q.—MR. BASHEER AHMED SAYEED: Will the Hon. the Minister for Public Works be pleased to state—

(a) with reference to the answer to question No. 341, answered on 2nd September 1936, regarding filling up of the Veeranam tank, what the particulars of statistics are from which the figures 205, 300 and 200 cusecs of water were arrived at; and

(b) whether a statement of these particulars for the last five years will be placed on the table of the House?

THE HON. MR. YAKUB HASAN:—“(a) The particulars of the statistics on which the figures referred to were based, are given in statement ^a which is laid on the table.

“(b) Yes. (Vide statement II placed on the table).

^a Printed as Appendix II on page 155 infra.

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Alleged dearth of supply of water from the Lower Coleroon anicut to the ryots of Sethiathope anicut.

* 12 Q.—MR. BASHEER AHMED SAYEED: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the attention of the Hon. Minister has been drawn to the fact that the ryots of Sethiathope anicut are now suffering from acute dearth of supply of water from the Lower Coleroon anicut for their cultivation operations; and

(b) what steps the Government have taken or propose to take to redress the grievance in regard to water-supply?

THE HON. MR. YAKUB HASAN:—“(a) Some complaints in the matter appear to have been received by the local officers.

“(b) It was found that the complaints were generally groundless, and that the ayacut had received adequate supply.”

MR. BASHEER AHMED SAYEED:—“May I know whether it is a fact that after the recent floods, the Collector has ordered that no second crop is to be raised in this ayacut?”

THE HON. MR. YAKUB HASAN:—“No order like that.”

Supply of water to the Sethiathope Anicut system and gauge readings in the Vellar-Rajan vaikal.

* 13 Q.—MR. BASHEER AHMED SAYEED: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether a statement of the amount of water supplied daily to the Sethiathope Anicut system from Veeranam tank in the months of July and August 1937 together with the figures for the same months in 1935 will be placed on the table; and

(b) whether a statement of the daily readings in the rear gauge of the Vellar-Rajan vaikal for the months of July to September in each of the years from 1925 to 1937, will be placed on the table?

THE HON. MR. YAKUB HASAN:—“(a) & (b) The statistics are available with Government and will be furnished to the Hon'ble Member for perusal and return if required. The Government do not think it worthwhile to spend labour and money in printing a large number of copies of the statistics (which are in the form of statements) for being placed on the table of the House.”

MR. BASHEER AHMED SAYEED:—“May I ask the Hon. Minister whether he will be pleased to supply me with a copy of the statistics?”

THE HON. MR. YAKUB HASAN:—“Yes, it will be placed at his disposal, but it should be returned.”

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UNSTARRED QUESTIONS

Communalwar list of peons in the Secretariat of the Madras Legislature.

1 Q.—KHAN BAHADUR P. M. ATTAKOYA THIANGAL: Will the Hon. the Prime Minister be pleased to state—

(a) the number of peons in the Secretariat of the Madras Legislature;

(b) how many of them are Hindus, how many of them are Muslims and how many of them are Christians.

(c) how many new appointments of peons were made in the department since 1st April 1937; and

(d) how many of them were Hindus, how many of them were Muslims and how many of them were Christians?

A.—(a) to (d) Eighteen permanent peons and six temporary peons to be employed during the sessions is the sanctioned strength under G.O. No. 408, Public (Reforms), dated the 26th February 1937. In addition to this, a lump allotment has been sanctioned for employing temporary staff including temporary peons during meeting days. In the months of August and September 1937, 24 temporary peons were employed during meeting days of the Assembly and the Council and were paid out of this temporary allotment. These were discharged on the 1st October 1937. Twelve of the eighteen permanent posts were filled up by the appointment of men already employed in the old Legislative Council office and one by transfer. The remaining five posts were filled up by the appointment of three ex-army men nominated by the Collector of Madras, and two outsiders. Only five out of the six posts of temporary peons were filled up and these were discharged on the termination of the sessions of the Chambers on the 1st October 1937.

The castewar analysis of the permanent peons is 13 Hindus other than Scheduled Castes, two Scheduled Castes, one Muslim and two Christians. If the temporary peons appointed during August and September are also included, the analysis of peons newly appointed from 1st April 1937 would be 27 Hindus, other than Scheduled Castes, three Scheduled Castes, one Muslim and four Christians.

Communalwar list of graduates of the Agricultural College appointed in the Agricultural department since 1923.

2 Q.—MR. D. ABDUL RAWOOF: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) how many graduates of the Agricultural College joined the various sections of the Agricultural department according to communities since 1923;

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(b) how many got themselves transferred to other sections and the communities to which they belonged; and

(c) how many of them left the department from each section and to what community each belonged?

A.—(a) Two hundred and sixty-eight graduates of the Agricultural College, Coimbatore, were recruited to the Upper Subordinate cadre of the Madras Agricultural Subordinate Service since 1923 as shown in Statement No. I^a appended.

(b) There have been 38 cases of transfer from one section to another. Particulars regarding these are furnished in Statement No. II^a appended.

(c) Nineteen of the men recruited have since left the department—vide Statement No. III^a appended.

Revenue to Government in the last twenty years, and the expenditure on famine relief.

3 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to give information under the following heads:—

(a) the total revenue to Government in each of the last twenty years;

(b) how it was obtained;

(c) the areas in which famine conditions prevailed during the same period;

(d) the number of persons dead during each famine;

(e) the amounts spent in each such period; and

(f) the manner in which such amounts were spent?

A.—(a) The total revenue of the Presidency from 1917-18 to 1936-37 is given in the appended statement^b.

(b) From Revenue heads assigned for provincial purposes in accordance with the financial arrangements between the Government of India and the Madras Government from time to time both pre-reform and post-reform.

(c) to (f) The question in clauses (c) to (f) asks the present Government in effect to review the previous Government's famine administration during the last twenty years. The Government would request the hon. Member to waive the question.

Expenditure on account of the Board of Revenue in each of the last ten years.

4 Q.—MR. K. V. R. SWAMI:—Will the Hon. the Minister for Revenue be pleased to state the cost incurred by Government by continuing the Board of Revenue in each of the last ten years?

^a Printed as Appendix III on pages 156-158 infra.

^b Printed as Appendix IV on page 158 infra.

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A.—The information required is given below:—

Year.	RS.
1927-28	3,37,746
1928-29	3,33,947
1929-30	3,27,233
1930-31	3,20,508
1931-32	3,05,377
1932-33	2,92,878
1933-34	3,27,710
1934-35	3,31,368
1935-36	3,46,881
1936-37	3,44,663

These figures do not include the expenditure incurred in England and the expenditure incurred on pensions, stationery and printing and Civil Works on behalf of the Board, as separate figures relating to the Board are not available.

Revenue from and expenditure on civil and criminal courts for the last year.

5 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the expenditure on all the civil and criminal courts including the High Court established at Madras for the last year; and

(b) the revenue from the above for the same period?

A.—(a) The attention of the hon. Member is invited to paragraphs 422 and 423 of the Budget Memorandum for 1937-38 explaining the difficulty in assessing correctly the expenditure on the Judicial department. Though an approximate estimate of General Administration expenditure for 1937-38 which might be transferred to the Judicial department has been given in paragraph 423, a similar approximate apportionment is not possible in respect of expenditure incurred on such items as the maintenance by the Public Works Department of buildings occupied by, the cost of stationery and printing for, the pensions of officers who served in, and other indirect expenditure of, the Judicial department. The Government are, therefore, unable to furnish the required information.

(b) The hon. Member's attention is drawn to the revenue for the current year under the "IX-B. Stamps (Judicial)" and "XXI. Administration of Justice." These figures, however, include revenue from the revenue courts also and figures in respect of civil and criminal courts are not available.

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Revenue from and expenditure on the Translation and Printing departments of the High Court in each of the last five years.

6 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the revenue from the Translation and Printing departments of the High Court in each of the last five years; and

(b) the expenditure on the above during the same period?

A.—(a) & (b) The following statement taken from the *pro forma* account of the Translation and Printing Fund gives the required figures:—

Year.	Receipts.			Charges.		
	RS.	A.	P.	RS.	A.	P.
1931-32	2,95,389	2	0	2,81,769	2	11
1932-33	3,14,136	3	9	2,75,513	9	5
1933-34	2,97,220	14	0	3,04,844	2	0
1934-35	2,97,154	12	0	2,97,060	15	2
1935-36	2,95,257	14	0	2,72,825	10	3
1936-37	Not available.					

Payment of honoraria in the Registration department.

7 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) to whom honoraria are paid in the Registration department; and

(b) for what purposes?

A.—(a) Honoraria are paid to the peons of the Registration department.

(b) For the service of processes—vide sections 36 and 37 of the Indian Registration Act, 1908.

Extent of land under wet cultivation during last year and the revenue therefrom.

8 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the total extent under wet cultivation in respect of first paddy crop during last year;

(b) the same in respect of second crop; and

(c) the revenue from the same extent under water-cess?

A.—(a) & (b) Figures for fasli 1346 are not yet available. The attention of the hon. Member is, however, invited to column (3) of Appendix IV of the Season and Crop Report for fasli 1345 regarding the total area of paddy irrigated from all sources of irrigation, to columns (3) and (5) in Appendix VI relating to the total area sown with un-irrigated and irrigated paddy during that fasli.

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- (c) The attention of the hon. Member is invited to column (27) of Statement 4 attached to the jamabandi report for fasli 1345 regarding the second-crop assessment on single-crop wet lands and the charge for water on Government lands during that year. There is no information as to how much of this revenue relates to paddy and how much separately to water-cess on dry lands and fasaljasti on wet lands.

Advances repayable to the Government of India from the provincial loans fund of this Province.

9 Q.—MR. K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state—

(a) the amount due to Government of India from this Province under advances from provincial loans fund, when the same was borrowed and when it is payable;

(b) the interest payable to Government of India in respect of the above advances per year and the rate at which it is payable;

(c) whether any other amount is due to Government of India besides the above amount; and

(d) if the answer to the above is in the affirmative, what the amount is?

A.—The provincial loans fund was wound up on the 31st March 1937. The amount due to the fund on that date was Rs. 1,528.46 lakhs as detailed in paragraph 12 of the Budget Memorandum for 1937–38 and the manner in which it was adjusted is explained in paragraph 16 of the Budget Memorandum. The consolidated debt on 31st March 1937 according to the final accounts is Rs. 756.71 lakhs. This has to be repaid in 45 years with interest at 4½ per cent by equated payments of Rs. 39.29 lakhs every year commencing with 1937–38. No other amount is due to the Government of India.

Expenditure on and the revenue from the Hosur Livestock Station.

10 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state the expenditure on and the revenue from the Hosur Livestock Station each year since it was started?

A.—A statement* is appended.

* Printed as Appendix V on page 159 infra.

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Publication of the results of experiments on paddy and other grains.

11 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether the results obtained in experiments on paddy and other grains by experts and others are made known to the cultivators;

(b) if so, by what means; and

(c) what expenditure was incurred during each of the last five years under this head?

A.—(a) Yes.

(b) By demonstration and propaganda. The results obtained by specialists are brought home to the cultivators by actual demonstrations in their own fields, e.g., if a superior strain of paddy or any other crop is evolved, its superiority over the local crop is demonstrated to the cultivators by actually growing the two crops side by side under identical conditions in their own fields. Propaganda is done by lectures, exhibitions and distribution of literature which contains the results of research conducted by experts.

(c) Expenditure under demonstrations and propaganda (including pay and allowances of demonstrators and cost of depot equipment, etc.), rounded to nearest hundreds is given below:—

	RS.
1932–33	3,98,300
1933–34	4,40,800
1934–35	4,55,500
1935–36	4,71,700
1936–37	5,42,900

Peshkash paid to Government and the amount of rents and other revenues collected by the proprietors in respect of permanently settled estates last year.

12 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the total peshkash on permanently settled estates last year;

(b) the peshkash in respect of each such estate;

(c) the total amount of rents and other revenue collected by the proprietors from the above estates last year; and

(d) the amount collected by the proprietor from each estate?

A.—(a) to (d) The figures for fasli 1346 are not yet available. The attention of the hon. Member is invited to Statement No. 2 at page 27 of the jamabandi report for fasli 1345 for the figures of that fasli.

[20th December 1937]

Number of cattle in this Presidency.

13 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether the Government have ever undertaken a cattle census in this Province;

(b) if so, the total number of cattle in the Province according to that census;

(c) how many of each breed; and

(d) how many for each district?

A.—(a) The last census was held in January 1935.

(b) & (d) The hon. Member is referred to Appendix XIII on pages 28–29 of the Season and Crop Report for fasli 1345.

(c) There is no information with the Government.

Utilization of the grants to the Labour department in the West Godavari district.

14 Q.—MR. G. VENKANNA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the amount granted by the Government to the Labour department of West Godavari district yearly from 1932 to 1937;

(b) whether the whole amount is expended for the benefit of the labour community; if not, why not; and

(c) whether it is a fact that the contracts of the wells, school buildings and roads have not been given to the Harijans by the Labour officers?

A.—(a) A statement^a showing the amount allotted and the expenditure incurred from 1932 to 1937 by the Labour department in West Godavari district is annexed. The statement excludes the amounts spent under “District Staff.”

(b) No portion of the amounts has been spent for the benefit of any community other than the scheduled castes.

(c) The Labour department works were given on contract to Harijan contractors also.

Allotment of house-sites to the Harijans of Voonactla village, Kovvur taluk, West Godavari district.

15 Q.—MR. G. VENKANNA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government are aware of the fact that Harijans of Voonactla village, Kovvur taluk, West Godavari district, paid money as deposit for house-sites to be granted by the Government;

[20th December 1937]

(b) if so, when and for how many sites;

(c) whether any house-sites were granted to them subsequently;

(d) if the answer to (c) is in the negative, the reasons for the same; and

(e) when the Government propose to consider the question of allotting the same?

A.—(a) Yes.

(b) A sum of Rs. 442–8–0 was paid on 25th July 1935 and another sum of Rs. 228–2–0 on 5th November 1935. There are 41 applicants who are in need of house-sites.

(c) The answer is in the negative.

(d) The owner of the land selected (S. No. 214) objected to the proposed acquisition and the objection was found to be reasonable. The Collector offered to acquire S. No. 199 or any other survey number near the Adi-Andhrapalli but the applicants persisted in asking for S. No. 214. The Collector offered to acquire S. No. 212 but the applicants would not have this also. The question of acquisition was in the circumstances dropped and the applicants were directed to apply for refund of the amount deposited.

(e) Mr. Moses, on behalf of the Adi-Andhras, reopened the matter in January 1937 stating that the applicants would be satisfied with S. No. 212. The acquisition has been sanctioned and the District Labour Officer is taking necessary action. The acquisition will be completed in 1937–38.

Opening of additional rural dispensaries, unani and ayurvedic, in the Bobbili District Board area.

16 Q.—SRIMAN Y. V. A. BHASKARA RAO PATNAIK MAHASAYO: Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of rural, unani and ayurvedic dispensaries respectively existing at present within the area of the Bobbili District Board and the villages where they are located; and

(b) whether any additional dispensaries of the abovementioned classes are now proposed to be started within the said district board area and if so, the number of each of the abovementioned classes and the villages where they are to be located?

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A.—(a) According to the information furnished by the Surgeon-General in March 1937, there were fourteen rural dispensaries within the area of the Bobbili District Board located at the following places:—

Western medicine.		Indian medicine.
(1) Baljipeta.	}	Nil.
(2) Maradam.		
(3) Sitanagaram.		
(4) Lakhanapuram.		
(5) Pachipenta.		
(6) Makkuva.		
(7) Kintali.		
(8) Bhagripuram.		
(9) Kuppili.		
(10) Chilakalapalli.		
(11) Therlam.		
(12) Palteru.		
(13) Ramabhadrapuram.		
(14) Jonnavalasa.		

(b) The Government have no information.

Working of the South Kanara Government Trade School.

17 Q.—MR. K. ISHWARA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the South Kanara Government Trade School has been working at a profit or loss during the past four years, and what the amount of profit or loss for each year has been;

(b) whether at any time irregularities in accounts and consequent loss to Government were noticed by the auditors in the accounts of the workshops; and

(c) how many teachers were employed there and what the monthly salary was of each of the teachers?

A.—(a) The Government Trade School, Mangalore, is not a commercial concern but an institution which provides facilities for industrial instruction. The net cost of the school during the last four years was as follows:—

	RS.
1933-34	8,583
1934-35	8,484
1935-36	7,156
1936-37	7,431

(b) The answer is in the negative.

(c) There are at present two instructors in the school, one drawing Rs. 67½ per mensem and the other Rs. 55 per mensem.

[20th December 1937]

Assignment of cultivable lands in South Kanara district to Hospital.

18 Q.—MR. K. ISHWARA: Will the Hon. the Minister for Revenue be pleased to state—

(a) the extent of cultivable lands in South Kanara district;

(b) how much of this extent has been set apart for assignment to the members of the Harijan community; and

(c) out of the total extent set apart, how many acres have been actually assigned up to date?

A.—(a) The attention of the hon. Member is invited to the answer to clauses (a) and (b) of question No. 282 (starred) answered in the Assembly on 28th September 1937. The extent of good arable land available in the South Kanara district is 1,562.59 acres. This area is exclusive of lands reserved for specific purposes such as assignment to the Depressed classes.

(b) & (c) An extent of about 39,730 acres has been reserved for assignment to members of the Depressed classes and out of this, an extent of 5,796 acres has so far been assigned.

Deputy Inspectors of Schools in South Kanara district belonging to Depressed and non-Depressed classes.

19 Q.—MR. K. ISHWARA: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) how many Deputy Inspectors of Schools are serving in the South Kanara district; and

(b) how many of them belong to the Depressed classes community, and how many of them belong to the non-Depressed classes?

A.—(a) 11 (6 in the senior scale and 5 in the junior scale).

(b) One (junior scale) belongs to the Depressed classes.

Employment of Adi-Dravida teachers in local board and municipal services in South Kanara district.

20 Q.—MR. K. ISHWARA: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether any Government Order has been issued to the effect that Adi-Dravida teachers may be employed in the local board and municipal services;

(b) whether the President, District Board, South Kanara, and Municipal Commissioner, Mangalore, have given effect to the above order; and

(c) if not, why not?

A.—(a) No such orders are necessary as local board and municipal service is open to members of all communities.

(b) & (c) In view of the answer to clause (a), clauses (b) and (c) do not require separate answers.

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Nomination of Khan Bahadur Mahmud Schamnad Sahib Bahadur as President of the District Educational Council, South Kanara.

21 Q.—MR. K. ISHWARA: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether it is a fact that the Minister in charge of the Education Department, during the regime of the Interim Ministry, nominated Khan Bahadur Mahmud Schamnad Sahib Bahadur to the Presidentship of the District Educational Council, South Kanara;

(b) what the reason was for such a nomination;

(c) what the Council's request to the Government was; and

(d) the period or the term of the presidentship?

A.—(a) Yes.

(b) On account of the mismanagement of the affairs of the District Educational Council, the appointment of a nominated President was considered necessary.

(c) The request of the Council was that its power of electing its President should not be withdrawn.

(d) In the ordinary course, Khan Bahadur Mahmud Schamnad Sahib Bahadur will continue to be the President of the Council till 27th April 1939, when his term as member on the District Educational Council expires.

Number and cost of wells dug by the present District Labour Officer, South Kanara.

22 Q.—MR. K. ISHWARA: Will the Hon. the Minister for Industries and Labour be pleased to lay on the table a list of the wells dug by the Labour department in South Kanara, during the term of office of the present District Labour Officer for South Kanara, Mr. Valiath, and the cost of construction of each well?

A.—A statement^a giving the required information is annexed. Besides the expenditure shown therein, a sum of Rs. 3,466-10-0 was spent on repairs of and improvements to old wells as shown below:—

	RS.	A.	P.
In 1934-35	2,261	10	0
In 1935-36	248	0	0
In 1936-37	957	0	0
	3,466	10	0

^a Printed as Appendix VII on page 160 infra.

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Qualifications of the Labour Overseer in South Kanara district.

23 Q.—MR. K. ISHWARA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether a Labour overseer is appointed for six months in the year for the construction of the wells dug by the Labour department; and

(b) whether the present overseer of the Labour department in South Kanara has obtained any University degree, and what his other technical or academical qualifications are?

A.—(a) Yes.

(b) There is no overseer working at present. The post was last held by one K. M. Sheriff. He has passed only the Lower Secondary course but has undergone training in Survey and Levelling. He was given two months' training in 1926, at Government cost, in agriculture to improve his usefulness for the scheduled classes. Before his appointment as a Special Overseer, he was a Local Fund contractor. On account of his experience in the construction of buildings and well-works, he was selected for this post. When he was first appointed no technical qualifications had been prescribed for the post. As his work continued to be satisfactory, he was employed in service as and when occasion arose.

Fisheries schools in South Kanara district.

24 Q.—MR. K. ISHWARA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) how many Fisheries schools have been opened in South Kanara district;

(b) how many Inspectors of Fisheries there are in the South Kanara district; and

(c) how many factories have been opened in the said department in the South Kanara district?

A.—(a) Thirteen up to 30th June 1936.

(b) One.

(c) None.

Working of the Prohibition Act in the Salem district since its introduction on 1st October 1937.

25 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Agriculture and Rural Development be pleased to lay on the table a report showing the working of the Prohibition Act since its introduction in the Salem district on the 1st October 1937?

A.—A report on the working of the Madras Prohibition Act in the Salem district will be placed on the table of the House after the Act has been in operation sufficiently long to enable an appreciation to be framed of its working.

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Loan granted by the Government to the Sri Ramakrishna Sugar Mills, Kirlampudi.

26 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state in respect of the Sri Ramakrishna Sugar Mills, Kirlampudi—

- (a) the value of the assets of the firm;
- (b) the value of the property given as mortgage for the loan given by the Government;
- (c) the rate of interest charged;
- (d) the number of instalments fixed; and
- (e) the penal rate of interest chargeable in case the instalments are not paid in time?

A.—(a) Rs. 1,96,977 as on 4th October 1935.

(b) Rs. 2,06,977 representing the value of the assets plus the value of the additional machinery purchased for Rs. 10,000.

(c) Five per cent.

(d) Fifteen annual instalments.

(e) Ten per cent per annum on every instalment of interest or of principal and interest which is not paid on the dates fixed for payment.

Fruit farms in the province.

27 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

- (a) the number of fruit farms in this province;
- (b) where each of them is located, when it was started and the area served by each such farm;
- (c) the nature of the work done; and
- (d) the annual revenue from and expenditure on each such farm?

A.—(a) There are three stations in the Nilgiris at Coonoor, Burliar and Kallar and a fourth at Anantarajupeta in the Cuddapah district.

(b) to (d) The hon. Member is referred to the accounts given of these stations on pages 646–682 of the Madras Agricultural Station Reports for 1935–36. The three stations in the Nilgiris deal with varieties of fruit trees likely to thrive on the hills of South India and the station in the Cuddapah district those in the plains.

Improvements to the channel leading to the head sluice at Vijjeswaram.

28 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Public Works be pleased to state—

- (a) whether the channel leading to the head sluice at Vijjeswaram is being silted up and shoals formed;
- (b) whether there are any proposals to prevent such silting up; and
- (c) if so, what they are?

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A.—(a) There has been no silting of the approach channel to the Vijjeswaram Head sluices to an extent likely to interfere with the supply to the Godavari Western Delta.

(b) & (c) In view of the answer to clause (a), the questions do not arise.

Annual expenditure on and the net revenue from the various cinchona plantations in the province.

29 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

- (a) the various cinchona plantations in the province;
- (b) the extent of each;
- (c) the annual expenditure on each; and
- (d) the net revenue from each?

A.—(a) to (d) The attention of the hon. Member is invited to the annual administration reports of the Cinchona department which contain all the information available; the reports are available in the library of the legislature.

Quantity of quinine required and the quantity produced in this province.

30 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

- (a) the total quantity of quinine required for consumption in this province; and
- (b) the quantity produced in this province?

A.—(a) The quantity varies with demand. The quantity of quinine products sold in this Province during the four years from 1933–34 to 1936–37 is, however, furnished below :—

Year.	Quinine Sulphate, etc.			Cinchona Febrifuge.	Totaquina.
	LB.			LB.	LB.
1933-34			6,533	2,090	1,205
1934-35			6,038	2,673	3,214
1935-36			5,893	4,297	3,516
1936-37			9,166	3,256	3,962

(b) The quantity produced during the four years from 1933–34 to 1936–37 is as shown below :—

Year.	Quinine Sulphate, etc.			Cinchona Febrifuge.	Totaquina.	
			LB.	LB.	LB.	
1933-34	..	..	..	18,797	11,832	2,124
1934-35	..	..	..	17,414	9,045	3,339
1935-36	..	..	..	9,760	3,345	5,983
1936-37	..	..	..	20,640	9,869	4,960

[20th December 1937]

Representation of Adi-Dravidas on the Excise Advisory Board and Excise Advisory Committees.

31 Q.—MR. K. ISHWARA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether it is a fact that Government have issued orders to the District Collectors to appoint Adi-Dravidas as members of the Excise Advisory Board and Committees; and

(b) if so, what the purpose is for which the Adi-Dravidas are given representation on these Committees?

A.—(a) & (b) The attention of the hon. Member is invited to the answers given to starred question No. 165 on 21st September 1937. As in the case of Excise Advisory Committees, the existing rules relating to the constitution and working of Excise Licensing Boards provide for one member of the Board being elected by recognized labour organizations from among the labouring or depressed classes or nominated by the Collector if no such organizations exist.

Number of persons paying not more than Rs. 400 as land-tax and the extent of their indebtedness.

32 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the number of persons paying not more than Rs. 400 as land-tax; and

(b) the probable amount of debts due by them?

A.—(a) The attention of the hon. Member is invited to statement No. 20 annexed to the jamabandi report for fasli 1345 which contains the only information available on the subject.

(b) The Government have no information.

Proposal for the abolition of certain Government colleges.

33 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether any reduction of expenditure under college education by abolition of certain colleges is under the contemplation of the Government; and

(b) if so, which of the colleges under Government are likely to be affected?

A.—(a) & (b) The question of reconstructing the educational system is under consideration. The question of abolition of colleges is not under consideration at present.

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Number of motor vehicles in use in the province.

34 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the number of motor vehicles in the province at present;

(b) how many of each variety—cars, buses and lorries; and

(c) the licence fees collected from them?

A.—(a) The number of motor vehicles which paid tax under the Madras Motor Vehicles Taxation Act during the quarter ending 30th September 1937 was 20,515.

(b) Of these 1,491 were lorries, 4,015 taxis and buses, 13,733 private cars and 1,276 motor cycles.

(c) The tax on them collected during the quarter ending 30th September 1937 was Rs. 11,92,243-6-0.

Economic condition of the ryots of the Udaiyarpalaiyam zamindari.

35 Q.—MR. B. VENKATACHALAM PILLAI: Will the Hon. the Minister for Revenue be pleased to state whether the Government are in possession of statistics with reference to the economic condition of the zamin ryots of the Udaiyarpalaiyam zamindari?

A.—The answer is in the negative.

Measures to prohibit the import of agricultural produce in the Province and the standardization of prices.

36 Q.—MR. R. VENKATASUBBA REDDIYAR: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether the Government propose to take any steps to prevent import into this Presidency of agricultural produce which is produced in this Presidency; and

(b) whether the Government propose to fix standard price for agricultural produce so that agriculture may be made a paying concern?

A.—(a) & (b) The Government have no such proposals before them at present.

Peddasettipalli channel in the Proddatur taluk, Cuddapah district, and the extent of land irrigated by it.

37 Q.—MR. N. RANGA REDDI: Will the Hon. the Minister for Public Works be pleased to state—

(a) what the date was by which Peddasettipalli channel (Proddatur taluk, Cuddapah district) was expected to be completed and made ready for use and when it was actually completed;

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(b) the estimate for digging the channel and the amount already expended on the same;

(c) what the extent of the land in acres is that was intended to be brought under wet cultivation by the use of the said channel and how many acres are now actually brought under wet cultivation at present; and

(d) if the expected extent of land was not brought under wet cultivation, what the reasons therefor are?

A.—(a) The work was expected to be completed in 1936–37 but will be completed during 1938–39.

(b) (i) Rs. 44,900.

(ii) Rs. 26,916 to end of 1936–37.

(c) (i) 541 acres.

(ii) The Government have no information.

(d) In view of the answer to clause (c) (ii) the question does not arise.

Posting of I.C.S. Officers to the Revenue Division of Devakottai, Ramnad district.

38 Q.—MR. V. S. R. M. VALLIAPPA CHETTIYAR: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that the Devakottai Revenue Division (Ramnad district) has been continuously administered by I.C.S. officers;

(b) whether it is a fact that ever since the construction of the residential quarters for the said officers' occupation, only officers of I.C.S. rank have been posted to the said Revenue Division;

(c) whether it is a fact that the present Revenue Divisional Officer at Devakottai is not an officer of the I.C.S. rank; and

(d) if so, whether the Government will consider the advisability of posting an I.C.S. officer to the said division?

A.—(a) & (b) Devakottai is classified as an I.C.S. division. It has not been continuously administered by I.C.S. officers either before or after the construction of the quarters for the Revenue Divisional Officer in 1933. As a rule only I.C.S. officers are posted to I.C.S. divisions but when an I.C.S. officer who has completed his training is not available for any I.C.S. division a Deputy Collector is posted temporarily until an I.C.S. officer becomes available.

(c) The answer is in the affirmative.

(d) An I.C.S. officer is likely to be posted to the division in the near future.

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

VII.—HOUSE COMMITTEE.

* THE HON. MR. C. RAJAGOPALACHARIAR:—“ Mr. Speaker, Sir, I move that, under rule 152 of the Madras Assembly Rules, the House do proceed to elect six members to the House Committee according to the principle of proportional representation by means of the single transferable vote in accordance with the regulations made in this behalf by you.

“ In moving this, I beg that leave of the House may be given to reappoint the present six members who have already been members of the Committee, without any fresh election, leaving it to the Hon. Speaker to nominate two members afresh if he so chooses.”

* MR. SPEAKER:—“ The question is that the House do proceed to reappoint the present six members of the House Committee . . . ”

MR. ABDUL HAMEED KHAN:—“ On a point of order, Sir. I do not think the motion is in order. Only there can be a motion for the election of a new committee. Whether hon. Members of this House agree to re-elect the same members of the old committee or not is a question that could be considered only later.”

* MR. SPEAKER:—“ The hon. Member, Mr. Hameed Khan, is technically right.

“ The question is that, under rule 152 of the Madras Assembly Rules, the House do proceed to elect six members to the House Committee according to the principle of proportional representation by means of the single transferable vote in accordance with the regulations made in this behalf by me.”

The motion was put and carried.

* MR. SPEAKER:—“ I have to inform the House that in accordance with the regulations framed by me under rule 152 of the Madras Assembly Rules for the holding of elections according to the principle of proportional representation by means of the single transferable vote, I fix 3-30 p.m. to-day as the time within which nominations of candidates for election to the House Committee should reach the Secretary. If the number of candidates exceeds the number of vacancies, viz., 6, there will be an election between 12 noon and 1 p.m. on Tuesday, the 21st December 1937.”

VIII.—PUBLIC ACCOUNTS COMMITTEE.

* THE HON. MR. C. RAJAGOPALACHARIAR:—“ Mr. Speaker, Sir, without questioning your previous ruling, I hope I shall not be taken amiss if I move again that with reference to rule 134 of the Madras Assembly Rules, this Assembly do proceed, on a date to be fixed by you, to elect nine members to be members of the Committee on Public Accounts for the second session of the year 1937–38 and that the same old members of the Committee be reappointed.

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"I would not have moved a motion of this sort if the House had no option of giving an answer as to whether they want to reappoint the same old members or elect fresh members. I do submit that the House has a right to appoint the same old members as were elected before and that it has a right to say that they do not propose to appoint new members but add some members to the old number of members already appointed, or add a single member or two suited for their work. So I now proceed to move my motion with a rider that the same old members be re-elected by the House if they so choose. It is open to any hon. Member to move that the latter part of my motion be dropped and say that the House has a right to elect only new members."

MR. ABDUL HAMEED KHAN:—"I once again raise the point of order which I raised earlier."

* MR. SPEAKER:—"Your point of order is upheld."

"The question is that with reference to rule 134 of the Madras Assembly Rules, this Assembly do proceed, on a date to be fixed by me, to elect nine members to be members of the Committee on Public Accounts for the second session of the year 1937-38."

The motion was put and carried.

* MR. SPEAKER:—"In accordance with the regulations framed by me for conducting elections according to the principle of proportional representation by means of the single transferable vote, I fix 3 p.m. to-day as the time within which notice of nominations for election to the Public Accounts Committee should be given to the Secretary. If the number of candidates exceeds the number of vacancies, namely, nine, there will be an election between 1 and 4 p.m. on Tuesday, the 21st December 1937."

IX.—THE MADRAS AGRICULTURISTS RELIEF BILL OF 1937.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, the Bill that I have the honour to introduce is to provide for the relief of indebted agriculturists in the Province of Madras. This Bill was published in the *Fort St. George Gazette Extraordinary* on the 1st of December. It has been before the public for some time, but it has received—I am sure hon. Members will agree with me—as much attention as if it had been before the country for a much longer time. It has been commented upon by varieties and groups of persons in the public press. It has also been the subject—hon. Members will agree with me—of considerable discussion both in private and in public and at meetings and otherwise. I do not think that any one can say that it has not received enough of attention. Under the rules, as the Bill has been published in the press, it is not necessary for me to ask for leave to introduce it. I proceed therefore to move under rule 111 of the Madras Assembly Rules that the concurrence of the Legislative Council

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be obtained in setting up a Joint Select Committee of both the Houses consisting of 14 members to consider the Bill.

"I am asking the House to accept this motion as it is the most convenient way of dealing with the matter. It would have been possible to appoint a Select Committee separately of this House and if and after the Bill was passed here to ask the Second Chamber to proceed with it and to appoint its own committee, if it was necessary, and consider the Bill. In the circumstances of this case, I thought that it would be most convenient to have a Joint Select Committee of both the House and I hope the House will approve of my proposal in that respect. It would involve, as a consequence of this, a joint consultation, practically between the two Houses and a fairly good number will represent the other House. In fact there will be a better representation of the other House in this procedure than if we had proceeded in a different manner. Under the present proposal, according to the rules, an equal number of members will sit on the select committee from either House. The Second Chamber will therefore have half the number of the whole committee. Under rule 111, we have to elect a committee of not more than fifteen, but under the rule, which, I think, was enacted in a fit of mathematical forgetfulness, I think both the Houses have the right to elect an equal half out of not more than 15. That really means that not more than 14 members of both the Houses could be elected, because we could not possibly satisfy the rule of having an equal half and yet have the total number as not above 15 or going down below 14. I place these little details at the outset before the House so that the exact proposition that I place before it may be clearly understood. With the concurrence of the Second Chamber, seven members of this House and seven members of the Second Chamber can be formed into a select committee and it may proceed to consider the Bill. According to the plan which the Government places before the House we will sit jointly to consider the Bill in detail if the House accepts the principles of the Bill immediately. And the plan of the Government is that we should sit from day to day, if necessary, till the end of this year and that the Bill as a whole in a concrete and revised form should be before the country and before the members of both the Houses for a fairly considerable length of time. The plan, as I said for the Government, is to have the Report of the Joint Select Committee completed before the first or the second of January so that this House might meet again towards the latter part of January. I am taking the House into confidence with regard to the plan of the Government subject of course to the approval of the House."

"Having stated these matters preliminary to taking up the subject-matter itself, I crave your permission, Sir, to say a few words about the object of the Government in introducing this measure. The position is this. Everybody feels that something is wrong in the situation. I do not think that any one will hold the view and ask the House to accept the position that nothing need be done. There may be considerable difference of opinion as to what should be done and as to whether what is proposed is right, good or even tolerable. But I do

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not think that any one would hold the view and express it that we may sit where we are and that we need not do anything. That being, in my humble opinion, clear, we have to go to the next step and see exactly what is wanted, and examine whether the proposal of the Government is good or good enough.

“What is wanted is, to place the industry of agriculture in a better position than it is in to-day with respect not to improved methods of agriculture, not to improved organization with reference to other matters, but with reference to this one element, namely, of the debt burden. Of course if members hold the view that debt does not matter in regard to this industry, the House would have to reject the proposal. But, if debt is important and is a serious element in producing the present undesirable condition of this industry, we have to tackle that question. It is possible when any reform or change is proposed—not only possible but very natural—for people to think that there are so many other things to do, that they are all important, that nobody is bothering about them, and ask, what is the good of taking this up. That is a very natural feeling whenever any difficult proposal is made. It is also quite open to the members of this House to say that relatively speaking other things are more important and therefore we shall take them up. The Government believes that this question of debt is very urgent and very important. There are some who hold the view that the revenue burden, the burden of Government's demand on land is excessive and should be reduced before we need do anything else or before anything else can produce any good result. But I submit, Sir, that it is not a correct view. I do not think that we can change the system of revenue in this country easily or, placed as we are in this Provincial Government, at all. We have to deal with the conditions under which this Government works. Taking these conditions into account, it is not easy to make any very drastic change in the quantity of the land tax or the share which it should have in the total receipts of this Government. It may be that injustice may be corrected and that hardship may be relieved, but to imagine that before dealing with the question of debt we might deal more effectively with the question of land tax itself and thereby bring relief and remedy to the agriculturists is not, I submit, possible and is not also a good proposal. We will have to deal with the much larger burden of debt than with this smaller burden of land revenue. I say so not in mathematical language because while the burden of debt produces an increasing difficulty to the agriculturists, the land revenue burden is not of that kind. I say so also because, as a matter of fact, the burden of debt, in my humble opinion, is a greater disease than the land revenue burden. Compared with the income-tax, for instance, which the Central Government collects, it may be said rightly that the amount of the tax that an owner of land or a cultivator of land pays, is very much higher than what a man deriving an incometaxable income—if I may use a crude expression like that—has to pay. I quite agree it is so. But the tradition of Government in this country has fixed things in this way and it will take a great deal of work and

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a great deal of revolutionary change before we can dispense with the land revenue or alter it so as to be nearly on the same level as the income-tax that is levied by the Central Government. In any case seeing that the Provincial Government is given this source of revenue and the Central Government has taken away the other, there is no use in comparing the one with the other. We have therefore, I submit, to deal with the burden of debt. It is not merely a question of administration. Committees have sat over this question; inquiries have been held in this matter and the opinion is unanimous that this burden of indebtedness is a terrible thing and is producing a progressive amount of disturbance of the industry making it an urgent matter to be tackled. When introducing the Budget last time I referred to this question of debt and I promised at that time that the Government would soon deal with this matter and in fulfilment of that promise I introduce this Bill now on behalf of the Government.

“Sir, in 1935 a report was issued by a Special Officer, Mr. Sathianathan, who had been deputed to make an inquiry into agricultural indebtedness and it has been before the country for some time. In that report it has been estimated that the total amount of agricultural debt in this province is probably 200 crores. This estimate is more or less confirmed by other estimates made from different angles. On the whole, therefore, we may take it that this is the total debt burden. Of course it is one thing to talk of things as so many and so many in arithmetical figures and it is a quite a different thing to realize what it all means. To us, people who deal with the Government as a whole 200 crores is nothing. We may even presently deal with bigger figures. But this report gives us something more. Each acre is taken out and the amount of burden on it is brought out. Also the burden on each individual or family is brought out. These things are likely to give a better realization of what the actual condition is. As a matter of fact, it is found that for every rupee of land revenue assessment, the burden of debt is nearly Rs. 30 on the small landholder, not on the big landholder. In the case of small landholders, for every rupee that a man pays to Government, he is burdened with a debt of Rs. 30. Just consider what this means. If we take the rates of interest which the man has to pay on this burden you will see what it means when I say that the burden of debt is really much more urgent than even the burden of land revenue. If we go to the bigger landholders the position is not so bad as that. The burden of debt there is Rs. 8 for every rupee of assessment. So we have at once something on which we can form an impression as to how things stand relatively between the small and large proprietors.

“Then again, Sir, there are people who draw comparisons between creditors of various kinds. It may be useful in that connexion also to begin with the information that this report that I referred to gives. Now what are the percentages for the various credit agencies which supply the credit? The Government agency gives 1 per cent, the co-operative societies, 6 per cent and the private creditors give up to 93 per cent of the total. Now we have something to go upon to understand exactly who the creditors are and who the debtors are.

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" In dealing next with the urgency of the matter, I think, Sir, the same report would be useful and I shall quote from that report the impression that the Special Officer got after a very careful enquiry into the matter. I prefer to quote because it will be more easy to get the House to accept an impression which was received by a wholly different person under wholly different circumstances than if I gave my own views in regard to the matter.

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" Even as regards myself, I feel more confident in giving the impression of a person like that who has made extensive enquiries and given his impression in the shape of a Government printed document, before any controversy arose of the present kind. The urgency is admitted, and it is felt that it is not a day too early to introduce effective measures in order to remedy the present condition. I am sorry I am not able to get at the passage exactly where it is said like that, but I think that Members will take it from me if I say that the opinion is no less clear and positive which he has expressed, than what I would express myself. It is an urgent matter. It cannot be put off, and in fact the officer went into the history of the various debts and the rate of progress made in their discharge and came to the conclusion that the remedial measures should not be delayed very long.

" Then, I would refer to the causes, because, if we wish to cure any disease, it is a trite saying that we should find out the causes and should apply the remedies to the causes. As regards the causes, it is very often stated that these debts were due to improvidence, due to waste and due to extravagance in marriage ceremonies and the like. Here also, there is a very interesting conclusion which I think Members should have the benefit of, from this report. It is not I that am speaking, but it is the same officer that I referred to. He says: 'The argument adduced by so many that the plight of the agriculturist is entirely due to extravagant expenditure on ceremonies like marriages, is not borne out by these figures. No doubt expenses on ceremonies do account for 10.5 per cent of the total debt and can well be substantially reduced, but such extravagant expenditure is not by any means the sole cause for the heavy indebtedness of the people.' It is well-known to any one who has gone and made enquiries in the countryside into the affairs of poor people, that most of the debts are taken to pay off old debts. It is only a very small proportion that goes to make capital for new adventure. Generally speaking, most of the debts go to repay old debts. That is the condition and the vicious circle that we propose to meet by this measure.

" The next question is as to why we recommend something more than mere conciliation and voluntary agreement. I claim, Sir, that the attempt to conciliate has not succeeded. It is not as if it has not been tried. As a result of this same report that I referred to, after careful consideration, measures were taken, conciliation was attempted, voluntary liquidation was attempted; but all reports, official as well as non-official, agree in this, that this has not succeeded. There are some things which we should cure quickly. There are some things which

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we might postpone. The debt does not wait; debt proceeds to increase in its weight, without waiting for anybody. Therefore it is that if we find that conciliation has not succeeded, it is no use merely postponing the matter, waiting for a better day when conciliation might succeed. Here also, I would ask why conciliation has not succeeded. It appears to me, Sir, and I want the House to consider it carefully, that in our country it is difficult to make people accept a voluntary arrangement by which some people get more benefit than some others and some people get less benefit than some others. In the absence of any general plan and general enforcement, most people feel that it is not wise, that it is not safe to accept any arrangement without waiting to see what other people have done or are going to do. That is why I think that in most places wherever this conciliation has been attempted, people have not come forward. It is not the case that we deal only with the debtor; the creditor also has to be dealt with. So that, the creditors wish to know how other creditors are going to be affected. They think, 'why should we agree when others are not going to agree? What is the good of my agreeing?' It is possible that courage may be needed by the conciliating officer; but that is not the sole reason why conciliation has failed—it is not by temperament that our people are cantankerous, that our people are ungenerous—but it is the fear that unevenness may be created, one body of people agreeing in one place and other people not agreeing in another place. In all matters having wide consequences, where there are large ramifications, consequences and difficulties, advantages and disadvantages created all over, a large plan and a generally enforced plan is much more acceptable than attempts at isolated remedies here and there and attempts at conciliation here and there. It may not be of great interest to all classes of people, but it serves to explain what I mean if I refer to a wholly different case. I have heard it stated in very orthodox Hindu families 'if you want to raise the age of marriage, do so by compulsion; then all of us would be affected, all together, and then there would be no difficulty; but do not ask me to postpone the marriage of my girl, not laying any compulsion upon anybody else.' That is the difficulty. But if you do bring a compulsory measure, we will all be in the same boat, and it will be easier to proceed and to face others. And even in the matter of debts, in the matter of relationships between creditors and debtors, it is not as if all people lend or all people borrow. People borrow and people lend. Very often all these transactions are connected together in a very intricate manner. Therefore, any measure that affects all people together at the same time has a much fairer chance of being approved by everybody and producing the least amount of disturbance than if we proceed piecemeal. Let us take up for instance the question of dealing with one class of agriculturists or one class of creditors, without dealing with the other classes of creditors or debtors. It may be very convenient and handy to deal with a problem in that manner. Just take, for instance, the measure that we tackled the other day with regard to prohibition. You said you would introduce it in one place, you would see what happens there

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and then go to another place. There we see the amount of difficulties that have arisen in the border. Here also we will have numerous borders, not merely land borders but economic borders, family borders, industrial borders and the like. It is very difficult to deal with a matter in part, and it often produces much more complication if we deal in part than if we deal with the whole. Therefore, I submit, Sir, that I consider that the measure that we have published, namely, that we deal with the principal, interest and the liabilities of all agricultural debtors, independently of all questions as to what classes of agricultural debtors or what classes of creditors, agricultural or otherwise, will come in, is safer than to try to attempt to draw marginal boundaries between one class of people and another class of people.

"Then the question to be considered is the sacredness of contract. For the first time, it is said, we are dealing a fatal blow at that and that it will disturb the roots of organized society. Just like religion, the roots of moral obligation wound up in the sacredness of contract, are too dangerous to be touched; do not touch it, do not shake it, society may crumble down. Sir, I am not caricaturing, I am not exaggerating. I submit, Sir, it is a very good argument and a very proper consideration. But I at once proceed to say that I do not wish that we should, by our measure, interfere with the very important roots of the life of society. But it won't do to be afraid to till the ground; it won't do to be afraid of picking the soil in order to give air and nourishment to the roots, merely because you may perhaps interfere with this root or that root. We should have not only caution but also a little bit of courage. Now, what is it that this measure proposes to interfere with? That, I submit, is the main consideration rather than that you should swear by a dogma so to say, and say that a contract should not be touched. In another field also, the same question arises, for all reforms, all truths, are one and indivisible. There is not much difference between one and another. Do not retrench, do not reduce the salaries of people—and there also it is sacredness of contract. Quite a good dogma, but not good administration, not courage! Same thing here. Do not interfere with contract, it is said. But then, what have we been doing till now? Have we not made laws very many years ago that interest should not be this and interest should not be that, that even if a man agreed to reduce the rates, the court should be enabled to reopen the whole case, reopen the question of the amount that was borrowed and to say that it allowed so much? That has been done, not by Congress Governments, but by Conservative Governments, not alone by Conservative Governments, but even by Governments of the old old order. The Deccan Relief Act, for instance, was passed long before the present kind of Government was conceived, and in that Act you will find the sacredness of contract very roughly handled. There is no such thing as sacredness of contract in that sense here. Of course there is the sacredness of contract which is not put down in legal terms, but written in a more universal language, the language of morality, the language of conscience and the language of the inner feeling of every just man. I want to know

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this: if a man has borrowed Rs. 100 at a certain rate of interest and if at the end of say fifteen years one finds that the man can by law be compelled to sell his house, home, cattle and sell himself into prison, so to say, in order that he may repay the contractual obligation which amounts to Rs. 300, the Rs. 100 of borrowed money having become Rs. 300 according to the bond—if that is to be called sacredness of contract not to be touched. Every one would be willing, I think, and ready to say that that is not sacredness. That contract is not sacred. What is sacred is something else. Acts have been passed, saying that interest should be charged only at such and such a rate. That may be an interference with the sacredness of contract. And so, the dogma by which some people swear is at an end so far as sacredness of mere contract goes. Therefore, there is something deeper and more true than the mere words of a dogma, which we should describe as something which we should treat as sacred.

"I submit to the House for acceptance, this principle, that we Indians do consider contracts sacred; but we do not consider interest as sacred. There is difference between sacredness of contract and the legal sacredness of interest. I put my whole case on this difference that I draw, in regard to this Bill. I maintain that contracts are sacred, that obligations are sacred; I do maintain with the same emphasis that interest is not sacred and that interest should not be confounded with contract. There are groups of people who believe that interest is not only not sacred but is the opposite of sacred. There are groups of people who consider that entering into a transaction by which you imagine that you can make money, is itself wrong. There are groups of people especially in the eastern part of the world, who believe that the very idea of taking interest is wrong and that if you are compelled by worldly circumstances to make something out of money without labour, you may lend the amount for some amount and call it profit if you like, but not call it interest. It is easy to make fun of this law itself and to slight it. But I do not think it is right. I think these differences have a core of real difference. It is right to distinguish between interest which merely grows for nothing and what is got as profit which involves at least a consciousness of co-operation with the other man to whom money is lent for the purpose of joint effort to make profit. Every difference may become ultimately a mere literal difference.

"In our country the feeling that taking interest is wrong, that it is bad, is not the feeling of the Mussalman community only. I claim that even the Hindu community considers it bad. There is difference in the emphasis. There may be differences in the quantitative reaction to that feeling. But every Hindu also feels that this is not a good thing. If you went and asked a man how he lived, even if he lent money, he would not say 'I live on lending money.' Even though he is a Hindu, he will give some other occupation; he will say that he is a village munsif. He will not say, 'I lend money and am living by it.' If he had an acre of land and even if he got interest to the extent of Rs. 10,000, he would say 'I am a land-owner'; he would

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not say 'I am living by money-lending.' There is this consciousness even in the Hindu community which does not swear by its opposition to taking interest. There is the feeling that receiving interest is bad. This is exemplified by the very old usage which has latterly gone out of use, namely, that no man should go to court and by a compulsory process recover more than twice the principal which he lends. The usage of not taking more than double your principal is an old usage. But like most of our Hindu laws, they were not written down in codes but were only practised and latterly by many changes of Government, things have gone out of use and sometimes people have come to forget them. Varying interpretations are put on them in various parts of the country and in various provinces. Varying text-books give varying interpretations to this rule. This Bill has been built up on the trend of that principle. Lawyer as I was and still remembering a bit of law, I admit at once that this Bill does not in terms reproduce that law. It does not, in terms, re-enact that old rule. It merely proceeds on that principle to some extent. It is possible to point out that the rule was something else; 'it was so and so; but you are twisting it altogether.' I quite agree that it is not the same thing.

"Now, coming immediately therefore to what the proposals are in this connexion, I submit that they are simple. The Bill has been before the country for a pretty good long time and everybody has carefully read it and it will be wasting the time of the House if I take too much time over it now at this stage. Yet it is as well to recapitulate the main and essential features of the Bill. The proposals come to this, that if any man has paid by way of interest or principal whatever it be, more than twice the amount of money that he originally borrowed, the obligation should be taken to have ceased. I claim that this is not an interference with the sacredness of contract in the sense in which I claim that we should work it. In the legalistic sense, it is of course an interference with the sacredness of contract, but not in the other sense. The other principle is introduced in this Bill, that if a man has not paid twice the principal amount up to the time of passing this Bill, he has to pay only the difference between what he has actually paid and twice the principal amount. If a man had originally borrowed Rs. 100 and if he has paid Rs. 180—an extreme case I am putting forward—he would be liable to pay only Rs. 20. If he has paid Rs. 180 having borrowed Rs. 100 I consider it is not an interference with contract; it is not an interference with the sacredness of contract but it is a very tardy piece of justice done to the individual. Having lived under the burden of Rs. 100 so long and having paid off Rs. 180, if he still continues to feel that he is a debtor, we give him tardy justice by telling him that if he pays Rs. 20 more, he is free from the debt.

"The second part of this Bill is this, that if a man has not paid twice the amount he borrowed, he will be entitled to get a discharge on paying the difference. In answer to this proposal, it may be stated that a man had borrowed at 3 per cent interest and that he had borrowed long long ago, and you should not penalize the man who gave the

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money. If a man has borrowed, at a lower rate of interest, some money very long ago and if he has paid regularly as he should have done according to the contract, even in his case, the principal is not wiped out. The principal will not be wiped out even though he may have paid twice or more than twice, though the rate of interest was not much. By reason of long lapse of time and long regular payment, the man may have paid a very much larger amount. Still the original principal amount will be due. A man might have borrowed Rs. 100 in 1870 and he might have been paying a very low rate of interest for 30 years; he might have paid a very large amount by way of interest. Yet he is bound to pay Rs. 100 in order to get a discharge from the original principal.

"Another feature of this Bill is this. We do not go to the latest document which was executed with regard to the debt; but we go back to the original condition of affairs and find out what the true principal is and not what the latest document says to be the principal. Any money paid at the time of reckoning of old liabilities would be taken into account. According to the terms of this Bill, those amounts will be taken into consideration.

"Another important provision that must be remembered is this. All interest outstanding on 1st October 1937 shall be deemed to be discharged and only the principal would be the amount repayable.

"The liquidation that we give to the agriculturists is this and this is the most important portion of the Bill. The facility we give to the agriculturist, the new life we give to him is this. Considering the conditions of to-day, the price of land, the price of crops, considering the fact that the agriculturist borrowed a long time ago and that he borrowed at a time when things were different, that land was valued differently, money was valued differently, we say that from the time of the commencement of this Act, we shall have interest at 6 per cent; up till that, wipe out the interest and pay the principal. If the House accepts that, it accepts the whole Bill practically. This is the foundation of the Bill. Objection to this will be raised and will be considered. But the proposal is this; no more than the principal should be due on 1st October 1937. We shall give a new slate to the agriculturists; they may re-adjust their affairs; they may borrow hereafter or they may not borrow; they may borrow for marriages; they may borrow as much as they like. We give them a new slate to write upon. We remove only the feeling that they are in a state of debt and that they can never get out of it. This Bill proposes to give the people a future. Eighty or ninety per cent of our people would be affected by these considerations. Ninety per cent of our people are living on either small bits of land or large bits of land. Ninety per cent of our people are concerned here. It is found that nearly as much percentage are in debt. The Bill proposes to make them pay the principal only. They may then begin life again. This new feeling that we propose to give to him is the wealth of the country.

"Yesterday, Sir, a Professor of Science urged that the wealth of the country was the mind of the people, the brain of the people. Quite

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true. I go one step lower down and say that the wealth of the country is the hope and confidence of 90 per cent of our people. If 90 per cent of our population feel that their nightmare is gone and that all their handicaps have gone, if every one of them can feel 'I can pay back what I have taken, namely, the principal, I can pay back what actually and tangibly fell into my hand; I asked for and took a loan of Rs. 100; Rs. 100 were in the palm of my hand; I should return it and all legal accretions have been taken away; I have already paid the amount and I am a free man'—if that feeling is roused in the minds of the large number of people that raise the food of our country, I submit we are giving a new life to the country; we are giving it not only to them but to all of us. We create wealth thereby; we create confident and vigorous men in the country tilling the soil. Thereby we create wealth in the country. That is the reason and justification for this measure. It may be said that it is too wide, too sweeping and all that. But that is the real justification and the only justification, if I may say so. Otherwise we may allow things to remain just as they remained before.

1 p.m. "Then, Sir, if persons who will benefit by this measure, as I have already stated, are all agriculturists, without drawing any distinction between the small and the big, it may be thought by those who hear such a proposition that surely some distinction should be made between one set of people and another. Yes, but the distinction is only whether they deal with land or whether they do not deal with land. On those terms this Bill has been built up. If the distinction is between those who deal with the land and those who do not, it is not a quantitative one; it is a difference in occupation, and that is why we have excluded in this measure all classes of people as carefully as we could possibly do—all classes of people who follow a different occupation. That general statement of mine is enough at this stage until we go into the details. The principle on which we have divided the classes is according to their occupation. It may be correct; it may be improved here and there; but that is the general line on which the distinction has been made.

"Then, again, as to the creditors, a certain distinction has been made. Dues to Government, dues to co-operative societies, dues to large credit organizations, have all been excluded. I need not go too much in detail over these. Hard cases, there may be here and there, but the distinction is right, I submit, between such organizations and others. Not that private creditors are bad people and co-operative societies are good people, but it is this, that private creditors are a different kind of people from the co-operative societies. It is not as if one set of people are bad and another set of people are good. But, credit organizations have to be dealt with in a different way and Government have to be dealt with in a different way. Government, if it wants to give help to the people, takes money from the people and gives help; Government is not a separate body and so the Government stand on a different footing. Hon. Members might imagine, 'Oh, yes, that is all true; you want your money, but you want the creditors to loose their money; it is a wrong way of doing things.' It is not as if we want it. Government is a society, an association of all the people. The question is whether that associa-

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tion is to function or not; and if that association of all the people is to function, its affairs stand on a different footing from the affairs of other people. I need not labour that point, but that is the distinction. Though people may agree or people may not get up and move an amendment to remove that particular clause, still the feeling in their mind that something wrong has been done will vitiate the whole argument of mine with reference to the Bill. I want the hon. Members to realize that this is not merely an arbitrary policy that is made by which Government desires to distinguish itself from the rest of the people of the country, but there is a principle behind it and a correct principle behind it. The same thing holds good with reference to credit organizations. If we get up a ladder, we cannot break the ladder itself. It may be after you get into the top of it, you may either pull the ladder or let it down wherever you like. All credit organizations take their place in the scheme of affairs here, which makes it impossible for us to deal with those organizations in the same manner as you would deal with the general matters with which the agriculturists indebtedness is concerned. Credit organizations stand on a different footing and these are subject to control; these are subject to constant and vigilant control by the State, by the Executive as well as by the Legislature. These are under the control of public-spirited men, who meet together disinterestedly more or less, and these are subject to different sets of regulations, so that a Bill like this, could not possibly include organizations of that kind. There may be reform in that field also, but that reform has to be thought out in a different way and should be worked out in a different way. They should not therefore confuse the issue in the present matter. That is why that distinction also has been made.

"Then, again, another principle I would like to put before the House in order to understand the proposal that I have made. There are numerous hard cases that would at once arise in the mind of everybody who reads or hears about the Bill, and it is an old saying that hard cases make bad law. If we provide for hard cases, we will surely make bad law for the generality of cases. The maxim may be interpreted in a different way also, but it is unnecessary to go into that now. We should not be lost in a contemplation of the tragic single individual cases. If I propose to improve the City of Madras, for instance, opening out the roads, clearing congested areas and the like, numerous hard cases come forward and no reformer of the town can possibly make any headway, if he were to lose himself in an emotional fit with reference to hard cases; and hard cases there will be. We must make laws for the generality of cases, but a remedy may be suggested and it may occur to the mind of hon. Members, 'Yes, why make such rigid laws; we could leave them to the courts; we could leave them to the tribunals to consider such cases and make due provision for them. It looks reasonable. But, I submit it is most unreasonable and a dangerous thing to do. Courts cannot function on that basis, and they cannot function with that large amount of discretion being given to them. Even now, the amount of pressure of individuals and of groups

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is something unbearable even in the legislative proposals. And if we allow the law in that fluid condition and if we leave the courts to render justice as they like and without strict rules and regulations being made, I think, we should not be doing the right thing with reference to the courts or the litigants. It would be a dangerous inheritance to be left to the courts to say, 'you have power either to become a creditor judge or a debtor judge; you have power to become a landlord judge or a tenant judge.' I know it is a common saying in the bar room, 'our judge is a landlord judge; our new munsif is a tenant munsif, let us put in this, please.' So, it is a common thing. They will say, 'never mind, let us see how it will fare.' So, things will not improve. That is why I have stood strongly against giving any large measure of discretion, which I call a very heavy intolerable burden to the courts. So, we must as far as possible leave things in a manner in which things can be decided promptly and quickly and without hesitation and bargaining on either side. That is why, I submit, probably any hard cases that could be provided for have not been provided for in terms of this proposal. If we have these general principles in mind, then I submit, the Bill will not appear monstrous or a terrible strain on the old ideas prevailing in this country.

"The other part of this Bill deals with the obligations of tenants to landlords. Generally put, the provision is this. Old arrears, we are asked, should be wiped out. Then the question naturally arises in the mind of everybody that it would be a premium to let things go into arrears. If the Government of 1937 wipes out the arrears for certain faslis, the Government of 1939 may come forward to wipe out the arrears of another fasli and in that way people would be encouraged to keep the arrears going and not to pay and wait till a more generous Government which may appear on the field and wipe out old arrears. That is why, I submit, we have made this provision: that those who pay their dues with reference to current and recent arrears will have the benefit of the write-off of old arrears; those who do not pay, those who are imprudent or who are bad people and who do not wish to pay, such people will not have the benefit of the write-off of old arrears; and the courts are there to proceed against new as well as old arrears. The Bill provides, that those who pay the dues for the fasli 1346 and fasli 1347 will be given the advantage of not having any old burdens on the books placed upon them. Further than that also, if a man is unable to pay the whole, but pays even half or three-fourths, he will be entitled to the benefit of the write-off only in that proportion. That is the provision, in broad outline, of the proposals made here with reference to landlords and tenants.

"Other provinces have not done this, have not done that, you are doing something new, is a common thought that might arise in the mind of hon. Members. Being a thing of a general character, I might deal with it straight-away. Sometimes, we have to do something for the first time; it is not necessary that somebody else should always have done a thing before we begin a thing. But, we may take sufficient courage, I think, from what has been done in other countries, even such as they

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are. Other countries have done, other provinces have done many things, and we ourselves have done before in this province many things. Taking into account all these things, I think this Bill has arisen. It is not as if it is so boldly new. This theory of compulsion has been applied before in regard to industry and in regard even to the relationship between the tenants and landlords. It is not new. But there is one thing more that has to be remembered; that this condition of affairs is not the same in all countries, in all provinces either. People who have examined the question and summarized the position for the whole country have come to this conclusion, that it is a phenomenon, the origin of which is influenced by the manners and customs and even the psychology of different peoples. Therefore, we have sometimes to try new measures, sometimes to try measures different from measures tried in other provinces and other countries. We cannot swear by the same thing in all places; and for conservative measures such as the present one is, I claim we need not be so frightened as to demand precedents. Conservative it is, I claim, because as I have already said, we maintain the sacredness of the principles, and we maintain that even an equal amount may be given by way of interest. Under these circumstances, it is not necessary to wander all over the world for us to get a precedent.

"I take the liberty here of quoting from an article that has appeared in a recent issue of the Monthly Bulletin of Agricultural Economics and Sociology, an article written by M. Costanzo, in the course of which he makes a statement that I think is a very relevant appeal in this connexion:

'If we consider the consequences not only economic, but psychological and social, of this fact—the fact being the large indebtedness of the rural population—and the cost and sacrifices involved in the sudden replacing of entire classes of producers, we shall readily understand the necessity for special measures to deal with this distressing situation. It must never be forgotten that the farmer is attached to his land and is bound by bonds much stronger and more solid than the manufacturer or the merchant, that farming is not only an occupation for him but also probably a mode of living, and the state of mind of the farmer who is dispossessed of his land forcibly or by speculative scheming, is socially dangerous.'

"It is not only the agriculturists that are benefited by this. It 1-15
seems to me that all sections of society are affected thereby. I would P.m.
in this connexion, draw the attention of the House to an extract from an article published in the International Review on Agriculture:—

'But whatever may be the general or specific causes of indebtedness, whatever may have been the mistakes of the debtors who, in the period of prosperity, have assumed themselves excessive burdens without due consideration, acting as though the tendency of prices to rise would continue indefinitely, whatever mistakes may have been made by the creditors themselves in being at times too ready to grant loans, all are agreed that excessive indebtedness is a common and general evil; it is injurious at the same time to the debtors and the creditors and its effects are felt by the whole community.'

"It is not right to say that it is only the agriculturists' business. All of us should bear the burden. Therefore I think this is not for the benefit of one class or another but for the benefit of everybody. A very easy objection that can be raised is, 'All that is very well. But you are doing something very wrong. Those who have been careful, those who have been industrious, those who have been prompt in their payments

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and those who have paid, they are let off. Those who are in debt, those who are not up-to-date, those who have been sinners so to say, those who have been lazy, those who have borrowed wrongly or those who did not pay even though they were able to pay—all those people are to be benefited.' A very correct statement no doubt of the position. But I submit it is no answer to the step that we have to take. It is because we have done something wrong we are in trouble. It does not mean that people should not sympathize with them. It is only the present debtors that can be helped by any measure that we may shape just now. It is only those who have been improvident that can be possibly helped by whatever measure we may suggest. Therefore it is not right to say that because these men are in debt we cannot help those who continue to be in debt. It is therefore an absurd conclusion. Therefore we must not confuse our mind by such arguments. I submit it is not a question of meting out certificates as to who has been good and who has been bad. It is only a question of who has to be helped to-day and who cannot be helped. If we by magic were to hand over all our lands whether as cultivators or landholders, if we were to transfer all our agricultural industry to a new set of people, careful, prompt, good, provident, never borrowing or just borrowing what is wanted and repaying what is borrowed, if we can manufacture such people straightaway, we could have no objection to allow things to remain. Sir, the careful man is not able to plough and till. Sir, the very careful man is not an agriculturist. There is something in the very nature of work that has got an effect on character. The money-lender is mainly a more careful man. It may be that the industrialist becomes more and more diligent by the very nature of the occupation. It is something in the very nature of the work that plays a part on character. The agriculturists are always going to be something like this or it may not be. The effect is this. People in the country who are raising this industry if I may call it so, people who are raising our food are in this plight. We must extend our hand of help. We cannot say 'he has been improvident, he has not borrowed at the right time; why did he agree to pay?' All this we cannot say and refuse to help the man in his plight when he looks after national industry. It may be a stale thing to say. But it is good to remember that agriculture is the basic industry of the country, classing it as an industry. There is no other thing equal in importance in all our industries in our country. That persons who conduct the operations of this industry should be in such condition is the worst thing for any nation. It is not a matter of yesterday or to-day that it is so. I have spoken at some length, Sir, but not gone into any detail. I hope the House will accept the Bill after consideration by the Select Committee. But for the moment the motion that I move for the acceptance of the House is—

'that under rule 111 of the Madras Assembly Rules the concurrence of the Legislative Council be obtained in setting up a joint Select Committee of both the Houses consisting of fourteen members to consider the Bill.'

"I commend the motion to the House."

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* MR. SPEAKER:—"The hon. Member Mr. Basheer Ahmed Sayeed has given notice of three motions. The first is—

'that the consideration of the Bill to provide relief to the agriculturists do stand adjourned till after the appointment of a committee by Government to inquire into and suggest measures to ameliorate the indebtedness of agriculturists in the Presidency and the receipt of its report.'

The second motion is:

'that the consideration of the Bill to provide relief to agriculturists do stand adjourned till after the report of Mr. Sathyanathan, I.C.S., on Rural Indebtedness is examined and reported upon by a committee of this House to be appointed as soon as possible.'

"These two motions of Mr. Basheer Ahmed for the adjournment of the Agriculturists' Relief Bill are not, properly speaking, adjournment motions at all but are independent motions for the appointment of a committee by the Government to enquire into and report on agricultural indebtedness. The hon. Member suggests in effect that the Government, after taking the report of any such committee, should frame a fresh Bill. Such motions cannot be regarded as motions for the adjournment of the present Bill. The grounds stated in the motions are grounds for opposing and not adjourning the present Bill. I therefore disallow them.

The third motion is:

'that the Bill to provide for the relief of indebted agriculturists in the Province of Madras be circulated for eliciting public opinion.'

"The hon. Member is at liberty to move his motion for the circulation of the Bill."

MR. BASHEER AHMED SAYEED:—"Mr. Speaker, Sir, it would have been gracious if you had allowed me to make a statement (Voices: No, 'no') on the motions given notice of by me. (Voices: 'Very gracious.') Sir, the Bill has no doubt been before the members of this legislature in the English language for about a month, probably less than three weeks. But I do say that the ministry has not taken care to publish the Bill in the languages which are current in this province so far. I am not aware. (A Voice: 'The Bill was published in Tamil and Telugu.') Sir, I stand corrected. I find that two or three days ago in the last gazette the Bill has appeared in Tamil and Telugu also. If the Hon. the Premier would consider that this is sufficient time for people who know only the vernacular, who constitute more than 90 per cent of the population of this Province, I have nothing more to say. Since you have ruled out the two motions that stand in my name and allowed only one of them, to circulate the Bill for public opinion, I have to confine myself only to a few points. I hope, Sir, that hon. Members will sympathize with me when I say that it is with a certain amount of diffidence that I rise to say a few words which may not be palatable to

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the party in power. It is certainly, Sir, not to be understood that I am in any way opposed to the Bill. You characterized the motions as being grounds for opposing the Bill. I may say that it is not my intention. I do want that the Bill should be better than what it is, that the House ought to take further points into consideration than what has been dealt with or attempted to be dealt with in the Bill. So if there had been a committee of enquiry, a committee of this House or a committee of the Government, which considered the report of the special officer, a much better Bill would have resulted. In the other provinces before the Governments take such a large step—no doubt that step appears to be in the best interests of the agriculturists—probably they would have taken the step of appointing a committee and getting the matter discussed fully before they frame the Bill. Then it would have been far more in the interests of the agriculturist debtors.

1-30 P.M. "I submit, Sir, that the Bill is, as the Premier has said, far-reaching in its effects. Its scope is not what it really appears to be on the surface. No doubt, the Premier made a very small point of the fact that this Bill would tend to uproot the roots of social life. To a large extent, it may, Sir. The whole Bill is conceived no doubt in the interests of the agriculturist debtor. There can be no two opinions on the question of the immediate and urgent relief required for the agriculturist debtor. The report of Mr. Satyanathan, from which the Hon. the Premier read, had been before the Government and the public for nearly three years. It was published somewhere about the end of 1934, and the Government could have waited or could afford to wait a month or two before they could have thought of a Bill of this type. They could have taken into consideration the further aspects; they could have invited public opinion even before they put forth the Bill as to in what respects relief could be given, in what respects other interests may not be affected, in what respects there may not be too much of indiscriminate preference, in what respect one class may not be treated better than another class of the whole population; all these things could have been considered in a more dispassionate manner and a more satisfactory measure could have been placed before this Assembly."

The House then adjourned for lunch.

After Lunch—(2-30 p.m.)

MR. BASHEER AHMED SAYEED:—"Sir, it has been conceded that what is sought to be achieved by this Bill is only a reduction of the burden of debt on the agriculturist. With reference to that, I say, Sir, there cannot be any conflict of views that the burden of debt on the poor agriculturist is very heavy, that this burden has been in existence for ages, and that it requires immediate and urgent action for affording relief; all this cannot be denied. But is it not also necessary, Sir, that apart from this the Government should do something which would place the industry in a better position than what it is to-day? The industry of agriculture has suffered in many directions, and the most important and the more urgent direction in which it requires

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help and support would be rather to improve upon the methods of agriculture, to bring home to the agriculturist all the knowledge and the result of scientific research in agriculture, so that agriculture would become a profitable business and be made an industry which would not be detested or hated but be liked and favoured by every one. If the Bill had sought to attempt at the achievement of this result, it would have received the support of each and everyone in this country. But I want the Hon. the Premier to realize that by the wiping out of the debt or by legislating that wherever double the principal has been paid, even the principal should be considered to have been discharged it would not really enure to the lasting benefit of the agriculturist. Sir, as soon as this legislation becomes law, there would no doubt be a great amount of temporary relief to the agriculturist. But is that relief going to continue or is it going to be of such a benefit to the agriculturist? Is it not necessary that measures should be devised to prevent him from again running into debts? Within a period of a year or two, or at the most within a period of five years, there is yet a possibility that the agriculturist will relapse into debt, and his position will be no better than what it is to-day immediately before the passing of this measure. It would have been therefore very desirable and more urgent that we should devise measures, apart from the mere relief afforded for the reduction of debt, to make the agriculturist a person who follows a certain occupation on a basis of permanent satisfaction, on a basis wherefrom the agriculturist will live a contented and happy life. If his methods of agriculture are not going to be changed, if his habits and customs are not going to be altered, if he is not going to know how best to use his land, to make use of new implements, if he does not know where to get the necessary good seeds and manure for cultivating his land, the mere reduction of the burden of debt, however great it might be, will not really put agriculture on a better basis than what it is to-day. I, therefore, while conceding that this measure certainly goes to some extent to relieve the agriculturist from his present distress, cannot concede that it will really be of much help to him in the long run.

"The one reason which I would like the Hon. Premier to consider will be the harmful effects of this legislation on the agriculturist and on agriculture as such. If to-day you are going to wipe out the interest completely and wipe out also a portion of the principal, and if you provide for nothing to prevent the agriculturist from running into debt again, and on the other hand if by this measure you are going to make his position worse in that he will not be able to secure any longer any credit even for his agricultural operations at the time when he most needs it, then are you really going to bestow on him any great benefit? Are you going to say 'though we have given you this relief, you shall shift for yourself in the years to come'? I want the Hon. the Premier and the Members of this House to realize what will be the effect of taking away the expected repayment of the debts on the creditors. The creditors have no doubt foolishly or wisely lent out their money or their capital. Some would argue that the capital

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was not earned or that the money was not their own. Whatever it might be, whoever is the creditor, he has lent the money to the agriculturist on the sure understanding that that money will be repaid according to the terms of the contract which was entered into at the time the contract was made. Does the Hon. the Premier expect or can any one of us reasonably expect that the creditor will still be ready to lend out his money to the agriculturist in the face of what is going to take place? Will there be readiness, as has been the case before, on the part of the creditor to lend money on the mortgage of the land, on the security of the produce, on the security of the animals or on the security of the house which stands on the *punnai*? I doubt, Sir, and I do feel there is a large volume of opinion which will concur with me in this, that the agriculturist's position will in due course be reduced to a much more miserable plight if the provisions of this measure are carried to their logical conclusion and to their full effect. I consider, Sir, that this measure has not taken into account the very many aspects which deserve our consideration. Life in the village is not an isolated factor; life in the village is a very complicated organism, if I may so call it. In the village the agriculturist alone is not to be taken into account. In the village, we have the village teacher, the agriculturist, the creditor or the capitalist, the artisan and very many others, and in the economy of village life the creditor or bania has an important or integral part to play. So the village organism has to be taken into account as a whole. Then, Sir, the rights, privileges and obligations that each and every unit in the village has should be considered, and every unit has to be given its proper place, if rural life is to go on happy and healthy lines. Is not the creditor or the bania one of the important elements in the village organism? There are occasions when the villager or the agriculturist is stranded, when his condition happens to be most miserable and when he goes to the village bania or the money-lender, whoever he is, and accepts the hand of succour offered by the creditor. Is that village creditor to be completely wiped out of existence? That is the question. What is going to happen by this Bill? The village creditor who has lent his moneys on express well-meant terms that the interest should be repaid, that the principal should be repaid, is going to be now told that he should forgo the entire arrears of interest and that a portion or the whole of the principal had already been paid.

"Sir, the Hon. the Premier said that so far as it concerns the interest there is no sanctity of contract. He is ready and willing to concede sanctity of contract only so far as the principal is concerned. Well, Sir, according to my religion, no interest need be paid or no interest need be taken. I am one with him when he says that all interest is bad, is sinful, is harmful; it undermines the very basis of human society. The payment of interest and the taking of interest is bad when a man goes to another for money in dire need. On that basis, my religion forbids any kind of usury or any kind of usurious transaction between party and party. Sir, my religion has gone a further step and said that any society which is based and which works only

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on the principle of giving or taking interest shall crumble to pieces very soon, although for the time being it looks as though the interest system is harmless. The interest system has developed in this country on the lines of taking interest in a few other countries of the world. Any country which continued to develop on the basis of the interest system will collapse, and without that system, a new order of things will come into existence.

"I look forward to the day when the present system of commercial transactions, the present system of international commerce, will be given a new turn and a complete change in the order of things will be brought about, when there will be more of human feeling and human sentiment behind social life and social order. We have to take into account the present conditions. It has been said that wherever there are impediments in the way, if they cannot be amended or ended, they will have to be suffered. Are we now in a position to wipe out all the basis on which the entire edifice is built up? I do not think it is possible. I personally welcome the idea that all interest should be wiped out, but when it is not possible to do so, not to object to its payment to those who have been entitled to it. Here are creditors who have lent out large sums of money without any idea at all that at any time a measure like this will be brought forward for wiping out all interest. If it is granted that the bama is an integral part of the society, an important and necessary element in the day-to-day life of our society, will it not be reasonable that we should instead of wiping out the entire interest, allow it for some time in order not to create class hatred and class antagonisms? I know it is the business of socialism to thrive on class rivalry and class hatred; otherwise it cannot progress. But is the Congress organization, to which I have also the honour to belong, is it wedded to socialism, I ask? For aught I know, from what I see and what I read, I do not think that it has yet become the policy of the Congress. On the other hand, as long as the Congress is going to be led by Mahatma Gandhi, socialism will be only a dream. At the present moment socialism is not the expressed policy or programme of the Congress. Such being the case, I do not know what justification there is to tell the creditors that no interest would be paid to them, not even 2 or 3 per cent. The Government have borrowed money at 3 per cent and have lent out at an increased rate of interest ranging between 4 and 7 per cent. If this is not to be the criterion to be adopted, in the case of these creditors, an average of the rates of interest for the past ten years may be struck, which may come to 5 or 6 per cent, and it may be fixed as the maximum rate that the creditors could claim. It is not for me to make detailed suggestions as to how exactly the Bill should be amended at this stage; I would reserve that for a future occasion.

"Sir, it has been stated that there is no immediate need for any drastic change in the relations of the ryot to Government. It may be true only partially. There are agriculturists who are debtors and there are agriculturists who are not debtors. But there are agriculturists who, though they are not debtors, are not able to make both

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ends meet in spite of all the efforts that they might put forth in cultivation, and all that they produce out of the land becomes the property of the Government in the shape of land tax to be paid. So I respectfully differ from the statement that there is no immediate need or urgency for changing the relationship between the ryot and the Government, in the matter of payment of land tax. There is all the more urgency if the justification for reducing the agricultural indebtedness is conceded. The agriculturists put forth their efforts throughout the year, sink not only their own money but also the money that they borrow from the banias, in the cultivation of their land. But the return on all this outlay is very poor. In portions of South Arcot and Chingleput districts, people who have invested 100 rupees cannot get back 7 rupees when the produce is taken to the market, and more than half of the entire sum has to be paid to the Government as land tax. It is only on account of the heavy burden of land revenue that the agriculturist runs into debt. It has been stated by Mr. Sathianathan, I.C.S., that most of the indebtedness is due to payment of old debts. It is also true and it cannot be denied, that in a good number of cases, the agriculturist runs into debts merely for the sake of payment of kists. If the tax is not paid, immediately distress warrants will be issued, and the movables will be attached. If that is not sufficient to meet the tax, the headman will issue a proclamation for attaching the land. In order to save his land and his other property from being attacked, the agriculturist has to run to the sowcar for money. That is how things are going on. So does not the agriculturist deserve any relief from Government? So I submit there is urgency for Government doing something in the shape of reduction of land tax. Before this Assembly came into existence, it was the avowed policy, the declared policy of the Congress, that as soon as power is obtained, the entire system of land revenue should be changed to the best advantage of the ryot and cultivator. I do not think that such a policy has been given up, although we have heard statements made that there is no possibility of any relief being given to the agriculturist in that direction.

“Sir, the Government, co-operative societies, and companies which have shares of more than 500 . . .”

* MR. SPEAKER:—“The hon. Member has already spoken for over half an hour.”

MR. BASHEER AHMED SAYEED:—“If I may point out, I think there is no limit of time for speeches on Bills. If there is any, Sir, . . .”

* MR. SPEAKER:—“The rule says that the Speaker may by general order prescribe a time-limit for speeches on Bills, but I have not done so. Still, hon. Members must observe a time-limit for themselves, and I have drawn the attention of the hon. Member to it. He has already spoken for more than half an hour.”

RAO BAHADUR A. T. PANNIRSELVAM:—“May I suggest that in discussing a measure of this sort which vitally affects the interests

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of the people at large, the debate may not be guided entirely by the clock, but by the importance of the speeches and the usefulness of the contribution made thereby?”

* MR. SPEAKER:—“Hon. Members will note that half an hour's speech is certainly a substantial speech. If an hon. Member is found to give facts and figures in an elaborately prepared speech which requires some time more, I have never objected to give him more time. The thing is generally speeches must be limited; they must be as brief as possible. So hon. Members will see that they must prescribe a time-limit for themselves. I have not prescribed any at any time and I do not propose to do so even with regard to discussions on this Bill.”

RAO BAHADUR A. T. PANNIRSELVAM:—“We are entirely in your hands and you can regulate the debate and say as to when it has come to a reasonable end. I am only suggesting that we must not be entirely guided by the clock.”

* MR. SPEAKER:—“The attention of the hon. Members is drawn to the wording of rule 64, which says:

‘(1) No Member except a Member of Government or the Leader of the Opposition or a Member moving a Bill or a no-confidence motion in the Ministry or a particular Minister shall speak for more than thirty minutes.

(2) The Speaker may, by general order, prescribe a time-limit for speeches on Bills or resolutions or amendments to Bills or resolutions, or on adjournment motions under rule 36.’

The maximum time allowed by the rules is half an hour, though I have shown very great indulgence on many occasions to well-informed speakers. Immediately the half an hour is passed I have drawn the attention of the hon. Member speaking to see that he closes his speech as early as possible, so that he may cover the various points which he wants to do.”

MR. BASHEER AHMED SAYEED:—“Sir, the Speaker has 3 p.m. absolute powers.”

* MR. SPEAKER:—“Apart from the absolute powers of the Speaker, it is the rules that lay down that no Member shall speak for more than thirty minutes. Indulgence has been shown already and the hon. Member will please finish as soon as possible.”

MR. BASHEER AHMED SAYEED:—“Sir, I have prescribed to myself two hours (laughter) to say what all I have to say. I must respectfully point out that so far I have not repeated myself and I do not propose to.”

“The Hon. the Premier took nearly 1½ hours and more for finishing his speech.”

* MR. SPEAKER:—“The Hon. the Premier took only an hour and ten minutes. According to the rule no member except a Member of Government or the Leader of the Opposition or a Member moving a Bill shall speak for more than thirty minutes. The Member in charge of a Bill is entitled to speak for more than thirty minutes, but other Members cannot speak for more than thirty minutes and the hon. Member should not have claimed for himself two hours to speak on this motion. (Loud laughter.)”

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THE HON. MR. C. RAJAGOPALACHARIAR:—"I must be permitted, Mr. Speaker, to make a small observation in this connexion. If I had rule 64 before me, and if I found that I have not been included within the exemption there, I would not have spent one minute more than the thirty minutes allowed to the others. I do not think that my precedent should be claimed by any Member for taking more time. In a sense there is some meaning in attacking the authors of these rules when they gave time to the Mover of a Bill to go beyond thirty minutes and prescribed for the others only thirty minutes, because what is taken by any Member is really taking away from the share of the other Members of the House. So far as the Mover of the Bill is concerned, he has to answer all possible objections that may be raised by various sections of the House. The other side could not claim to have the same time as the Mover of a Bill. If that were done we would not be able to do business. I humbly protest as Leader of the House against this precedent being drawn. It is not a question of favouritism; it is only a question of how to conduct the business of the House in the best possible way. But if other hon. Members here will accept an arrangement by which the hon. Member who has been speaking shall have all the time and they do not need any time, I have no objection to a special ordinance being issued by the Speaker over and above rule 64. But I must point out that rule 64 does not permit the infringement that you, Sir, perhaps propose to allow out of your discretion."

MR. ABDUL HAMEED KHAN:—"May I know, Sir, how long this discussion is going to be carried on?"

MR. SPEAKER:—"The hon. Member Mr. Basheer Ahmed will kindly continue his speech and finish it within a few minutes."

MR. BASHEER AHMED SAYEED:—"I want to make only this submission. Unless hon. Members of this House are informed what the time available to the House for considering an extremely important Bill of this kind is, it will be difficult for them to adjust the hours within the time limit that the rules have prescribed."

* MR. SPEAKER:—"The rules have been there since the beginning of the Legislative Assembly, and they must be observed. They are not a dead letter though they have not been enforced till now. Even now indulgence has been shown and will be shown; but all the same, half an hour must be considered to be a fairly long period for even a lengthy speech."

"The hon. Member will please continue."

"With regard to the observation of Mr. Abdul Hameed Khan who has had very long parliamentary experience, nobody can prophesy when the discussion will come to a close. (Laughter.)"

MR. BASHEER AHMED SAYEED:—"In that case there is no meaning in saying . . ."

* MR. SPEAKER:—"The hon. Member will continue his speech."

MR. BASHEER AHMED SAYEED:—"Yes, Sir. I was one of those who thought, as soon as the present rules were published, that

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in very many respects—one of them being this time limit on speeches—they were defective and that it would have been better if the Hon. Speaker had taken into consideration the necessity for amending them at an early date."

* MR. SPEAKER:—"The hon. Member will please continue his speech or resume his seat. He will not be permitted to make observations upon the rules. He may either continue his speech or sit down."

MR. BASHEER AHMED SAYEED:—"I thought you will allow me to point out that."

"Sir, it is extremely difficult for me to resume my arguments when once an interruption occurs. Now, Sir, the Bill proposes to exclude certain credit agencies. The Hon. the Premier has stated that the Government and other similar agencies should be excluded from the scope of the Bill, because the moneys are the moneys of the public, the rate-payers and so on. I want to ask what is the reason for excluding the co-operative societies. If the co-operative societies are also taking moneys from the agriculturists or taxpayers and making payment of loans, there is certainly some justification. I think, Sir, these co-operative societies and the registered companies having the specified number of shareholders stand on the same footing as any of the creditors or the village sowcars. The sowcar borrows money from the capitalist at 3 or 4 per cent and then lends it to the agriculturists. Very few of the money-lenders in the villages do business with their own money. The money which is circulating in the village area or the urban area is not entirely the money of the person who handles it. On the other hand, even in the city of Madras where there are numerous Marwaris, Gujaratis and Sindhis, the money-lenders are not the capitalists. They deal only with the money borrowed by them at low rates of interest. Why should the credit societies and co-operative societies stand on a different footing from the sowcars? I cannot understand the argument which has been advanced to exclude the co-operative credit societies or the registered companies."

"Sir, it has been stated that this measure cannot wait. I submit that the report of Mr. Sathianadhan was in the hands of the public a few years ago and people have waited. Surely nothing is going to be lost by some more waiting, if there is going to be another measure more satisfactory and more commendable. It may be, Sir, that if a committee is appointed, it might suggest that the principal might also be wiped out instead of merely the interest up to a certain date. The committee would not be making one-sided recommendations to be sure and I do not think any great loss will be incurred by the agriculturists within a period of two or three months. More than all this, the immediate need of the agriculturist, I submit, is to make up somehow the money to pay for the Government. That is not going to be postponed. I see even in flood-affected areas nothing has been done to postpone the payment of kist in the month of January."

"It has been stated that conciliation has failed and that it has been only voluntary. Sir, the Conciliation Act passed at the instance

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of my hon. Friend Mr. Ramalingam Chettiyar is only a half-hearted measure. The previous Government wanted to throw cold water on it and it was due to the genuine sympathy of a large section of the then Council that the Debt Conciliation Bill was ultimately passed into law. It needed drastic changes and even its working has been only half-hearted. If it had been amended suitably and if the Act had been worked in the proper spirit in which it was conceived originally, then, Sir, there would have been no occasion to say that that Act was a failure.

"No doubt, in this country very many reforms, either in the social or in the political sphere, have to be carried out with some measure of compulsion, but it is not a compliment to the Indians as a whole to be told that nothing is understood by them or is intelligible to them, except when it is forced upon them. I do not think, Sir, that that is the position generally. It may be that in certain respects a certain amount of compulsion is necessary, but wholesale compulsion is not needed and there is still scope for working the Conciliation Act and giving relief to the agriculturists by means of conciliation, by the setting up of tribunals to go into the question of the indebtedness of the ryots and then adjusting the claims between the creditors and the debtors.

"Then, Sir, in the matter of excluding a certain class of people,—the zamindars who pay Rs. 500 and more under the Estates Land Act—I have something to say. The scope of the Bill does not include the zamindars. But so far as the ryotwari ryots are concerned, is it or is not a fact that there are people who own 200 or 300 velis of land and yet are debtors? Why should these people who are really well to do enjoy the benefit of this Bill? Why should they be given the benefit of this Bill?

3-15 p.m. "Sir, if it is going to be a question of individual cases being considered and discussed upon their merits, and then some adjustments being made between the debtors and the creditors, then cannot this be brought about by the Conciliation Board? If this matter is left in the hands of the Conciliation Board, then there will be opportunity of finding out which case deserves consideration and which not. A man might be owning 500 acres and might be really a debtor to the extent of Rs. 5,000 and a man may be owning 500 acres and might be indebted to the extent of Rs. 1 lakh. If the debts of these two sets of people were to stand on the same footing, it would be evident how inflexible the measure is and to what absurdities it naturally leads to. I therefore suggest that such absurdities could have been removed if a committee had been appointed to go into the matter. A suggestion has been made that it would be better, more satisfactory and just if courts of justice are enabled to go into the question of relationship between the creditor and the debtor. The Hon. the Premier has stated that that would be a dangerous step. Sir, if confidence is not to be placed in courts of justice, I do not know why confidence should be placed in Government. It is a very bad reflexion upon the judiciary to say that there would be creditor judges and debtor judges and that

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it is not desirable that justice should be administered on those lines. I do not think that the public have so far lost so much of confidence in the judiciary. Courts of justice will be one feasible method by which individual grievances and individual claims could be examined and gone into thoroughly and justice done. So the suggestion that courts of justice could go into these matters is not really so bad or one that deserves scant consideration.

"With regard to the sacredness and sanctity of contract it is contended that sanctity is to be adhered to only in cases of principal amounts. Is it to be understood that at the time of the debtor entering into contract with the creditor, it was stated that with regard to the principal alone, they should adhere to sanctity of obligations and not with reference to the interest? No, Sir. The contract is one of a compact nature and of one form alone which includes both the principal as well as the interest. If the entire contract contains so many items, what is the justification in saying that we are never bound by all the items of the contract and that we shall accept the sanctity of the contract only so far as the principal is concerned and not so far as interest is concerned? The creditor is as much an integral part of the society as the debtor. So we should also take into account how the creditors will be affected. Nobody denies that the agricultural debtors deserve some relief. Does it mean that we should render that relief at the expense of the creditors? I therefore submit that this Bill ought to be referred to a special committee or circulated for public opinion so that the Government might be in a position to get more insight into the conditions of these indebted agriculturists. Sir, it has been stated that more has not been done for all agricultural debtors, and that only a certain section of them is going to get relief, namely, those who had been extravagant. Should we not also consider the other side, viz., that of the creditor who has been a party to the contract? Such of those creditors who have been hard-hearted and who have been worse than the well-known Shylock and who have squeezed their debtors and got their money from time to time are to go scot free, but those who have been generous, who have been lenient, who have been conciliatory and who have been more helpful and more tolerant—it is only that class of people that has to suffer. This aspect of the matter has not been taken notice of by the Hon. Premier. Sir, there will be many hard cases like this. Sir, is it not a truism to say that no man should lose his right under normal circumstances without getting adequate relief or compensation? If this is granted, then it is up to the Government to see that every creditor shall have some compensation, though not the entire one. In big cities when roads are laid or widened certainly some houses are demolished and the owners of such of those houses which have been demolished get compensation from the Corporations. Even so, if a man is to lose his right of getting his legitimate interest or principal, he should be given adequate relief. Some relief or some compensation should be given to such people. There are hundreds of widows who had a thousand

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or two thousands and whose monies have been invested among agriculturists. There are hundreds of minors whose monies have been invested with agriculturists and the only source of sustenance of these minors or orphans and widows is the money that has been invested by their agents and guardians amongst these agricultural debtors, so called. The only means of livelihood for such people is the scanty return of interest on their investment which is available to them. Is it not to be taken into account that the monies of these orphans which had been built up by their parents were invested some 20 or 30 years ago and these poor orphans are depending for their sustenance upon these moneys alone? Are not the orphans as much the citizens in the country as the indebted agriculturists? Are not the widows whose moneys have been invested among these agriculturists to be looked after by the Government? I only want to suggest that these are very hard cases and not to be brushed aside as being inevitable. The test of a good legislation is that it should take into account hard cases of this kind. Does it not behove the Government that they should take due care to see that they remove the rigidity and inflexibility of the present Bill which tends to undermine the very social structure? If you want to reorganize the social life as it exists to-day and put it in a different order, it is a very different matter altogether. I therefore suggest that this is not a conservative measure as the Hon. Premier has termed it. Probably he thinks that much more has not been done and therefore it is conservative. I have considered both the aspects of the debtors as well as the creditors and I do not think it is a conservative measure. I submit that this Bill ought to be referred for public opinion and time taken and a fresh Bill brought forward or fresh amendments to this Bill brought forward wherever they are necessary in the light of the public opinion elicited. It may be that some useful amendments may be made from opinions received from the public. After all, what has appeared in the press is only for the few days ever since the Bill was published. After all, all the organizations have not sent in their representations to the Government. Have all the creditors really put forth what exactly their position will be under the provisions of this Bill? Has sufficient time elapsed? I venture to think that it is not so. I also venture to think that this Bill is not beneficial either to the Government or to the ryots. The Hon. Premier was pleased to observe that in the burden of the agriculturist debtors all must share and devise measures for the reduction of that burden. Sir, it is our duty and we are bound to do it and nobody gainsays that or does not respond to that call. But then there is only one method by which the largest co-operation of the public can be invited to this measure and that is by circulating it for public opinion.

"Before I conclude let me make it perfectly understood that I am not against affording the much needed and deserved relief to the agriculturists. All that I am trying to point out is that this measure requires improvement in so many directions and these improvements would be really suitable, really effective and really beneficial if we

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elicit public opinion further. Sir, with regard to the details of the Bill, I shall have another occasion to make my observations. I therefore move—

'that the Bill to provide for the relief of indebted agriculturists in the Province of Madras be circulated for eliciting public opinion'."

* Mr. R. M. PALAT:—"I second the motion that the Bill should be circulated for eliciting public opinion. However, I would like to have particularly the opinion of the Advocate-General and the Hon. the Premier whether this Assembly is competent to consider this Bill. Section 100 of the Government of India Act says 'a Provincial Legislature has not power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act.' Item 28 of the schedule lays down that legislations on promissory notes and negotiable instruments are exempt from the jurisdiction of this Legislature. Therefore I would like to have the opinion of the Advocate-General and the Hon. the Premier as to whether we are competent to deal with a Bill of this sort. There, no exemption is made, in favour of agriculturists at all.

"Another point is whether the previous sanction of the Governor-General has been obtained for this Bill. This Assembly has no power to deal with any subject which is already covered by an All India enactment or which is the subject of legislation by the Federal Legislature except with the previous consent of the Governor-General. I presume, Sir, this has been obtained.

"Then again, Sir, another point which I would like to urge is this. The question of rent stands on a different footing from the question of debt."

* Mr. SPEAKER:—"Am I to understand that the hon. Member has spoken in support of the motion for the circulation of the Bill and that he has now raised a definite point of order for which he wants a reply either from the Premier or the Advocate-General? He is now going to the second point and I wish he makes his position clear."

Mr. R. M. PALAT:—"I have spoken in support of . . ."

* Mr. SPEAKER:—"Since the hon. Member has spoken on the point of order he should have a definite ruling on it. I want to know whether he has made merely some casual observations in the course of his speech in seconding the amendment for the circulation of the Bill. I would ask the hon. Member to make his position clear."

Mr. R. M. PALAT:—"I should like to have a separate ruling first."

* Mr. SPEAKER:—"Then the hon. Member may finish his speech in seconding the motion for circulation."

Mr. R. M. PALAT:—"Sir, I submit that the question of rent stands on an entirely different footing from the question of debt, because many of the landlords who have allowed the rent to accumulate for a number of years have already paid the peshkash or the

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assessment to the Government on these lands. As the Government has recovered its dues from the land-owner it is but fair that the land-owner should be able to recoup himself at least to that extent from the tenant.

"Again, Sir, this Bill penalises the good landlord and the good tenant. The landlord who has allowed his rent to fall into arrears is not allowed to collect his rent, whereas the landlord who has not hesitated to apply the full process of law for the recovery of rent goes scot-free. Similarly, Sir, a good tenant who has been paying his rent regularly gets no relief while a bad tenant who for various reasons has not been paying the rent is given the benefit of this Act.

"Sir, I have every sympathy for the agriculturists but I believe that this Bill will in many ways be fatal to the small agriculturists. The small ryot has often to borrow money for his seed and if now by this enactment the fear is created that the money so advanced may be subject to the vote of the Legislature, and may not be repaid, if such a fear spreads in the minds of the public, it is very probable that these people may not in future be able to borrow any money at all. Therefore, by striking at the root of the future borrowing power of these people, we will not be really helping them at all. It may be a help to them so far as the wiping out of the past debts is concerned, but as regards the future they will be put to great difficulties.

"Again Sir, the small banks which are affected by the Bill will be put to great hardship if they are prevented from collecting the moneys due to them. In that case various small depositors will have to forgo whatever they have deposited. This Bill will also affect adversely many poor people who make their living by lending small sums of money to these agriculturists at various rates of interest.

"As regards the money which the zamindars will have to lose under this Act, I have here a statement that one of the zamindars will have to lose 20 lakhs of rupees. I do not know if it is the object of the Legislature to pass such confiscatory legislation. The Hon. the Premier has said that the average debt for the small ryot is Rs. 30 for every rupee of assessment and for the bigger ryot Rs. 8 for every rupee of assessment. I think that Rs. 30 will be more than the capital value of the land which pays an assessment of one rupee.

"Another point which the Hon. the Premier has raised is that under certain circumstances there should be interference with the sacredness of contract. That is a proposition to which nobody has agreed. There has no doubt been legislation in the past by which rates of interest have been reduced, but that applied only to future debts and not to past ones, and this would strike at the credit system on which all trade depends.

"Sir, many of the joint families, at least on the West Coast, consist of a number of members and though they may possess many acres, when it comes to an individual share it will be found that each member is much poorer than the small agriculturist whom it is sought to relieve under this Bill.

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"Another point mentioned by the Hon. the Premier is that he is against entrusting these matters to judges. He is against case-made law. I would point out to him that the whole system of English jurisprudence is case-made law. All the Indian enactments are based on case-made law; they were not original parliamentary enactments.

"Sir, many of the co-operative societies levy very high rates of interest and often have recourse to much harsher means of collection than many of the money-lenders. But still the Hon. the Premier would exempt them. I would suggest that the whole nation should bear the burden of such debts. It is not fair that only a certain portion of the people should be made to suffer.

"Sir, I don't know whether this Bill has had the approval of the Congress as such, though it is not a matter for me to raise this point but for the Congress Party. I notice, Sir, that the Bombay Minister Mr. Lathe has observed that this Bill is to some extent premature and that the matter should be considered more fully before any such measure is introduced."

* MR. SPEAKER:—"The Hon. the Premier has made a motion for the obtaining of the concurrence of the Legislative Council for the setting up of a Joint Select Committee to consider this Bill, and the hon. Member Mr. Basheer Ahmed Sayeed has moved an amendment for the circulation of the Bill. Both the motion and the amendment are for the discussion of the House. With regard to the point of order that has been raised by Mr. Palat incidentally in the course of his speech in seconding the amendment, the Hon. the Premier may speak."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. Speaker, Sir, the point of order is that this House is not competent to deal with the subject contained in the Bill; otherwise it would not be a point of order at all, if it was merely meant to be a particular objection to a particular matter of debate. If the question is, Sir, that the subject matter of the Bill is outside the scope of the House according to the law and the matter is a patent one like that, it is open to the Chair to treat it as a point of order and rule the Bill out. But if it is merely a question whether any particular provision in the measure, if passed into law, will prevail against any other particular provision in any other law which is not within the jurisdiction of this House, then I submit that it is more one to be raised in the courts as a matter of litigation. It cannot be a matter for the Chair to rule that the motion that the Bill be considered is out of order. I submit, Sir, that the points that were referred to in a rather incidental manner by the hon. Member who raised the point of order do not appear to be such as to give him a basis for the point of order at all. It is another matter if the hon. Member or anyone else feels doubts whether any particular clause or provision in the Bill should be amended in order that it may prevail as against any other law now in force or whether any particular provision in this is repugnant to any other provision. But it cannot be a basis for the motion being ruled out. That is a matter of law and this is a point of order. There is ample provision in the

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3-45 p.m. Government of India Act, as the hon. Member will see, by which any court which finds such repugnancy will give effect to the one provision and not to the other. There is no provision by which the Speaker has to rule out a whole measure if in any particular matter it can be argued that it may be repugnant to some other measure. I contend, Sir, that there is no point of order and that the question raised as a point of order may be ruled out."

MR. SPEAKER:—"The point has been raised that this Bill in so far as it refers to promissory notes, cheques, bills of exchange, etc., is *ultra vires* of the local Legislature. It has been argued that there is no point to be determined by the Chair. I do not agree. It is a matter that is entirely within the powers of the Speaker to say whether a particular measure is *ultra vires* or whether it can be considered here. The fact that courts have got jurisdiction to say that a particular Act is *ultra vires* or a particular provision is *ultra vires* does not oust the jurisdiction of the Speaker to consider the *ultra vires* nature of a measure that is being considered here. But in this case, the Bill really falls under the item 'money-lending and money-lenders' and as such it is a Provincial subject. I hold that this Bill is in no way repugnant to the provisions of Section 100 of the Government of India Act to which attention has been drawn by the mover of the point of order. I hold that this Legislature is competent to deal with the Bill.

"The hon. the mover of the amendment has taken as much time as the mover of the Bill—exactly an hour and ten minutes. I do hope that the succeeding speakers will not follow the example of Mr. Basheer Ahmed Sayeed."

* RAO BAHADUR A. T. PANNIRSELVAM:—"Sir, I shall try to be as brief as possible.

"The objects of the Bill, as set forth in the Statement of Objects and Reasons, are, I admit, unexceptionable. That statement breathes such noble sentiments and sets forth such high principles that I consider it will be the height of temerity on the part of any one to oppose the Bill. If, nevertheless, I venture to oppose the Bill *in toto*, it is because of my feeling that the provisions of the Bill run altogether contrary to its professed objects. I feel that this Bill is not going to achieve any of the objects set out so well and so elaborately in the Statement. I believe that far from following the high-sounding principles elaborately detailed in the Statement of Objects and Reasons, the Bill is based on fundamentally wrong principles; and I also feel that far from the agriculturist—the real person who is the producer of the food that feeds us all—far from the person actually holding the plough and tilling the soil being benefited by this measure, this Bill is going to deny to the poor landholder whatever reliefs are to-day available to him.

"I submit, Sir, that the Bill is first of all based on wrong principles; and I say it for this reason that the Bill is an expropriatory measure, a confiscatory piece of legislation. In support of my statement, I shall

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only refer hon. Members to clauses 8 and 12 of the Bill. Clause 8 of the Bill, sub-clause (1) says that 'all interest outstanding on the 1st October 1937, in favour of any creditor of an agriculturist . . . shall be deemed to be discharged.' Again, sub-clause (2) of the same clause says that when a debtor has paid towards his debt twice the amount of the principal advanced—it matters not at what rate of interest, it matters not how long the debtor has been in possession of the money—the amount shall be considered to have been paid off. Thirdly, clause 12 refers to the rent in arrears due from the tenant to the landlord. I ask, Sir, how can any one feel that the interest that has accrued to the creditor up to the 1st October 1937 on debts due to him or amounts advanced by him probably fifteen or twenty years ago or that the rent due to a landlord for such a long time, is not his own property? By way of illustration, let me take the case of a small agriculturist who lives on a meagre income, who probably denies himself every luxury and sometimes even the necessities of life and thus manages to put by against a wintry day small sums of money representing the savings out of his income month after month and year after year, amounting to a few hundreds of rupees or even a few thousands of rupees. Well, after some time, he himself becomes a small landed agriculturist, by purchasing a few acres of land. Take another agriculturist who sells his lands and invests the proceeds on shares. A third agriculturist saves money in small sums over a long period and invests it in building a house. It comes to this: if a person purchases the land and enjoys the produce thereof, he will not be affected; a person who invests his savings in shares can get his dividend all-right, can sell the shares from time to time at nominally higher prices and get profits, and that man also will not be affected. The third person who builds a house and lets it out for rent, can get rent or use it for his own purposes, and he will not be affected. But in the case of an agriculturist who saves small sums by hard labour over a long period, even by denying himself the absolute necessities of life and by stingy habits and by undergoing all sorts of discomforts, if he does not adopt any of these three methods referred to by me—of purchasing lands or investing on shares or building a house—but lends his savings to a brother agriculturist in the same place at a moderate rate of interest, he is affected by this measure. But why should this man be denied the right of getting some profit out of his savings, even like the person who has purchased lands or invested on shares or built a house? Why should the first three kinds of agriculturists escape and the fourth alone suffer, I ask? I contend, Sir, that the interest, provided it is a reasonable rate, which accrues on an amount advanced by a creditor to a debtor is his own property; and if it is going to be taken away, it naturally means that the measure which authorizes it is an expropriatory measure, a confiscatory measure. In the same way, Sir, when money has been advanced for a comparatively long time at a reasonable rate of interest, just because twice the amount of the principal has been paid,—no matter for how long the amount is due or how much is due to the creditor—you are straightaway writing off the amount by this Bill. It may be also in a third class of cases where lands are cultivated

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by tenants, that a tenant may have a right to cultivate and retain his own share; a tenant may enjoy the property of the landholder, cultivating it for a long time, raising crops and selling the produce thereof, though without paying the rent regularly. Is not the landholder entitled to the accrued rent, I ask? And when you deny him that rent, are you not expropriating the landholder? No doubt, during emergencies, during times of national crises, confiscatory measure may perhaps be justified; but ordinarily, I contend, confiscatory legislation and expropriatory measures ought not to be considered or adopted by civilized governments, much less by a democratic Government which this Government professes itself to be.

"Sir, perhaps I will not be mistaken if I go further and suggest that measures such as this are decided to be brought in the name of the Government by one individual whom we might call a dictator; but generally we Indians are loath, much less we in this province, are loath to believe that we are ruled by a dictator. We have had statements from the followers of the Hon. the Premier and speeches from them from many a platform that the Hon. Mr. C. Rajagopalachariyar is no dictator. Therefore, I ask, are we to have this expropriatory measure, this confiscatory measure which is sought to be passed by a democratic House like this, where each member is supposed to exercise his right of individual freedom without being dictated to by any one individual? Probably, there is nothing but the best of motives in that one individual who happens to be sitting at the top, but that is not what we are concerned with here. Therefore, Sir, I oppose this measure, first and foremost, as being expropriatory.

"I oppose the Bill next because I consider it to be a class measure. The measure is intended to benefit one community at the expense of another. You are going to deprive a certain section of the people of their property in order to benefit some other section. The people whom you are going to benefit may no doubt be more numerous in your view, and the injured people may be less numerous; but just because the persons whom you are going to benefit are more numerous than others, if you want to pass this measure, then I say there is a motive behind this measure. The Bill is intended to set up one community against another. (An hon. Member: No.) I hope I will not be misunderstood if I give expression to what is in my mind. Would it be too much for the Opposition to say that this measure is aimed and intended purely as a sort of propagandist measure, merely for the sake of party politics, merely to go back to the electorate and say to the poorer people who are naturally more numerous, 'well, we have benefited you by this measure, however unjust and unreasonable it may be to all the others?' I say, Sir, this is a measure intended not for the benefit of the people in the country, but for the benefit of the party which to-day happens to be in power.

"Sir, I oppose this measure also on the ground that the person you are going to benefit by this measure is not the agriculturist. The 'agriculturist' defined in sub-clause (ii) of clause 3 of the Bill is not the person who is really in need of any relief. In the Statement of

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Objects and Reasons, you have said 'It is the duty of any modern Government which is alive to its responsibilities to the people to relieve the producers of the people's food from such an intolerable burden. It would not be right for the State to permit the hereditary skill of the agriculturist to pass into unemployment, allowing land to fall into the hands of people who are strangers to the calling of agriculture.' Are you going to achieve this object by a measure of this sort? Who is the producer of the food after all, I ask? Is it the man who owns, say, 5,000 or 6,000 acres of land, or even 25 or 30 acres of land? Have they been for ever or even for generations in possession of their lands? Are there not, on the contrary, investors on land, are there not idle investors on land? Would you call them agriculturists? Do you call them producers of food? If you want to help the producer, by all means do it. By the definition of agriculturists, in this Bill, you are including men who do not take any active part in the production of food, men who have never held the plough, men who do not know how to cultivate. By helping such people, you are not promoting or helping the hereditary skill of the agriculturist. There are so many instances of whole villages being owned by one man. He cultivates the land through his farm servants. He may be a Chetti of Chettinad. What happens to the land? Cultivation goes on; the farm servant cultivates; paddy is raised and harvested; the Chetti reaps the benefit; there is no question of hereditary skill being lost to the country. Take the case of creditors. Who are the kind of creditors whom you are going to touch? Everybody will realize that there are creditors and creditors. There are usurious money-lenders, who are charging exorbitant rates of interest, and who strike unconscionable bargains. By all means, in such cases, set things right. But why should you touch the ordinary agriculturist who lends money? With my knowledge of my part of the country, Tanjore, I may say that lending is done in most cases by one agriculturist to another agriculturist. That is the case with poor agriculturists particularly; it may not be the case with richer men. We have got one community of Brahmans living in 18 villages—Vathimas—whose profession is mainly money-lending. All of them are agriculturists also. In the case of poor mirasidars owning 10, 15 or 20 acres, money-lending is done by the more economical and more prudent agriculturists to the less prudent and less economical ones. I ask, is it fair that we must ask the creditor in such a case to lose what he had lent? He might have lent the amount perhaps by starving himself; he might have lent the amount at reasonable rate of interest. Six per cent, 9 or even 12 per cent in villages for small amounts is not considered to be unreasonable rate of interest. Are we going to deprive him of his money? Are we going to deprive him of this small additional income? He might have been charitable to his neighbour and he is entitled to get back the amount perhaps at the next harvest season. Why should you deny him that right?

"Have you got figures to show what proportion of the debt of Rs. 200 crores of the agriculturists is owing to the usurious and professional money-lender, to the rack-renting sowcar, and what proportion

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is owing to the neighbour, to the poor widow or orphan referred to by my hon. Friend, Mr. Basheer Ahmed Sayeed? In the absence of figures, how can you decide that the major portion of the money is owing to men who can afford to lose it? What justification have you to say that there can be only a very few hard cases, rare cases, and that we cannot provide for them? By this measure you may be hitting a large number of agriculturists themselves.

"Then reference was made to *dumdupat*, paying double the principal amount. Hindu dharms and sastras have been quoted. A man like myself is concerned more with economic effects than the effects of religion. Religious beliefs and tenets have their own place and are entitled to all respect. But we will be heading towards a catastrophe if we base things on what we consider to be pure high ethics. We, politicians, had better take note of things as they are. We ought to take note of the fact that we should not legislate for the benefit of one class and injury to another class. There is also the moral principle of not doing any injustice, if you can possibly avoid it. I submit you would be doing immense injury to some classes of people by enacting this measure. I do not propose at this stage to go into the details of the Bill. I would confine myself to the main objections to the Bill. To take away what is the creditor's and hand it over to the debtor is, I wish to say with due deference, nothing short of highway robbery. I would submit that no Government should be guilty of an act which is tantamount to that.

"I may be asked if I have any alternative suggestion for the affording of relief to the agriculturist. My alternative suggestion would be this: Establish Debt Conciliation Boards in every taluk. You say in the Statement of Objects and Reasons that Debt Conciliation Boards have not been successful. Why do you give up the experiment without giving a sufficiently long trial? What is the number of such Boards that you have set up in the various districts? What was the reason for their failure? Was it not due to the objection of the debtor himself to approach the Conciliation Boards? If you find that these Boards have not been working successfully, the defects may be remedied. Why not look into the Act and amend it and invest Conciliation Boards with more powers, if necessary? Set up these Boards not only in each district but also in every taluk. Let notices be sent to every village that every debtor might appeal to the Debt Conciliation Boards which would look into each case and give each debtor the necessary relief. After doing that, it would not do if you keep idle and quiet. Set up these Conciliation Boards, scale down these debts to reasonable amounts and provide facilities for the immediate satisfaction of the scaled down debt. Then you will be able to displace the usurious money-lender. Set up Land Mortgage Banks and co-operative societies in every place possible and issue instructions to all these Land Mortgage Banks and co-operative societies also that applications should be dealt with expeditiously; they should not take, as is the case now, six months and nine months before the application is looked into and the loan is sanctioned. Ask them to attend to the matter expeditiously. Side by side with

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this, reduce land revenue. The Hon. the Premier stated this morning—it was a shock and a surprise to the House to hear it—that the Government is not in a position to consider the question of further land revenue remissions. I think that is a matter which cannot be postponed for a very long time. I am sure he would look into the question if he only found that it would be to the best advantage of the ryots to reduce land revenue. At the same time bring further knowledge to the villager so that he might raise better crops from the land he is cultivating, so that he can make the land yield more than it has been doing in the past. Next, improve village communications, so that the villager might find a ready and easy market for his produce and get better price. These are the measures I would suggest. If you do all these things, you would be helping the agriculturists and relieving him from his difficulties; you will be affording him the greatest relief.

"By the present measure, you are doing much harm to the villager. You are breaking up the moral fabric of the villager. He has been taking loans and paying the principal and the interest also. It may be that we, cultured people, take the view that rent is not property, interest is not property: interest has neither legal obligation nor statutory obligation: by denying rent, the terms of contract are not violated. These arguments may perhaps appeal to us. But the ordinary villager has got moral strength and moral fibre even now. You must give up this measure and adopt other ameliorative measures by which you can make him stand on his own legs and enable him to look after himself. If you do all these things, you will be building up the nation. For these reasons, Sir, I oppose the measure. I feel that no amount of clipping and pruning will improve the Bill. It is based on wrong principles, principles which no Government ought to adopt. I would appeal to the Government not to press on with the Bill."

* MR. KALA VENKATA RAO:—"Mr. Speaker, Sir, I rise to support the motion of the Hon. the Premier and oppose the motion of the hon. Member, Mr. Basheer Ahmed, for the circulation of this Bill. The hon. Member, Mr. Basheer Ahmed Sayeed, in moving his motion for circulation tried to be logical and he was followed by Mr. Palat and Mr. Pannirselvam, who tried to show that this Bill is a thing that ought not to be thought of by a Government like that of the Congress. I would respectfully submit that this attempt on the part of the Government is one of the major objects . . ."

MR. R. M. PALAT:—"On a point of order, Mr. Speaker, I never said like that."

MR. KALA VENKATA RAO:—"I would like to submit that this is a Bill on which the whole country, not to speak of our Presidency, will congratulate this Ministry, not only for this time, but for all time to come. It is a thing to which the Congress was pledged in the election manifesto; it is a thing for which the Congress has been striving year after year. The object of this Bill is only, to quote Mr. Pannirselvam, to make a man of every agriculturist in this province. I would only suggest that any amount of logic will not avail, for logic thrives

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only in the brain but perishes in the heart. Any number of heads will not make a good heart. I would like to ask Mr. Pannirselvam, why he did not put into operation all his good ideas that he promulgated to-day. He was the Law Member of a Government which ruled this province for more than 17 years and before his very eyes, poverty, pestilence and even, I should say, famine were prevailing throughout the province, but he never thought of the measures he advocated to-day. At any rate, I would like to show him that what he himself wanted to suggest to us was never put into operation by him or even by the party to which he had the honour to belong.

"I would also wish to draw your attention to the objections that have been raised to the Bill. The Bill contains many good provisions, namely, the writing off of interest, damdupat and the question of renewals and rent arrears, and if these good things are taken away from this Bill, it will be like the cartoon that is advertized in Chellaram's White shop, one without the heart. Though it may look beautiful even without all things mentioned by me, I think there will be no heart in the Bill. If these clauses are taken out, there will be no attempt in it to do anything that will help the agriculturists out of their dire circumstance.

"Another thing I would like to draw your attention to is that prices have fallen during all these years and the legal tender of this country failed to fulfil the object for which it was intended. I would therefore like to submit that money should not only be the unit of exchange, but with the growth of contractual obligations resulting in deferred payments it should function as a stable value of purchasing power. I contend that the legal tender has failed to do that and we cannot touch it for many reasons which are not under our control. If we really want to set right the difference in the purchasing power by means of this Bill, I do not think there ought to be any objection to the Bill from the creditors at any rate.

"Then there is the other charge about the sanctity of contract. I would like to quote what Sir Arthur Salter, a moderate and a conservative of England, said on this question in his book 'Recovery.' He said: 'I still believe that a planned society is indispensable; that planning is compatible with the essence of freedom; and that our policy should be one of deliberate and drastic reform. . . . Even if I believed the chances to be against success, I think that this generation of those born to the rich heritage of civilization would be betraying their trust if they did not make the attempt and did not draw from the prospect of possible collapse an inspiration to action rather than counsel of despair.' I quote this merely to show that in the present position of the country we should talk not merely of any remedial measures that would last a day or two, but of fundamental reforms; and that fundamental reform and fundamental help to the agriculturist is mainly contained in this Bill. Taken as a whole, I submit, this Bill will help the agriculturist to a great extent, an extent which we cannot dream of to-day.

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"Here, Sir, I would also draw your attention to the fact that the estimated debt according to all the Provincial Banking Enquiry Committee Reports comes to the enormous figure of 876.45 crores for the whole of this country and the land revenue for all the provinces comes to only 35 crores; and worked on half the net outturn basis, the net income of the agriculturists cannot be estimated at more than 35 crores; and the interest charges on this huge debt of 876.45 crores will be, say, three times that of the land revenue we pay. How then to pay this interest; and how to redeem this debt; and how to make a man of the agriculturist? These are problems that face us; and our Ministry has come out with this Bill. I think every one who has got a heart for the country, who has a heart for the ryot and for the poverty of the under-tenant in this country, should rise and support this Bill as one single man. If on account of the platitudinous and logical arguments the intelligent brains of this country do not want to shove it upon the population of this Presidency, I think we cannot do anything for the betterment of the poverty raging in the country. The time has come and the Congress has assumed office—and we are sure the day of Swaraj is not far off—and we want to see that our people are made powerful and self-confident to fight our battle for freedom. We have got the agriculturists to support us and we have got millions of our people to support us. Any amount of argument and any amount of asking for figures by the hon. the acting Leader of the Opposition will not settle the account."

RAO BAHADUR A. T. PANNIRSELVAM:—"On a point of order, Mr. Speaker, I am not the Leader of the Opposition, or even the acting Leader. I am just an ordinary Member of the Opposition."

MR. KALA VENKATA RAO:—"I am sorry, Sir. As the hon. Member was sitting just by the seat of the Leader of the Opposition, I thought he was the acting Leader. Well, Sir, the hon. Member wanted figures from the Hon. the Premier. I would again put the question to the hon. Member, Mr. Pannirselvam. He was in office and in disproving the arguments of the Hon. the Premier why did he not quote figures? Did not an experience of 17 years suffice to show some figures to controvert the arguments now put forward by the Hon. the Premier and his supporters? Therefore, Sir, I would like to say, as I said at the beginning that figures may be manufactured and figures may be made to suit arguments. The poverty of the country is facing us and we must see that the agriculturist gets what he desires us to give him and we are therefore ready to do it and the Bill is the result of that effort. So, what I want every one who has got the welfare of the country at heart to do is to support this measure with all the power that he can command."

* MR. W. K. M. LANGLEY:—"Mr. Speaker, it was with some diffidence that I rise on behalf of my group to oppose this Bill and at the same time to support the amendment. It will, I think, be admitted that we have not been unfriendly towards the present Government of this Presidency. The Hon. the Mover of this Bill has such an

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engaging way of disarming criticism beforehand that when he coos, if I may say so, like any sucking dove, it is rather difficult to put up a case which can possibly compare with what, at first sight, appears a convincing case, which he can at any moment put up on behalf of any sort of measure as far as I can make out. I confess, I would prefer him to adopt sometimes the other character of Bottom the Weaver and play the Lion, claws and all, and then I feel we should have something that we could oppose with rather more vigour than is possible on the present occasion. But my diffidence really goes rather deeper than that. I hold—I do not know whether it is held by all my compatriots in this country, but I think it is held by all reasonable members—that, now that the Government of the country, or at any rate of the provinces has passed entirely into the hands of the people of this country, we, who admittedly are here to represent very special interests and for very special reasons, should hesitate very considerably before we intervene in, and certainly before we oppose, any measure which in the words of Gallio might be said to touch upon your own manners and customs. But there are certain measures which, I think, we should rightly oppose if they should contain what we consider undesirable provisions. They are measures which might contain any serious economic heresy; they are measures which might be contrary to the fundamental principles of financial purity which were so well enunciated by the Prime Minister himself in his last Budget speech. There are also measures, in particular, in our own case, which might involve confiscation and measures which might involve expropriation. I am sorry to say that, in my opinion, this Bill involves all the four considerations which I have just enumerated and therefore I regret to say, must receive our most strenuous opposition.

“It was the late Randolph Churchill who many years ago described the late Mr. Gladstone as ‘an old man in a hurry’; and I think the present Government of Madras might be accused of being a Government in a hurry. They have only been in office for five months and in the course of that time they have introduced not less than three measures of major importance.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“On a point of order, Sir. We have been longer in office than a month.”

MR. W. K. M. LANGLEY:—“I said five months.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I thought it was one month and so I wanted to remind the hon. Member that we have been here longer. But even five months seems to be wrong, if my arithmetic is correct.”

MR. W. K. M. LANGLEY:—“I stand corrected by the Hon. the Prime Minister. I used the numeral more by way of illustration than in any strict arithmetical accuracy.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I am very sorry, Sir. I was feeling that I was too long in office.” (Laughter.)

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MR. W. K. M. LANGLEY:—“Be that as it may, the Prime Minister has been at the head of a very successful Government for a comparatively short space of time and during that period he has brought in no less than three measures of major importance. The first which affected a serious principle, and that was the payment to members, and to which none of us could possibly object, was pushed through this House in the matter of half an hour. The next which affected for good or evil the social conditions of the Presidency, and also involved very big principles indeed, was pushed through in the matter of two days or so—and I stand corrected if it was, say, three or four days. Now comes this Bill which is going, in my opinion, to affect the whole economic structure of the Presidency, which is being now pushed through this House, I believe to-day, and through the other House to-morrow, and will then be brought back to us after a short passage through a committee, and then we shall be called upon by a large majority to swallow it as well as we can and possibly without any jam either. (Laughter.) Well, the point I wish to make is the haste, I will not say, the indecent haste, but anyway, I might say, the improper haste, with which measures of such enormous importance are being brought forward.”

“Surely a matter of this kind dealing with the whole economic life of this Presidency should first have been considered by a commission. The Bill should have been based on their report. That Bill and the report should have been published for public opinion being elicited and then it could have been brought in with the full approval of the Presidency as represented by the gentlemen opposite and then could have been passed into law after full and free discussion. That I venture to think would be the democratic way of doing things. On the other hand what has happened? The Bill was published about the 1st of this month by the newspapers. The Parliamentary Secretaries dashed round the countryside, like the busy bees they are, educating the electorate. As a matter of fact, the Prime Minister did state in his speech that the Bill has had most adequate discussion in the press already. With that remark I fully agree. I admit the benefit of this discussion and I leave it to the House to decide whether on the whole the discussion favoured the Bill or was against it. Well, now coming to the matter of the Bill itself, the House may recall some remarks of Dr. Johnson on a dish set before him, ‘It is as bad as bad could be. It is ill-fed, ill-killed, ill-cooked and ill-served.’ I venture to suggest that this Bill is as bad as bad could be. It has been hastily considered and hastily devised. It is unnecessary after listening to the speeches preceding me to go into the details of the Bill. I will make a brief reference to the preamble which after all gives in full the objects and reasons of the Bill. I must say that in the art of begging the question, this preamble stands extremely high. It stresses the importance of looking after the economic well-being of the agriculturist. With that we are all agreed. It then goes on and lays down the dictum that the predominant cause of the distress is the burden of debt. The Prime Minister himself in elaborating that argument in the course of his

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speech, I think, said, 'Are you agreed that the agriculturist must be put in a better position?' And secondly, 'If you agree to that proposition, then you must pass this Bill.' He then went on to say that the cure for the particular disease must be found out. With that also we must agree. But surely it is not sufficient simply to cure the visible symptom of a disease. You must surely ask the doctor to examine the unfortunate patient for the underlying cause. I maintain that debt is merely a symptom of a much deeper and more serious disease which is attacking the agriculturist in this country and in saying this I should like to emphasise what I have not emphasised so far in my remarks, that is, the great sympathy which my own group has with the agriculturists and with the objects of this Bill though not with the Bill itself. We could hardly do otherwise. I myself represent a special agricultural seat representing something like 200,000 acres of highly cultivated crops. Two gentlemen seated near me are themselves actual working agriculturists who have control of very large acreages and are in intimate touch with many thousands of agriculturists who are working for them and we should resent it very greatly if it was suggested by anybody else. But we maintain that the cause of the agriculturists' present plight goes very much deeper than can be cured by scaling away debt. Debt is the final symptom. In the preamble of the Bill itself it is stated that the predominant distress is due to the burden of debt. I maintain in distinction to that and in contradiction of that that the real predominant feature of the distress among agriculturists is the burden of rent and the burden of taxation, and the burden of debt is only a symptom which has been brought out through the burden of rent and the burden of taxation. I have been long enough in this House and the previous House to remember all the arguments which were brought out at budget and other times and the special resolutions in regard to the burden of taxation and the necessity for relieving the ryot from the heavy incidence of ryotwari taxation. I can in fact show my own sympathy by the fact that I myself on more than one occasion supported those opinions and those views which were not particularly popular with the Government of the day. It was then clearly shown that the payment of this abnormally high land revenue was one of the prime causes of the ryot getting into debt. If that proposition is correct, surely even if you scale down the ryot's debt at the present moment and put him right again, he will in a very short period of time inevitably again be a victim to the burden of debt, the prices of agricultural produce being very much in the same position as it is to-day. Secondly, it seems to me that the remedy suggested by this Bill is no remedy at all. I maintain that while assisting the debtor very little you will be inflicting a very severe penalty on an innocent and thrifty body of people, those who have saved a little money and invested it in the only form of investment which has been hitherto known in this country, that is investment in land. There has been a great deal of talk about middle men. I know one you mean, the kanamdar. He is not a parasite on the land at all. He is a man who has got the land either by

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saving and investing in it or by receiving it as a member of some old tarwad by right of birth, and such men as that are going to be penalized for no particular reason for a purpose which will not assist the debtors in the long run. There is one further point I wish to make without going into all the details of the Bill. I noticed one particular clause which the Hon. Mover skirted over very lightly and that was clause 12 dealing with the question of rent. It seems to me that that clause is one of the worst examples of expropriation and confiscation of property that I have yet seen put before any Legislative Assembly. This clause refers particularly to rent and specially refers to rent in connection with Malabar. I can state with confidence that this clause has created utter consternation in Malabar. It is well known, I think my friend Mr. Palat has already referred to it, that the janmies of Malabar are very much in sympathy and in touch with their tenants. They are not absentee landlords who spend their money in big cities and generally lead a life of extravagance. They are as simple as the tenants themselves living quietly in their own villages, illoms and tarwad houses and allow rents and taxes to accumulate knowing fully well that the amount can be recovered in the regular settlement every few years. If on account of such a system their dues are to be absolutely wiped out for no apparent reason, all I can say is that it will be inflicting a great hardship on a very worthy body of property owners. The Hon. Mover in the course of his remarks defended with great skill the occasion for not including Government as one of the creditors and causing them to suffer along with the general body of creditors. But it seemed to me that his arguments as far as that was concerned broke down completely as against his arguments in connexion with the contractual obligations generally. The fact is that this Bill is pale-pink socialism or you might even call it communism and is being tacked on to an economic system which is based on entirely different principles. It will consequently make a bad graft and in my opinion cannot grow into a healthy tree. The question of socialism and communism is a matter of argument and some of my friends no doubt are inclined to extreme views. But so long as you have the capitalistic system it is absurd to fasten on to it something which really belongs to an entirely different system, and I maintain that in bringing forward this Bill you are grafting on the capitalistic system a measure of pale-pink communism which is starting you down a deep slope which may produce surprising results before very long. In fact I honestly believe from the general feeling in the country and from the fact that it is alienating the milder element and not satisfying the extreme element, that the Prime Minister and the Government of this Presidency will in passing this Bill be signing their own death warrant."

* MR. K. KOTI REDDI:—"Sir, in supporting the motion made 4-45 p.m. by the Hon. the Prime Minister and before making certain suggestions for the improvement of this Bill, I will in as short a time as possible, answer one or two main points that have been raised by the Members of the Opposition. I may frankly confess personally that there is a large element of confiscation and expropriation in this Bill. However, Sir, this idea of confiscation and expropriation has never troubled

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me personally; if in the interest of the nation, if in the interest of the majority of the population it is necessary to resort to measures of confiscation, I am for it. I only want to point out to the Members of the Opposition, particularly, Mr. Pannirselvam and Mr. Palat, whether the Bill to which they gave their assent, viz., the Bill which brought under the scope of the Estates Land Act all the inam villages, was not confiscatory. There were, before passing that Estates Land Act Amending Bill, a number of inam villages which were owned by proprietors where the ryots had occupancy rights and there were also a number of villages, where for centuries the proprietors had been charging very low rates of rent but had the right of evicting the tenants. When permanent occupancy right was conferred on the tenants, might I not say that that measure was confiscatory? I was one of those who welcomed that measure not because it was confiscatory, but because I believed that it was necessary in the interest of the nation. To-day I am in favour of this Bill not because it is confiscatory, but because it is in the interest of the nation. It is in the interest of the large class of people on whom we depend not only for the production of our food, but also for carrying on the industrial activities of the nation. If we remember that the majority of the population of this Presidency consist of agriculturists—as a matter of fact 75 per cent of them are agriculturists and of the rest, 20 per cent depend on those agriculturists—so much so, we can say that practically all the population of this Presidency depend on agriculturists. If in the interest of the ryots, it is necessary to resort to a measure like this, though there is an element of confiscation or expropriation in it, I think there is very good ground for this measure.

“The second question that I want to answer is this. It was said both by the hon. Mr. Pannirselvam and the hon. Mr. Basheer Ahmed Saaved that whatever help you might like to render to the small agriculturist there was no justification for rendering this help to a large section of big landowners who own hundreds and thousands of acres of land. This ground that it is not necessary to render help to big landlords does not appear to me personally as a reason for opposing this Bill. I have to remind those hon. Members that this is not a measure which is intended to confiscate the property of the people and to take away land from those who have and give it to those who have not. I do not believe this is a measure which aims at communism or socialism. It is only a measure which aims at giving relief to the agriculturist, whether big or small by freeing him from indebtedness. The purpose of this Bill, as I understand it, is not to help the small section of people who are agriculturists, but who own houses in towns and who probably may not look after their lands themselves. However, I may say that the majority of big landowners live in their villages, look after agriculture, though not by cultivating land themselves, but by engaging labour and supervising it. So, it is absolutely necessary that their interests also should be safeguarded. The result of not helping them will be this. The big landlords who are indebted are naturally indebted to a very large extent. If help does not come to them, what would be the result? The land will be sold. To whom? Not necessarily to the

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small agriculturists who are cultivators but in some cases to the big man who may be a non-agriculturist capitalist, with the result that the land will go practically out of the hands of cultivating agriculturists. The superintendence which is now being done by big landlords is an aspect of agriculture to be kept in view, and so it is absolutely necessary not to limit the operation only to small landowners. It must apply to big landlords as well.

“The other question that has been raised by my Friend Mr. Pannirselvam, viz., that the Government before coming forward with this Bill ought to have appointed a committee to go into the whole question, is based on want of knowledge or information. As a matter of fact, a number of committees have gone into that question and have expressed their opinions. So long ago as ten years, the Royal Commission on Agriculture have gone into the question of indebtedness of the ryot and have expressed their opinion; then the Banking Enquiry Committee went into the question of indebtedness of the ryot and suggested remedial measures. Recently, in 1935, when my hon. Friend Mr. T. A. Ramalingam Chettiyar brought forward his Debt Conciliation Bill, one objection raised against the introduction of that measure was that some economic enquiry ought to be made before the provisions of the Bill could be considered, and the Government appointed a Special Officer who went into the question of agricultural indebtedness and the condition of the ryots and the debts that the ryots owed and all these questions were enquired into by him. He has produced a report which is fairly big, a report which will fairly help us in passing this measure.

“My hon. Friend Mr. Pannirselvam said that the benefits of the Bill would go to relieve only the indebted big landowners and that it does not touch the small cultivators. The fact is otherwise. At page 43 of Mr. Satyanathan's Report, it is said:

‘Small and medium landholders including occupancy tenants who pay assessment or rent from Re. 1 to Rs. 100 are the hardest hit of all the agriculturist classes. They form the great bulk of the land-owning or land-holding classes and are the backbone of the agricultural industry in India.’

“He also says that it is only 18 per cent of them that are free from debt. That shows that, among the small landowners who pay land revenue from Re. 1 to Rs. 100, 82 per cent are habitually indebted. In passing this Bill we are really helping the large majority of landowners. And what sort of people are they? He also says, ‘They are the people who generally live in the villages and personally attend to the cultivation of their lands.’ Even if this Bill is passed as it is, it will help also a number of big landowners who are indebted. About the indebtedness of the larger and big landholders who pay over Rs. 100 in assessment or rent, it is said in the same report that only about 20 per cent of this class are free from debt.

“I really believe, Sir, that there is absolute and urgent necessity for a measure of debt relief to agriculturists. It is not a day too soon, that we have introduced this Bill, and, as the Hon. the Premier suggested, it would have been welcome if he had introduced this Bill much earlier. I am one of those who believed and still believe that there is absolute necessity for a measure of this sort. But I may at the same

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time say that there are a number of considerations which ought to be taken into account in shaping this Bill finally. Objections have been raised to-day that it is confiscatory, that it is helping a class of people who do not need the help, that it is not helping all those people that ought to receive it, and that discrimination has been made between one class of creditors and others. I am one of those who believe that there is some ground for such complaint. But so far as the main principle of the Bill, namely, that adequate immediate relief must be given to the agriculturists, is concerned, I am for it and do think that the relief ought not to be merely some sort of debt conciliation, some sort of bringing together the debtor and the creditor and trying to conciliate and scale down the debt a bit. I do not believe in mere voluntary conciliation. We have tried that, and it has practically failed. Some conciliation boards have been appointed by the Government in some districts, and the amount of debt conciliated is insignificant compared with the debt in this Presidency which is something like 200 crores of rupees. The debt conciliation boards that were appointed under the Debt Conciliation Act that was passed were not able to accomplish much, because it is not in the nature of human beings, I believe, to give up a portion of their debt if they can collect all the money.

“Again, the extraordinary circumstances arising from the economic depression of the previous years have been a curse on agriculture, and the depression had created a serious situation. Ryots, whose debts were very little some time ago, are now faced with debts amounting to twice or many times more in real value than before, with the result that all the lands have to be sold away for the payment of debt. Unless a sort of compulsion is introduced in the Bill for the scaling down of debt on that basis alone I do not think we will be able to give much relief to the ryots.

5 p.m. “With regard to the modifications, I leave them to the Hon. the Prime Minister, and if he is convinced of the necessity for them I am certain he will adopt them. With regard to the main provisions, relief to a large number of ryots is necessary and it is not enough to leave it to the conciliation boards; but an element of compulsion is necessary. With regard to interest, that also may be gone into by the select committee and modifications made. On that ground it is not fair that we should be against the Bill.”

* MR. T. T. KRISHNAMACHARIAR:—“Mr. Speaker, Sir, to people like myself who follow a middle course in politics it is always a difficult game. In regard to this Bill, for my part I am placed in a very difficult position. Representing as I do the Indian Mercantile Community, the majority of whom are engaged in the retail trade, the welfare of the agriculturists is inexplicably bound up with their own interest. On this ground I cannot oppose any measure which is calculated to give relief to the agriculturist. Besides, all these years, during the time when the Justice Party was in power and even before Government have been talking of giving relief to agriculturists and improving their lot generally. But nothing has happened. The load of debt has been growing, and the fall in prices has made it very difficult for the

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agriculturist to adjust his income in relation to his fixed obligations. And people were expecting a miracle to happen to relieve the agriculturist of his various troubles, not the least of them being indebtedness. Possibly the party in power intends this to be expected political miracle.

“While I am in favour of certain parts of the Bill, I cannot conceive by any stretch of imagination how it is going to achieve the miracle. I do not think that this Bill will do anything which can be conceived as perceptible good to the agriculturist. The only provision which probably will give relief to certain class of agriculturists is the application of the principle of Damdupat in cases where the interest is high. I do not object to it. With regard to the wiping off of arrears of interest, I think it is a doubtful blessing. The point really is—it has not been really taken into consideration—what is operating against the agriculturist repaying his debt? When he borrowed during the boom years he expected to repay his debt next year or the year thereafter out of his income from produce, but awoke all of a sudden to find that the prices had gone down. As one hon. Member said, if we can really adjust the exchange and devalue the rupee we can set that position right, but situated as we are we cannot do that. I was expecting to see that considerations of scaling down the principal amounts borrowed during boom years would find some place in the Bill. I was disappointed. Actually, there is no great cry to wipe off arrears of interest. Perhaps the better thing will be to scale it down from 9 to 5 or 4, or even 3 per cent if you like. But it is necessary for the principal amount to be scaled down with reference to the prices obtaining at the particular time when the debt was contracted. I was disappointed when the Ministry had not taken this factor into account nor was reference made to it by the various speakers on behalf of the Government.

“What the effects of the Bill would be on the agriculturist or his position as a borrower I will deal with a little later. But the point is there is discrimination all round in this Bill. I am rather fond of using that word, and I am sure the Hon. the Premier will find arguments to meet it. But there is discrimination between debtor and creditor, creditor and creditor and between one landholder and another. I cannot see how you can justify the absence of an upper limit in the case of the ryotwari landholder. Everybody can see that the poor agriculturist ought to be helped in some manner or other. The general application of the principle of the burden on land is not right as the rich man who might have borrowed can sell a portion of his land and pay off his debts. I do not think there is any call in this case to scale down his debt or afford him relief. The real criterion should be the ability to pay, and if the Government is not in a position to conduct an enquiry it must exclude the class whom they consider able to pay from the benefits of the Bill. Again in the case of the zamindar vis-a-vis the ryotwari landholder, the Government is not treating the zamindar fairly. The zamindar has also paid peshkash for which he might have borrowed money at the time of depression, and I do not know why he must be asked not to collect arrears of more than one year old.

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"The question of what this Bill is going to do to the agriculturist is doubtful; actually it leads to a dead end. Just because you are going to wipe off all arrears of interest it does not help him; you are not providing him with the means to pay the scaled down debt or make arrangements in such a manner as to prevent his going to the money-lender again. And what prevents the creditor from filing a suit and foreclosing a mortgage, or attaching his land and getting it sold. There is no provision in the Bill for a moratorium against the sale of land. What the Government should do is to declare a moratorium on sale of land for a period of one year after the Act comes into force and in the meantime help the agriculturist to find means to repay the scaled down debt.

"There is no necessity for me to deal with the provisions of the Bill in greater detail at this stage but this much I should say. I see with great concern certain clauses in the Bill; clauses which give power to the executive to rectify the defects in the Bill as and when necessary. We have had a discussion on the floor of this House some time back on this particular aspect of legislation. The hon. Member for the European Community who then raised the point was asked why he or his predecessor representing his community did not object to these clauses in legislation enacted by previous Governments and why he should object now? The very book of Lord Hewart which protested against grant of such powers to the executive was quoted against him. The point really was that as a result of Lord Hewart's Book, Parliament appointed a committee called the Committee on Minister's powers and that committee reported in regard to delegated legislation. I will read for the benefit of the House one portion of its recommendations. The Committee says:

'The precise limits of the law-making power which Parliament intends to confer on a Minister should always be expressly defined in clear language by the statute which confers it; when discretion is conferred, its limits should be defined with equal clearness.'

"Again, it says:

'Standing Orders of both Houses should require that every Bill presented by a Minister which proposes to confer law-making power on that or any other Minister should be accompanied by a memorandum drawing attention to the power, explaining why it is needed and how it would be exercised if it were conferred, and stating what safeguards there would be against its abuse.'

It may be said that Henry VIII clause still forms part of the many of the Bills passed in Parliament subsequently. We have got to recognize that certain safeguards against executive discretion are needed in a Bill of this nature which has created such opposition outside and which the Congress Government is pushing through with its usual fanatical haste. I think it is dangerous to concede to Government powers which would help them to alter the Bill in any manner they like. For instance, they are taking power to raise or lower the rate of interest; they might make it retrospective if they chose. Why should they not tell us under what circumscribed limits they are going to operate, or at least promise that they will come to the House and ask it to pass a resolution supporting the changes. I hope that before the

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emergence of the Bill from the Select Committee, there will be some safeguards attached to it in the manner indicated by the Committee on Minister's powers in England."

MR. ABDUL HAMEED KHAN:—"Sir, knowing as we do that the franchise, as a result of the Government of India Act, has been increased and that the power of initiating large ameliorative measures

has been given to the Ministry, it would be indeed impossible for any individual or party to resist any attempt that may be made to improve the condition of the average citizen in this province. All those parties which are democratic and want a democratic system of Government in this country certainly will welcome any measure which is calculated to improve the economic and social condition of the people of the province and the country at large. In our province particularly, if there is any class which is most affected on account of the economic structure that has been in vogue for a very long time, it is the agriculturists. And their industry is the basic industry, the industry which feeds the Government which is to-day coming forward with a measure of this nature. After all, if any Government wishes to do good to any class of people, it must be the agriculturists who are responsible financially for carrying on the administration of this province. We expected that this Government would bring a measure which would give a lasting relief to the agriculturist who is not only overburdened with debt but also overburdened with land tax. The Hon. the Premier in his opening remarks told us that it is necessary not only that this measure should be passed into law and given effect to, but many other measures will have to be passed before the agriculturist gets the relief, real and genuine relief, that he deserves. Sir, I wish that the Hon. the Premier had brought forward a Bill which will give the agriculturists not only the temporary relief which this measure will bring them, but also relief which will rehabilitate their condition permanently. After all, what exactly is the root cause of the burden of debt on account of which the average agriculturist suffers? In most cases, although Mr. Satyanathan's report says otherwise, a major portion of the debt of these agriculturists has been incurred, year after year, by their having to comply with the demand for the payment of kist. They had no alternative. Whether the industry was profitable or not, whether the land yielded anything with which to pay the kist or not, whether the agriculturist was able to maintain his family in a comfortable condition or not, he had to pay the land revenue which was the first charge on the land. It is for making this payment therefore that the agriculturist borrowed and became indebted. Year after year he continued to pay his tax and incurred those debts which have to-day become a very heavy burden to him. Therefore I suggest that this House should not be satisfied with this half-measure of relief which it seeks to give to the agriculturists. Let us imagine for a moment what will happen within a few months of the passing of this Bill into law. In this connexion I may add that the extent of litigation which was sought to be minimized by the Moratorium Bill has, either knowingly

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or unknowingly, been increased by this Bill. As a result of this Bill there will be many law suits filed in courts and litigation will considerably increase.

" Mr. Speaker, let us imagine for a moment what exactly will be the position of the agriculturist a few months after he is unburdened of his debt. After all, what is sought to be done by this measure is not to free him of his entire debt. He will be freed of all the interest and he will have sometime or other to pay the principal amount. The money-lender who is a very clever person, cleverer than the legislators and even the lawyers, will certainly begin to manipulate and it will not be possible for anybody to find exactly what is the principal and what is the interest. This manipulation has been going on and will go on hereafter and the result will be that the agriculturist will be paying both the principal and the interest in the shape of the principal. The interest that has accrued will be wiped off and he will have to pay interest at 9 per cent hereafter. This will be shown as 9 per cent on paper, but a higher percentage will be included in the principal itself and ultimately the agriculturist will have to pay much more than 9 per cent. Therefore, Sir, I am afraid the proposition is likely to baffle all attempts at solution. Evidently it has baffled even the best intentions of the Government of this Province. But, Sir, if they can go into this question further, perhaps they will be able to succeed in finding a formula which would reduce to a minimum the danger to which the poor agriculturist is put on account of this measure.

" Again, Sir, in this measure we find, as the Hon. the Premier has stated that in any measure it will be impossible for us to deal with all the hard cases, a few hard cases. Hard cases will always be there and some no doubt will have to suffer when the majority get some relief. But in this measure I am afraid the hard cases will be as numerous as those that get benefit. After all, who are the people who give loans to the agriculturists? I believe that in a majority of cases these transactions take place among the agriculturists themselves. An agriculturist who is very careful with his money and is able to live in a very thrifty manner would have some money with him and this he would have lent to his fellow-agriculturist who is in need and it is this thrifty agriculturist that will now suffer along with the money-lenders. Therefore it will be necessary to examine this question to find out whether we are not doing harm to this class of thrifty agriculturists. If it is our object to give relief evenly to a certain class of agriculturists paying a certain amount of rent, we ought to give that relief to all these people. Discrimination, though brought about unconsciously, will result in putting a burden on another class of agriculturists. If this happens, we will certainly not be helping the agriculturists as a class. If it is our intention and if it is the intention of the Government to help the smaller agriculturists, the Select Committee will have to carefully consider the provisions of this Bill.

" Then, Sir, there are certain provisions in the Bill by means of which a certain class of persons among the agriculturists to whom this Bill seeks to give relief will be affected adversely. What does it

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matter, Sir, if an agriculturist has a small shop in a small town or union? On account of the fact that he pays a licence-fee or profession-tax or income-tax he should not be denied the privilege of coming under the provisions intended for the agriculturists as a class. It will therefore be necessary to raise the minimum under clause 3 (ii) (B) which mentions the class of persons who shall not be deemed to be agriculturists, from 8 annas and Re. 1 to Rs. 6 and Rs. 12.

" Again, there are certain classes of agriculturists who will certainly be placed in a worse condition if they are not allowed to collect the rent for six years instead of for two years as is sought to be done in this Bill. As things stand, a period of 12 years is allowed. It would have been more proper if the Government had raised that period in the case of a certain class of agriculturists and landholders to six years instead of two years. These are no doubt questions of detail which I hope the Select Committee will carefully consider.

" So far as the constitution of the Select Committee is concerned, I would like to suggest, Sir, that the interests which will be affected by this measure should be given adequate representation. It will not do to have on the committee only those persons who are interested in the Bill and who wish to see that the Bill is passed without the deletion of even a comma. There are many other persons who are equally interested in the welfare of the agriculturists and they have their own ideas about the provisions of the Bill. There should be adequate representation given to these persons on the Select Committee.

" Then, Sir, I do not know why the Hon. the Premier should not allow some time for this committee to meet. It would certainly be better if the hon. Members who are elected to this committee make their own investigation into the question in their own districts and acquaint themselves with the views of all those affected by this measure, before they meet to consider the Bill in committee. But it seems to be the desire of the Government to get this Bill passed within the shortest possible time. I understand that the Hon. the Premier who introduced the Bill stated that the committee might have to sit as soon as possible and submit its report for publication in the first week of January. I do not know why there should be such a hurry. Certainly sufficient time should be given to the members of the committee to examine this question by personal enquiry in their own districts, and meeting important persons in their own districts who are interested in the welfare of the agriculturists and come with first-hand information so that they can bring home to the committee the exact situation fresh from the field. This information will be of much use to the Members for making changes necessary in the Bill. The result will be that the Bill which would then emerge from the Select Committee will be of such a nature that it would be acceptable not only to this House but also to the whole province and would not create any bad blood or heart-burning among the very agriculturists whom it seeks to help."

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VII.—HOUSE COMMITTEE—cont.

5-30 p.m. * MR. SPEAKER:—"I have to announce to the House that the following candidates have been nominated for election to the House Committee:—

- (1) Mr. K. Bhashyam Ayyangar,
- (2) „ J. L. P. Roche Victoria,
- (3) Dr. (Mrs.) N. Lakshmi Devi,
- (4) Mr. D. Abdul Rawoof,
- (5) „ S. M. Laljan Sahib, and
- (6) „ E. Kannan.

"As the number of candidates nominated is equal to the number of vacancies to be filled, viz., six, I hereby declare them to have been duly elected to the House Committee.

"In addition to the above, under rule 152 of the Madras Assembly Rules, I nominate the following two members to be members of the said Committee:—

- (1) Mr. H. Sitarama Reddi and
- (2) „ M. Pallam Raju.

"The Deputy Speaker is *ex officio* Chairwoman of Committee."

VIII.—PUBLIC ACCOUNTS COMMITTEE—cont.

* MR. SPEAKER:—"I have to inform the House that the following candidates have been nominated for election of nine members to the Committee on Public Accounts for the second session of the year 1937-38:—

- (1) Mr. Basheer Ahmed Sayeed,
- (2) Diwan Bahadur A. Appadurai Pillai,
- (3) Mr. K. Muhammad Rahmathullah,
- (4) „ K. Koti Reddi,
- (5) „ V. J. Samu Pillai,
- (6) „ K. Bhashyam Ayyangar,
- (7) „ V. Nadimuthu Pillai,
- (8) „ A. Kaleswara Rao, and
- (9) „ A. Karunakara Menon.

"As the number of candidates nominated is equal to the number of vacancies to be filled, namely, nine, I hereby declare them to have been duly elected to the Committee on Public Accounts.

"The House will now adjourn and reassemble at 8-30 p.m. to-night."

Night Sitting (8-30 p.m.)

X.—STATEMENT *RE* PRAYER.

* MR. SPEAKER:—"Hon. Members will remember that on the 1st of October last, I made a statement regarding the *Vande Mataram*

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song. Almost since that date, I have been collecting information regarding the practice of prayer in other Parliamentary Assemblies of the world, and most of them have sent replies. The last of the replies was from the Senate of the United States of America and was received only to-day. A few replies have not yet been received, but I have thought it best to circulate to hon. Members the replies received so far. It will be seen from them that, as I stated on previous occasions, namely, on the 23rd September and the 1st October 1937, a system of prayers exists in almost all the Parliaments of the British Empire. The Leader of the Muslim group, Mr. Abdul Hameed Khan, has suggested to me that I might call a conference of the representatives of the various parties in the House to discuss the continuance of the *Vande Mataram* song in this House and I may remind the House that he had made a similar suggestion on the 1st October 1937.

"In compliance with that suggestion, I now propose to call a small conference of about fifteen members consisting of representatives of all the sections of the House and discuss with them the question of the *Vande Mataram* song and also of any other prayer that might be acceptable to all the sections of the House. The conference will meet in my room in these buildings at 3 p.m. on the 22nd instant. The Secretary will, of course, give notice to the individual members invited to attend the conference.

"If as a result of the deliberations of the conference, a formula of prayer acceptable to all the parties is decided upon, it will be brought up before the House for approval.

"In this connexion I wish to read the penultimate paragraph of the letter of Mr. Owen Clough, Honorary Secretary, Society of Clerks-at-the-Table in Empire Parliaments, Cape Town, South Africa, which expresses in most appropriate language what has always been in my mind in introducing the prayer:—

"I realize that the adoption in India of the practice of opening the Parliamentary sittings with prayer will be a more difficult task, on account of the greater difference in faith than between Roman Catholicism and Protestantism. If, however, the prayer for each of the principal religions could be read in turn on different days, the members of the other religions being present, then the full spirit of Parliamentary brotherhood as existing in the other Empire Parliaments could be preserved. But should this not be possible, then perhaps it could be understood as a matter of devotion that on the days when a certain religious prayer is read only the members of that religion attend, the others remaining in the Lobbies until the division bells, which are usually sounded five minutes before prayer, are rung a second time to notify that prayers are over and that business is now being entered upon.

"It is difficult, if not presumptive, for me even to have ventured these few remarks, not being familiar with the practice of religious faiths in India, but, this much I would say, that, as in all things connected with established Parliamentary procedure, fair-play and respect for minorities are ever the sound guiding principle. Therefore, if the great difficulties of language and religion in India can be overcome, in order to admit of the opening of the proceedings of the Legislative Chamber with prayer for guidance and tolerance, it would indeed be a triumph for reason and justice, and perhaps contribute greatly to Parliamentary brotherhood in the exercise by the members of their important duties in the government of the country."

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" Besides, in all Parliaments Members are at liberty to absent themselves when prayers belonging to other religions are being conducted, or from any other proceedings. But all Members present in the House stand up in their places while the prayer is being read.

" Now we will proceed with the discussion of the Bill."

IX.—THE MADRAS AGRICULTURISTS RELIEF BILL OF 1937—cont.

* DIWAN BAHADUR A. APPADURAI PILLAI:—“ Mr. Speaker, Sir, within recent times no other legislation has caused so much agitation in the public mind as the Agriculturists' Debt Relief Bill has done for the simple reason that an attempt is being made to effect a conciliation between two conflicting interests. On the main issue whether the agriculturists need relief there can be no two opinions. We know that this question has been agitating the minds of the Government for some time past. The fact that an I.C.S. Officer was placed on special duty to enquire into the state of rural indebtedness so early as 1934 proves that Government were conscious of the vast liabilities under which the agriculturists are groaning. Attempts have been made from time to time in the matter of affording relief to the agriculturists. The land mortgage banks have been considerably expanded by the Government guaranteeing principal and interest to a very large extent. There were also the Debtor's Protection Act and the Debt Conciliation Act. The question at present for consideration is whether these measures have been of any avail in reducing indebtedness or giving relief to the agriculturists to any appreciable extent. So far as the difficult situation of the agriculturists is concerned, it is common ground, but as for the method by which the relief should be granted there seems to be a large divergence of opinion. The statement of objects and reasons appended to the proposed bill discusses the method by which this relief is to be afforded. There are one or two points in the Statement of Objects and Reasons which I should like to place before the House for consideration. It is stated there:—

‘ Conciliation and other voluntary methods have failed and the adoption of the principle of compulsion has become necessary.’

This is a point open to question. We know that conciliation boards were constituted in some districts under the Debt Conciliation Act. But I do not think that any attempt for an intensive programme or propaganda was made. With reference to the work of conciliation boards, if the same amount of enthusiasm and zeal exhibited recently in connexion with the prohibition scheme had been shown, I dare say the conciliation boards would have functioned adequately. Unfortunately the public has not been taken into confidence as to how and in what directions the boards have functioned, where they have been constituted, who were the officers placed in charge of the work and what was the progress effected—all these the Members of this House have not been informed. It is not therefore clear to me whether it is possible for us to accept a statement like that appearing in the Statement of Objects and Reasons that conciliation and other voluntary methods have failed and that the

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adoption of the principle of compulsion has become necessary. Sir, Mr. Satyanathan in his very valuable report which has been quoted with approval by the Hon. the Premier has distinctly stated that conciliation and not compulsion should play a prominent part in the matter of reduction of debts. With your permission, Sir, I would like to quote a few lines from that report:—

‘ The legislation we contemplate ought not in any way even suggest a repudiation of the legal, though often immoral, claims of the money-lender. No doubt the present position of the agriculturist debtor is alarming and his great burden of debt has to be speedily lifted from his shoulders. In spite of this, however, to invest the debt conciliation boards with power to compel the creditors to scale down principal and interests, will lead to incalculable harm to the very classes whom we are now out to save. I would urge therefore that there should be no compulsory debt conciliation at least for the present, but that the working of the machinery for voluntary conciliation, which is to be created, be carefully watched for some time and that, only if this machinery fails to afford the relief that it is intended for, compulsion should be applied as a very last resort.’

It is not, therefore, easy, Sir, for some of us to reconcile ourselves to the statement that compulsion is called for at the present moment remembering as we do that conciliation has not progressed to the extent that it ought to have done.

“ The next point calling for notice in the Statement of Objects and Reasons is the following statement made therein:—

‘ Every endeavour has been made in drafting the Bill to simplify the issues and make them easy of decision, thus minimizing litigation.’

Sir, one is tempted to say here that the wish is the father to the thought. We wish that the Bill would minimize litigation, but apparently in the complicated nature of the provisions introduced in the Bill, one is inclined to think that, instead of minimizing litigation, we should be prepared for some time at least for a large crop of litigation. There is clashing of interests of different classes and the Bill itself makes it absolutely clear.

“ Another object of the Bill is stated to be to provide ‘ for the relief of tenants from the burden of old arrears of rent without encouraging default in the payment of current dues.’ Sir, the question of rent is rather a ticklish one and I shall deal with it when I come to clause 12.

“ Sir, the Bill has been criticized in the Madras dailies and other journals on the ground that it is intended to benefit a class of people who are not actual tillers of the soil but who are only intermediaries or well-to-do landlords who do not deserve or need any such relief at all. The whole thing seems to centre round the definition of an ‘ agriculturist.’ An ‘ agriculturist ’ is defined as ‘ a person who has a saleable interest in any agricultural or horticultural land in the Province of Madras’ Sir, most of the landholders do possess sufficient competence to discharge the debts incurred by them. The measure that is intended ostensibly to benefit the actual cultivators of the soil benefits also others who do not stand in the same category.

“ Coming to clause 8 of the Bill I would say at once that it is the bug-bear of the whole Bill. Cancelling away as sub-clause (1) of clause 8 does, all the interest outstanding on 1st of October 1937 with one stroke

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of the pen seems to involve a great deal of loss to the creditors. This provision has been very severely criticized and rightly too, I think, because it trenches to a very great extent on the vested interests or acquired rights of individuals. If it is possible to so alter the provision as to provide for a smaller rate of interest in respect of debts outstanding prior to 1st October 1937, probably we might be able to conciliate the opposition to this clause to some extent. When it is recognized that 6 per cent is a fair rate of interest for future debts I fail to see why a lower rate of interest on outstandings prior to 1st October 1937 should be considered a hardship. As has been admitted by the Hon. the Premier, the ryots look upon their contracts as sacred. They do not question or deny their liability to pay them. That being the case, I do not see any difficulty in prescribing a lower rate of interest for outstandings prior to 1st October 1937 instead of totally scraping away all the interest.

"Sub-clause (2) of clause 8 introduces the principle of *damdupat* and it is not open to such serious objection as clause (1), because any creditor, if he has the interests of the debtor also at heart, ought not to object to the application of the principle of *damdupat*. But the point is whether we will not be trenching upon acquired rights if we apply the principle to past debts also as is proposed in the Bill. If we restrict the application of this principle, which has been only on paper all these years, to future debts alone, probably we would overcome a great deal of objection.

"The next clause which bristles with difficulties is clause 12 which deals with rent. I would respectfully ask the House to consider whether it is desirable or necessary for us in considering a measure for the relief of indebted agriculturists, to drag in the question of rent payable to the zamindars. Rent partakes of the nature of land revenue with this difference that in a zamindari area the zamindar or the landholder is an intermediary between the Government and the tenants, unlike in ryotwari tracts where the ryot deals directly with Government. The ryot pays land revenue to Government, whereas the zamindari tenant pays rent to the zamindar which eventually finds its way to the coffers of Government, because the zamindar in turn pays *peshkash* to Government. What is paid to the zamindar therefore eventually goes to Government in some shape or other. Therefore it is not possible to place rent on an absolutely different footing from land revenue. Besides, Sir, there is one other strong ground why rent should not be brought in in this Bill. The question of land tenure in zamindari areas and the relationship of landlord and tenant are now under the consideration of a very representative committee. The Committee is enquiring into the matter in considerable detail and the interests of the zamindars as well as those of the tenants are safe in the hands of that Committee. Therefore I see no reason why we should anticipate what is going to be done hereafter, and introduce the question of rent in this Bill. Again, rent has been considered as debt in this Bill. It is not desirable, nay it is anomalous to consider rent as debt or as money borrowed. It may be said that rent is only interest payable on the capitalized value of the land

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entrusted to the care of the tenant who enjoys the land and cultivates it, and that therefore rent partakes of the nature of interest. This is a controversial point and it is not possible to discuss that question to-night. The definition of *debt* in the Bill excludes rent as defined in the Estates Land Act. This clearly shows that it is out of place to include rent in a bill intended to benefit agricultural *debtors*. Rent means whatever is lawfully payable in money, in kind or in both to the landholder by a ryot for the use or occupation of land for the purpose of agriculture, and includes whatever is lawfully payable on account of water supplied by the landholder. It also includes any local tax, cess or fee lawfully payable to the landholder. Therefore rent is not merely the return on the capitalized value of the land entrusted to the care of the tenant. It includes also local cesses. The tenant has the use of the land and he is bound to pay compensation for such use. To treat this as interest would be anomalous; besides the Estates Land Act provides for the collection of interest on arrears of rent. If therefore rent is treated as interest on capital invested it would amount to collecting interest on interest. That would be the anomaly if we conceded that rent is in the nature of interest. I would therefore suggest that in a Bill which is intended to serve the best interests of agriculturist debtors, rent is out of place and it ought not to be included in it.

"Then there is a provision for the scraping away of past arrears of rent under certain conditions: under clause 12 of the Bill, if a tenant paid his dues for faslis 1346 and 1347 then all his outstandings for the previous faslis would be discharged. Sir, that is a large order. I do not think that the zamindars have done anything to deserve such treatment. In the case of the ryotwari tracts we have not provided for any such cancellation of previous outstandings. Then where is the justification for making this provision in the case of zamindari areas? Let it be remembered, Sir, that the zamindar has to pay or has already paid the *peshkash* due to Government in respect of the estate in his charge. If he has paid the *peshkash*, it should be open to him and it is very desirable, I should say, that he should be able to recoup himself from the tenant who is in direct charge of the land. To say that the zamindar should pay the *peshkash* or whatever is due from him to Government, but that he should forego the rent that is due from the tenant, will be tantamount to saying, 'Heads I win, tails you lose.' The zamindar will be hit both ways.

"Sir, an ancient king prayed for Ganga in order to wash the dry bones of his ancestor, to enable him to secure swarga. The prayer was granted, but Ganga came tearing down in torrents to such an extent that it required God Siva to take the onrush of the water on his own head. The Debt Relief Bill may be considered by some of the proprietors in that light. Sir, we admit that relief is wanted for the poor agriculturists who are groaning under immense debts. In affording the relief, it is hoped that the Government of the day will not tread upon the toes of other people who are not directly concerned in this matter.

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"One other point, and I have done. Clause 13 enables a court to reopen past decrees. Past decrees have come to acquire a certain amount of sanctity about them. There is a certainty in the mind of an average Indian that court decisions afford a sort of finality with reference to litigation. If the court decrees are to be called into question every time we want a particular measure to be introduced, it will unhinge the economic structure of the Province. It will perhaps be better if we leave the court decrees alone.

"I would also raise the question, in this connexion, for the consideration of the Hon. the Premier, whether we are justified in dealing with the rent question having regard to the provisions of item 21 of Schedule VII of the Government of India Act. That is the item under which the present Bill is brought before the House. You were pleased to give a ruling this afternoon, Sir, that this Bill has been brought before this House under item 27 of List II of Schedule VII dealing with money-lending and moneylenders. But that item would not apply to the provision relating to rent in this Bill, because rent is not money lent or money borrowed. Therefore we should seek elsewhere for the provision enabling Government to introduce legislation on the question of rent. I find, Sir, that that provision is in item 21. That item deals with land, and it enables a Provincial Government to pass legislation with reference to 'Land, that is to say, rights in or over land, land tenure, including the relation of landlord and tenant, and the collection of rents.' That is the enabling provision under which Government have framed this Bill. Sir, my humble submission is that the authority which refers to collection of rents may not apply to the repudiation of former debts. Debt is one thing and collection of rents is another. That is my contention, Sir. If that contention is worth anything, I would appeal to the Hon. the Premier to kindly consider whether we will be within the four walls of the constitution if we deal with rents and zamindars in this Bill.

"Sir, with these remarks, I would submit that, as has been pointed out already, there are serious questionable aspects in the present Bill. I do not for a moment go to the length which my hon. Friend Mr. Pannirselvam has done in totally opposing the Bill. Having rubbed shoulders with the ryot population for a fairly large number of years, I do realize that debt relief is urgently called for, and effective and immediate relief is necessary. Holding that opinion as I do, I do wish that when the Bill goes to the Select Committee, these few points that I have had the privilege to bring forward to the notice of this House will kindly be borne in mind."

* MR. J. NUTTALL:—"Mr. Speaker, Sir, I would like to add my opposition to this Bill which has been introduced to-day by the Hon. the Prime Minister. In opposing the Bill, I am not opposing the idea of offering relief to the agriculturist. But I would point out the many defects which exist in the Bill as it now stands. It is imperative to my mind that much that is in the Bill at present must be amended and very

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considerably amended. We have been fortunate so far in hearing the views of a number of members among the Congress party who have supported the Bill as it stands. Personally, I cannot see any reason for this great hurry in rushing this Bill through. The Prime Minister has said that the indebtedness amongst the agriculturists amounts to Rs. 200 crores. Is a matter of that sort to be dealt with by a Select Committee in just a few days and their considered opinion on this Bill presented to this House? Have Government themselves given full consideration to the whole of this question? I very much question whether they have done so.

"Hon. Members from the other side of the House have also referred to the recommendations made in previous reports. It has been said that the Conciliation Board has done little or nothing to solve indebtedness. I would ask why the Conciliation Board has done nothing. I would say that it has not been given a fair chance. There is evidence in this country that Conciliation Boards can go a very long way towards relieving debt. I believe I am correct when I say that in the Central Provinces Rs. 5½ crores covering over 46,000 cases have been successfully dealt with by a Conciliation Board. What has this Government done in tackling this matter by such methods? I would again like to refer to the Rs. 200 crores, which the Hon. the Prime Minister referred to as debts. When that is divided by the population of this Presidency, it only amounts to roughly Rs. 50 a head. Now, there are very few people who are not in debt; and Rs. 50 as an average debt is not too bad. Actually debt does exist, I cannot say to what extent; but I am certain that it has existed to almost the same extent for a very considerable length of time, and I do not consider that this Bill will in any way permanently relieve those people who are habitually in debt. Something else must be done. A temporary measure for the cancellation of some debt will do no good. It merely encourages people to rely on outside assistance whenever they get into difficulties. It directly comes to this, that the unfortunate ryot has not so far been given the opportunity of education which would enable him to view matters relating to debt in their proper light. Surely, it should be the aim of this Government to tackle the matter at the very source of the trouble. What has given rise to these debts? Surely, this Government, if it could relieve indebtedness by permanent measures, would go a very long way towards removing all indebtedness in the future.

"There is one further point and that is with regard to the rate of interest. In this Bill, the matter of interest is dealt with very lightly indeed; and even the Hon. the Prime Minister referred to interest as something about which, even though it was fixed at a particular rate, there was no real sanctity. I look upon that with very grave suspicion. If a Bill is introduced and passed in this House fixing a rate of interest, not for the future, but for past transactions, what is there to prevent this House from passing at a later date another Bill saying that the six per cent or the nine per cent that has been fixed in this Bill is excessive, and therefore it might be fixed later on at three per cent or six per cent?

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That, at any rate, is the impression that we are given by the Bill itself and also by the Hon. the Prime Minister. I add, therefore, my opposition to the Bill as it stands, and I support Mr. Basheer Ahmed's motion."

9-15 p.m. * THE HON. MR. T. PRAKASAM:—"Sir, I shall confine myself to one or two points raised in this debate. It has been pointed out by the hon. Members Messrs. Langley and Appadurai Pillai, that this Bill would affect the whole economic structure of the Presidency. If the hon. Members had given due consideration to the economic structure of this Presidency, to the monetary system of the country, perhaps they would not have been led into that error. The economic structure of the Presidency and of the whole of India is being controlled by the Government of India and the Secretary of State by controlling the policy of exchange and currency. The rise, the growth and the accumulation of the debts is not due to the unbearable burden of land revenue only. It may be one of the causes. The question of price, the question of increase or decrease of the debt of the agriculturist has been made dependant on the currency policy of the Government of India. Whenever the currency ratio is increased, it is the agriculturist and debtors of India who are affected. There was increase of the ratio in 1920 from sh. 1-4 or below that, straightaway to 2 sh. After matters settled down, it was again enhanced from sh. 1-4 to sh. 1-6. Each time this was done, the debtors were affected, the agriculturists were affected. The consequences were very serious; the losses were not in hundreds or thousands of rupees or lakhs; they were always in crores of rupees. On account of re-adjustment of valuation due to the change in the exchange ratio, crores of rupees were lost. The Hon. Sir Basil Blackett was the Finance Member in the year 1927 when he introduced the Currency Bill. The natural ratio was sh. 1-4. It was the policy of the Government to stabilize it at an increased rate, at sh. 1-6 artificially. Every attempt was made by the representatives of the people to keep it at sh. 1-4. But every effort was made by the Government to lift it up and maintain it at sh. 1-6. The Hon. Sir Basil Blackett admitted on the floor of the Assembly that within one year he had to waste about Rs. 30 crores in his endeavour to maintain the ratio at the unnatural level of sh. 1-6. On account of the attempts made to manipulate the currency policy, it is the debtor that has been affected; it is the agriculturist that has been affected in this country. Just imagine; the debt was only Rs. 45 crores in the year 1895. It mounted up to Rs. 150 crores in the year 1930, within a space of 35 years. What is the reason? What I have stated just now, namely, the currency policy during this period. The losses were so enormous that you cannot value them. This is not my personal opinion. It is an admitted fact that the debtor was affected very seriously whenever the exchange ratio was increased. In the year 1922 Sir James Wilson, K.C.S.I., contributed an article to the Asiatic Review on the currency question. He said:—

'A further rise in exchange value of the rupee would be favourable to the Indian finances, in so far as India has to pay external debts in gold or in sterling. It would also tend to cause a fall in prices measured in rupees in India and would therefore be favourable to all who receive salaries or wages fixed in rupees, and

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to all creditors in India whose credits are fixed in terms of rupees. On the other hand, it would be unfavourable to all producers of commodities in India, and especially to the great mass of the agricultural population who have produce to sell, and to all debtors in India whose debts are fixed in rupees.'

People, not only in this country but also in every country in the world, know how the currency policy, the exchange policy is regulated by their Governments. They do not understand the consequences. They are not able to see with their naked eyes how their income is affected adversely by a rise in the exchange ratio. These things are worked out scientifically and Governments are run on this basis.

"I have stated to the House what Sir James Wilson observed in the year 1922. A few years later, there was the Currency Commission before which Sir Basil Blackett gave evidence, when perhaps he had no idea that he would become the Finance Member of the Government of India and that it would fall to his lot to introduce the Currency Bill asking the Assembly to enhance the ratio from sh. 1-4 to sh. 1-6. When the Hon. Sir Basil Blackett was asked by the Currency Commission with regard to the effect of the increase in the ratio, he stated as follows:—

'When the exchange ratio is increased, from the point of view of the debtor, his existing money debt becomes a larger one in terms of commodities. It means in the case of the creditor that his credit is worth more in terms of commodities than it was before. From the point of view of wage earner, it is equivalent to an increase in real wages by means that are not as obvious either to him or to his employer as perhaps a direct increase would be. It would probably lead—almost certainly at the present time in view of the recent Indian crisis—it would lead to considerable pressure in some industries, to an actual reduction in wages and possibly a strike. On the other hand it would mean that all those on fixed salaries or those who receive customary wages—a great many wage earners—would be better off in terms of real wages. Its effect, I think, would be worse on the Indian industrialist who is in competition with foreign imports, particularly such industries as the Steel Industry and the Engineering industries generally, which are comparatively a new feature in India.'

"As I have stated, it is the debtor that has been affected every time the exchange ratio was increased. This fact is not put forward by an Indian agitator who is interested in merely inventing a story to make out a case. This is a bare fact. If the economic structure of the Presidency has been affected, it is due to the changes in the exchange ratio from time to time. We fought on the floor of the Central Assembly against increasing the exchange ratio from sh. 1-4 to sh. 1-6. At that time, did we say that they were confiscating the rights of the people and that it was an expropriatory measure? No. The Government of India then was an irresponsible Government in the technical sense. They were not responsible to the people. They had power to take any action they pleased with regard to subjects under their control. It was not pointed out to them then by us that that was an expropriatory or a confiscatory measure. How can it be contended now that this Bill is expropriatory?

"To-day the hon. Member, Mr. Langley, started his speech by saying that power has been transferred into the hands of the people. It is in the hands of the people to decide what should happen to their existence in the country. When the debt is accumulating year after year for reasons beyond their control, when the ryots are not able to help

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themselves and when the poor are actually killed under the burden of debt, is it not right and is it not their duty to regulate their own economic affairs? Mr. Langley stated that the power has been transferred to the people and that they had a right to adjust matters. The hon. Member Mr. Nuttall suggested that we might make some amendments to the provisions of the Bill. So far it was good. But Mr. Langley was very eloquent in stating that the whole economic structure of the country has been destroyed by this measure. How can it be destroyed? They are all gentlemen who are drawing heavy salaries here; they send their moneys or savings to their homes; they are profited by the increase in the exchange ratio each time. That is the advantage of having fixed salaries. . . ."

* MR. W. K. M. LANGLEY:—" May I point out that a good number of Europeans in this country, Englishmen and Scotchmen, are employed by sterling companies and have no advantage whatsoever in matters of salary and income from a particularly high rupee exchange? May I also just point out that I naturally could not deal with the effect of exchange on the economic structure of this Presidency, because Exchange is a matter which is entirely outside the limitations of this particular Assembly and I naturally would not address this Assembly on any matter which was not within its own purview? "

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p.m. THE HON. MR. T. PRAKASAM:—" I do not see any point of order in that, Sir, but I do not mind the hon. Member explaining the position in the way in which he has attempted to do. Well, whether it is the fixed salary of the Governor or the Viceroy or the highly paid officers of the Government of India or the Government of Madras, or that of the agents or managers or managing directors of companies, it makes no difference. So far as the business side of it is concerned, you have to examine how the profits are made, at whose cost the profits are made and what happens to the profits. It is from these profits earned in rupees that the agents or servants of the foreign companies are paid in sterling. All these things have to be examined."

MR. T. T. KRISHNAMACHARIAR:—" On a point of order, Sir. Is the exchange ratio relevant to the present discussion? "

* MR. SPEAKER:—" I thought that Mr. Langley did not mean it seriously as a point of order on which a ruling from the Chair should be given. Am I to understand him in that spirit? "

MR. W. K. M. LANGLEY:—" That was quite so, Sir."

MR. T. T. KRISHNAMACHARIAR:—" On a point of order, Mr. Speaker. Is the question of exchange ratio relevant to the discussion before the House? As a matter of fact, we have been hearing the Hon. Minister's reference to the exchange ratio all along."

* MR. SPEAKER:—" Does the hon. Member require a ruling from the Chair? "

MR. T. T. KRISHNAMACHARIAR:—" That amounts to a ruling, Sir." (Laughter).

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THE HON. MR. T. PRAKASAM:—" I have no desire to delay or embarrass any friend here. I would not have attempted to say something on this matter if a general attack had not been delivered against this Bill by stating that this Bill aimed at the destruction of the economic structure of this Presidency. What the economic structure is, I was trying to tell you. If that is not relevant, what else would be relevant to this discussion I am unable to understand. However, Sir, I do not wish to be long on this matter, but unfortunately the matter is such that I could not do otherwise. I would just like to show what exactly the loss was during the period of readjustment before the ratio was increased and immediately after the ratio was increased. Without reading from the passages, I could tell you straightaway what the estimated profit of foreign investors is; and it is only for that purpose, I would like to read from Mr. Findlay Shirras' statement on the National Memorandum of Balance of Payments between 1910 and 1923, which will be found on pages 19 to 22 of that Memorandum. He says that the profits of foreign companies and foreign investors and banking and insurance companies who operate in India are 26 crores on the first, about 9 crores on the latter, namely, 35 crores in all. You may imagine by how much they must have increased since 1923. We will take that figure of 35 crores as the profits of these foreign investors and capitalists in this country and when they remit their profits to their homes they get every pound cheaper by the difference between Rs. 15 and Rs. 13. The hon. Member who represents the Indian Chamber of Commerce ought to be interested in these figures to know how the Indian Chamber of Commerce is flourishing as against other business concerns in this country (Laughter). Now, Sir, I am submitting to you that these foreign investors in remitting their profits home, make a profit of 4 to 5 crores a year on account of the higher ratio."

MR. BASHEER AHMED SAYEED:—" On a point of information, Sir. May I ask the Hon. Minister whether he is reading from any published document available to the Members of this House? "

THE HON. MR. T. PRAKASAM:—" I do not mind helping my hon. Friend. I have given the pages also and if he takes pages 19 to 22 of the National Memorandum on Balance of Payments prepared by Mr. Findlay Shirras for the period covered by 1910 to 1923, he will find that. Now, the profits, admittedly were three to four crores on account of this increased ratio. Why I wanted to tell these facts is to show that the debtor in India is not affected merely by the land revenue that has been levied from him. As a matter of fact, land revenue also is affected by this exchange ratio business. But, as the hon. Member has got impatient, I do not wish to convert this into a debate on the Currency Bill. This is not a Currency Bill, but it is a short bill intended to give relief to the agriculturists who have been brought to this condition to-day. (Mr. T. T. Krishnamachariar: Hear, hear). Sir, the agriculturist has been brought to this condition by the neglect of the previous Governments, by the neglect of the leaders and by the neglect of the ignorant people themselves. I do not say that all the previous Governments were bad. There

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was a time long ago, about 45 years ago, in 1892 when there was a young civilian in Madras by name, Mr. Nicholson, who later on became Sir Frederick Nicholson, and he propounded a scheme on Roffeissein basis to relieve the agricultural indebtedness then. At that time, as I pointed out already, the agricultural debt was only 45 crores; and his scheme was a wholesome scheme. He said that village banks should be established in India which should lend money to agriculturists at 4 per cent and if they had only done that then, to-day the agriculturist would not have been in this condition and the Government itself would not have been in the present condition, and even the British people would not have been in their present condition. (A voice: They are all right). You say, they are all right, but I do not agree. There was a time when the English goods were filling the markets of India, but to-day you find Japanese goods everywhere. They have lost their market. So, Sir, it was due to the mistakes made in the past that proper relief had not been given even when there was a scheme worked out and even experimented upon for some time. That scheme had also the approval of the Government of India in those days. The Secretary of State also made some proposals and somehow or other later on the whole thing was shelved and in its place the present Co-operative Societies Act came in and as admitted by the leaders of the co-operative movement who have spent all their time and energy, the credit has frozen and they could not deal with the problem and the result is the poverty that we see to-day. That is how this trouble had been brought about. That relief is required, nobody denies.

“Then, what is the meaning of suggesting ‘caution’? Is this not a cautious measure? The Leader of this Government is a man of great caution and care and it is with caution that he has put the whole thing. If only hon. Members of this House could understand the real situation with regard to the economic condition of the country and if they had known exactly in what position the villagers are to-day, they would not have lost one moment in supporting this measure as a mild measure. As one who has gone through the famine-stricken areas recently and as one who has gone through the flooded villages, I know that many villagers have been converted into absolute coolies because all the land they had, had gone out of their hands because of their debt and those that remain are starving there and if this state of affairs were to continue there will be nobody to whom you can give relief and there would be no persons to whom those friends who feel sorry for losing their interest, can lend their moneys also. What is it that you are losing to-day? You lose interest and if you lose interest it would not matter even for a low rate of interest and live upon it quietly. Nobody can justify accumulation of capital in the hands of a few people, a few lords and a few rich people. The whole country has got so much land and people say that small holdings are a nuisance to this Government. Can people say that this is a Soviet measure, that this is a Communist measure, that this is a Socialist measure? We, on the other hand, are

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trying in this state of poverty of the country to see in what way the land that has yet to be reclaimed can be distributed among the poor people who have represented to me through petitions saying, ‘Give us one acre or two acres of land so that the whole of our family could cultivate the land and live happily.’ It is for this reason that this Government have stopped alienations and sale of lands with a view to take stock of the land that would be available for distribution amongst the poor people in due course. Where is any Sovietism in this, where is Communism in this? The whole thing has come to this critical position. People must see the condition of the agriculturists and decide what relief is given by cutting off interest or by giving the benefit of the Damduput principle? Even the Damduput principle was ridiculed in this House. Look into the history of other countries. There, even the principal had been cut out when people could not pay. And when people cannot pay, what is it that you are going to recover from them? You talk of Conciliation Boards. What is it that the Conciliation Boards could do? We have taken the results as they were placed in our hands after we took charge. If the Conciliation Boards had not functioned properly and if results had not been produced, that only shows the mistake on the part of those who were in charge of the administration in the past.

“We have known exactly what is possible under the conciliation boards when there are hon. Members here to rise up and say that to give relief to agriculturists’ class, to the poor debtors is communism and socialism. What can be expected from them? But the majority in this House has demanded it as their duty. It may cause some trouble to some people. It may inconvenience some people. Can there be a more cautious measure than this? We have been attacked for excluding co-operative societies. We have been attacked for excluding banks. We have been attacked for excluding joint-stock banks. Can there be a measure which is so mild having regard to the credit conditions? It may be, Sir, that people do not really know what the effect of this measure will be. It will not be long before they know that it is a measure passed into law in the best interests of the creditors and debtors. The hon. Member Mr. Nuttall said ‘To-day you have said six per cent interest and the power is in your hands. To-morrow you may reduce it to 3 or 4 per cent.’ If circumstances demand will not the hon. Member give his support to the Government even for 3 per cent? There is the Indian money in the London market called gold standard reserve fund lent out at what rate of interest? Nothing like 8 per cent or 9 per cent. At a very low rate of interest, 3 per cent or 4 per cent or 5 per cent, the money has been going there in foreign investment whereas here in this country the unfortunate agriculturist has been driven to borrow from the Sowcars at a prohibitive rate so that he can never come out of their hands. You had no idea of all these when you were talking of the socialism and the economic system of this country. Every aspect of the conditions of the country has been taken into consideration. Our Leader is not a person who has no experience of the world. We have known all about the internal affairs of the debtors and the creditors and of the Banias for whom the hon. Member Mr. Basheer Ahmed was so eloquent. (Laughter.) We are all anxious

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that the Banias should carry on their business, that money-lenders should carry on their trade. We want them to carry on business in a reasonable way getting reasonable rate of interest, allowing people to cultivate their soil and earn their own bread. That is the object of this Bill. It has been said, Sir, that this measure merely scales down the debt. Where is the relief? Leave us alone for heaven's sake and see whether there will be or not. Every creditor who feels shy to-day will feel secure to invest his moneys, to get his reasonable rate of interest prescribed for him from his own men on the security of their land under their jurisdiction and under their very eyes. The country has not lost credit yet. In spite of all these drains this country has survived because of the people's strength to live and work. They have credit and they have succeeded in getting power into their own hands so far as the provinces are concerned and if they try to regulate their debt, to regulate their production, distribution, and sale, they will be able to manage their own business without very much being dependent on outside powers. I do not wish to deal with the other clauses of the Bill. If there is anything, the Hon. Premier will reply on those matters."

THE ZAMINDAR OF MIRZAPURAM:—"Mr. Speaker, Sir, I rise to place a few observations about the Bill as far as it applies to the landholders. I do not propose to deal with the Bill as a whole, as the previous speakers have dealt with it at large. Now, Sir, this Bill as it is drafted affects the landholders. It provides to wipe off all the arrears of rent due to the landholder up to 1345 fasli. I fail to understand, Sir, why the landholders should be placed on a different footing from the creditors. The creditors only lose the interest but the landholder loses everything. I cannot understand why such a differentiation should be made in the case of the landholders. I have gathered statistics, Sir, to show that the rent due to the landholder from a tenant who is able to pay the rent does not pay it. The tenant may be getting from Rs. 5,000 to Rs. 10,000 from his lands. But at the same time he does not pay reasonable rent of Rs. 10 to Rs. 12 per acre to the landholder. I may also point out here that the tenant, the person who has to pay the water-tax to the Government pays water-tax to the Government but does not pay the small dry rate to the landholder. I do not know whether you call that indebtedness. If, Sir, the tenant gets as much as Rs. 100 per acre from his undertenant, at the same time he does not find his way to pay the zamindar his legal dues. You may say because the rents are high the tenant is unable to pay. When he gets Rs. 100 from the undertenant there must be something for the undertenant. In my opinion, Sir, this Bill does not at all help the ryots in general. The landholder might have borrowed monies and paid the peshkash and the cesses with the hope of collecting the arrears from the ryots. What is to happen, Sir, to such a landlord who has already paid his peshkash and land-cess and has also spent large amount of money towards obtaining decrees from the tenant. If you are going to wipe off everything how is he to find money to pay the legal dues to the Government and other local authorities? The Bill on the face of it, Mr. Speaker is expropriatory and such legislation is clearly illegal and in my opinion beyond the competence of this legislature. The only class which is affected most

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is the landholders. The Premier in his recent speeches said that it was un-Hindu not to pay the debt and that it was un-Hindu on the part of the tenants not to pay the arrears of rent. It was un-Hindu because the liability here is different from debts. As the Premier himself admitted in his speech at the Congress House the provision of wiping out is dangerous and the tenants will develop a tendency to fall into arrears in the hope of getting relief from higher authorities. I do not propose to say anything further on the Bill. My only request is that the Premier will have sympathy on the landholders and treat the landholders also in the same manner as he is treating the other classes. With these observations, Sir, I oppose the Bill as it is drafted and as it stands at present."

MR. MUHAMMAD ABDUR RAHMAN:—"Mr. Speaker, Sir, I stand up to support the Bill, and I beg leave to assure the House and the Hon. the Premier that the Bill has got the utmost support in my constituency which is the most rural in Malabar. It has been said here that the Bill is expropriatory and confiscatory. I do not know what it is confiscating and whom it is expropriating. It is certain that no man is made to lose the principal or his capital. If anybody loses, it is only the money-lender. The landholder contends that it is expropriating his rent. But what is the position of the tenant who has been serving the landlord from time immemorial and who has been suffering in these days of economic depression? Has the landlord or the money-lender shown him the least compunction in the days of his suffering? It has been said here that the method of debt conciliation should have been tried. From my experience I can say that where Special Loans Officers wanted to scale down the rate of interest in order to bring down the debt due from the debtors within their means to repay, it has been flatly refused by the creditors and so many a tenant has been unable to pay off his debt. If the landholder and the money-lender, both of whom in many cases are the same, have been merciful to their tenants, I should say the lot of the tenants would have been much better. Much has been said here against the Bill, by some hon. Members. I do not know whether they have taken into account the lot of the tenant to-day. Each and every one has been admitting that the tenant deserves relief. When and how, is the question? If they want relief to be put off, how long, I want to know. Is the relief to be given after the tenant is ruined and ruined beyond any hope of redemption. Here, the argument was advanced that instead of the interest due being wiped out altogether, the creditor must be allowed at least 3 or 4 per cent. My Friend, Mr. Basheer Ahmed Sayeed, has been quoting the religious principle of Islam and said that usurious transactions are prohibited in Islam. The Prophet of Islam has set an example, not by pleading for any concession but by wiping away the interest on debts altogether. In his sermon on the Mount, He not only preached for the wiping out of the interest altogether but set an example by saying that all the money due on capital advanced by his uncle Abbas is wiped off. I ask Mr. Basheer Ahmed Sayeed who pleaded for a small rate of interest of 3 or 4 per cent to remember that example. I should say that if the Hon. Mr. C. Rajagopalachariar

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who stands on Hindu Dharma and concedes the Dandupat principle were to take the same view as that of Mr. Basheer Ahmed Sayeed, I am afraid the tenant will have nothing by way of relief.

"As for the Bill, the demand from my constituency is for far more liberalisation. And my constituency has said that the Hon. Mr. C. Rajagopalachariar has erred on the side of being over-cautious. They say there must be relief from the debts of co-operative societies. I do not say that provision should have been made in the Bill itself. But I do hope and believe that the Government by their executive action will render relief to the tenants from the burden of debts of the co-operative societies as well. Some of my friends may say that co-operative societies are institutions of debtors themselves. But nobody can refute the fact that in co-operative societies the rates of interest charged are very high, and the penalties make the burden much more intolerable. Again, there is the demand from my constituency that the exclusion from the benefits of the Bill of those who pay profession-tax up to or over 8 annas per half year is very hard, not only from the point of view of the number of persons who are not affected but also from the fact that this profession-tax in local board areas is introduced only in four or five districts. I do not know why the people of these four or five districts should be excluded from the benefits of this Bill, when all other people of the Presidency within the local board areas enjoy them. So I appeal to the Hon. the Premier and the House that when the Bill goes to the Select Committee the limit of profession-tax should be increased.

"Further, I should say that people, who borrow from banks and limited concerns which are charging high rates of interest, deserve some relief. This also, I believe, will be considered in the Select Committee. As to the question of giving relief to the agriculturists, the demand of my constituency is that it should never be delayed. The people have been already suffering and the deprivation of the benefits proposed in the Moratorium Bill has brought more difficulties upon the debtors from the creditors, and if this Bill be postponed on account of any unavoidable delay, I am afraid the trouble will be much greater. So, I appeal to the House to expedite the passing of this Bill into law and also expedite its being brought into operation at the earliest possible moment."

* THE ZAMINDAR OF BODINAYAKKANUR :—கனம் தலைவர் அவர்களே, தற்சமயம் விவசாயத்திலிருக்கும் விவசாயிகளின் கடன் மசோதா விஷயத்தில் பன்னிரண்டாவது செக்ஷன் பற்றி நான் தெற்கு நிலச்சுவர்த்தாரர்களின் பிரதிநிதி என்று ஹோதாவில் சில வார்த்தைகள் பேசவேண்டியவனாகியிருக்கிறேன். இந்த மசோதாவில் நிலவரி, கடனாகப் பாவிக்கப்பட்டிருக்கின்றது. நிலவரியானது, ராயத்வாரி விவசாயிகளிடம் கவர்ன்மெண்டார் எப்படி வரி வசூலிக்கின்றார்களோ, அதேபோல் ஜமீன்தார்களால் அவர்களுடைய விவசாயிகளிடத்தில் வசூலிக்கப்படுகிறது. இந்த வரியை வஜா பண்ணுவதினால் சாவத செட்டில்மெண்டுக்குப் பங்கமாயிருக்குமென்று நான் அபிப்பிராயப்படுகிறேன். இப்பொழுது தள்ளிவிடப்படவேண்டுமாய் சொல்லப்படுகிற பசலிகளுக்கு ஏற்கனவே கவர்ன்மெண்டார் அவர்கள் மேற்படி ஜமீன்தார்களிடமிருந்து (Peishkush) பேஷ்கஷ், செஸ் வகையா வசூல் செய்துவிட்டார்கள். இதில் ஒரு பகுதி ஜமீன்தார்களாலும் மற்றொரு பகுதி விவசாயிகளாலும் கொடு

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படவேண்டியது. இப்பொழுது கிஸ்தி பாக்கி இருப்பதை தள்ளிவிடச் சொல்லி விட்டால் இப்பொழுது குடிபானவன் கொடுக்கவேண்டிய பாகம் தள்ளிவிடப்படுகிறது. சற்றுமுன்பு பேசிய மிர்ஸாபுரம் ஜமீன்தார் அவர்கள் சொல்லிய பிரகாரம் கடன் கொடுத்தவர்களுக்கு அசல் இருக்கிறது. ஜமீன்தார்களுக்கோ அதுவும் சேர்ந்து தள்ளப்படுகிறது. கிஸ்தி பாக்கி காலாவதியாகாமல் இருக்கும் பொருட்டு ஜமீன்தார்கள் பணத்தைச் செலவிட்டு டிக்கிரிகள் வாங்கிவைத்திருக்கிறார்கள். அது நஷ்டமாகக் கூடிய நிலைமையிலிருக்கிறது. போடியுக்களுர் ஜமீனப்போன்ற மற்றும் அனேக ஜமீன்களில் பக்கத்திலுள்ள ரயத்வாரி நிலங்களுக்கு ஏற்பட்டிருக்கிற தீர்வையைக்காட்டிலும் நிலவரி அதிகக்குறைவாக இருக்கிறது. அப்பற்பட்ட ஜமீன்களில் கிஸ்தி பாக்கியை தள்ளுவதற்கு காரணம் சிறுதுயில்லை. கிஸ்தியை சொடுக்க ராயக்குள்ள குடியானவர்கள் அதேநகர் ஜமீன் நடவடிக்கையின்பேரில் கொடுத்துக்கொள்ளலாம் என்று நினைப்பினாலும், ஒரு சிலர் மற்ற காரணங்களை உத்தேசித்து, அதாவது கிஸ்தி பாக்கிக்காக நிலத்தை எலத்தில் விட்டால் தங்களைச் சேர்ந்தவர்கள் பேருக்கு நிலத்தை எலத்தில் எடுத்து கடன்களை மோசம் செய்துவிடலாமென்ற நினைப்பினாலும் இந்த மாதிரி கிஸ்தி பாக்கிகள் ஏற்படுகிறது என்பது என்னுடைய அபிப்பிராயம். தங்கள் விவசாயிகளிடத்தில் தாராள குணங்காட்டிய ஜமீன்தார்களுக்கு இது (பன்னிரண்டாவது செக்ஷன்) தண்டனை போலாகிறது. போடியுக்களுர் போன்ற அநேக ஜமீன்களில் அந்தந்த கரண்டு (current) பசலிகளுக்கு அப்பசலிகளில் தீர்வை வசூலிக்கப்படுகிறதில்லை. ஏனென்றால் இந்த ஜமீன்களில் பயிர்வாரி தீர்வை ஏற்பட்டிருக்கிறபடியால் புராதன வழக்கப்படி அடுத்த பசலியின் தான் சென்ற பசலி கிஸ்தி வசூலிக்க ஆரம்பிக்கிறது. இப்பொழுது இந்த ஜமீன்களில் 1346-ம் பசலி கிஸ்தி வசூல் தான் ஆரம்பிக்கப்பட்டிருக்கிறது. 1345-ம் பசலியும் அதற்கு முன்னால் ஏற்பட்டதும் தள்ளப்படி என்று சொல்லும்போது, இந்த ஜமீன்களுக்கு மற்ற ஜமீன்களுக்கு ஏற்பட்ட விதிதமும் இல்லாமல் போய்விடுகிறது. இத்தமாதிரி உள்ள ஜமீன்களைப்பொறுத்தமட்டில் 1344-ம் பசலியும் அதற்கு முன்னால் ஏற்பட்ட கிஸ்தி பாக்கியும் தள்ளப்படியென்றவது இருக்கவேண்டுமாய் கேட்டுக்கொள்ளுகிறேன். 1346, 1347-ம் பசலிகளுக்கு கிஸ்தி பூராவும் கொடுத்தவிட்டால் அதற்கு முன்னுள்ள பசலி கிஸ்தி பாக்கிகளை தள்ளிவிடலாமென்று பன்னிரண்டாவது செக்ஷனில் சொல்லப்பட்டிருக்கிறது. அப்படி அவர்கள் கொடுக்காதிருந்துவிட்டால் 1344-ம் பசலி பாக்யும் அதற்குமுன் பசலி பாக்யும் காலாவதியாகாமல் ருக்க ஒரு மார்க்கு செய்வேனுமாய் கேட்டுக்கொள்ளுகிறேன்.

மேலே நான் சொல்லிய காரணங்களினால், இந்த பன்னிரண்டாவது செக்ஷன் மட்டும் எடுத்துவிடவேனுமாய் எனம் பிரதம மந்திரி அவர்கள் நான் கேட்டுக்கொள்ளுகிறேன்.

* Mr. MAHBOOB ALI BAIG :—"Sir, I rise to oppose the dilatory motion of my Friend Mr. Basheer Ahmed Sayeed (Hear, hear) p.m. and to support the motion of the Premier to refer the Bill to a joint select committee. I have no hesitation in saying that no useful purpose would be served by publishing the Bill for eliciting public opinion. On the other hand, Sir, I should think that more harm would be done than good, and the present state of affairs must be ended without further delay. May I remind Mr. Basheer Ahmed that this monster of rural indebtedness has been in the country for over two or three decades and has been showing its ugly face since 1929 when the world depression began. Whatever may be the causes that had brought about this depression, whether it is the accumulation of gold in a few countries or overproduction, or as in the case of India, the exchange ratio, whatever might be the cause, the monster has been there in the country all these years. Is not Mr. Basheer Ahmed one of those that moved in the old Legislative Council that Government must give remissions

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of land revenue? Is he not one of us, myself and several others who stated that the purchasing power of the rupee had risen, the prices of articles had fallen and some relief must be given to the agriculturist? Does he think that the time has not yet come when some relief should be given to the ryot? Is he not satisfied with finding every day in the papers two or three columns of criticisms in favour of and against this Bill? I should think, Sir, in recent years, and to my knowledge, if anything has attracted the attention of all persons from the highest lawyers to the poorest ryot it is this Bill. Money-lenders, merchants, Marwaris and associations have all expressed their opinion in the daily papers. Not only that. Every morning I found on my table a heavy post containing memoranda from this association and that. This Bill has been dealt with threadbare by eminent men—I shall not mention the names—and every person who has had any ideas about this matter, straightaway went to the press and expressed his opinion. For the matter of that, in my own Bar Association I find four persons have expressed their opinions and published them. Associations have met, ryots have met, money-lenders have met and all have expressed their opinions clearly one way or the other. Are we still to wait? In doing so, will it not put the creditor as against the debtor in a state of suspense?

“Now coming to the motion before the House, I should at once submit that the remark of Mr. Langley that we are treating the symptom and not the disease deserves our consideration. No doubt it is a symptom and I do not think that the Premier pretends to treat the disease itself. There are persons suffering from carbuncles. The disease certainly is not carbuncle, but it is diabetes. But the disease has so far advanced that it has ended in a carbuncle. We cannot in this case wait for the physician to give the patient doses of medicine; we want the surgeon's knife to cut it off (Hear, hear) so that the patient may not die. Is it the time to consider whether the physician is necessary or the surgeon? If you do so, the patient may in the meantime collapse. So, Sir, I do admit, and I am sure the Premier will admit that we are treating the symptom. But it has become necessary to do so as otherwise the patient would die. At the same time it is the duty of the Government, and it is our right to demand it of the Government that the disease itself must be treated. May I submit, Sir, that some people have got wrong opinions about the ryot's thriftiness. I have known that they are the most thrifty you can find in our country. I have known, Sir, that sometimes when he has got a rupee he won't spend it on his own comforts or luxuries. But the ryot who sells his produce to pay to the Government or the merchant or the money-lender would never spend a pie on other than what is absolutely necessary for him. You may ask, Sir, why then has he become indebted. The Premier has very sympathetically very sentimentally referred to him as the man who gives us our food, as the producer of our food. He does not eat it himself, and if he dares to do it, ruin awaits him. Now, Sir, the Government cannot be absolved of this accusation that it is taking half the surplus or the net income

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from him. It has been doing so for a very long time. After meeting the cost of cultivation, and out of what is left to him, half is taken away by Government; the other half is not sufficient to keep his body and soul together. He has to provide for his dependents, and so runs into debt. He has to live. So am I asking too much even from this Government if I suggest that the aim of every Government should be that every man, woman and child should be given raiment and food? If this is called socialism it does not matter, let us all turn socialists. ('Hear, hear' and cheers.) It may be that the exchange policy of the Government is responsible for the increased indebtedness, because the creditor always gains, and the produced always loses. The person that purchases always gains, especially if he happens to be an outsider or a foreigner and non-Indian. I say with all the emphasis at my command that this Government should sit down with facts and figures and investigate the causes for this huge indebtedness in our country. It would not have come from nothing.

“What seems, Sir, the most important thing in a matter like this is not to consider our own gains or our own losses. The loss that may occur to 8 per cent of the population is nothing if 92 per cent of the people is to have food and raiment.

“Sir, I do admit that certain provisions in the Bill do not seem to be logical, do not seem to be reasonable; they do seem to be confiscatory. The person who is hard hit is the creditor who was very humane all along and has not pressed his debtor to pay all his dues. It is true. It is also true that the zamindars who have been considerate to their tenants and have not collected the arrears of rent do lose and the zamindars who were exacting in the collection of the dues every year after the cause of action arose, are benefited. There is no doubt there are anomalies; but this matter is being referred to a select committee, a committee of both Houses. There is the second chamber, a body of experienced men, who are there to pull us down youngsters against anything done in haste. This Bill will go before them. You can freely express your views and suggest modifications. So why oppose this Bill? Have we not already suffered by delay? Can anybody dare go to the villages and say that he is opposing this Bill? I challenge. He dares not.

“Another thing that is often said is that the real tiller of the soil is not benefited. It may be true in many cases and that has been the burden of my song. This remedy which ought to have been thought of three or four years ago is, to some extent, delayed. I have known of cases where small landlords' holdings have been sold away in auction and now they are mere labourers under another landholder. There will be such cases. When we legislate it will not be possible for us to meet all hard cases—individual cases. You cannot always legislate for all circumstances, for all change of circumstances and for all changes. Let us make the best of this piece of legislation and as early as possible pass this into law. When the Bill comes back from the select committee we can modify its provisions by means of amendments

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and, at that time, if the Government could be convinced that there are hard cases which should be looked into, they might agree. But if they do not agree, it only means that the minority must accept the position. Parliamentary Government is a party Government. The minority must bow to the majority in matters like this. We have no reason to believe just at present that the country is opposed to it. I read in the papers a sort of challenge thrown, viz., that on this issue the majority are prepared to go to the country. I suppose they are very confident about the result. Moreover, where we find that the real issue is that 92 per cent of the people will be given some facilities to live, we ought not to oppose the motion.

"Then, Sir, I wish to touch on one more point only. Sir, I am alive to the fact that the Bill as it is may not go very far. As I submitted already, the burden of land revenue is really very heavy. It is inequitable. It is not distributed equitably. May I remind this House, Sir, that the major portion of the revenue is collected from the ryots in the shape of land revenue? I may repeat, Sir, that most of the town dwellers do not contribute anything at all to the provincial fund. Persons who are unable to pay ought not to be forced to pay and persons who are in a position to pay ought to be compelled to pay more. That is a very good rule of taxation. Let the Hon. the Revenue Member and his cabinet take up this matter and see that the burden of taxation is equitably distributed, that persons who are able to pay are taxed more and that persons who are unable to pay are not taxed at all or taxed less. That will go a long way towards relieving indebtedness. But, Sir, just at the present moment, even though you might reduce the land revenue and even though the price of the agricultural produce might rise, if his debts are not wiped off, the agriculturist would not have anything for himself from the land. All his income would only go into the pockets of the creditors. Therefore, Sir, it is necessary that this Bill must be followed up by an enactment giving relief to the debtor with regard to land revenue. That is the first measure I would request this Government to bring up soon. The second thing is this: You are scaling down the debts. But is the agriculturist in a position to repay his debts now? No. Certainly not. Even the principal he is not in a position to pay. So, a second measure is imperatively necessary. Under that measure the Government by floating debentures or by raising a loan should see that these scaled down debts are paid off by the Government themselves and recovered from the tenants in easy instalments spread over a period of twenty or thirty years. Not till then, not till these two pieces of legislation are brought up and passed will there be any salvation for the ryots. But that does not mean that we should not operate upon the person who is suffering from a carbuncle and save him from immediate death. (Cheers.)"

* MR. N. S. VARADACHARIAR:—"Mr. Speaker, Sir, I propose to take only very little time. I must thank the hon. Member Mr. Langley for having really set me on my feet. His speech was

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very interesting and unlike the speech of the hon. Member Mr. Pannirselvam, who worked himself up into a state of righteous indignation—I was almost going to say, gnashing his teeth between intervals—he indulged in a bout of humour mixed with not a little of serious criticism.

"Sir, as he was speaking, I saw before me the vision of Mr. Langley's agriculturist whom I recently had the opportunity of meeting on the hills in his tea estate. That picture has left an indelible impression on my mind. Will you permit me, Mr. Speaker, to draw as vividly as I can the contrast between Mr. Langley's agriculturist whom I saw over there and the agriculturist on the plains which those very hills overlook? Mr. Langley's agriculturist is an amiable country gentleman, a very fine host with exceedingly good manners, with ample time to discuss world politics and an abundance of leisure in which to follow cultural pursuits. He is very hardworking, industrious and all that. Besides, he has plenty of capital to work his estate. He gets easy credit from banks in India and in England at low rates of interest. His estates are scientifically planned and there I saw mechanised agriculture. He gets the best price for his produce. He gets preference for his tea and it ensures for him his prosperity. He is very well housed and feeds a considerable number of people on his land. He pays a reasonable land revenue—I believe a lakh of rupees for 40,000 acres all told—and a good Government is maintaining a very nice road up the hills which secures for him very fair and good transport at a cost to the treasury of nearly Rs. 50,000 a year for road maintenance. I think I have not exaggerated a bit. In fact I want this agriculturist to prosper. Mr. Langley's agriculturist is my man. But I want the man down the hill also to be like Mr. Langley's agriculturist and not continue to be the miserable specimen of my agriculturist whom I will presently describe to the House. This man is half-famished, under-nourished, ill-clad—perhaps has very crude manners and cannot be compared to my amiable host—has very little milk or fruit, struggles hard in the field, looks up to uncertain seasons and pays very heavy taxes. In this connexion, I must mention that there is a misapprehension that the ryot is only paying land revenue. He is paying sundry other taxes, including those of the Government of India, under salt and customs duties and so on. In the province he pays for excise and stamps; he pays for forests; he pays for pasture and so on. Having understood his tax burden, you will certainly concede that it is very heavy. But his debt burden is heavier still. It is staggering. Our land tax is six crores. Half of the gross revenue of this province comes from land.

"My hon. Friend, Mr. Nuttall calculated just now that the agriculturists have only a debt of Rs. 50 per head. I propose to present him with other figures. The total gross yield from the soil is not more than Rs. 20 crores, and the interest on the Rs. 200 crores of debt is Rs. 20 crores if we work out an average leaving alone the usurer to revel in his usury. Now, Sir, which is the heavier load? Is it the

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load of six crores which is land revenue or the load of twenty crores which alone is the interest on debt as much as the gross yield from the land? The agriculturists as they are cannot fight for better prices. Well, I trust the Government will fight for them hereafter. Previous Governments did very little in that direction and they were helpless victims in many cases of markets far beyond their control. They could not get proper prices for their produce. Then, Sir, there is no easy transport; no nice roads leading to the far away corners of the villages for them to bring their harvest to the towns and sell it. And what a life they are leading? A life without cheer, without hope, without confidence the most dangerous thing of all. If the contrast between Mr. Langley's agriculturist and my poverty-stricken agriculturist is understood, the principles of this Bill are grasped in their entirety. The Hon. Minister for Revenue has answered effectively how the manipulation of the exchange has played not a small part in increasing the debt burden. It has reduced the income of the agriculturists by $12\frac{1}{2}$ per cent and every article that is imported into this country gets in effect a rebate of $12\frac{1}{2}$ per cent by this wrong manipulation of the exchange by a Government which wields power over us and floods this country with foreign articles.

"There is still one thing more which my agriculturist is suffering under. It is this: His life is not merely a life without hope, without cheer and without confidence. He has come to the end of his resources. During the last four or five years he has sold all his gold. We have exported from this country 300 crores worth of gold. And even if Sir James Grigg was correct that it was not all distress gold, I make bold to say that not less than 150 crores of it represented distress gold—gold which the agriculturists sold away in order to pay interest on debt and in order to make up the difference between the export for which they had not been able to realize full value and the visible and the invisible imports in which latter the salaries and pensions of public servants and of the army and various other institutions which are being run in this country and the interest on foreign capital have to find a place.

10-45 p.m. "That is the position of my agriculturist. Mr. Langley will now concede that this minimum help which we are rendering our agriculturist is quite essential and I hope he (Mr. Langley) will offer his hand of succour and will no longer refuse to recognize that the disease from which the ryot is suffering is not merely serious, but that he has come to the end of his resources. He is looking forward to the Government for helping him to get out of that distress. Of course it is easy for the Opposition to say that this bill is expropriatory and confiscatory. Everybody knows that relief has to be rendered to the ryot. To what extent it should be given it is for the Government to determine. We want the ryot to be set on his feet, and we want to infuse, as the Hon. the Premier has well said in his opening speech, a ray of hope and a ray of confidence into the mind of the ryot enabling him to take to better methods of agriculture. There is no use of merely

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stating that the agriculturists in villages are in a famished and starving condition. Unless we take off the load and remove the bend on their backs they will never resort to new methods of agriculture. With a life of cheer and a life of hope it will be time enough for the ryots to look forward to scientific agriculture. And even here this bill ought not to be taken as the last word in the life of the ryot. Government might possibly be still intending to shift the burden off the agriculturists by reducing the land revenue or by some other means which will make others pay more than they do at present.

"Sir, it is stated that credit will be paralysed. That is an attack on the Bill. I contend that credit even to-day, is paralysed. Rural credit is frozen. No money has been forthcoming during the last three or four years and all old loans have merely been renewed. There has been such a contraction of credit that these ryots have been reduced to a state of bitter agony. This Bill is the only hope for credit institutions to start afresh and land value will increase after the passing of the Bill and lands would in future become real security. Mr. Nuttall will observe that if the total acreage is taken as 25 million acres and the ryots have to pay a debt of 200 crores of rupees it will work out at near Rs. 100 per acre and a total of 70 to 80 on dry lands and even 200 to 300 on wet lands. If this is realized, the need for urgent relief and the need for solving rural indebtedness will be granted by one and all. I need not add anything more. I would just like to refer to one suggestion, which if adopted, would lead to dangerous results. People from the Opposition said 'Why not restrict the operation of this Bill to tillers of the soil alone?' I would like to answer this by somewhat indulging in a figure of speech. When the tiger is abroad there is no use of saying 'I will fence the sheep and will allow the oxen or the bulls to be eaten away'; or saying 'I will fence the oxen and the bulls but allow the sheep to be swallowed up.' When the tiger is abroad it ought to be put either in a cage, or if we are not able to do that, at least pare off its claws so that we ought not to allow it to destroy the one herd, while we might be carefully looking after the other herd. I wish this Bill be speedily passed into law after the select committee has gone through it."

* MR. G. KRISHNA RAO:—"Sir, after the many vigorous speeches that have been made here, I do not propose to take up the time of the House by making a lengthy speech. I will simply confine myself to an appeal to the Hon. Premier. While I accept the principle of giving relief at the present juncture to the indebted agriculturists, and while I also thank the Hon. Premier for his encouraging and inspiring words, I must say that the Government ought to see that the reaction caused as a result of that relief does not crush or cripple the other classes of people whom it might affect. If this measure is going to ease the situation of some people, naturally some other people have to suffer. If for the sake of the many the few have to suffer and this becomes the inevitable sequence of any Government Legislation, I request the Government to see that, statesmanship, humanity and every ethical consideration, are exercised and that suffering is mitigated to the utmost extent possible and made bearable. In a legislation of this kind the responsibility of the Government is greater and

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graver than ever. I am glad, Sir, in one of his speeches with reference to this measure, the Hon. Premier has said that he wanted to be cautious, conservative and safe, he did not want to create apprehensions, and that he did not want to upturn everything. That is a very encouraging message from the Hon. Premier. Sir, opportunity has placed him at the head of a very powerful political party in this Province and it has made him the leader of an overwhelming majority in this House. I appeal to him through you, Mr. Speaker, that when such a legislation is on the anvil, he should be as good as his word and see that he holds the scales even between man and man, interest and interest and between one class of people and another class of people in the discharge of his onerous duties as the chief administrator of this Province. With these few words, Sir, I support the motion before the House."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I was feeling that it was wholly unnecessary for me to say anything at the stage when I would be called upon to wind up the debate. I had intended to say a few things but the last few speakers have really given me a surprise in various ways and a very pleasant surprise. I had not expected Mr. Mahboob Ali Baig to take up that position which he did, nor—if he will forgive me—to make a speech which would altogether take away the need for me to answer the dilatory motion of the hon. Member Mr. Basheer Ahmed Sayeed. I do not think I need add anything to what Mr. Mahboob Ali Baig has said with reference to Mr. Basheer Ahmed Sayeed's motion. It is a pity that Mr. Basheer Ahmed Sayeed was not here at that time, but I think he must have heard it from the lobby all the time.

"Sir, on the question of the principle, on the question whether we are doing right or wrong in substance, whether we are doing fairly or whether we are doing mischief, I do not think I can add anything to what my colleague Mr. Varadachari has said. I knew that Mr. Varadachari was a good speaker, but I did not know that he was such a good speaker, though I have been connected with him for the last twenty years. But this is not the time for compliments. I am only saying that his speech has relieved me of a great deal of my work. But the most surprising speech of all was that of the hon. Member representing the landholders' interests, in support of the Bill. It was, no doubt, a great compliment from one, whose interests have been attacked in the Bill. He expressed so much confidence in the Government that is piloting the Bill that he left it to the Government to look after his interests. I do hope that we shall deserve that confidence.

"Sir, all the same it has been repeated and emphasized by several hon. Members that we are attacking certain fundamental assumptions on which society is working, that we are interfering with the axioms of orderly life and that perhaps even the moderate character of the present proposal does not really give sufficient assurance as to what may be done to-morrow, as precedents lead from one to more. And Mr. Nuttall in a brief speech, but a very effective speech all the same, said 'what prevents you from doing worse to-morrow?' He did not say, though he had it in his mind to say 'what prevents you from

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taking off the principal also the next day?' Probably he thought that it was a dangerous thing to suggest the other thing, in such bad company (laughter). But that remains. We may laugh over it, but I must answer that. I do my utmost to show that, while I grant the sacredness of contract and the sacredness of fundamental things on which we are working, I do not grant the sacredness of interest. Somehow or other, even after the repeated emphasis on the other side, I fail to see the respectable character of this thing that we call 'interest.' It may be that I should have been born as a Mussalman, but I think, even a Hindu as I am, I can feel this and there is not much difference between one faith and another. After all, even the Christian who is not mentioned in this connexion, even the Jew, besides the Mussalman, the Hindu and everybody else have agreed, I maintain, in looking upon this practice of getting interest on the principal as somewhat of a wrong occupation. I do not see any reason why we should not introduce legislation on these lines.

"But what I say in self-defence is that when I am attacking this thing, I should not be taken to be attacking anything ultra-sacred or to be desiring to do mischief. It is not attacking the sacred foundations of society. I am emboldened to say this because it has been done all along. Nobody objected on this ground when interest was lowered, when it was said that 'whatever might be the contract we shall allow only so much' in the various anti-usury Acts which were passed from time to time. Nobody said anything about interference in regard to the various provisions of the Estates Land Act in respect of contracts and the like, such as 'Notwithstanding anything done by contract, such and such shall be the obligation.' There is nothing new in this Bill. But I may remind the House of what my hon. Colleague has said, though on a matter apparently not pertaining to the Bill in a direct manner, with reference to the exchange rates. It is all right, you may say, but it is not within the scope of this House, and so on. But it is relevant when you consider the question of the sacredness of contract. I ask you: are we to protect the sacredness of contract when one of the parties comes up with false weights and measures? You agree to give me fifty measures, but can I go to you and ask for fifty measures, measured by a bigger measure than was originally intended, as between us both? So, is not interest relevant even in considering the question of sacredness of contract? It is the whole basis of this anti-depression law, if I may call it so. It might have been introduced earlier or in different ways; but, as Mr. Mahboob Ali Baig said, it is something like this: here is diabetes, here is carbuncle; it is all right to talk of fundamental cures and physician's remedies; but the knife also is wanted sometimes and you must have surgery on some occasion. So, whatever might be the causes, the debtor's position now is such that he needs attention immediately, in the surgical department. But we shall not leave him there always. Do not think we are going to deal with the patient with a box of surgical tools for all time. We are not going to use the knife again and again. We must begin somewhere, and that is all that we propose to do by this Bill. We do not claim that this is a heroic measure."

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which will be good and will be tantamount to a cure for all time. Nor is it even a complete measure. In these days, we have to be content with doing one thing at a time, and probably even half a thing at a time in the present circumstances. It is possible, it is necessary and it is extremely probable that we will put our shoulders to the wheel and do many more things.

"Sir, in this connexion, Mr. Langley said, 'give him education. Perhaps it was Mr. Nuttall who said it. Rather a slow business, I think, either to remove his debt or to increase the man's income. Even with the best material, education is slow, and with the agriculturist it must be very slow, and it is hardly encouraging to be asked to follow that line because, forsooth, it is irreligious to touch interest. Are we to start primary schools hoping that after the three R's, after chemistry and science, agriculture will come up, and thereafter are we to pay a visit to the man and ask him to put his knowledge into execution? Is it possible or conceivable, I ask? I submit, Sir, that is not the way to deal with this matter. It is true that even the Royal Commission on Agriculture referred to this basic remedy, education. Education is, of course, going on. The burden of debt needs a more urgent remedy, and we have to provide it.

"Another suggestion from another hon. Member was to give more power to the conciliation boards. What is wrong with conciliation boards? What is the meaning of giving them more power? The meaning seems to be that you must give a little bit of power to them to see that their recommendations are accepted. I submit that that is exactly what this Bill proposes to do. It is not as if the conciliation boards are to be abolished. We do not want these boards to be abolished. I promise hon. Members on the other side that these conciliation boards will work with full vigour and the gentlemen who are invited to settle and to assist in the settlement will come with greater enthusiasm and with greater earnestness if this Bill is passed. Even as the conciliation boards will not be abolished, the co-operative societies, the land mortgage banks, all these will not be abolished; nor shall we abolish the schools where we are giving education to the people. These bodies will have real work to do in the future. The land mortgage banks will have really a goal to aim at when they give money to release prior debts if the debts are to be scaled down according to this Bill. As Mr. Ramdas Pantulu said the other day, the land mortgage banks are not going to suffer; they are going to have more and more work hereafter, and that is why he supported the Bill. All this increased grease to the conciliation boards, the land mortgage banks and the co-operative societies will make the creditor and the debtor know how much the one owes the other, how much is demanded by the one of the other. In other words, everybody will know what he asks for and what things will be available to him.

"Another major point that was made is this: 'what will happen to credit? Credit will get upset. These poor agriculturists will not be able to get credit.' I do not fear that, Sir. I may be wrong, but I think I know my people. I know the people of my country. I do

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not think credit will suffer by this measure. The same bogey was raised even when the conciliation boards were spoken about. Even then the people said, the moment you take up scaling down, whatever may be the result, credit will surely suffer. Credit has suffered for a wholly different reason, which Mr. Varadachariar has explained. Even now the agriculturist can raise very little money on what is called credit. He can raise more by what is called charity. Even now, because of the burden of debt that is already there upon him and because of the present prices under which he has to work, he has little credit. Even if he should lose all, there is not much to be lost. I know what the strong interests that are now opposing this Bill are concerned about. They are not concerned about the principal; they say they are concerned about the interest. Well, if they are so keen about interest, what are they going to do after the Bill is passed? If the Bill is passed into law, they say credit will go. If the Bill is really passed, where is all their money to be put? Will not people put the money somewhere, where it is bound to be useful and will bring something? After a little bit of fright or disturbance, we cannot imagine that all this money will disappear altogether from the face of the earth. It is bound to come back, and if it will not go to the same men, at least it will go to the industries and the industrial enterprises or to some other people who build up mills and factories. Even then, I should welcome it. Let this money go round to the factories, let dividends be earned and let the money circulate and in this way it will come back to our country all right. It will not go to the banks; even if it will go to the banks, I say it will be all right; because we shall make the banks lend the money to the agriculturists. Otherwise, what will happen? We shall be simply putting it in a mud-pot and burying it. May be it will be so for a few days; but a man cannot live on the smell of a mud-pot even though it contains gold (Laughter). He will see that he has to use his money. The sacredness of contract is closely associated with the value of money. Credit will come all right and, unless money is placed beyond reach, a human being will have to work with it. Therefore I claim that our country is not going to be destroyed by this Bill in the matter of credit.

"Sir, I claim a little more than that, if I may be pardoned for it. I really claim by this Bill to have given a longer lease of life to the sacredness of contract. I am not quite so certain that this sacredness of contract will live for a very long time, but I claim that I have given a longer lease of life to it by saying, 'pay the principal,' by saying, 'pay even the principal,' by saying, 'if you have already paid twice the principal, you have done your duty and nothing more is due.' By saying that a man should take only the principal, I have not attacked the principle of contract; on the other hand, I have given it a longer lease of life. That is what I claim. This principle of damdupat—if my hon. Colleague was right—was looked upon with some amount of ridicule; because probably we laugh at a bullock cart just because we have got a motor car; because we laugh at our own feet just because we have bought a bicycle. This principle of damdupat was dreamed of a few years ago; the present Government was not

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even dreamed of at the time when this report was being prepared by Mr. Sathyanathan. He said: 'I recommend that the dandupat should be made into law.' Apart from conciliation boards and voluntary arrangements, he positively recommended—the book may be referred to—that this dandupat should be made into law. And that is what we have done now. He said even then 'it has already been done in the Punjab.' He has written 'let us also do that.' So, there is nothing new about this. It has been given a little bit of revival, and I say that in putting a little bit of Hindu usage into this contract matter, I have given a longer lease of life in this country to the sacredness of contract. I claim that this is a measure which is consistent with the sacredness of contract, which is consistent with the principles and the culture of our traditions and our religion, and that all that we have done or are doing is a little bit of work in the same old line of scaling down the interest, without interfering with the principal. If a man has paid double the amount already, are you going to say: 'no; under the contract, the principal is still due; what you have paid is only interest, you should calculate and pay down the principal?' That, I say, is not fair.

11-15 p.m. "Then, the other great point of objection relates to the hard cases. There are hard cases; there also our friend Mr. Mahboob Ali Baig has made my work light, and perhaps wholly unnecessary. He has replied very effectively about the hard cases. Suppose a widow has lent money, a little sum of money to a neighbour and has been living on the interest. 'You are trying to take away all the interest and to give only the principal, what a wrong thing it is!' That is the question. But I just want to say this. If the lady has lent money and has not cared to recover interest for many years and has been able to live without the sympathy of her neighbours and she now gets back the principal, I do not think I am hurting the old lady too much. I do not know how the money was put into her hand; I do not know who put the money into her hand; all that history need not be enquired into at all. All that I submit is this: these hard cases are nice covers for clever people to walk behind. If these cases are examined, very often they dwindle into nothing. I am prepared to consider every hard case, and every bad case. But other people should not walk behind the proposals for hard cases. We shall have no objection to consider any amendments relating to hard cases. What I object to is plenty of ordinary cases getting behind the cover of these hard cases. That is all. All the same I admit, however much human ingenuity may provide against them, we are bound to have some hard cases. But shall we make laws or shall we not make laws? Every law will carry with it these hard cases. I have no doubt whatever about it.

"But it is suggested 'Do not bring up this kind of legislation, but leave it to tribunals to decide.' It was stated that I objected to leaving things to courts, for the discretion of the courts. That was not quite fair. Unfortunately, whatever care a man may take about the words he puts his ideas in, he is likely to be misunderstood and misreported and he gets into difficulty. It is not that I lack confidence

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in the courts, I have confidence in them. But I maintain that this is not a thing to be left to the courts. The courts have got discretion given to them to reduce the rate of interest. But every court has used its discretion differently. There is not uniformity. The interest charged varies from 3 per cent to 36 per cent. If a man is *ex parte*, a larger rate of interest is charged. If a man is rich and engages a big lawyer, another rate of interest is fixed. Courts are intended to administer the law. Courts are not intended to administer matters which are left undecided by the law. The courts cannot sit down and hear arguments as to the family affairs of everybody, they cannot go into the financial status of each family. The courts cannot go into all the circumstances of the poor man's family life. The scaling down of debts cannot be left to the courts. The courts will say 'please take away these things from us; it is not for us to decide these things.' I maintain, Sir, that it is not right to leave this matter to the courts. It may be left only, if at all, to conciliation boards; but that can be done only if there is no coercion, no compulsion. Since we start on the basis that we must have an obligatory scaling down of debts, it cannot be left to tribunals, but it must be provided for by definite principles; we must give the law to the courts to carry out; the courts cannot afford to take up any bigger burden.

"In the same way I was misunderstood when I stated that the relative burden of debt is greater than the burden of the land tax. An attempt was made by some earlier speakers in the course of this debate, to make out that I and this Government apparently have made up our minds not to deal with the land revenue question. Good political tactics! It is not fair. That is not what we said; that is not what we intend to do. Let hon. Members wait for a few days; they will know our programme. Our programme is to fight hard in all respects for the agriculturists, not in one respect only. The relative importance of these things was clearly explained by Mr. Varadachari. The burden of debt is a living burden. It is like carrying a burden that is growing every moment, on the top of your head. It is different from what we have to pay off to Government, so much that is fixed by the Legislative Assembly or by the past Government. But whatever may be the relative value, I ask 'Is it wrong to take one thing at a time?' I even grant that land revenue is too heavy. We should lose not only income-tax, not only salt tax, not only customs, not only excise revenue, we should lose land tax as well as everything else. Well, we must govern, we must open more schools and hospitals; we must improve agriculture; we must lose all revenue and still carry on all the functions of the Government. Even granting it, I ask whether it is wrong to deal with one question, simply because there are other questions also to be dealt with. It can always be objected, when a man is wanting to do one thing, that there are twenty other things that have not been done. Let us not be opposed in that way. We are bound to deal with all subjects. I claim that there are strong and sufficient reasons for the House agreeing to the introduction of the Bill and to the appointment of a Joint Select Committee for the purpose of examining the Bill. I once more thank those hon. Members on the

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other side who were not bitterly opposed to the Bill and who promised to help in shaping up the Bill. It is conceivable that we might agree to amendments provided that the amendments leave something that can be called a useful thing.

"Before I conclude, I must say just a word about the rent matter. Reference was made to-day that while creditors are hit only in a certain way, with regard to rent it is taken away altogether. It was stated that rent did not correspond to interest but was really the principal itself. In a technical sense, it is correct. But alongside of it, the landholders must remember that, if rent is only principal, it comes to this, that the landholders are creditors every year. Paying kist is one thing; paying the principal is another thing. Since we are dealing with the difficulties of the human being, we must not deal with formalities and technicalities but deal with the agriculturist in the manner in which he should be dealt with. We cannot make a distinction between rent and interest. I do not think that we are doing anything wrong in saying that old arrears which were apparently not paid and which the landholders left over without collecting, should not be considered to be still due. When the land revenue burden is high even in the opinion of Mr. Langley and when the debt burden is also very heavy, it may have been charitable on the part of the landholders not to have collected rent; they might have been charitable, they might have been gentle. We should punish even this gentleness. It is not right that you should be gentle even with your tenant. It was in that way that you have allowed rent for 2 and 3 faslis to be left behind. You are doing a kind of charity; it was not right for you to have done so. I will admit that some creditors do not collect moneys due to them; they are very good people, very charitable people; landholders do not collect rent; they are very good people; but these good people must be punished for their bad kindness."

MR. BASHEER AHMED SAYEED:—"Sir, I claim the right of reply. If I remember correctly, under rule 59, I think I have a right of reply. A substantive motion I have moved, the circulation of the Bill for eliciting public opinion."

* MR. SPEAKER:—"The odd hour—11-25 p.m.—does not affect the position. There is no right of reply. I treat it as an amendment to the main motion moved by the Hon. the Premier. As such, the mover of an amendment has no right of reply."

MR. BASHEER AHMED SAYEED:—"It has been laid down, Sir, that a motion such as that the Bill be referred to a Select Committee, or that the Bill be circulated for eliciting public opinion, or that the Bill be adjourned *sine die* is a substantive motion. All such motions have been held to be substantive motions on Bills."

* MR. SPEAKER:—"Rule 59 does not refer to it."

"The question is that the Bill to provide for the relief of indebted agriculturists in the Province of Madras be circulated for eliciting public opinion."

The amendment was put and lost.

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* MR. SPEAKER:—"The question is that under rule 111 of the Madras Assembly Rules the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of fourteen members to consider the Madras Agriculturists Relief Bill of 1937."

The motion was put and carried.

The House then adjourned to meet again at 5 p.m. the next day.

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

1. Notifications appended to G.O. No. 3838, Home, dated 28th September 1937, amending the Home Department Notification No. 638, dated the 28th September 1936, published at page 1366 of Part I of the Fort St. George Gazette, dated the 6th October 1936.

2. G.O. No. 1867, Development, dated 16th August 1937, amending the rules published with Development Department Notification No. 62, dated the 3rd March 1923, in the Fort St. George Gazette Extraordinary, dated the 3rd March 1923, as subsequently amended.

3. Return of officers in permanent service under the Government of Madras for the years 1924 to 1937.

4. Return of officers in temporary and acting service under the Government of Madras for the years 1924 to 1937.

5. Notification appended to G.O. No. 4076, Home, dated 12th October 1937, exempting motor vehicles brought into the Province of Madras under cover of 'Triptyques' or 'Carnets-de-passage' from payment of the tax payable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), in respect of one entry into the Province and for a period not exceeding thirty consecutive days commencing from the date of such entry.

6. Notification appended to G.O. Ms. No. 4685, Home, dated 22nd November 1937, exempting from payment of the tax leviable under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), the motor car of His Excellency the Naval Commander-in-Chief, East Indies, for the period of his stay in the Province of Madras in December 1937.

7. Copy of letter No. P-1-3164/37, dated 12th October 1937, from the Resident for the Madras States conveying the thanks of His Highness the Maharaja of Travancore to the Government of Madras and to the Madras Legislative Assembly, for passing the Resolution of 24th September 1937, regarding the Travancore Temple Entry Proclamation.

8. Copy of letter No. P-1-3164/37, dated 19th October 1937, from the Resident for the Madras States conveying the thanks of the Travancore Government to the Government of Madras for the Resolution passed by the Madras Legislative Assembly regarding the Travancore Temple Entry Proclamation.

9. Notification appended to G.O. No. 3658, L.A., dated 27th September 1937, amalgamating the District Boards of North Trichinopoly and South Trichinopoly.

[20th December 1937]

APPENDIX I.

[Vide answer to starred question No. 30 asked by Mr. H. S. Hussain at the meeting of the Legislative Assembly held on the 20th December 1937, page 38 supra.]

Report of the Collector of South Kanara.

[Abkari—Shops—Arrack and toddy—Karkal taluk—Karkal town—Location—Removal to less objectionable locality—Legislative Assembly question.]

The toddy shop is not on the main road. Personally I do not think that the location of the toddy shop is objectionable. The building in which the toddy shop is located is in the court-yard of another building which faces the street, that is to say, there is a line of shops facing south in S. No. 131/11 and in the middle of this line of shops there is a big entrance into the court-yard and it is in the court-yard that the toddy shop building is located. The shop itself is not visible from the road and people resorting to the shop do not sit on the road. They have to go into the building to have drink; and even if they want to squat outside there is room in the court-yard and there is no need to come to the public road. I visited the place in the evening when there should be a number of people in the shop; but I did not see people crowding the frontage or squatting on the road. The arrack shop is situated in one of the shops in S. No. 131/11 facing the road. Its location also did not seem to me to be objectionable. No. 131/12 is the market and no doubt people would resort to toddy shops on market-days even if the shops are at some distance from the market. It will be observed that there is a direct road to the south from the schools which joins the main Udipi-Mangalore road and most of the students use that road although a few who have to reach their houses beyond No. 264/4 have to use the road in front of the liquor shops. Some five years ago the toddy shop was located in No. 266-2-D (private land). It was then brought to its present site. The notified limits of the shops are No. 266/2-D, No. 263, No. 131 and No. 264. No. 266/2-D was found to be unsuitable as the ground was extremely uneven and is at the present moment precipitous in incline; and it was on account of this that the shop had to be shifted from that place. No. 263 is owned by a private gentleman who is gradually reclaiming it into wet cultivation, and it is doubtful whether he would allow the shop to be located on his land. In No. 131 there is no site better than the present one and for No. 264 the same objection as has been raised for No. 131 may be raised.

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APPENDIX II.

[Vide answer to starred question No. 11 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Assembly held on the 20th December 1937, page 52 supra.]

STATEMENT I.

Average discharge in cusecs through the new supply channel from Veeranam tank to Shatiatope anicut into the Vellar for the years 1928 to 1933.

Period.	1928.	1929.	1930.	1931.	1932.	1933.	Average for 1928-33.	Average for the months of July, August and September.
July second-half	..	518	7	40	388	303	205	205 cusecs.
August first-half	217	418	242	66	495	456	315	300 "
August second-half	115	219	352	519	263	201	278	
September first-half	174	219	214	224	360	74	210	193 or 200 cusecs.
September second-half	..	68	201	129	215	442	176	

STATEMENT II.

Statement showing the daily average supply passed to the Shatiatope anicut system from Veeranam tank.

Month.	1933.	1934.	1935.	1936.	1937.
	CUSECS.	CUSECS.	CUSECS.	CUSECS.	CUSECS.
July	162	No supply.	..	61	52
August	329	174	216	536	309
September	253	220	162	276	164 *

* Supply given between 6th and 22nd September and again on 28th and 30th September.

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APPENDIX VII.

[Vide answer to unstarred question No. 22 asked by Mr. K. Ishwara at the meeting of the Legislative Assembly held on the 20th December 1937, page 64 supra.]

Statement showing the number of wells dug in South Kanara district during the time of the present District Labour Officer from 22nd April 1934 up to date.

Number and name of the taluk.	Name of the village or hamlet in which the well is sunk.	Number of wells sunk.	Cost of each well.		
			RS.	A.	P.
1 Mangalore	Derebail	1	724	0	0
	Mundkur	1	374	3	0
	Kavur	1	324	0	0
	Kenjar	1	364	0	0
	Surathkal	1	377	0	0
	Bolur	1	375	0	0
	Bappanad	1	181	0	0
	Kondemula	1	338	0	0
2 Kasargod	Parenkil	1	210	0	0
	Athilodu (Balla)	1	286	0	0
	Sonkal	1	180	0	0
	Baro	1	384	4	0
	S. Tricarapur	1	254	0	0
	Perdal	1	448	0	0
	Bela	1	441	0	0
	Kumbadaje	1	291	0	0
3 Udupi	Patla	1	461	0	0
	Ajanur	1	382	0	0
	Alevoor	1	292	0	0
	Pandeshwar	1	441	0	0
	Kadekar	1	666	0	0
	Nadsal	1	390	0	0
4 Chondapoor	Puttur	1	515	0	0
	Manipur	1	424	0	0
	Nada	1	349	0	0
	Khambadkone	1	440	0	0
5 Karkal	Kirimanjeshwar	1	485	0	0
	Shirtadi	1	360	0	0
	Padukonaje	1	357	0	0
	Marpati	1	495	0	0
Total ..		30	11,608	7	0

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, the 21st December 1937.

The House met at five of the clock, Mr. Speaker (THE HON. MR. B. SAMBAMURTI) in the Chair.

I.—PRAYER.

The proceedings began with recitations from the Koran by Mr. Basheer Ahmed Sayeed and the singing of the Vande Mataram song by Mrs. Lakshmi Sankara Ayyar.

MR. R. B. RAMAKRISHNA RAJU:—"Mr. Speaker, Sir, may I draw your attention to the fact that the Hon. Member Mr. Laljan was seen sitting in his seat when the Vande Mataram song was sung? May the House know if that is the decision arrived at by the Conference which you spoke of yesterday?"

* MR. SPEAKER:—"Will the hon. Member please resume his seat? The matter will be considered at the Conference. The Conference has not yet met and when it meets, all these matters will be dealt with and fully considered."

* RAO BAHADUR A. T. PANNIRSELVAM:—"Mr. Speaker, Sir, from what you had said on a previous occasion, I have been under the impression that no change was called for in the matter of prayer. Yesterday a statement was issued by you that a Conference was to be held to discuss this matter. Personally I have no objection to the Vande Mataram song, though some Muslim friends think otherwise on other grounds, because I feel that it is no prayer at all, even though you style it a prayer. Vande Mataram is said to be a national song. If it be a national song, then it is no more a prayer than 'God save the King' or La Marseilles or any other national song. So personally I have no objection to such a song being sung. But if it comes to a question of having formal prayers, then it would be desirable that we should come to some common understanding. Members of the House belong to various religions. There are Hindus, Muslims and Christians, and among the latter Catholics and Protestants. I believe I will be rightly expressing the Catholic point of view when I say that I cannot take part in any prayer offered by the followers of any other religion. That being so, I say that this House should come to a definite understanding and say that such of those who do not desire to take part in a particular prayer might absent themselves and not be forced to take part in it, as to do so might lead to further complications."

* MR. SPEAKER:—"The House was informed last night that hon. Members were at perfect liberty to absent themselves at the time of prayer as it is done in all the Empire Parliaments. There is no obligation on any Member, either in the House of Commons or in any

[Mr. Speaker]

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other Empire Parliament, to attend the prayer. So also, at any time, in any proceedings of the House, Members are not bound to take part. This point will be fully considered again by the whole House after the Conference has met and considered this matter. The matter will be given the longest time for consideration and best attention possible."

Mr. Abdul Hameed Khan rose to speak.

* MR. SPEAKER:—"The hon. Member will kindly resume his seat. At the suggestion of the hon. Member, a Conference is being summoned for to-morrow and I made a statement to that effect. I hope that that will satisfy the hon. Member. We shall now proceed to the business of the House."

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Circulation of counterfeit currency notes in the Province.

* 51 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL: Will the Hon. the Prime Minister be pleased to state—

(a) whether counterfeit currency notes are current in this Province;

(b) if so, in which district they are generally found;

(c) what the total number of cases is of counterfeiting currency notes or of circulating the same detected in this Presidency in the years 1935, 1936 and 1937;

(d) whether there was any case of circulation of counterfeit currency notes in the Coimbatore district in those years;

(e) whether it is a fact that the Police had detected a counterfeit currency note case in Coimbatore and that it was subsequently referred; and

(f) if so, what the circumstances connected with it are?

THE HON. MR. C. RAJAGOPALACHARIAR:—" (a) The Government have no information.

" (b) In view of the answer given to clause (a), clause (b) does not arise.

" (c) A statement* is placed on the table of the House.

" (d), (e) & (f) The answer to clause (d) is in the negative and consequently clauses (e) and (f) do not arise."

* Printed as Appendix I on page 200 supra.

[21st December 1937]

Withdrawal of the punitive police from certain villages in the Bellary district.

* 52 Q.—MR. H. SITARAMA REDDI: Will the Hon. the Prime Minister be pleased to state—

(a) in how many villages of Bellary district, the punitive police is employed, and for how long it has been so employed;

(b) whether any representations have been received requesting the Government to remove the punitive police in view of the fact that there have been no crimes; and

(c) what action has been taken by the Government?

THE HON. MR. C. RAJAGOPALACHARIAR:—" (a) An additional police force has been stationed at Nandavaram with effect from 1st September 1935 for the areas covered by the villages of Nandavaram, Poolachinta and Machapuram. Another additional police force has been stationed at Beeralli with effect from 1st October 1937 for the area covered by the Beeralli village.

" (b) Representations have been received by the Government in respect of the additional police stationed at Nandavaram and Beeralli.

" (c) In view of the reports received it was thought necessary to allow one more year to pass in regard to the additional police force stationed at Nandavaram. The petition regarding Beeralli is under the consideration of the Government."

Communication of the resolution of the Madras Legislative Assembly regarding the Travancore Temple Entry Proclamation to the Travancore authorities and the acknowledgment of it by them.

* 53 Q.—MR. E. KANNAN: Will the Hon. the Prime Minister be pleased to state—

(a) whether Government have communicated to the authorities of Travancore the resolution passed by the Madras Legislative Assembly on 24th September 1937 regarding the Travancore Temple Entry Proclamation; and

(b) whether Government have received any reply or acknowledgment from the Travancore Government, and if so, whether it will be placed on the table?

THE HON. MR. C. RAJAGOPALACHARIAR:—" (a) Yes.

" (b) Yes. It* is placed on the table of the House.

* Printed as Appendix II on page 200 supra.

[21st December 1937]

Measures to put down the practice prevalent among certain members of the Police of collecting subscriptions from the public for Police sports, and of receiving presents on the Dipavali and Pongal pandigais.

* 54 Q.—MR. V. S. R. M. VALLIAPPA CHETTIYAR: Will the Hon. the Prime Minister be pleased to state—

(a) whether the Government are aware of the practice amongst the sub-inspectors and men of the Police collecting subscriptions from the public for Police sports and receiving presents on the Dipavali and Pongal pandigais; and

(b) if so, whether the Government will issue circulars warning them against such practices and take effective steps to enforce them strictly?

THE HON. MR. C. RAJAGOPALACHARIAR:—“(a) & (b) No instances of the breach of the order prohibiting the collection of subscriptions from the public for Police sports have come to the notice of Government. The answer to the latter part of the clause is also in the negative and consequently clause (b) does not arise.”

Alleged connivance of the Manapparai Police in regard to gambling carried on in the village of Chettivayal, Manapparai taluk, Trichinopoly district.

* 55 Q.—MR. V. S. R. M. VALLIAPPA CHETTIYAR: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that the Police raided a gambling den in Chettivayal village, Manapparai taluk, Trichinopoly district, early in the month of July last;

(b) if so, how many were arrested;

(c) what properties were seized and what their values are;

(d) whether it is a fact that gambling was carried on, on an organized scale for years together in the same place with the knowledge of the Manapparai Police; and

(e) if so, what action has been, or is proposed to be taken on the officers and men concerned?

THE HON. MR. C. RAJAGOPALACHARIAR:—“(a) The answer is in the affirmative.

“(b) Fifty-four persons were arrested.

“(c) Currency notes and cash to the extent of Rs. 5,568-13-1 and jewels to the value of about Rs. 6,000 were seized along with several packets of cards, other gambling materials, liquor bottles and cigar cases. A gun with seven cartridges and five bill-hooks were also recovered from the place.

“(d) Gambling was carried on on an organized scale. The Government have no information as to the period during which it had been carried on. They are not aware that it was carried

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on for a considerable period or with the knowledge of the Manapparai police. Enquiry will be made into the matter.

“(e) In view of the answer to clause (d), this question does not arise.”

Grant of permanent pattas to the ryots of agricultural land situated within half a mile of the railway lines in the Bellary district.

* 56 Q.—MR. H. SITARAMA REDDI: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that temporary pattas were given in Bellary district to ryots of agricultural land, situated within half a mile of the railway lines, with the condition that they must give back the lands free of cost whenever the lands are wanted by the railway authorities;

(b) whether the railway authorities have recently informed the Government that they do not need the said lands, and that the Government may give the lands on permanent patta; and

(c) whether the Government have converted the said temporary pattas into permanent pattas free of cost in the names of the temporary pattadars?

THE HON. MR. T. PRAKASAM:—“(a) to (c) The Government have no information but have called for a report.”

Withdrawal of temporary and miscellaneous pattas granted for temporary cultivation in the foreshore lands on tank-bed pgrambokes.

* 57 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) when the Government propose to withdraw temporary and miscellaneous pattas granted for temporary cultivation in the foreshore lands on the tank-bed pgrambokes in the presidency; and

(b) whether it is a fact that the Engineering department has objected to the temporary cultivation of lands in Survey Nos. 230, 231 and 232 of 109. Velliyur village, Tiruvallur taluk, Chingleput district, as these lands are classified as submersion lands?

THE HON. MR. T. PRAKASAM:—“(a) There is no such proposal under the consideration of the Government.

“(b) The Government have no information but have called for a report.”

Teaching of spinning in primary schools.

* 58 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state whether spinning is taught in any of the primary schools?

THE HON. DR. P. SUBBARAYAN:—“The answer is in the affirmative.”

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Inclusion of agricultural courses in the curricula of studies in the Christian College, Madras.

* 59 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether, in view of the fact that nearly 400 acres of land were granted by Government to the Christian College free of cost, there is any understanding that agricultural courses should be opened; and

(b) if not, why so much land was given?

THE HON. DR. P. SUBBARAYAN:—“(a) There is no such understanding.

“(b) Because it was found necessary to provide for all the essential requirements of a modern residential institution, including playing fields.”

* 60 Q.—[Omitted.]

Admission of lady students in training schools.

* 61 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether two failed Intermediate ladies applied at the beginning of the present term for admission into the Secondary Training School attached to the Government College, Mangalore;

(b) whether the Principal of the College addressed the Director of Public Instruction for permitting him to admit the two applicants;

(c) whether they were refused admission because of their sex;

(d) whether Government are opposed to co-education in training schools; and

(e) if so, whether Government will consider the desirability of issuing orders not to refuse admission to ladies in ordinary training schools, if they seek admission therein?

THE HON. DR. P. SUBBARAYAN:—“(a) Yes.

“(b) Yes.

“(c) They were not refused admission solely on account of their sex. Since there is a training school for women in Mangalore itself the Inspectress of Girls' Schools considered that they should be more properly admitted into the Girls' Training School.

“(d) & (e) Government are not opposed to co-education, but where separate facilities exist for women, Government do not see the necessity for admitting women into men's training institutions.”

MR. V. M. RAMASWAMI MUDALIYAR:—“May I know whether the two candidates were advised accordingly to apply to the Women's Training School for admission?”

THE HON. DR. P. SUBBARAYAN:—“I believe they were so advised.”

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Application of the members of the Pachaiyappa's Charities for support to their scheme for establishing a residential college at Chetput.

* 62 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether it is a fact that a deputation consisting of members of the Pachaiyappa's Charities represented to the Government the need for support, financial or otherwise, to their scheme for establishing a residential college at Chetput; and

(b) if the answer to (a) is in the affirmative, whether the said deputationists and the Government arrived at any understanding in the matter and what it is?

THE HON. DR. P. SUBBARAYAN:—“(a) Yes.

“(b) The question is under consideration.”

MR. ABDUL HAMEED KHAN:—“May I ask how long the matter has been under consideration?”

THE HON. DR. P. SUBBARAYAN:—“I do not carry a diary with me, Sir.”

MR. ABDUL HAMEED KHAN:—“Will the Hon. Minister take the trouble to find out and let us know, Sir?”

THE HON. DR. P. SUBBARAYAN:—“I do not propose to do anything of the kind, Sir.”

MR. ABDUL HAMEED KHAN:—“May I know from the Hon. Minister whether he regards this matter as a serious one or as something to be trifled with?”

THE HON. DR. P. SUBBARAYAN:—“I am not trifling with it at all, Sir?”

MR. ABDUL HAMEED KHAN:—“You are.”

THE HON. DR. P. SUBBARAYAN:—“That is a matter of opinion.”

MR. D. RAMALINGA REDDIYAR:—“May I ask how long it will take for the Government to arrive at a decision?”

THE HON. DR. P. SUBBARAYAN:—“A decision will be arrived at perhaps before the budget is presented to the House.”

Abandonment of the proposal to open a medical school at Guntur.

* 63 Q.—MR. K. VENKATAPPAYYA: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government are aware of the fact that a scheme for opening a medical school at Guntur was suddenly abandoned in spite of the expenditure of a large sum of money on the construction of a building for the school;

(b) if so, what the reason was for abandoning the scheme; and

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(c) what the amount spent was for the construction of the building?

THE HON. DR. T. S. S. RAJAN:—“(a) & (b) The committee appointed by Government to consider the future of medical education in this Presidency reported in 1930 that the general consensus of public opinion both lay and medical was in favour of the concentration of medical studies at Madras both for collegiate as well as school education as Madras possessed unrivalled clinical material as well as facilities for instruction to students and accordingly recommended the abandonment of the proposed Medical School at Guntur. The Government accepted the recommendation.

“(c) Rs. 3,12,368.

“The buildings are being used for the Government Secondary Training School and the Government Training School for Muhammadan Men Teachers.”

Employment of prisoners as domestic servants of Jail officials.

* 64 Q.—MR. S. C. VENKATAPPA CHETTIYAR: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether work is extracted from prisoners in Central Jails who have been awarded rigorous imprisonment so as to make it remunerative to the Government;

(b) whether the Government are aware that some of the prisoners in the Salem Central Jail are employed in doing domestic service for the officials of the jail;

(c) whether the Government are aware that these prisoners are employed in doing gardening and other work for the district officers; and

(d) if so, under what provision of law this is done and whether any fee is levied for the same?

THE HON. MR. K. RAMAN MENON:—“(a) Convicts who have been sentenced to rigorous imprisonment are as far as practicable employed on remunerative work.

“(b) Yes; the hon. Member is referred to rule 406 of the Madras Jail Manual, Part II.

“(c) The Superintendent of the Jail has reported that no convicts in the Central Jail, Salem, are employed on gardening or other work for the district officers.

“(d) In view of the answer to clause (c), the question in clause (d) does not arise.”

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Proposal for appointment of temporary district munsifs and judges to cope with arrears of work.

* 65 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether there is any scheme before the Government for the temporary appointment of senior members of the bar as munsifs and judges to clear off arrears in the disposal of cases wherever and whenever they occur; and

(b) if so, when such scheme will come into force?

THE HON. MR. K. RAMAN MENON:—“(a) There is no such scheme under the consideration of Government.

“(b) The question does not arise.”

Educational qualifications for taxi-drivers and conductors.

* 66 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Courts and Prisons be pleased to state whether there is any educational qualification imposed on taxi-drivers and conductors?

THE HON. MR. K. RAMAN MENON:—“The answer is in the negative.”

Revenue derived from convict labour.

* 67 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the total number of prisoners in jails who are given hard labour;

(b) the nature of work given to them; and

(c) the revenue derived by such labour?

THE HON. MR. K. RAMAN MENON:—“(a) The hon. Member is referred to column 3 in Statement No. XII-A (Financial) appended to the Administration Report of the Jail Department for 1936. Figures for 1937 are not yet available.

“(b) The hon. Member is referred to the rules in Chapter XXIV of the Madras Jail Manual, Part II.

“(c) The hon. Member is referred to Statement No. XII-A (Financial) appended to the Administration Report of the Jail Department for 1936.”

Bifurcation of district boards.

* 68 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the number of districts which had more than one district board during the last year;

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(b) which of the districts have since been bifurcated; and

(c) whether there are any proposals to bifurcate any other board?

THE HON. MR. B. GOPALA REDDI:—“(a) Fourteen, during official year 1936–37.

“(b) No district board has been bifurcated so far during the current official year (1937–38).

“(c) The answer is in the negative.”

MR. V. M. RAMASWAMI MUDALIYAR:—“May I ask whether it is the policy of the Government to amalgamate the district boards that have been bifurcated and, if so, how far that policy has been given effect to?”

THE HON. MR. B. GOPALA REDDI:—“The whole question of amalgamation is under the consideration of the Government.”

Representation for the restoration of the Bapatla Panchayat Board.

* 69 Q.—MR. P. BUCHAPPA NAYUDU: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the nature of the charges alleged against the Bapatla Panchayat Board and its president before the orders of supersession were passed;

(b) whether any enquiry was held under the authority of the Government into the alleged charges against the administration of the panchayat board;

(c) whether it is a fact that the Inspector of Local Boards based his orders of supersession on a report based on an enquiry said to have been conducted by Mr. P. V. Krishnayya Choudari, ex-M.L.C., into the affairs of the board;

(d) if so, whether the Government are satisfied that Mr. P. V. Krishnayya Choudari, ex-M.L.C., conducted any enquiry at all at the office of the panchayat board or anywhere else locally by examination of witnesses or records;

(e) whether Mr. P. V. Krishnayya Choudari, ex-M.L.C., was appointed officially by the Inspector of Local Boards to conduct such an enquiry and invested with the necessary authority for the same and whether a copy of the order of such appointment was sent to the President, Panchayat Board, Bapatla, for information or whether the fact of the enquiry was locally notified;

(f) if so, whether the order of appointment will be placed on the table of the House;

(g) why in this particular instance Mr. P. V. Krishnayya Choudari, ex-M.L.C., was appointed to enquire, especially in view of the fact that he was then a candidate for election to the Madras Legislative Assembly from the Ongole division, in which area the Bapatla Panchayat Board is situate;

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(h) whether it is a fact that the Inspector of Local Boards took special and urgent steps to get the order of supersession of the Bapatla Panchayat Board notified in the *Guntur District Gazette* immediately after it was passed and immediately before the date of elections to the Madras Legislative Assembly;

(i) whether it is a fact that a perusal of the concerned file of the office of Inspector of Local Boards would reveal that the Inspector was unduly anxious to pass supersession orders in this instance before the date of general elections to the Provincial Assembly; and

(j) whether the Government will be pleased to take necessary steps at an early date to restore the Bapatla Panchayat Board?

THE HON. MR. B. GOPALA REDDI:—“(a) The main charge was that the panchayat board has abused its powers and that it was incompetent to perform the duties imposed on it by law for the following reasons:—

(1) Most unsatisfactory collection work resulting in heavy outstanding arrears to an extent of Rs. 12,000.

(2) Failure to realize Rs. 80 from a member of the panchayat board though the amount had been decreed in favour of the board.

(3) Abuse of powers in the matter of tenders for works.

(4) Corruption in the exercise of the power of issuing licences.

(5) Irregularities in the execution of works.

(6) Illegal acceptance of fees from slaughter house keeper.

(7) Illegal restoration of the cut in the salaries of the staff.

“(b) An enquiry was held by the District Panchayat Officer, Ongole, under the orders of the Inspector of Municipal Councils and Local Boards.

“(c) The answer is in the negative.

“(d) Does not arise.

“(e) Mr. P. V. Krishnayya Choudari, ex-M.L.C., was not appointed officially by the Inspector of Municipal Councils and Local Boards to conduct any enquiry. The second part of the question does not arise.

“(f) Does not arise.

“(g) Does not arise.

“(h) The Inspector's order superseding the panchayat board was issued on the 15th February 1937 and the notification appended to this order was published in an extraordinary issue of the *Guntur District Gazette* on 3rd March 1937.

“(i) The Government understand that the matter was treated as urgent.

“(j) The answer is in the affirmative.”

[21st December 1937]

MR. N. RANGA REDDI:—" May I ask the Hon. Minister to state whether for the same charges the Government should not have superseded the district board also? "

MR. SPEAKER:—" That supplementary question does not arise."

MR. H. SITARAMA REDDI:—" May I know whether Mr. Krishnayya Choudari's report was received by the Government? "

THE HON. MR. B. GOPALA REDDI:—" Yes, Sir."

MR. SPEAKER:—" The original question is about the Bapatla Panchayat Board and the supplementary question must relate to that question."

MR. H. SITARAMA REDDI:—" May I ask whether the Government passed any orders on the report of Mr. Krishnayya Choudari? "

THE HON. MR. B. GOPALA REDDI:—" Not exactly on the report of Mr. Krishnayya Choudari. The Panchayat Officer held an enquiry first and Mr. Krishnayya Choudari also submitted a report later on."

MR. H. SITARAMA REDDI:—" On what authority did Mr. Krishnayya Choudari make his report to Government? "

THE HON. MR. B. GOPALA REDDI:—" Perhaps in his own individual capacity or in the capacity of the local M.L.C."

MR. G. RANGAYYA NAYUDU:—" Was the report accepted by the Government? "

MR. SPEAKER:—" Mr. Krishnayya Choudari's report is not the subject-matter of the question. The supplementary question is disallowed."

Restoration of the appellate powers of the Chicacole Municipal Council.

* 70 Q.—MR. C. NARASIMHAM: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have withdrawn the appellate powers of the Chicacole Municipal Council and conferred them on the Special First-class Magistrate of Chicacole;

(b) if so, why they were so withdrawn and on whose recommendation;

(c) whether it is a fact that there were serious differences between the then Commissioner of the Municipality and the Council and that on account of this the said Commissioner recommended to the Government to withdraw the appellate powers;

(d) whether the Government considered the reasons submitted by the Commissioner sufficient; and

(e) whether the Government will consider the desirability of cancelling the orders of withdrawal and conferring the said powers again on the Council as usual?

[21st December 1937]

THE HON. MR. B. GOPALA REDDI:—" (a) The Government have appointed the Special Deputy Collector, Chicacole, as a special officer for exercising the powers of the Municipal Council under rules 4, 23 and 24 of Schedule IV to the Madras District Municipalities Act in respect of municipal taxes.

" (b) The order was passed on the recommendation of the Collector of Vizagapatam as it was found that the Municipal Council was abusing its powers.

" (c) & (d) The Commissioner did not make any recommendation to the Government on the subject. The Government have no information about the alleged serious differences between him and the council.

" (e) There is no need to cancel the order which is in force till 4th May 1938."

Protest against the rate of tax levied by the Udipi Municipality on the agricultural fields in the municipality.

* 71 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government are aware that there are agricultural fields within the limits of the newly constituted municipality of Udipi in South Kanara;

(b) if the answer to (a) is in the affirmative, at what rate the tax is levied by the municipality on the agricultural fields;

(c) whether any representation or protest has been received by the Government in respect of the tax levied on the agricultural fields lying within the municipality;

(d) if the answers to (a) and (c) are in the negative, whether the Government will call for information in the matter; and

(e) whether the Government will consider the advisability of exempting agricultural fields lying within the limits of municipalities, or of at least reducing the municipal tax on agricultural fields to a minimum?

THE HON. MR. B. GOPALA REDDI:—" (a) Yes.

" (b) The half-yearly rate of property tax inclusive of scavenging tax levied on such lands is 18 per cent of the annual Government assessment thereon.

" (c) Yes. The municipal council suggested that the Madras District Municipalities Act, 1920, might be amended so as to exclude agricultural lands from the scope of municipal taxation.

" (d) The question does not arise.

" (e) The Government do not consider it necessary to exempt such lands from municipal taxation altogether. It is for municipal councils to take the initiative in making any reduction in the rate of the tax where such reduction is found necessary."

[21st December 1937]

District Panchayat Officers appointed by the present Government.

* 72 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Local Administration be pleased to state whether any District Panchayat Officers have been appointed by the present Government, and if so, what their names, qualifications and previous experience are?

THE HON. MR. B. GOPALA REDDI:—“Only one District Panchayat Officer, viz., M.R.Ry. J. Mohan Rao has been appointed by the present Government. He is an Adi-Andhra graduate. He has had no previous experience in any capacity.”

Proposal for the amalgamation of the district boards of Tanjore East and Tanjore West.

* 73 Q.—MR. V. BHUVARAHAN: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government propose to amalgamate all the bifurcated district boards or only some boards;

(b) whether the Tanjore East and West District Boards are going to be amalgamated;

(c) if so, when;

(d) what the total strength of members of the amalgamated district board will be; and

(e) whether the headquarters will be in Tanjore or in Negapatam?

THE HON. MR. B. GOPALA REDDI:—“The matter is under the consideration of the Government.”

Maintenance by the District Board of Bellary of the roads transferred to them after the abolition of the taluk boards in the district.

* 74 Q.—MR. H. SITARAMA REDDI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the length of third-class road mileage that has been vested in the Bellary District Board, consequent on the abolition of the taluk boards;

(b) whether all the roads transferred to the district board from the taluk boards are maintained by the district board; and

(c) whether any petitions have been received by the Government about the non-maintenance or neglect by the Bellary District Board of the roads which were originally maintained by the taluk boards?

THE HON. MR. B. GOPALA REDDI:—“(a) Two hundred and twenty-five miles.

“(b) The answer is in the affirmative.

“(c) Yes. One petition has been received.”

[21st December 1937]

MR. H. SITARAMA REDDI:—“May I ask the Hon. Minister what action has been taken by the Government on the petitions?”

THE HON. MR. B. GOPALA REDDI:—“We have referred the matter to the District Board President, Bellary.”

Appointment of Mr. Dinakar Gnanaolivu, Motor Vehicle Inspector, Tanjore, as the Commissioner of Cuddalore Municipality.

* 75 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that Mr. Dinakar Gnanaolivu, Motor Vehicle Inspector, Tanjore, has been appointed Commissioner of the Cuddalore Municipality;

(b) whether there is any precedent for such an appointment;

(c) how many such officers of the Police department have been drafted to the municipal service during the years 1935, 1936 and 1937;

(d) the districts in which such appointments have been made;

(e) whether the qualifications of a Motor Vehicle Inspector and Municipal Commissioner are identical;

(f) whether the present appointment was made on communal basis; and

(g) if so, whether Mr. Dinakar Gnanaolivu belongs to any community from which scarcely any municipal commissioner had been appointed?

THE HON. MR. B. GOPALA REDDI:—“(a) The answer is in the affirmative.

“(b), (c) & (d) No other officer of the Police department has been appointed as a Commissioner.

“(e) The Government have not laid down any qualifications for appointment to the post of Commissioner. Under sub-section (8) of section 12-C of the Madras District Municipalities Act, 1920, the Commissioner shall be appointed from among persons who are in active Government, Municipal or Local Fund Service.

“(f) & (g) The answer to clause (f) of the question is in the negative and consequently clause (g) does not arise.”

MR. ABDUL HAMEED KHAN:—“May I know whether it is not necessary for this gentleman to have experience of revenue work in a municipality before he is appointed as Commissioner?”

THE HON. MR. B. GOPALA REDDI:—“No Sir, under the Act it is not necessary.”

MR. ABDUL HAMEED KHAN:—“May I know whether this gentleman should not have had experience either in a municipality or a district board before he is appointed as a superior officer in one of these bodies?”

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THE HON. MR. B. GOPALA REDDI:—"The clause is definite on the question. It says that the commissioner shall be appointed from among persons who are in active Government, Municipal or Local Fund service."

MR. V. M. RAMASWAMI MUDALIYAR:—"May I ask when this gentleman was appointed and whether his work has been found to be satisfactory?"

THE HON. MR. B. GOPALA REDDI:—"He was appointed a couple of months back and from reports received I learn that he is working very satisfactorily in the Cuddalore Municipality."

MR. P. S. KUMARASWAMI RAJA:—"Will the Hon. Minister be pleased to state whether he considers that a knowledge in automobiles is necessary for a commissioner in administering a municipality?"

THE HON. MR. B. GOPALA REDDI:—"Perhaps so."

MR. MAHBOOB ALI BAIG:—"May I ask whether there were other candidates also for this appointment when it was made?"

THE HON. MR. B. GOPALA REDDI:—"I hear there were about 200 applicants."

Extent of damage caused by the heavy rains in November 1937.

* 76 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the approximate amount of damage caused to the public roads, causeways and bridges under district boards in the province of Madras owing to the heavy rains in the third week of November 1937; and

(b) the exact damage caused to the Tiruvettipuram-Wandiwash road in the Tiruvannamalai District Board area?

THE HON. MR. B. GOPALA REDDI:—" (a) & (b) Reports regarding damage caused by the recent rains to the bridges, causeways and roads under district boards have so far been received in respect of the following district boards:—

Name of district board.	Estimate of damage caused to roads, etc.
Cuddalore	Rs. 80,000.
Villupuram	Rs. 1,50,000.
Tiruvannamalai	The exact amount of damage caused has not been reported.
Tinnevely South	Rs. 5,000.
Tinnevely North	Rs. 3,000."

AN HON. MEMBER:—"May I ask whether the Government propose to give any grants?"

THE HON. MR. B. GOPALA REDDI:—"If the president, district board, applies to Government, the question will be considered."

[21st December 1937]

Introduction of revised scales of pay for new entrants to Government service.

* 77 Q.—MR. K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state—

(a) whether new scales of pay for new entrants to Government service have been made ready; and

(b) if so, when they will come into force?

THE HON. MR. C. RAJAGOPALACHARIAR:—" (a) They will be ready shortly.

" (b) The matter is under consideration."

MR. V. M. RAMASWAMI MUDALIYAR:—"May I ask what has become of the proposal for a cut in the pay of the existing Government servants?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I do not understand, Sir, to what proposal the hon. Member refers. I did not make any such proposal and I do not know to what proposal he refers."

MR. V. M. RAMASWAMI MUDALIYAR:—"May I remind the Hon. Premier that in his budget speech he referred to a cut in the salaries of existing Government servants?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"The hon. Member may read my speech again. For the present I should like to be excused from answering the question."

Posts in the service of this Government specifically reserved for the Indian Civil Service.

* 78 Q.—MR. N. M. R. SUBBARAMAN: Will the Hon. the Prime Minister be pleased to state—

(a) whether any posts in the service of this Government are specifically reserved for the Indian Civil Service;

(b) if so, what they are; and

(c) by what law or rules?"

THE HON. MR. C. RAJAGOPALACHARIAR:—" (a), (b) & (c) Section 244 (1) of the Government of India Act, 1935, provides that appointments to the Indian Civil Service shall be made by the Secretary of State and under section 246 (1) of the Act the Secretary of State shall make rules specifying the number and character of the civil posts which are to be filled by persons appointed by him. These rules have not yet been issued by the Secretary of State.

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"The following posts in this province were reserved for members of the Indian Civil Service under the third schedule to the Government of India Act, 1919:—

Member of the Board of Revenue.

Secretary in every department, except the Public Works and Marine department.

Secretary to the Board of Revenue.

District or Sessions Judge.

Additional District or Sessions Judge.

District Magistrate.

Collector of Revenue or Chief Revenue Officer of a district."

Alleged raid on the office of the Sri Saraswati Sangham, Pudukkottai, Tirupattur taluk, Ramnad district, by the Ramnad police.

* 79 Q.—MR. V. S. R. M. VALLIAPPA CHETTIYAR: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that on 18th August 1937 two C.I.D. officers and the Sub-Inspector of Police, Pallattur station, Sivaganga subdivision, Ramnad district, raided the office of the Sri Saraswati Sangham, Pudukkottai, Tirupattur taluk, Ramnad district, and carried away some books from their library;

(b) if so, what the books that have been taken away by the said officers are;

(c) whether any of the books come under the list of proscribed publications; and

(d) whether any order was issued by the Government to search the said sangham?

THE HON. MR. C. RAJAGOPALACHARIAR:—“(a) to (d) The premises of the sangham were searched by the police on the 18th or 19th August 1937 and the following proscribed books were seized:—

(1) Indiavin Sutanira Pore.

(2) Bharatha Jyothi.

(3) The Frontier Gandhi.

(4) The Cawnpore Riot.

(5) Sardar Patel.

(6) India Kadansumai.

(7) Congress Charitram.

“The search was made under the authority of a warrant issued by a Magistrate.”

[21st December 1937]

Enquiry into the dacoity at Muraiyur village.

* 80 Q.—MR. V. S. R. M. VALLIAPPA CHETTIYAR: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that a daring dacoity took place in the village of Muraiyur, Tirupattur taluk, Ramnad district, last year, and that properties valued at over Rs. 20,000 were lost;

(b) whether it is a fact that some jewels and cash were recovered from different districts by the Police; and if so, what the value of the properties recovered was;

(c) whether any special tribunal was instituted to inquire into the above case;

(d) if so, what the findings of the tribunal are;

(e) whether the Government are aware that the public are very much agitated over this dacoity; and

(f) how much it has cost the Government in the enquiry and conduct of the case?

THE HON. MR. C. RAJAGOPALACHARIAR:—“(a) to (f) The Government have no information but have called for a report.”

Amount of income-tax and other taxes realized by the Central Government in this Presidency.

* 81 Q.—MR. K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state whether this Government get any information from the Central Government regarding the amount of income-tax and other taxes including Customs that are realized by Central Government in this Presidency?

THE HON. MR. C. RAJAGOPALACHARIAR:—“The Government of India issue monthly a return entitled ‘Revenue Statistics’ which shows the receipts in the several Provinces under the Central Revenue Heads, Customs, Central Excise Duties, Corporation Tax, Taxes on Income, Salt and Opium.

“The Accountant-General, Central Revenues, issues monthly the ‘Civil Accounts of the Government of India (Central)’ which show the receipts in the several Provinces under all the Central Revenue heads.

“Copies of both these monthly returns are sent to this Government.”

MR. K. V. R. SWAMI:—“Will these reports be circulated to the hon. Members of this House?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I shall see whether it is possible.”

[21st December 1937]

Improvements to the sluices of the Velliyur big tank in Tiruvallur taluk, Chingleput district.

* 82 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that water of the Velliyur big tank under the jurisdiction of the Public Works Department in Tiruvallur taluk, Chingleput district, is being wasted through the sluices for want of proper regulators; and

(b) if the answer to the above is in the affirmative, what steps the Government propose to take to stop such wastage in future?

THE HON. MR. YAKUB HASAN:—“(a) & (b) The Government have no information but have called for a report.”

Delay in the lighting of public streets in the Panchayat Board of Ambur by electric lights.

* 83 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) when the arrangements for the supply of electricity for lighting purposes in the public streets in the panchayat board area of Ambur, North Arcot district, were completed; and

(b) why the lighting is delayed?

THE HON. MR. YAKUB HASAN:—“(a) Ambur is in the licensed area of the Carnatic Electric Supply Corporation, Limited. The licensees report that the panchayat board commenced taking power for street lighting in Ambur on and from 30th November 1937.

“(b) Does not arise.”

Measures to prevent the reduction of the quantity of water in the catchment area of the Godavari river during the non-flood period of the year.

* 84 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the quantity of water in the catchment area of the Godavari river available for irrigation during the non-flood period of the year is getting reduced on account of shoals formed in the river; and

(b) if so, what steps will be taken to prevent the same?

THE HON. MR. YAKUB HASAN:—“(a) The answer to the question is in the negative. Shoals in the river do not in any way affect the quantity of water in the catchment.

“(b) In view of the answer to clause (a) the question does not arise.”

[21st December 1937]

Revival of Ponneri project in Udaiyarpalaiyam taluk.

* 85.—MR. B. VENKATACHALAM PILLAI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there is any proposal to revive the Ponneri project in Udaiyarpalaiyam taluk;

(b) whether the Government have prepared any estimates for the project;

(c) what the probable extent of the area to be irrigated by that project is;

(d) what its estimated cost is; and

(e) whether the Government will consider the feasibility of taking up the work for execution this year?

THE HON. MR. YAKUB HASAN:—“(a) The answer to the question is in the negative.

“(b) to (d) The project was investigated in 1903-04 and was expected to irrigate 52,000 acres at a cost of Rs. 50.17 lakhs and was given up as unremunerative.

“(e) The Government will have the project re-examined, and in any case, it cannot be taken up for inclusion this year.”

Appointment of junior Deputy Inspectors of Schools from among the secondary grade assistants who were supervisors.

* 86 Q.—MR. B. VENKATACHALAM PILLAI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether it is a fact that the Director of Public Instruction in 1935, called upon his subordinates to recommend the names of persons for appointment to the cadre of junior Deputy Inspectors of Schools from among the secondary grade assistants who were supervisors;

(b) how many of those recommended were included in the list drawn up by the Director of Public Instruction;

(c) how many of them were appointed and how many were not;

(d) what the reasons are for appointing a few out of the list and leaving out others; and

(e) why their claims were overlooked when new posts were created and filled in February last?

THE HON. DR. P. SUBBARAYAN:—“(a) The answer is in the affirmative.

“(b) 47.

“(c) Thirteen were appointed.

“(d) The category in which the posts of Junior Deputy Inspectors of Schools are included is a selection category. Only such of the secondary grade teachers as are considered suitable for executive work are selected for appointment to this category.

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“(e) Out of 171 posts of Junior Deputy Inspectors of Schools, about 80 posts are held by Secondary Grade teachers. The present policy is mainly to recruit B.A., L.Ts. for these posts.”

Dismissal from service of Mr. Ramunni Nambiyar, Headmaster of the Cheenamvady Higher Elementary School, Kurumbranad taluk.

* 87 Q.—MR. P. MADHAVAN: Will the Hon. the Minister for Education and Legal Departments be pleased to state whether it is a fact that Mr. Ramunni Nambiyar, Headmaster of the Cheenamvady Higher Elementary School in the Kurumbranad taluk, was dismissed from the school by the manager on the recommendation of the District Educational Officer, on the score that he is the Secretary of the Malabar Aided School Teachers' Union?

THE HON. DR. P. SUBBARAYAN:—“The answer is in the negative.”

Breaking up of the Rajagopal Canon for scrap iron.

* 88 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether it is a fact that the ‘historic relic’ of ‘Rajagopal Canon’ at Tanjore is being broken up for scrap iron;

(b) if so, who permitted it; and

(c) whether the Government will take steps to prevent such a course of action and preserve the same?

THE HON. DR. P. SUBBARAYAN:—“(a), (b) & (c) The gun known as ‘Rajagopal’ was the property of a private individual. In an execution proceeding against the owner, this gun was brought to sale. The new owner proposed to break it up as scrap iron. But instructions have been issued to see that the gun is not broken up and the Archaeological Department are taking steps to preserve it under the Ancient Monuments Preservation Act.”

MR. D. RAMALINGA REDDIYAR:—“Do not the Government think that this is an act of great vandalism?”

THE HON. DR. P. SUBBARAYAN:—“I am sure that if the hon. Member had taken the trouble to listen to my answer, he would not have asked the supplementary question at all. I may assure him that the Government are taking the trouble to have this preserved under the Ancient Monuments Preservation Act.”

MR. D. RAMALINGA REDDIYAR:—“I thank the Hon. Minister for this reply; I could not hear him well previously and that is why I put the supplementary question.”

MR. SPEAKER:—“Hon. Members are requested only to put questions and not to make observations.”

[21st December 1937]

Expenses incurred by the Government in 1936 in respect of charitable institutions in the Presidency.

* 89 Q.—MR. P. MADHAVAN: Will the Hon. Minister for Public Health be pleased to state what the actual expenses incurred by the Government in 1936 for charitable institutions in the Presidency were?

THE HON. DR. T. S. S. RAJAN:—“Figures for the calendar year 1936 are not available. In the official year 1936–37 there were 2,995 charitable institutions in the Presidency with an income of Rs. 19,34,689 and 20 muras of rice. Of these, 2,017 institutions were maintained by endowments of land, money, subscriptions and donations from the general public, the total receipts amounting to Rs. 9.76 lakhs. Two hundred and sixty-eight institutions were supported by the Government at a cost of Rs. 4.85 lakhs and 211 were maintained partly by the Government and partly by the public at a cost of Rs. 3.47 lakhs. The maintenance of the remaining 499 institutions costing Rs. 2.26 lakhs devolved wholly or partly on the local bodies.

“The purpose served by 1,799 institutions was to afford relief to travellers. Of these 870 were general, 907 for Hindus and 22 for Muhammadans. Of the 554 intended for the relief of Brahmans, 501 were entirely supported by the general public. The number of institutions intended for the relief of paupers was 412 while 9 were for the benefit of the blind, the deaf and the lepers. The aggregate number of persons aided during the year by all the charitable institutions is reported to be 13,464,628.”

Desirability of entrusting the works of the Malabar District Board and Calicut Municipal Council to the Industrial school at Calicut.

* 90 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) what the total expenditure incurred by the Government in 1936 and 1937 was on the Industrial school at Calicut;

(b) whether the Malabar District Board and the Calicut Municipal Council patronized this institution by getting from it the materials required by them;

(c) whether it was a fact that the Calicut Municipal Council got their motor lorries repaired by private agencies without entrusting such works to the Industrial school; and

(d) if so, whether the Government will consider the desirability of stopping the practice of the above bodies preferring outside agencies for such supplies and repairs instead of a Government institution?

THE HON. MR. V. V. GIRI:—“(a) Rs. 17,282 in 1935–36 and Rs. 19,010 in 1936–37.

“(b) Yes, but only to a very small extent.

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"(c) Yes; the Municipality has engaged the services, on contract, of a private agency which offers special facilities for the execution of work.

"(d) The Government will give consideration to the proposal."

Appointment of Executive officers for district boards.

* 91 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Local Administration be pleased to state whether Government have considered the desirability of appointing executive officers for district boards and with what result?

THE HON. MR. B. GOPALA REDDI:—"The matter is under consideration."

Provincialization of services under local boards.

* 92 Q.—MR. G. RANGAYYA NAYUDU: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether there is any proposal before the Government to provincialize the services of all the officials working under the local bodies;

(b) if so, at what stage the proposal stands;

(c) whether service in local bodies is pensionable; and

(d) if the answer to (a) is in the affirmative, after their services are provincialized,

(i) by whom fresh appointments will be made (the Government or the local bodies concerned);

(ii) by whom the pensions, if any, will be paid?

THE HON. MR. B. GOPALA REDDI:—" (a) & (b) The question of the provincialization of certain classes of servants under local boards is under consideration.

"(c) Service under local bodies is non-pensionable. Certain classes of servants under local boards who were recruited prior to 1st April 1932 were eligible for pension and this right has been preserved as a personal concession to the existing incumbents. All other servants in superior service are entitled to provident fund benefits.

"(d) Details of the proposal have not yet been worked out."

MR. G. RANGAYYA NAYUDU:—"May I know when the proposal is likely to be given effect to?"

THE HON. MR. B. GOPALA REDDI:—"Very soon."

MR. K. A. NACHIYAPPA GOUNDER:—"May I ask the Hon. Minister what are the classes of servants whose cases are under consideration for provincialization?"

THE HON. MR. B. GOPALA REDDI:—"Assistant Engineers, District Board Secretaries and Assistant Panchayat Officers."

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Appointment of Mr. Jesudason as Deputy Sanitary Engineer.

* 93 Q.—MR. T. T. KRISHNAMACHARIAR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether one Mr. Jesudason has been recently appointed as a Deputy Sanitary Engineer;

(b) if the answer for the above is in the affirmative, whether it is a fact that this Mr. Jesudason was employed as an Inspector of Boilers and subsequently as Municipal Engineer, Trichinopoly; and

(c) whether the Hon. the Minister has made himself acquainted with the circumstances under which the said officer's services first as Inspector of Boilers and thereafter as Municipal Engineer at Trichinopoly were terminated; if so, what they were in each instance?

MR. A. B. SHETTY, Parliamentary Secretary, on behalf of the Hon. Dr. T. S. S. Rajan:—" (a) The appointment of Mr. Jesudason has been held in abeyance.

"(b) & (c) These clauses do not at present arise; and it would not be fair or proper to go into these matters at this stage."

MR. T. T. KRISHNAMACHARIAR:—"May I know, Sir, why the appointment of Mr. Jesudason has been held in abeyance?"

MR. A. B. SHETTY:—"I have already stated in the answer that the matter is under enquiry. It would not be fair to go into the matter at this stage."

MR. T. T. KRISHNAMACHARIAR:—"Mr. Speaker, Sir, in view of the importance of this question in which a public servant has been appointed and the appointment is held in abeyance, will I be permitted to raise a debate at the close of the proceedings to-day, under rule 14 for half an hour?"

MR. SPEAKER:—"Rule 14 relates to a matter of urgent importance, and this matter is said to be held in abeyance and is under the consideration of the Government to-day. So, I do not think it is properly a subject-matter of debate for this evening. Therefore, I will not allow such a debate."

MR. T. T. KRISHNAMACHARIAR:—"If I may make a submission, Sir . . . ?"

MR. SPEAKER:—"The hon. Member will kindly resume his seat."

"Under rule 14, the Speaker may, 'in his discretion, allow half an hour after the conclusion of the business of the day, to enable a member to raise a debate on any matter of urgent importance which has been the subject of a question on that day.' I think it will be an improper exercise of the discretion of the Speaker if such a question is allowed to be debated, when the matter is still under the consideration of the Government. Therefore, I disallow it."

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MR. BASHEER AHMED SAYEED:—" May I ask, Sir, why the appointment is held in abeyance? "

THE HON. MR. C. RAJAGOPALACHARIAR:—" Sir, a certain gentleman was appointed to a certain post, that is to say, an order was issued appointing him. The matter is again under consideration; the appointment is in abeyance; I submit, Sir, there is no reason for all this proceeding. It would be very unfair if the appointment is to be made, and it would be very unfair if the appointment is not to be made. In either event, a discussion like this would be improper and it would lead to considerable disturbance of the normal administration of Government if every appointment becomes the subject-matter of debate in a House of 215 members."

MR. BASHEER AHMED SAYEED:—" What the House is anxious to know is only this: why and how the appointment happened to be made and why it is kept in abeyance now."

THE HON. MR. C. RAJAGOPALACHARIAR:—" That is just the matter which, I submit, should not become the subject-matter of a debate, Sir."

MR. T. T. KRISHNAMACHARIAR:—" May I submit that my information is . . . ? "

MR. SPEAKER:—" We will now proceed to the next business on the Order paper. No more supplementary questions."

UNSTARRED QUESTIONS

Appointment of trained graduates in Government educational service and of certain secondary-grade teachers as Junior Deputy Inspectors of Schools.

39 Q.—MR. V. VENKATASUBBAYYA: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether any Junior Deputy Inspectors of Schools were appointed in 1937; if so, how many;

(b) whether there were any applications for the said posts from trained graduates, who were at the time in Government Educational Service;

(c) whether any of these were appointed; if not, why not;

(d) whether it is a fact that all the secondary-grade teachers who were working as supervisors were absorbed as teachers in Government training schools when the cadre of supervisors was abolished in 1921;

(e) whether any of these teachers were subsequently appointed as Junior Deputy Inspectors of Schools; and

(f) if there are still some of them who have not been so appointed, whether the Government propose to take steps to appoint them as Junior Deputy Inspectors of Schools?

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A.—(a) Yes; 30.

(b) Yes.

(c) Five of them were appointed.

(d) Yes.

(e) Yes; 45 teachers were so appointed.

(f) The case of the remaining teachers will be considered when vacancies arise, if they are found suitable for executive work.

Acquisition by Government of certain portions and bunds of the Nagavalli river channel in the Palakonda taluk, Vizagapatam district.

40 Q.—SRIMAN Y. V. A. BHASKARA RAO PATNAIK MAHASAYO: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government have acquired the right and possession of portions of the Nagavalli river channel irrigating Chebiyyamuvalasa Agraharam of the Palakonda taluk, Vizagapatam district, and the bunds of the channel which are the absolute property of the proprietors, on which dry crops are being raised and which are used as grazing grounds;

(b) if so, what the purpose is for which the acquisition is required; and

(c) whether the Government had considered the following correspondence before such acquisition was sanctioned:—

(i) order of the Sub-Collector, Vizianagram, dated 7th February 1913, declaring "no charge" for the occupation of the bunds of the channel under reference by the proprietors, on the then Tahsildar's opinion that "in Act III of 1905 banks have not been defined to be a portion of channels" on a B. Memo. submitted by the Revenue Inspector recommending block-rate assessment with a penalty of Rs. 10;

(ii) civil notice of the agharamdars to the Secretary of State, dated 8th December 1920, against water charges in faslis 1328, 1329 and 1330 praying for other reliefs also such as a declaration of the absolute right of the proprietors for irrigation of the entire agharam from the river and the channel, etc.;

(iii) the Collector's reply thereon, R. Dis. No. 3532/20-A-7, dated 15th June 1921, that "no water-cess will be levied in future from the agharamdars of Chebiyyamuvalasa in Palakonda taluk for the irrigation of their agharam lands from the Nagavalli river and the Neelanagaram channel taking off from it" and that "the amount of water-rate already collected from the agharamdars the recovery of which is not barred by limitation will be refunded to them"; and

(d) whether the Government propose to compensate the proprietors aggrieved and how?

A.—(a) to (d) The Government have no information, but they have called for a report.

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Death of Sanku Shetty in the police lock-up at Mangalore.

41 Q.—MR. K. ISHWARA: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether it is a fact that in the month of May 1937, the Inspector of Police, Mangalore Town, arrested Sanku Shetty (driver) at Mangalore town;

(b) whether there were any reasons justifying his arrest;

(c) what the reasons were for his death in the Mangalore Town Police lock-up room;

(d) who reported the death to the Magistrate;

(e) whether the majority of the witnesses were police subordinates and whether the statements of non-police witnesses were recorded under section 164 of the Criminal Procedure Code; and

(f) what the statement of the District Medical Officer that was submitted to the Government in the matter was?

A.—(a) Sanku Shetty was arrested in May 1937 at Mangalore town, but by a head constable, not an Inspector.

(b) The arrest was made in pursuance of a warrant issued by the First-class Bench Magistrate, Mangalore, for non-payment of a fine.

(c) The District Medical Officer who conducted the post-mortem examination certified that no opinion as to the cause of the death was possible on account of the state of decomposition which the body had reached at the time of the examination. It is not, therefore, possible to say what the reasons for the death were.

(d) The Sub-Inspector of Police, Mangalore town station.

(e) The Subdivisional Magistrate, Mangalore, conducted an enquiry into the cause of death under Order No. 112-A (3) of Volume I, of the Orders of the Madras Police. It is presumed that the hon. Member refers to witnesses examined in this enquiry.

Seventeen out of the thirty-three witnesses examined in this enquiry were police subordinates. The statements of witnesses were not recorded under section 164, Criminal Procedure Code.

(f) In his evidence before the Subdivisional Magistrate, Mangalore, the District Medical Officer stated that he found no injuries on the body except half a dozen punctiform skin abrasions on the left frontal eminence and nine similar abrasions over the bridge of the nose and the flabella and also an oval skin abrasion over the centre of the lower lid of the left eye; that these were all very minor injuries and might have been caused by deceased

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rolling on the floor and his face striking a hard surface like the floor; and that these injuries were most probably not caused by violence. The District Medical Officer added that on account of the state of decomposition of the body, no opinion as to the cause of death was possible.

High schools for girls.

42 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) the number of girls now studying in the high schools for girls; and

(b) the number of girls that sought admission in them this year?

A.—(a) & (b) The information is not readily available.

Results at the various public examinations secured by the Government Colleges during last year.

43 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) the percentages of passes in different Government colleges in public examinations during last year; and

(b) whether there is any minimum percentage of passes prescribed in the case of each college?

A.—(a) & (b) The hon. Member apparently refers to 'University examinations.' Particulars of the number of candidates who appeared for these examinations held in March and April 1936 and the number of those who passed are entered in the reports of Government first-grade colleges for 1936-37 which have been placed at the disposal of the press. Particulars of the results of examinations held in March and April 1937 will be embodied in the reports for 1937-38 which will be published next year.

Reports on second-grade colleges are not received by Government.

Accessibility of libraries attached to Government colleges and schools to the general public of the locality.

44 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether the books in libraries attached to Government colleges and schools are made available to the general public of the locality; and

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(b) if not, whether any such scheme is under the consideration of the Government?

A.—(a) The answer is in the negative.

(b) No such proposal is under consideration.

Amount of capital expenditure incurred in the Telugu districts on account of major irrigation works since 1920.

45 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) the capital expenditure incurred on major irrigation works after 1920 up till last year in the Telugu districts; and

(b) the amount spent for the same purpose during the same period in other districts of the province?

A.—(a) & (b) It is presumed that the hon. Member refers to the irrigation works for which capital and revenue accounts are kept. The capital outlay inclusive of indirect charges incurred in a year on such irrigation systems is given in Account No. 1 of the Administration Accounts appended to the annual Administration Reports of the Irrigation Department, to which the attention of the hon. Member is invited.

Representation to Government in re the formation of an Andhra Province.

46 Q.—MR. K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state whether the Government have received any resolution of a maha sabha at Bezwada asking for the immediate formation of the Andhra Province?

A.—The answer is in the negative.

Provision for a lady doctor for the hospital at Palakonda, Vizagapatam district.

47 Q.—SRIMAN Y. V. A. BHASKARA RAO PATNAIK MAHASAYO: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that there has been no lady doctor in the hospital at Palakonda, Vizagapatam district, for a long time; and if so, whether the post has been abolished and why;

(b) whether representations have been made to the Government complaining of the trouble and inconvenience caused thereby to the public; and

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(c) what action the Government have taken or propose to take in the matter?

A.—(a) The woman sub-assistant surgeon in the hospital at Palakonda was transferred to the hospital at Parvatipur in 1936, in view of the importance and greater population of Parvatipur.

(b) The answer is in the affirmative.

(c) No action is called for.

Protest against voters resident in municipal areas having to go out of the municipality to exercise their votes in district board elections.

48 Q.—MR. V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that voters of a district circle residing in a municipal area are compelled to go out of the municipality for the purpose of exercising votes in district board elections;

(b) whether any representations were made to the Government on this behalf by municipal and other bodies; if so, by whom; and

(c) what action the Government have taken in the matter?

A.—(a) The answer is in the affirmative.

(b) A representation was received from the Vellore Municipal Council.

(c) The matter is under the consideration of the Government.

State-aided public libraries in the Presidency and the amount granted to them annually.

49 Q.—MR. K. VENKATAPPAYYA: Will the Hon. the Minister for Education and Legal Departments be pleased

(1) to state—

(a) the number of public libraries in the Presidency receiving aid from the Government, and

(b) the amount of grants made annually to the libraries for the last five years; and

(2) to place on the table a list of the libraries receiving aid from the Government?

A.—(1) (a) & (2) There is no standing list of libraries receiving aid from Government. The grants given are non-recurring. The number of libraries that received grants in 1936-37 was 291. These will be found in the Annexures to G.Os. No. 2525, Education, dated 24th November

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1936, and No. 365, Education, dated 23rd February 1937, which have been placed at the disposal of the Press.

(1) (b)—

	rs.
1932-33	...
1933-34	...
1934-35	...
1935-36	...
1936-37	...
	Nil.
	20,000
	20,000
	10,000
	20,000

Measures to remedy the loss sustained by the ryots of Palkonda, Palkonda taluk, on account of the long existing breach in the Mondigedda stream.

50 Q.—SRIMAN Y. V. A. BHASKARA RAO PATNAIK MAHASAYO: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government are aware that a good number of wet fields of Palkonda have been damaged by the Mondigedda stream in the taluk of Palkonda on account of a breach, which has been in existence for a long time, resulting in loss to the ryot population; and

(b) if so, who is responsible for such a state of circumstances and how the Government propose to redress the grievance of the ryots?

A.—(a) & (b) The Government have no information, but they have called for a report.

Proposal for the closing of the breach at the tail-end of the Venkamma channel, cutting the Palkonda-Parvatipur Road.

51 Q.—SRIMAN Y. V. A. BHASKARA RAO PATNAIK MAHASAYO: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government are aware that a big breach cutting the Palkonda-Parvatipur Road at the tail-end of the Venkamma channel has been allowed to exist for over two years to the inconvenience of the public; and

(b) if so, who is responsible for this and when the Government propose to redress the grievance?

A.—The Government have no information.

Prohibition of cart traffic over the Vottigedda bridge at Veeraghattam, Palkonda taluk.

52 Q.—SRIMAN Y. V. A. BHASKARA RAO PATNAIK MAHASAYO: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether on account of the prohibition of the traffic of carts over the Vottigedda bridge at Veeraghattam in Palkonda taluk over

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which motor cars and buses have been allowed to pass, the poor ryots and passengers have been put to a good deal of hardship and loss also; and

(b) whether the Government will consider the desirability of taking steps for the immediate redress of this grievance?

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

(b) The district board concerned should be moved in the matter.

Action taken by the Government on the dissenting minute of a member of the Bellary Municipal Council regarding the acceptance of the coal tender for Hagari Water-works.

53 Q.—MR. H. SITARAMA REDDI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether a minute of dissent has been sent to Government by one of the Bellary municipal councillors on 1st September 1937, regarding the acceptance of the coal tender for Hagari Water-works of the Bellary Municipality;

(b) whether the same municipal councillor has addressed the Government giving further information on 6th November 1937, about the same coal tender; and

(c) what action has been taken by the Government in the matter?

A.—(a) & (b) The answer is in the affirmative.

(c) The Government have decided not to interfere with the municipal council's decision.

Revenue from and the expenditure on the several heads under the demand 'Irrigation.'

54 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) the several heads under the demand 'Irrigation' from which any revenue is derived;

(b) the revenue collected under each head in each of the last five years; and

(c) the expenditure incurred under the above heads during the same period for collection and improvements and new constructions?

A.—(a) The various items of revenue derived from irrigation works are given under the heads of revenue in the budget estimates. The hon. Member is referred to the budget estimate of the several years.

(b) The information is also available in the budget estimate of the several years.

(c) The expenditure on irrigation works is incurred under the following budget heads:—

(1) XVII. Irrigation, etc., works for which capital accounts are kept—Working expenses.

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- (2) 18. Irrigation—Other revenue expenditure financed from ordinary revenues.
- (3) 19. Construction of irrigation, navigation, embankment, etc., works financed from ordinary revenues.
- (4) 68. Construction of irrigation, etc., works—Irrigation works.

In respect of systems for which capital and revenue accounts are kept collection charges are shown separately in the administrative accounts appended to the Administration Report, Part II, Irrigation. For irrigation works for which accounts are not kept information is not available. The item of expenditure on 'improvements' is shown in the minor head 'Extension and Improvements' under the major heads 'XVII' and '18' in the budget estimate and that on works of new construction is shown in the minor head 'works' under the major heads '18,' '19A,' '19B,' and '68.' The various budget heads are explained in more detail in the budget memorandum for 1937-38 and the attention of the hon. Member is invited to paragraphs 120-129 and 322 to 356 and 701 to 705 of the memorandum.

Expenditure on stationery and printing in each of the last ten years.

55 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) the amounts spent on stationery and printing in each of the last ten years;

(b) how much of this was spent in India; and

(c) how much was spent in the purchase of articles made in India?

A.—(a) & (b) The appended statement^a gives the required particulars.

(c) The information is not available but has been called for.

Abolition of taluk boards.

56 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the number of taluk boards in each of the districts before Act II of 1934 came into force;

(b) the reasons for abolishing them; and

(c) what opinion was expressed by each of the district boards regarding this matter before the taluk boards were abolished?

A.—(a) The number of taluk boards in each district before Act II of 1934 came into force is furnished in the appended statement.^b

(b) The reasons for the abolition of taluk boards are explained in the Press Communiqué, dated 6th January 1934, which

^a Printed as Appendix III on page 201 infra.

^b Printed as Appendix IV on page 202 infra.

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was appended to the Statement of Objects and Reasons relating to Bill No. 2 of 1934 (published on pages 13 to 15 of Part I-A of the *Fort St. George Gazette*, dated 9th January 1934).

(c) The Kistna District Board opposed the abolition. The other district boards did not express any opinion.

Amount invested on and the revenue derived from hydro-electric schemes.

57 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) the total amount invested in hydro-electric schemes; and

(b) the net revenue from the same?

A.—(a) & (b) The capital outlay and the net revenue to the end of 1936 in respect of the Pykara and Mettur Hydro-Electric Schemes were as follows:—

	Capital outlay to end of 1936-37.	Net revenue to end of 1936-37.
	RS.	RS.
Pykara Hydro-Electric Scheme ...	1,68,62,722	25,92,837
Mettur Hydro-Electric Scheme ...	98,57,463	2,43,276

Overseas trade of the Province.

58 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the total amount of annual overseas trade of the Province;

(b) the chief articles exported and imported; and

(c) to which countries they are exported and from which countries they are imported respectively?

A.—(a), (b) & (c) The hon. Member's attention is invited to the publication entitled "Annual Statement of the Sea Borne Trade of British India with the British Empire and foreign countries" which is available in the Madras Secretariat Library and also to the chapter on "General review of commercial and industrial conditions" in the administration report of the Department of Industries for 1936-37 which has been placed at the disposal of the press.

Proposal for the purchase of the Bobbili market by the Bobbili District Board.

59 Q.—SRIMAN Y. V. A. BHASKARARAO PATNAIK MAHASAYO: Will the Hon. the Minister for Local Administration be pleased to state whether steps have been taken by Government regarding the purchase of the Bobbili market by the Bobbili District Board?

A.—The matter is under consideration.

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Number of temples notified and pending notification under the Madras Hindu Religious Endowments Act.

60 Q.—MR. V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Minister for Public Health be pleased to state—

(a) how many temples have so far been notified by the Government under the Madras Hindu Religious Endowments Act;

(b) the number of temples for which notices have been issued for notifying the same; and

(c) what the policy of the present Government with regard to notification proceedings is?

A.—(a) Twenty-four.

(b) Twenty-five.

(c) The Government notify temples under section 65-A of the Hindu Religious Endowments Act when such a course is considered necessary in the interests of the proper management of the temples.

Alleged shadowing of Mr. P. Jeevanandam, Secretary, Madras Congress Socialist Party, by the Police.

61 Q.—MR. R. VENKATASUBBA REDDIYAR: Will the Hon. the Prime Minister be pleased to state—

(a) whether the movements of the Secretary of the Madras Congress Socialist Party, P. Jeevanandam, is watched by the Criminal Investigation Department;

(b) if so, why; and

(c) the number of persons who are now so watched?

A.—(a) to (c) The Government must decline to answer the questions as it would be against the public interest to answer them.

Orders of Government on the report of the committee to reorganize the establishment of the Official Receivers in the mufassal districts.

62 Q.—MR. B. VENKATACHALAM PILLAI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether it is a fact that a committee was appointed in January 1937 to reorganize the establishment of the Official Receivers in the mufassal districts;

(b) whether it is a fact that the committee so appointed submitted its report to Government so early as April 1937; and

(c) how long it will take for the Government to pass orders on the said committee's report?

A.—(a) Orders were issued in August 1936 constituting a Committee. The terms of reference to the Committee were—

(1) to examine the question relating to the method of recruitment and the conditions of service of Official Receivers in this Presidency; and

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(2) to consider what alterations are necessary in the system of work of Official Receivers, particularly in the direction of making the supervision and control now exercised by District Judges over the Official Receivers more effective.

(b) The Committee was asked to submit its report to Government through the High Court. The remarks of the Hon'ble the Judges of the High Court were received in October 1937.

(c) The report is under the consideration of Government and it is hoped that orders will be issued as early as possible.

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

III.—MESSAGE FROM THE COUNCIL.

* MR. SPEAKER:—"I have to announce to the House that I have received the following message, dated 21st December 1937, from the hon. the President of the Madras Legislative Council:—

"I transmit a copy of the following motion passed to-day by the Madras Legislative Council concurring with the Madras Legislative Assembly in setting up a Joint Select Committee of both the Chambers to consider the Madras Agriculturists Relief Bill:—

"That this House concurs in setting up a Joint Select Committee of the two Houses consisting of 14 members (7 members from each House) to consider the Madras Agriculturists Relief Bill, and nominates the following of its members to the said Joint Select Committee:—

Mr. B. Bhima Rao,

Mr. K. V. Srinivasa Ayyangar,

Mr. K. Madhava Menon,

Mr. L. Subbarama Reddi,

Khan Bahadur Sir Mahomed Usman Sahib Bahadur,

Mr. T. A. Ramalingam Chettiyar, and

Dr. P. J. Thomas " " "

IV.—THE MADRAS AGRICULTURISTS RELIEF BILL OF 1937— NOMINATION OF MEMBERS TO THE JOINT SELECT COMMITTEE.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. Speaker, Sir, I move that the following members be nominated to the Joint Select Committee appointed to consider the Madras Agriculturists Relief Bill:—

Diwan Bahadur A. Appadurai Pillai,

Mr. Abdul Hameed Khan,

[Mr. C. Rajagopalachariar] [21st December 1937]

Mr. G. Krishna Rao,

Mr. K. R. Karant,

Mr. T. N. Ramakrishna Reddi, besides

The Hon. Mr. V. I. Muniswami Pillai and myself,
who are *ex officio* under the rules."

The motion was put and carried.

5-45
p.m.

* MR. SPEAKER:—"Under sub-rule (5) of rule 111 of the Madras Legislative Assembly Rules, I fix the time and place of the first meeting of the Joint Select Committee at 12 noon on the 26th instant at the Ministers' Room in the Legislative Assembly Buildings, Chepauk."

MR. ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, the date that you have just now mentioned for the meeting of the Joint Select Committee will not be convenient for some Members, because some of them have already fixed up engagements outside and they will not be in the city. Besides, I am asked by my Christian friends behind to mention that Christmas holidays begin from the 24th and they would prefer being allowed to have their holidays."

* MR. SPEAKER:—"The Hon. Premier has taken the consent of the Members of the Committee who have agreed to serve on the Committee."

MR. ABDUL HAMEED KHAN:—"I am supposed to be one of the Members of the Select Committee. I have not been consulted."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"The position is this. As soon as the Members of the other House were elected, they wanted that a date should be fixed at once. In view of that and also in view of all that has been already stated by me even at the opening of the debate, we decided to sit on the first day after the Christmas day, that is, the 26th. That was before I came to this House. Of course election of Members of this House has to take place here and it is just finished. I have intimated to this House the date fixed there. It is in those circumstances that you, Mr. Speaker, have announced 26th as the date of the meeting of the Select Committee. It is also in those circumstances that we were not able to consult the hon. Member Mr. Hameed Khan. If the 26th does not suit, it would be quite easy for us to meet on the 27th."

AN HON. MEMBER:—"You can meet on the 24th."

THE HON. MR. C. RAJAGOPALACHARIAR:—"It is not possible for us. Some Members are going home again and returning. Of course when fourteen gentlemen have to meet, it will be a very difficult matter to arrange the date of the meeting so as to suit all the Members. These matters need not really occupy the time of the House. I think every

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Member may make arrangements according to his own convenience. On the first day we shall settle the further procedure that we have to adopt in connexion with the meetings of the Select Committee. It is hardly necessary to trouble you, Mr. Speaker, with all these details."

DIWAN BAHADUR A. APPADURAI PILLAI:—"26th happens to be a Sunday."

THE HON. MR. C. RAJAGOPALACHARIAR:—"If the 26th is unsuitable, now let us agree immediately to the 27th."

* MR. SPEAKER:—"The Joint Select Committee will meet on the 27th at 12 noon in the same place as mentioned above. I fix 12 noon on Monday, the 27th instant."

THE HON. MR. C. RAJAGOPALACHARIAR:—"That was what was originally proposed."

The House then adjourned to meet again at 11 a.m. on Thursday, the 27th January 1938.

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

1. Notification appended to G.O. No. 2581, Development, dated 19th November 1937, amending the Madras Commercial Crops Markets Rules, 1935, published in pages 589-594 of Part I of the Fort St. George Gazette, dated the 9th April 1935, as subsequently amended.

^a 2. Information with regard to a supplementary question to starred question No. 88, answered by the Hon. the Premier, on 14th September 1937.

^b 3. Information regarding remission granted to tea, coffee and similar crops with reference to starred question No. 314 asked at the meeting of the Legislative Assembly held on the 30th September 1937.

^a Printed as Appendix V on page 203 infra.

^b Printed as Appendix VI on page 204 infra.

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APPENDIX I.

[Vide answer to starred question No. 51 asked by Khan Bahadur P. M. Attakoya Thangal at the meeting of the Legislative Assembly held on the 21st December 1937, page 162 supra.]

Year.	Number of cases of counterfeiting of currency notes and of circulation of counterfeit currency notes reported.	Number of cases detected.	Remarks.
1935	9	1	Three cases were treated as mistake of fact or law and five cases remained undetected.
1936	8	4	Two cases were treated as mistake of fact and two cases remained undetected.
1937	4	3	One case was treated as mistake of fact.

APPENDIX II.

[Vide answer to starred question No. 53 asked by Mr. E. Kannan at the meeting of the Legislative Assembly held on the 21st December 1937, page 163 supra.]

Letter No. P-1-3164/37, dated 12th October 1937, from the Resident of the Madras States.

[Madras Legislative Assembly—Resolution regarding Travancore Temple Entry Proclamation.]

With reference to your letter No. 1872-Ms., dated 1st October 1937, I have the honour to inform you that His Highness the Maharaja of Travancore has desired me to convey to the Government of Madras and the Madras Legislative Assembly His Highness' very sincere thanks for passing the resolution of 24th September 1937.

Letter No. P-1-3164/37, dated 19th October 1937, from the Resident of the Madras States.

[Madras Legislative Assembly—Resolution regarding Travancore Temple Entry Proclamation.]

With reference to your letter No. 1872-Ms., dated 1st October 1937, I have the honour to convey to the Government of Madras the thanks of the Travancore Government for the resolution passed by the Madras Legislative Assembly regarding the Travancore Temple Entry Proclamation.

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APPENDIX III.

[Vide answer to unstarred question No. 55 asked by Mr. K. V. R. Swami at the meeting of the Legislative Assembly held on the 21st December 1937, at page 194 supra.]

Years.	Total amount spent on stationery and printing.	Amount spent in India on stationery and printing.
	RS.	RS.
1927-28	20,47,838	17,44,560
1928-29	20,17,917	17,69,033
1929-30	22,90,071	19,32,518
1930-31	24,80,871	23,13,436
1931-32	22,42,332	20,24,924
1932-33	20,75,268	19,22,586
1933-34	16,47,382	14,85,386
1934-35	16,38,044	15,48,571
1935-36	18,72,834	17,91,448
1936-37	18,05,491	17,20,326

[21st December 1937]

APPENDIX IV.

[Vide answer to unstarred question No. 56 asked by Mr. K. V. R. Swami at the meeting of the Legislative Assembly held on the 21st December 1937, at page 194 supra.]

Statement showing the number of taluk boards in each revenue district before Act II of 1934 came into force.

Name of revenue district,			Number of taluk boards.
(1)			(2)
1 Anantapur	..	..	9
2 Arcot North	..	..	11
3 Arcot South	..	..	8
4 Bellary	..	..	9
5 Chingleput	..	..	7
6 Chittoor	..	..	9
7 Coimbatore	..	..	10 (exclusive of Val- parai Taluk Board.)
8 Cuddapah	..	..	8
9 Ganjam	..	..	8
10 Godavari East	..	..	8
11 Godavari West	..	..	7
12 Guntur	..	..	9
13 Kanara South	..	..	6
14 Kistna	..	..	6
15 Kurnool	..	..	9
16 Madura	..	..	8
17 Malabar	..	..	8
18 Nellore	..	..	13
19 Nilgiris, The	..	..	(Nil)
20 Ramnad	..	..	8
21 Salem	..	..	9
22 Tanjore	..	..	11
23 Tinnevely	..	..	8
24 Trichinopoly	..	..	7
25 Vizagapatam	..	..	12

21st December 1937]

APPENDIX V.

[Vide item V (2) at page 199 supra.]

Paper laid on the table.

[Supplementary question to Legislative Assembly starred question No. 88 answered on 14th September 1937—Scheduled classes—Reservation of lost turns under the communal rule.]

With reference to the Hon'ble the Premier's reply to a supplementary question to starred question No. 88 answered on 14th September 1937, the following information is laid on the table of the House:—

Under the communal rule appointments to the public services are made from the main communities in a certain order (i.e., communal rotation) or from members of the particular community which is least represented in the service, class or category at the time the appointments are made (i.e., communal proportion). Under the former method, if a qualified and suitable candidate belonging to any community is not available for appointment in the turn allotted to that community, a candidate belonging to the community next in the order of rotation should be appointed; but the former community will have a preferential claim for consideration when any subsequent appointment is to be made until a suitable and qualified candidate belonging to that community has been appointed against that claim. Under the communal proportion method the community which is least represented at the time of appointment should get the appointment. But if a member of that community is not available, a candidate from the community which is next in the order of disadvantage should be appointed. When an appointment has to be made the next time, the former community will still be least represented and the appointment should go to a member of that community. The lost turns of a particular community do not therefore lapse under either method.

[21st December 1937]

APPENDIX VI.

[Vide item V (3) at page 199 supra.]

REVENUE DEPARTMENT.

Communication to the Legislative Assembly.

At the meeting of the Legislative Assembly held on 30th September 1937, M.R.Ry. M. G. Natesa Chettiyar Avargal, M.L.A., asked the following question on behalf of M.R.Ry. V. Nadimuthu Pillai Avargal, M.L.A. :—

*314 Q.—With reference to the answers given to the supplementary questions to my starred question No. 245, answered on 23rd September 1937, will the Hon. the Minister for Revenue be pleased to state :—

(a) whether any remission under any category has been given to tea or coffee cultivated in dry lands even it be with reference to the level of prices of foodstuffs, for faslis 1343, 1344 and 1345;

(b) whether any such remission has been granted to tea, coffee, etc., cultivated in registered wet lands—

(c) whether it is a fact that such remissions have been granted to Nilgiris and Malabar; and

(d) if the answer is in the affirmative, the reason underlying the grant of such remissions? "

2. The Government have obtained a report from the Board of Revenue in regard to this question. The particulars required by the hon. Member are furnished below :—

(a) Dry lands on which tea and coffee were grown received the same remission as other dry lands in the tract.

(b) Neither tea nor coffee is grown on registered wet lands. Chillies and tobacco are not usually grown on wet lands. Seasonal remission was given during faslis 1343-45 to land growing crops other than staple food crops in the usual course if they were entitled to it under Board's Standing Order No. 13.

(c) In the Nilgiris and in the Malabar district, as elsewhere the remissions granted were on the land. No enquiry for the purpose of granting remission was made as to the crop raised and no special remission was given to tea, coffee or to any other crop.

(d) It was considered unnecessary and undesirable to differentiate between one crop and another in granting remission to dry lands.

FORT ST. GEORGE,
7th December 1937. }

B. G. HOLDSWORTH,
Secretary to Government.

THE MADRAS LEGISLATIVE ASSEMBLY.

Thursday, the 27th January 1938.

The House met in the Assembly Building, Chepauk, at eleven of the clock, Mr. Speaker (THE HON. MR. B. SAMBAMURTI) in the Chair.

Prayer.

MR. SPEAKER :—" Prayer."

MR. ABDUL HAMEED KHAN :—" Mr. Speaker, Sir, we protest against this song being sung."

MR. SPEAKER :—" Prayer."

MR. ABDUL HAMEED KHAN :—" Then, Mr. Speaker, we walk out."

(Mr. Abdul Hameed Khan followed by Muslim Members along with Rao Bahadur Sir A. T. Pannirselvam walked out of the Chamber.)

MRS. LAKSHMI SANKARA AYYAR sang the Vande Mataram song.

Then Mr. Speaker led the following prayer, all the Members standing :—

" O Eternal and Almighty God,

" We, the Representatives of the People of the Madras Presidency assembled here in Parliament, fervently pray that our hearts may be so enlightened that we may be freed from all passions and prejudices, and that our minds be so constituted that in our deliberations, we may not purpose or decide otherwise than in the best interests and welfare of the People.

" We heartily pray that we may possess wisdom and understanding to pass Laws and Resolutions for the maintenance of Truth and Justice, wealth, health and happiness of the People, and that we may also possess strength and determination to devote ourselves to the service of our motherland and harness all energies and resources for the attainment of Freedom and Peace.

" Om, Santih, Santih, Santih! "

I.—SWEARING IN OF NEW MEMBERS.

The following new Members were sworn in :—

1. M.R.Ry. ALLU JOGI NAYUDU GARU alias JOGA RAO GARU.

2. MR. G. E. WALKER.

[27th January 1938]

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Proscription of books by the previous Governments of this Province.

* 94 Q.—MR. A. VEDARATNAM: Will the Hon. the Prime Minister be pleased to state what books have been proscribed by the previous Governments of this Province and why each book was proscribed?

THE HON. MR. C. RAJAGOPALACHARIAR:—“A large number of books have been proscribed in the past and it would involve a good deal of time and labour to prepare a complete list, with the previous Governments' reasons for proscribing each book.”

MR. P. S. KUMARASWAMI RAJA:—“Will the Hon. Minister be pleased to state whether he will review the old orders and pass new ones?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“With regard to the proscription of books, new and revised orders are being passed from time to time, but it is not easy or possible for the present Government to pass a general order or review all past Government Orders.”

Then question No. 95 was called by Mr. Speaker.

Mr. Basheer Ahmed Sayeed rose to put a supplementary question with reference to question No. 94.

MR. SPEAKER:—“Before the next question is called, hon. Members must rise up in their places and put supplementary questions. Hon. Members must also be quick in putting supplementary questions. Otherwise, if after the next question is called, hon. Members were to begin putting supplementary questions on the previous question, it would be a waste of time of the House.”

MR. BASHEER AHMED SAYEED:—“I did so, Sir, but you called the next question, before I actually put the supplementary question.”

MR. SPEAKER:—“Will the hon. Member please put the question now?”

MR. BASHEER AHMED SAYEED:—“May I ask whether the Hon. Premier has satisfied himself, on an examination of all the orders for the proscription of books, that they have been rightly issued?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“With reference to each new order that has been passed, it might be taken for granted that the Government are satisfied as to their own action.”

MR. K. V. R. SWAMI:—“What about the previous orders which proscribed so many books?”

MR. SPEAKER:—“The hon. Member's question is not in the form of a question at all.”

[27th January 1938]

Communal representation in the matter of recruitment of district munsifs.

* 95 Q.—MR. G. VENKATA REDDI: Will the Hon. the Prime Minister be pleased to state—

(a) what the Government mean by the expression “Non-Asiatic” used by them in their Order No. 1977, Public (Services), dated 19th October 1937, regarding the regulations made for the recruitment of district munsifs;

(b) the principle on which the Government have decided that out of every twelve vacancies in the posts of district munsifs, two should go to “Non-Asiatic” whereas Scheduled Classes get one vacancy only and Brahmans get two vacancies; and

(c) whether in making the said regulations the Government have taken the number of lawyers residing in the Presidency of the various communities concerned into consideration?

THE HON. MR. C. RAJAGOPALACHARIAR:—“(a) The expression ‘non-Asiatic’ refers to persons who are British subjects and whose domicile is not in Asia.

“(b) The assumption in the question is wrong. Regulation 1 of the regulations issued in G.O. No. 1977, Public, dated 19th October 1937, which distributes the appointments of District Munsifs among the various communities follows the ordinary communal rule under which two out of every twelve appointments are given to Anglo-Indians, Christians and non-Asiatics taken together.

“(c) The answer is in the negative.”

Alleged shadowing of Prativadi Bhayankara Venkatachari by the police.

* 96 Q.—MR. GRANDHI VENKATA REDDI: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that the police openly follow Mr. Prativadi Bhayankara Venkatachari, recently repatriated from the Andamans and released, and that the watch of the police is so irksome that even his near relatives and friends find it hard to give him shelter even for a day; and

(b) whether it is a fact that the said Mr. Venkatachari has publicly declared his faith in the Congress and in non-violence?

THE HON. MR. C. RAJAGOPALACHARIAR:—“(a) The Government must decline to answer the question as it is against the public interest.

“(b) The Government would refer the member to the authorities of the organization to which this part of the question relates. The Government are unable to furnish the required information.”

[27th January 1938]

Proposal to reduce the age-limit for retirement of Government servants.

* 97 Q.—MR. K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state—

(a) whether there is any scheme before the Government for reducing the age of retirement of Government servants on proportionate pension;

(b) whether the Non-gazetted Officers' Association at any time requested the Government to the above effect on the ground that many of the Government servants are not enjoying their pensions for a long time after retirement; and

(c) if so, whether the said resolution will be placed on the table?

THE HON. MR. C. RAJAGOPALACHARIAR:—“(a) The answer is in the negative.

“(b) Representations and resolutions received from this association do not, as far as the Government can see, ask for this.

“(c) Does not arise.”

MR. V. M. RAMASWAMI MUDALIYAR:—“May I ask whether it is not a fact that the Government recently circularized the Heads of Departments asking for information with regard to those persons who have put in 25 years of service or who are over 55 years of age and if so, with what purpose were those statistics called for?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I do not at present think that such a circular has been issued, but I shall make enquiries.”

Present stage of the proposal to reduce land assessment.

* 98 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the question of the reduction of land assessment is still under the consideration of the Government, and if so, at what stage it is; and

(b) what the proportion of reduction that is proposed to be given is?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—“The Government have under examination the whole future Land Revenue policy and in that connexion the recommendations of the Land Revenue Committee are being considered. The Government will announce their future policy as soon as it has been determined. The scheme of Land Revenue remissions for the current fasli has been announced, in a Press Communiqué, dated 16th December 1937.”

[27th January 1938]

Early consideration of the proposals for the reduction of land revenue.

* 99 Q.—MR. G. VENKATA REDDI: Will the Hon. the Minister for Revenue be pleased to state whether the Government have considered the report regarding the reduction of land revenue, and whether any benefits resulting therefrom will be made available to the ryots with effect from 1st January 1938?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—“The attention of the hon. Member is invited to the answer given to Legislative Assembly starred question No. 98, to-day.”

Issue of final orders on the report of the Marjoribanks Committee.

* 100 Q.—KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR: Will the Hon. the Minister for Revenue be pleased to state when the Government will come to a decision in the matter of passing final orders on the report of the Marjoribanks Committee?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—“The attention of the hon. Member is invited to the answer given to Legislative Assembly starred question No. 98, to-day.”

Examination by the Government of the Marjoribanks Committee Report on Revenue Revision.

* 101 Q.—MR. BASHEER AHMED SAYEED: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government have finished the consideration of the Marjoribanks Committee Report on Revenue Revision;

(b) if so, what the conclusions arrived at are and how they affect the revenues of the Government from land;

(c) the relief that is sought to be afforded to the ryots in districts wherein settlement has taken place prior to 1910 and 1915; and

(d) if no decision has yet been arrived at, when the Government would finish the consideration of the report and issue orders?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—“(a) to (d) The attention of the hon. Member is invited to the answer given to Legislative Assembly starred question No. 98, to-day.”

MR. BASHEER AHMED SAYEED:—“May I know to what question?”

MR. T. VISWANATHAM:—“In reply to question No. 98, if the hon. Member is following.”

[27th January 1938]

MR. BASHEER AHMED SAYEED:—"I am following, Sir, so far as it concerns me. May I know as to whether any answer is forthcoming from the Hon. Minister to sub-clause (c) of the question?"

MR. T. VISWANATHAM:—"That will form part of the consideration referred to in the previous answer."

MR. BASHEER AHMED SAYEED:—"May I know how long more the Government will require to finish the consideration of that report?"

MR. T. VISWANATHAM:—"Not very long. But the length of time depends upon the importance of the question, Sir."

Amendments to Water-cess Rules of 1932.

* 102 Q.—MR. V. BHUVARAHAN: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government are aware that the draft amendments to Water-cess Rules, 1932, dated 24th August 1937 (Fort St. George) is causing some confusion in the minds of old delta land-owners in the Tanjore district that the water-rates in the old delta area will also be enhanced in the coming fasli;

(b) whether the Government will consider the desirability of publishing a statement explaining the above in simple language which could be understood by the mirasidars; and

(c) what the future policy of the Government is in regard to the water-rate enhancement in Tanjore district Mettur Project new delta?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of Hon. Mr. T. Prakasam:—" (a) to (c) The draft amendments to the Tanjore District Cauvery Water-cess Rules, 1932, as subsequently amended referred to by the hon. Member were the result of a decision of the Government to grant concessions—

(i) in respect of irrigation with Cauvery water of the proprietary and minor inam wet lands in the Old Delta in the Tanjore district; and

(ii) in respect of the lands irrigated through the Vadavar system which had been irrigated from the Cauvery river through the Vadavar river at any time during the ten years preceding fasli 1934.

"The rules mentioned in the draft amendments merely replace the corresponding old rules in the Tanjore District Cauvery Water-cess Rules, 1932, as subsequently amended, and the rates of water-cess referred to therein are the ultimate rates. The Government have, however, sanctioned concessional rates of water-cess until the end of fasli 1348 and the draft amendments referred to by the hon. Member do not affect these concessional rates. These concessional rates of water-cess apply also to the New Delta in the Tanjore district.

27th January 1938]

"The question of the rates to be levied after the end of fasli 1348 in both the Old and the New Delta areas will be considered with reference to the circumstances which may then prevail—vide paragraphs 3 and 5 of G.O. No. 1776, Revenue, dated 15th August 1936, which has been placed at the disposal of the Press.

"In the circumstances the Government do not consider it necessary to publish a statement of the kind suggested by the hon. Member."

Proposal to widen the aqueduct at the new Vylamur channel.

* 103 Q.—MR. BASHEER AHMED SAYEED: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there is any proposal before the Public Works Department to widen the aqueduct at the new Vylamur channel;

(b) if so, what the cost of the work is and when the same is expected to be completed; and

(c) what the purpose to be served by the said aqueduct is and what the effect of such widening on the irrigation of the area concerned is?

THE HON. MR. YAKUB HASAN:—" (a) The answer is in the affirmative.

" (b) The approximate cost of the work is Rs. 200 and work will be carried out in the next closure.

" (c) The effect of the proposal will be to allow sufficient discharge to pass down for irrigation."

Condition of the shutter at the Nandu-odai Regulator in the old Morattur channel, Chidambaram taluk.

* 104 Q.—MR. BASHEER AHMED SAYEED: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the shutter at the Nandu-odai regulator in the old Morattur channel is in working order and whether the sluice drawing supply from the said channel in Chidambaram taluk, South Arcot, is adequately supplying water to Sitteri and Terukothittai villages;

(b) whether the irrigation authorities of the South Arcot district have received complaints on the subject; and

(c) what action the Public Works Department propose to take to give relief to the ryots of those villages?

THE HON. MR. YAKUB HASAN:—" (a) The Chief Engineer for Irrigation reports that the shutter at Nandu-odai Regulator in the old Morattur Channel is in working order and that the sluice drawing supply from the said channel is adequately supplying water.

" (b) The Public Works Department authorities have not received any complaint.

" (c) In view of the answer to clause (b) the question does not arise."

[27th January 1938]

Installation of three feet shutters over the Godavari anicut.

11-15 a.m. * 105 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether three feet shutters were installed over the Godavari anicut;

(b) whether four shutters lifting machines for lifting three feet shutters were purchased;

(c) what the cost of these machines is; and

(d) from whom they were purchased?

THE HON. MR. YAKUB HASAN:—“(a) & (b) Yes.

“(c) Rs. 72,739-5-10 inclusive of duty charges, steamer freight, and other incidental charges.

“(d) Messrs. Ransome and Rapier, Limited, London, through the Director-General, India Stores Department, London.”

Damage to crops by the Torrigedda stream in the Rajahmundry taluk.

* 106 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Torrigedda stream in the Rajahmundry taluk, East Godavari, is causing damage to several villages by submerging the crops during the rainy season;

(b) what the extent of submersion in each village is;

(c) the value of the crops affected thereby; and

(d) for how long this damage is being caused?

THE HON. MR. YAKUB HASAN:—“(a) The answer is in the affirmative.

“(b) & (c) The Government have not got village-war statistics.

“(d) The damage is being caused for 50 years ever since the sluice was washed away in 1887.”

MR. K. V. R. SWAMI.—“With reference to clauses (b) and (c), will the Government be pleased to call for the information?”

THE HON. MR. YAKUB HASAN:—“It is not worth while.”

Construction of a sluice at the junction of the Torrigedda stream with the Godavari river.

* 107 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any estimates were prepared for the construction of a sluice at the junction of the Torrigedda stream with the Godavari river; and

(b) what the cost of these estimates is?

[27th January 1938]

THE HON. MR. YAKUB HASAN:—“(a) & (b) An estimate for about Rs. 1,20,000 was prepared in 1931 for constructing a suitable outfall sluice with automatic shutters at the mouth of the Torrigedda. The Superintending Engineer of Dowlaishwaram was recently asked to submit a fresh plan and estimate at a reduced cost. The report has just been received and is under consideration.”

MR. K. V. R. SWAMI:—“May I ask whether this work will be undertaken next year?”

THE HON. MR. YAKUB HASAN:—“Not next year, because the work has to be sanctioned by the Legislative Assembly and it is now too late to include it in the budget estimates for the next year.”

An hon. Member.—“May I ask whether the Government issued an order recently asking the people to contribute a portion of the cost?”

THE HON. MR. YAKUB HASAN:—“No such order has been sent out recently.”

Contribution granted to the Panchayat Board of Arpakkam village, Conjeeveram taluk, for the construction of the school.

* 108 Q.—MR. P. S. SRINIVASA AYYAR: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether the Inspector of Local Boards promised in 1936-37 to sanction a grant to the school building constructed by the Panchayat Board of Arpakkam village, Conjeeveram taluk; and

(b) whether the Inspector of Local Boards sanctioned the grant after receiving the building completion report from the Local Fund Assistant Engineer, Chingleput, and what the amount sanctioned was?

THE HON. DR. P. SUBBARAYAN:—“(a) The answer is in the negative.

“(b) The building completion report was received by the Inspector from the President of the Panchayat Board in February 1937 and the valuation statement of the building from the Local Fund Assistant Engineer on the 5th September 1937. A grant of Rs. 500 has been sanctioned by the Inspector.”

Removal of the restriction imposed by the Government in regard to the nature of books kept in the state-aided libraries.

* 109 Q.—MR. K. VENKATAPPAYYA: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) the restrictions, if any, imposed by Government as to the nature of books to be kept for use in the libraries receiving aid from the Government; and

(b) whether the Government propose to remove the restrictions?

[27th January 1938]

THE HON. DR. P. SUBBARAYAN:—“(a) The hon. Member is referred to the answer to clause (b) of starred question No. 160 answered at the meeting of the Legislative Assembly held on the 21st September 1937.

“(b) The answer is in the negative.”

Centres for the Secondary School-Leaving Certificate Public Examination.

* 110 Q.—MR. N. M. R. SUBBARAMAN: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether each high school was a centre for the Secondary School-Leaving Certificate Public Examination prior to 1927; and

(b) why clubbing of centres was ordered from that year?

THE HON. DR. P. SUBBARAYAN:—“(a) Yes, except in Municipal areas and in localities elsewhere having more than two or more high schools.

“(b) The clubbing of centres was ordered from the year 1937 and not 1927. It was considered desirable to eliminate small centres in the interests of the efficient conduct of the examination but in view of applications from large number of students the Government are considering the question of increasing the number of centres.”

MR. P. S. KUMARASWAMI RAJA:—“May I ask whether the Hon. Minister is aware of the difficulties that students are undergoing in having to go from one place to another where they cannot get proper residence and food?”

THE HON. DR. P. SUBBARAYAN:—“Yes, Sir. It is in view of the difficulties experienced by students that I am considering the increasing of the number of centres, though it will not be possible to do so this year as arrangements have already been made and it is difficult to upset them.”

Order regarding closing of all the district board schools not having V class and its applicability to girls' schools.

* 111 Q.—MR. V. S. R. M. VALLIYAPPA CHETTIYAR: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether it is a fact that Government have issued orders to all district boards to close all those schools which do not have the V class;

(b) if so, the reasons for such order;

(c) whether the said order applies to girls' schools also; and

(d) if so, whether the Government have considered the difficulty in securing girl pupils for the V standard in interior villages where female education is very backward?

27th January 1938]

THE HON. DR. P. SUBBARAYAN:—“(a) Government have not issued orders to all District Boards to close all schools which do not have the 5th class. They have, however advised District Boards to develop their incomplete schools into complete schools with five standards wherever possible.

“(b) It is now the general policy of Government to endeavour to have complete five standard schools everywhere in order to make certain that elementary schools are making a real contribution to literacy.

“(c) Yes.

“(d) Yes. The very reason that girls' education is backward makes it all the more necessary to insist on complete schools for girls.”

MR. K. V. R. SWAMI:—“May I ask whether the Hon. Minister thinks that this will advance primary education in the country?”

THE HON. DR. P. S. SUBBARAYAN:—“Certainly, Sir.”

MR. ABDUL HAMEED KHAN:—“May I know whether the Hon. Minister is aware of the fact that some of the schools have been closed on account of the fact that they could not have the fifth standard?”

THE HON. DR. P. SUBBARAYAN:—“The hon. Member is correct in his presumption.”

MR. BASHEER AHMED SAYEED:—“If the hon. Member is correct in his presumption, may I know whether the Government realize that separate Muslim schools will seriously suffer and education in that community will suffer if some of these schools which have classes only up to the fourth standard are closed down?”

THE HON. DR. P. SUBBARAYAN:—“As I have said before in regard to girls, with regard to minorities also, where their standard of education is low, I think that insistence on the fifth standard school will really advance the literacy of the community concerned.”

MR. ABDUL HAMEED KHAN:—“May I know whether the Hon. Minister realizes that in his attempt to help them he will be undermining their education even at a very early stage?”

THE HON. DR. P. SUBBARAYAN:—“I am afraid, Sir, it is only a matter of opinion in which we fundamentally differ.”

MR. BASHEER AHMED SAYEED:—“May I ask, Sir, whether it is the expert opinion that education of the Muslim community will not suffer by the closing of schools having classes only up to the fourth standard?”

THE HON. DR. P. SUBBARAYAN:—“So I am advised, Sir, by the Director of Public Instruction who ought to know.”

[27th January 1938]

MR. K. V. R. SWAMI:—" May I ask, Sir, whether the Hon. Minister is guided by the Director in these matters? "

THE HON. DR. P. SUBBARAYAN:—" No, Sir. His opinion coincides with my opinion in this case."

MR. BASHEER AHMED SAYEED:—" May I ask, Sir, whether the Hon. Minister will discuss the opinion of the Director of Public Instruction so far as it concerns Muslim education with the Muslim representatives in this Assembly? "

THE HON. DR. P. SUBBARAYAN:—" Though I cannot give an undertaking to that effect, I will consider the hon. Member's suggestion."

Hostel for the Government Muhammadan High School, Guntur.

* 112 Q.—MR. S. M. LALJAN: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether there is a hostel attached to the Government Muhammadan High School, Guntur; and

(b) if not, why not?

THE HON. DR. P. SUBBARAYAN:—" (a) The answer is in the negative.

" (b) There is no necessity for a hostel for this school."

Training of medical men each year to treat cases of leprosy.

* 113 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether any special training is required for treating leprosy; and

(b) if so, whether Government intend to give such training to some of the medical men each year?

THE HON. DR. T. S. S. RAJAN:—" (a) & (b) The answer is in the affirmative."

Admission of students belonging to the Ceded districts in the Madras Medical College.

* 114 Q.—MR. H. SITARAMA REDDI: Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of students studying in the Madras Medical College, belonging to Bellary, Anantapur, Kurnool and Cuddapah districts (each district separately);

(b) the number of students belonging to non-Madras University area studying in the Madras Medical College (figures for each district separately); and

Question 112 was allowed to be answered in the public interest, though the Member who gave notice of it was absent.

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(c) the number of Ceded districts students that have been refused admission to the Madras Medical College for the last five years (figures for each year separately)?

THE HON. DR. T. S. S. RAJAN:—" (a) Seven students from each of the districts of Bellary and Kurnool and six each from Anantapur and Cuddapah are studying in the College.

" (b) Ten students from each of the districts of Vizagapatam, Kistna and Chittoor, seven each from Godavari (East and Nellore and eight from Guntur are studying in the College.

" (c) Eight students in 1933, two in 1934, and one each during 1935, 1936 and 1937 were refused admission."

MR. H. SITARAMA REDDI:—" May I ask, Sir, whether it is a fact that students who were refused admission to the Madras Medical College were asked to go to the Vizagapatam Medical College? "

THE HON. DR. T. S. S. RAJAN:—" No, Sir."

MR. G. RANGAYYA NAYUDU:—" May I ask, Sir, whether it is a fact that the domiciled Andhras of Madras are refused admission into the Madras Medical College? "

THE HON. DR. T. S. S. RAJAN:—" I do not understand what is meant by 'domiciled Andhras of Madras'."

MR. G. RANGAYYA NAYUDU:—" Is it not a fact, Sir, that Andhras who have been residing in the southern part of the country are not admitted to the Madras Medical College? "

THE HON. DR. T. S. S. RAJAN:—" There are 35 lakhs of Andhras residing in the southern parts of this country, Sir."

Frequent transfers of District Health Officers in South Kanara.

* 115 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Public Health be pleased to state—

(a) how many transfers of District Health Officers in South Kanara were made during the last six months;

(b) what the necessity for such frequent changes was; and

(c) whether Government will consider the advisability of posting to South Kanara an officer who knows the conditions of the district and retaining him there sufficiently long to do some useful work?

THE HON. MR. T. S. S. RAJAN:—" (a) There were three changes during the period.

" (b) Messrs. M. Gopalan and R. B. Subrahmanyam went on leave and Mr. P. G. G. Unnithan was transferred as Assistant to the Professor of Hygiene, Medical College, Madras. Mr. D. K. Viswanathan is the present District Health Officer.

" (c) This will be kept in view."

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MR. BASHEER AHMED SAYEED:—" May I ask, Sir, whether there is any rule or convention now in force with regard to the duration of an officer's stay in a particular district? "

THE HON. DR. T. S. S. RAJAN:—" No, Sir. Generally they are kept for a period of three years but in special cases the Government have got the power to transfer officers as occasion arises."

MR. ABDUL HAMEED KHAN:—" May I ask whether the Government are aware that such transfers are not very rare but are rather very frequent and they affect adversely the health of the city or district concerned? "

THE HON. DR. T. S. S. RAJAN:—" The Government are certainly aware of the considerations of the health of the inhabitants of the place served by these officers and they take that into consideration when the exigencies of public service require transfers of these officers."

MR. G. RANGAYYA NAYUDU:—" May I ask whether the Hon. Minister does not think that such frequent transfers are detrimental to the medical work of these officers? "

THE HON. DR. T. S. S. RAJAN:—" I may inform my hon. friend that we are dealing with the Public Health department."

Action taken on the complaint against the Tirumalai-Tirupati administration in re the tender for the manufacture of a diamond Crown.

* 116 Q.—MR. V. S. R. M. VALLIYAPPA CHETTIYAR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government have received any complaint against the Tirumalai-Tirupati Devasthanam administration regarding the disposal of the tenders for the manufacture of a diamond kreetam for the Deity; and

(b) if so, what action the Government have taken or propose to take in the matter?

THE HON. DR. T. S. S. RAJAN:—" (a) Representations have been made to Government on the subject.

" (b) The Commissioner, Tirumalai-Tirupati Devasthanams, has been asked to call for fresh tenders."

MR. V. S. R. M. VALLIYAPPA CHETTIYAR:—" May I ask whether sufficient time will be given for the submission of tenders in future? "

THE HON. DR. T. S. S. RAJAN:—" Evidently the hon. Member presumes that sufficient time was not given in the present instance. It was not so. Sufficient time was given, but through a mistake in the post office the mails were held up and the time was barred. As soon as this matter was brought to the notice of the Government, they ordered for fresh tenders to be called."

* MR. SPEAKER:—Mr. Kannan; next question."

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MR. P. R. K. SARMA:—" May I ask whether it is not a fact that the Commissioner of the Devasthanam accepted a higher tender and rejected a lower tender? "

* MR. SPEAKER:—" Mr. Kannan has been called to put the next question."

Action taken by the Government on the resolutions passed by the Malabar Temple Entry Conference held at Guruvayur.

* 117 Q.—MR. E. KANNAN: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether Government have received copies of the resolutions passed by the Malabar Temple Entry Conference held on the 7th November 1937 at Guruvayur;

(b) if so, whether those resolutions will be placed on the table; and

(c) whether Government have considered these resolutions?

THE HON. DR. T. S. S. RAJAN:—" (a) Copies of the resolutions have not been received by Government.

" (b) & (c) In view of the answer to clause (a) these clauses do not require separate answers."

Action taken on the representation from the Madras Council Muslim party in respect of the service rules for the recruitment of minority communities.

* 118 Q.—MR. D. ABDUL RAWOOF: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state the action taken by the department on G.O. Ms. No. 2295, dated 17th December 1936, regarding the deputation from the Madras Council Muslim party with reference to the service rules for the recruitment of minority communities? 11-30 a.m.

THE HON. MR. V. I. MUNISWAMI PILLAI:—" The attention of the hon. Member is invited to the notification published by the Madras Public Service Commission in Part I-B of the *Fort St. George Gazette*, dated 7th September 1937, inviting applications from members of scheduled classes and Muslims for an appointment of Upper Subordinate in Grade I. This notification is in pursuance of the decision announced in G.O. No. 2295, dated 17th December 1936."

MR. ABDUL HAMEED KHAN:—" What is the result of the publication? "

THE HON. MR. V. I. MUNISWAMI PILLAI:—" One candidate applied."

MR. ABDUL HAMEED KHAN:—" May I know whether that candidate was appointed? "

THE HON. MR. V. I. MUNISWAMI PILLAI:—" No, Sir."

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MR. ABDUL HAMEED KHAN:—"Why, Sir?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"He did not possess the qualifications required under G.O. No. 2295 referred to."

MR. ABDUL HAMEED KHAN:—"May I know what the qualifications are?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"The hon. Member is referred to the Government Order which I have already mentioned."

Supply of green manure leaves from reserved forests to ryots in North Arcot district.

* 119 Q.—MR. B. T. SESHADRI ACHARIYAR: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether it is a fact that green manure leaves are supplied to the ryots from the reserved forests of Vellore East Forest division in North Arcot district;

(b) whether it is a fact that the green manure leaves are not supplied to the ryots from the reserved forests in Gudiyattam taluk of the same district though there is a keen demand for them; and

(c) if the answers to (a) and (b) are in the affirmative, whether the Government will consider the desirability of ordering the supply of green manure leaves to the ryots from the reserved forests of Gudiyattam taluk also at a reasonable rate?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" (a) Yes.

" (b) Yes.

" (c) Yes."

Protest against the reservation of Nallakonda forest and the enhancement of grazing rates in certain villages in the Anakapalle taluk of Vizagapatam.

* 120 Q.—MR. V. J. GUPTA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether it is a fact that the villagers of Adduru, Bangarammapalem, Sirasapalli, Rayapuram Agraharam, Vongali and Vommuvarepalem of Anakapalle taluk, Vizagapatam district, have sent petitions to the Tahsildar, to the Vizianagram Estate Collector, to the District Collector, Vizagapatam, and to the Revenue Board on or about 20th July 1937 regarding the reservation of Nallakonda forest and the enhancement of grazing rates;

(b) what the grazing rate, if any, was per cow, buffalo and goat respectively, previous to 1924 and between 1925 and 1936;

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(c) whether it is a fact that the grazing rates have been enhanced since one month by eight times or more the rates previously levied and if so, what the present rate is;

(d) whether it is a fact that the Banjar at the front of the said Nallakonda which was left as grazing ground for the above villages is now leased out to private individuals;

(e) what the facilities obtaining now are for the grazing of the cattle of the above villages and the extent of public grazing ground available; and

(f) what action the Government propose to take to relieve the villagers of the above villages of their difficulties regarding the grazing of their cattle?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" (a) Yes.

" (b) No grazing fees were collected for Nallakonda forest prior to 1926. From 1926 onwards grazing fees were levied at the following rates:—

Cow, bull or buffalo per head	...	...	1 anna.
Sheep or goat per head	...	...	6 pies.

" (c) Yes; the rates have been revised as shown below with effect from 29th April 1937:—

Per buffalo for one year	...	...	1 rupee.
Per cow or bull	...	...	8 annas.
Per sheep	...	...	4 annas.

" (d) The answer is in the negative.

" (e) The extent of public grazing grounds (unreserved) available in each of the villages is as follows:—

Name of village.	Extent in acres.
1 Adduru	124
2 Bangarammapalem	131
3 Sirasapalli	303
4 Vongali	607
5 Vommivanipalem	50
6 Rayapuram (Agraharam)	Being unsurveyed village, exact extent is not ascertainable.

" (f) There are sufficient grazing grounds for all the villagers to graze their cattle free and they have no real difficulties at present. Besides the unreserved there are also some reserves where grazing is available at a nominal rate. The Government do not therefore propose to interfere in the matter."

MR. MAHBOOB ALI BAIG:—"In view of the fact that agriculture is not a paying or profitable business now, will the Government consider the question of not levying any grazing fees at all?"

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THE HON. MR. V. I. MUNISWAMI PILLAI:—"That is a general question and that is under the consideration of the Government."

MR. MAHBOOB ALI BAIG:—"Will the Hon. Minister be pleased to state whether it is not time enough that agriculturists should be given this relief at least?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"This matter is before the Government just now."

MR. G. RANGAYYA NAYUDU:—"When will a decision be come to?"

Further continuance of the Forest College at Coimbatore.

* 121 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

- when the Forest College at Coimbatore was started;
- the total expenditure and revenue during each of the last five years;
- the number of students in each year;
- how many of these belong to this province; and
- whether the Government have considered the question of the further need for this College and with what result?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" (a) In 1912.
" (b) —

Year.	Expenditure.	Revenue.
	RS.	RS.
1932-33	80,675	40,458
1933-34	1,01,862	24,968
1934-35	94,368	29,697
1935-36	88,090	37,757
1936-37	92,492	49,551

(c) & (d) —

Course.	Number of students.	Number from this province.
1931-33	19	1
1932-34	20	23
1933-35	25	17
1934-36	17	9
1935-37	20	7

" (e) The Government have decided to abolish the College after the students now under training complete their course."

MR. E. KANNAN:—"May I know when the College will be abolished?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"I have already answered the question."

MR. BASHEER AHMED SAYEED:—"May I ask whether the Government have got any alternative proposal to train the men required for service?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"Notice, Sir."

[27th January 1938]

Payment of advances by owners of animals presented for anti-rabic treatment.

* 122 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether any advance is received from owners of animals bitten by rabid dogs or jackals for anti-rabic treatment in Veterinary hospitals owned by Government;

(b) if so, what the advance recovered for cows, goats and dogs is;

(c) whether it is a fact that such advances are recovered even from poor and helpless owners of animals bitten by rabid dogs and jackals;

(d) whether any instance or instances in which animals were denied anti-rabic treatment at the Veterinary Hospital, Calicut, owing to the inability of the owners to meet the cost of treatment in advance, and were killed in consequence, within the past two or three months have been brought to the notice of the Government; and

(e) whether the Government will consider the desirability of making arrangements to extend the benefits of anti-rabic treatment free in such instances, at least to those who are absolutely helpless to meet the cost of medicines?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" (a) Yes.

" (b) The amounts of advance required as deposit from owners of animals bitten by rabid dogs or jackals are—

Cow—Rs. 11 plus money order commission 4 annas plus telegram charges if indent is made by wire.

Goat or dog—Rs. 6 plus money order commission 2 annas plus telegram charges if indent is made by wire.

" (c) Animals brought for anti-rabic treatment are admitted as patients and in addition to the usual charges for treatment in institutions where fees are levied, the cost of the vaccines at the rates shown above together with any incidental charges in connexion with the vaccine are recovered in all cases and credited to Government. No distinction is made between the rich and the poor in this respect.

" (d) Since September 1937, six animals were brought to the Veterinary Hospital, Calicut, for anti-rabic treatment and out of these, only one cow was treated with anti-rabic vaccine. The rest were not treated as the owners were unable to pay for the vaccine. The Government are not aware that these were killed in consequence.

" (e) The suggestion will be considered."

Question No. 122 was allowed to be answered in the public interest though the hon. Member who gave notice of the same was absent.

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Working of sugar mills in the province.

* 123 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

- (a) the number of sugar mills in the province;
- (b) whether all of them are working;
- (c) whether any of them are closed;
- (d) if so, how many; and
- (e) what the reasons for their ceasing to work are?

THE HON. MR. V. V. GIRI:—“(a) There are 13 sugar factories.

“(b) All except one are working.

“(c) & (d) One is closed.

“(e) It was closed for want of finances to obtain raw materials.”

MR. K. V. R. SWAMI:—“May I ask whether any application was made for any assistance, by the one factory which ceased to work?”

THE HON. MR. V. V. GIRI:—“No, Sir.”

MR. V. M. RAMASWAMI MUDALIYAR:—“Was any representation made by the sugar factories that there is room for running the factories on an economical or remunerative basis or for making them self-sufficient by the manufacture of power alcohol from molasses?”

THE HON. MR. V. V. GIRI:—“Notice, Sir.”

Restoration of the cancelled gun licence of one Mr. K. Chirukandan and others placed in similar circumstances in Malabar.

* 124 Q.—MR. P. MADHAVAN: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether the Government are aware that Mr. Kaniyerikandy Chirukandan of Maniyoor amsam, a well-to-do janmi of Chirakkal taluk, has been the holder of gun licence for more than 50 years and that his licence was cancelled about three years ago by the order of the Collector of Malabar without assigning any reason;

(b) whether Mr. Chirukandan made any application to the Collector of Malabar to have the licence restored to him;

(c) whether the Government are aware that he is the recipient of numerous rewards from the Government for destroying wild beasts; and

(d) whether the Government will be pleased to consider the desirability of restoring the licence to Mr. Chirukandan and to other persons of the same category?

THE HON. MR. K. RAMAN MENON:—“(a) Mr. Kaniyeri Kandi Chirukandan of Muniyur amsam in Chirakkal taluk who is reported to be paying an assessment of Rs. 2-14-0 held a gun

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licence from 1916. The Additional District Magistrate of Malabar refused to renew the licence for 1935 in the exercise of the discretionary power vested in him for which under the rules no reason is assigned.

“(b) Mr. Chirukandan applied to the Additional District Magistrate for reconsideration of his orders.

“(c) The Government have no information.

“(d) The procedure laid down by the rules is for the aggrieved person or persons to appeal to the Board of Revenue if so advised.”

MR. V. S. R. M. VALLIYAPPA CHETTIYAR:—“May I ask whether the District Magistrate made enquiries, before deciding the question?”

THE HON. MR. K. RAMAN MENON:—“The application was made to the Additional District Magistrate.”

Proposal to sanction grants to all branches of the S.P.C.A. in the Presidency.

* 125 Q.—MR. P. MADHAVAN: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) in how many towns in the Presidency the branches of the S.P.C.A. are working;

(b) how many branches of the Society are patronized by the Government with grants;

(c) whether the Government are aware that many branches of the society depend for their existence, upon the fines realized from the offenders against the Act for the Prevention of Cruelty to Animals; and

(d) whether the Government will consider the advisability of sanctioning grant to all branches of the society in the Presidency?

THE HON. MR. K. RAMAN MENON:—“(a) From the information available, branches of the S.P.C.A. were established in about 40 places in the Presidency but the Government have no information whether all of them are now working.

“(b) Grants in lieu of fines collected in the cases charged by them have invariably been sanctioned to all branches who apply for them.

“(c) Government have no information.

“(d) It is open to all branches of the S.P.C.A. to apply for a grant of an amount equivalent to the amount of magisterial fines levied in cases charged by their agents.”

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Employment for unemployed ex-political prisoners.

* 126 Q.—MR. G. VENKATA REDDI: Will the Hon. the Minister for Courts and Prisons be pleased to state whether the Government have taken any steps for finding some sort of employment or other for ex-political prisoners, now unemployed, and in need of help?

THE HON. MR. K. RAMAN MENON:—"The answer is in the negative."

MR. K. V. R. SWAMI:—"Will the Hon. Minister be pleased to see that ex-political prisoners are shown some concession?"

THE HON. MR. K. RAMAN MENON:—"The question of giving employment to the unemployed generally in the country is being considered by the Government."

MR. K. V. R. SWAMI:—"May I know whether the Government would give any preferential treatment in the matter of giving employment to people who have served the country more than others?"

THE HON. MR. K. RAMAN MENON:—"The question of giving preferential treatment to the persons who have served the country is one of the matters that are being considered by the Government."

Preparation and passing of the budgets of panchayat boards.

* 127 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the presidents of panchayat boards frame their budgets and place them before the boards; and

(b) whether the panchayat officers give them any help?

THE HON. MR. B. GOPALA REDDI:—" (a) Under section 116 of the Madras Local Boards Act, the Presidents are required to do so. They do not always carry out this duty.

" (b) The Panchayat officers render help when they find it necessary."

MR. K. V. R. SWAMI:—"Will the Hon. Minister call upon the presidents to place the budgets before the boards?"

THE HON. MR. B. GOPALA REDDI:—"They are required to do so."

Removal and custody of the books of the Panchayat Board of Govindavadi, Conjeeveram taluk, by the Panchayat Officer, for indefinite periods.

* 128 Q.—MR. P. S. SRINIVASA AYYAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government are aware that the books of the Panchayat Board of Govindavadi, Conjeeveram taluk, were taken away by the panchayat officer about two years ago;

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(b) whether in spite of repeated requests from the panchayat, the books have not been returned to them till now;

(c) whether the Government are aware that cholera was raging in the village last year and that the panchayat was greatly handicapped in doing any sanitary arrangements for want of the books of the panchayat; and

(d) whether the Government will consider the desirability of issuing orders to immediately return the books of the Govindavadi Panchayat and instructions to panchayat officers not to take away the books of any panchayat and keep them on for indefinite periods?

THE HON. MR. B. GOPALA REDDI:—" (a) The Government understand that one cash book and a pass book belonging to the Govindavadi Panchayat were taken into custody by the Assistant Panchayat Officer, Sriperumbudur, in October 1936.

" (b) The Government understand that the books were returned to the panchayat on 11th November 1937.

" (c) The Government have no information.

" (d) As the case under reference was an exceptional one, the Government do not consider it necessary to issue any general instructions in the matter."

Reduction of cycle tax and the construction of a park in the Conjeeveram municipality.

* 129 Q.—MR. P. S. SRINIVASA AYYAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Conjeeveram Municipal Council passed a resolution reducing the taxes on cycles in the municipality;

(b) whether the Government refused to sanction the reduction, and if so, on what grounds;

(c) whether the municipality has sanctioned the formation of a municipal park;

(d) whether the site chosen for the park is objectionable as it is located behind the cholera sheds of the Government hospital and by the side of the Veterinary hospital; and

(e) why the Government sanctioned the park at such a site and at great cost when they refused to sanction the reduction of taxes on cycles?

THE HON. MR. B. GOPALA REDDI:—" (a) The answer is in the affirmative.

" (b) The Government refused to sanction the reduction as the financial position of the Municipal Council was not satisfactory.

" (c) The answer is in the affirmative.

" (d) & (e) The matter is under consideration."

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Supersession of the Kurinjipadi Panchayat Board in South Arcot district.

* 130 Q.—MR. R. VENKATASUBBA REDDIYAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Inspector of Local Boards recommended the supersession of the Kurinjipadi Panchayat Board in South Arcot district;

(b) whether the Cuddalore District Board passed a resolution recommending the supersession of the board;

(c) whether it is a fact that after this resolution or about that time the Government granted three months' time to the panchayat board to rectify;

(d) if so, the reasons for such an order;

(e) (i) whether the period of three months given to the panchayat board has elapsed;

(ii) whether the board has shown any improvement; if so, in which direction; and

(f) if the time has elapsed, whether the Government propose to take any action; if not, why not?

THE HON. MR. B. GOPALA REDDI:—“(a) The Inspector of Municipal Councils and Local Boards issued a notice on 15th January 1937 to the Kurinjipadi Panchayat Board to show cause against supersession.

“(b) No information is available.

“(c) The Inspector after perusing the explanation given by the President of the Panchayat Board granted three months' time to the Panchayat Board for rectifying the defects.

“(d) The main charge was in respect of bad collection work and slack supervision over staff and the President explained that he had effected improvements and promised to reduce the arrears before 30th November 1937. In view of this promise, time was allowed.

“(e) (i) The answer is in the affirmative.

“(ii) The Inspector reports that some substantial improvement had been shown in the collection of panchayat arrears.

“(f) As there was some improvement, extension of time to complete the improvements has been allowed by the Inspector till 31st December 1937 and the District Panchayat Officer has been asked by the Inspector to visit the place in January 1938 and send a further report.”

MR. BASHEER AHMED SAYEED:—“Will the Hon. Minister be pleased to state the amount that remains uncollected?”

THE HON. MR. B. GOPALA REDDI:—“I would like to have notice.”

[27th January 1938]

Appointment of a Commissioner to the Udipi Municipality on a lower salary.

* 131 Q.—KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) who the present Commissioner of the Udipi Municipality is;

(b) what his pay and allowances are;

(c) to what percentage of the income of this municipality, the pay and allowance of this Commissioner will work out;

(d) whether the Udipi Municipal Council passed a resolution requesting the Government to abolish the post of the Commissioner in this Municipality;

(e) what the reply of the Government in the matter was;

(f) whether the Government have received any communications or correspondence regarding the appointment of a Commissioner on a lower salary;

(g) if so, what steps have been taken by the Government; and

(h) whether the Government propose to appoint a Commissioner to the Udipi Municipality with a lower salary in the place of the present highly-paid Commissioner?

THE HON. MR. B. GOPALA REDDI:—“(a) The present Commissioner of the Udipi Municipality is M.R.Ry. M. Narayana Shenoy.

“(b) Pay Rs. 155, Commissioner allowance Rs. 15 per mensem.

“(c) The pay and allowances including the leave and provident fund contributions payable from municipal funds in respect of the Commissioner work out to about 6 per cent of the total income of the Municipal Council according to the budget for 1937-38.

“(d), (e) & (f) No such record is traceable.

“(g) & (h) The Government propose to appoint a Commissioner on lower salary at the earliest opportunity.”

Passing of an Irrigation Act for the Madras Province.

* 132 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Revenue be pleased to state whether there is any proposal with the Government to pass an Irrigation Act for the Province of Madras?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—“The answer is in the negative.”

Question No. 131 was allowed to be answered in the public interest though the hon. Member who gave notice of the same was absent.

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Areas affected and the extent of damage caused by the recent floods in the Province and the steps taken by the Government to afford relief to the people affected.

* 133 Q.—MR. BASHEER AHMED SAYEED: Will the Hon. the Minister for Revenue be pleased to state—

(a) the districts and taluks that have been affected by floods during the last north-east monsoon;

(b) the extent of damage and loss caused to the Government and the ryots by reason of such floods in the shape of human lives, live-stock, buildings and huts, inundation of fields, breaches of tanks and lakes, channels and roads, etc., in each of the affected areas;

(c) the steps taken to ameliorate the condition of the people affected by floods;

(d) the amount spent per each taluk and the manner in which it was spent; and

(e) whether steps are being taken to restore the breaches caused to channels, tanks and lakes?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—“(a) to (d) The attention of the hon. Member is invited to the Press Communique, dated 30th November 1937, published at pages 1094-95 of Part I of the *Fort St. George Gazette*, dated 30th November 1937, regarding the floods of November last. Further particulars have been called for.

“(e) Yes.”

11-45 a.m. MR. BASHEER AHMED SAYEED:—“May I ask, Sir, what the answer is to clauses (c) and (d) of this question?”

MR. T. VISWANATHAM:—“The answer is that further particulars have been called for; they will be published as soon as they are received.”

Exclusion of the Cuddapah district from the benefit of the Tungabhadra project.

* 134 Q.—MR. N. RANGA REDDI: Will the Hon. the Minister for Public Works be pleased to state—

(a) the districts which were intended to be benefited originally by the opening of the Tungabhadra project; and

(b) whether Cuddapah district has been excluded and, if so, the reason for its exclusion?

THE HON. MR. YAKUB HASAN:—“(a) 1905 Scheme.—The four Ceded Districts and Nellore.

1909 Scheme.—The four Ceded Districts.

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1926 Scheme.—(Suggested by the Ceded Districts Irrigation Committee)—The four Ceded Districts and Nellore and the upland tracts of Guntur.

1930 Scheme.—The districts of Bellary, Anantapur and Kurnool and a small portion of Cuddapah—Upper Pennar (Tadpatri) canal system.

October 1933 Scheme.—(Latest)—The districts of Bellary, Anantapur and Kurnool only.

“(b) Yes. It was found that the channel required for extension of irrigation in the Badvel and Sidhout taluks under the Velgode Project would have to be taken through the range of the Nallamalai hills involving enormous cost with no corresponding advantage, while the cost of the Owk Project and canal from the Kunderu via Nossam to Jammalamadugu would be prohibitive and supply would fail in about 45 per cent of years. As regards the Upper Pennar (Tadpatri) canal system which was retained in the 1930 scheme, it was found that the quantity of water that was estimated to be available did not permit of extending the project to the Cuddapah district. This is also the present position.”

MR. G. RANGAYYA NAYUDU:—“May I know, Sir, what the taluks in the Cuddapah district are that are going to be benefited by this scheme?”

THE HON. MR. YAKUB HASAN:—“No taluk at all.”

MRS. A. RUKMINI LAKSHMIPATHI:—“May I know, Sir, what the result is of the negotiations with regard to the Tungabhadra Project between His Highness the Nizam's Government and the Madras Government?”

THE HON. MR. YAKUB HASAN:—“The negotiations are still going on.”

MR. N. RANGA REDDI:—“May I request the Hon. Minister to state whether it is not possible to include the Cuddapah district in this scheme because various schemes at various times have included various districts in them?”

THE HON. MR. YAKUB HASAN:—“For the reasons given in my answer, Cuddapah cannot be included in this scheme.”

MR. K. KOTI REDDI:—“May I know if the Government are contemplating any big project for the benefit of the Cuddapah district?”

THE HON. MR. YAKUB HASAN:—“That does not arise from this question.”

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Number of licences issued in this Province for the possession of wireless receiving sets.

* 135 Q.—MR. J. M. SMITH: Will the Hon. the Minister for Public Works be pleased to state the number of licences for the possession of wireless receiving sets which have been issued to residents in the Province of Madras?

THE HON. MR. YAKUB HASAN:—“ ‘Broadcasting’ is a federal subject, and licences for the possession of wireless sets are at present issued by the Director-General of Posts and Telegraphs. The total approximate number of current licences issued by him, as ascertained from the Postmaster-General under five different categories, is 3,119.”

Non-installation of radio-receiver sets in the North Arcot district.

* 136 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Public Works be pleased to state what the cause is for not installing radio-receiver sets in any village or town in the Chengam, Tiruvannamalai, Polur, Cheyyar and Wandiwash taluks of the North Arcot district?

THE HON. MR. YAKUB HASAN:—“The Government’s policy is to provide 4 or 5 sets for each district. North Arcot has been given 5 sets, and the first five places recommended by the District Economic Council have been selected.”

MR. V. M. RAMASWAMI MUDALIYAR:—“May I ask, Sir, when each of these sets will be available for work in the selected places?”

THE HON. MR. YAKUB HASAN:—“I think they will be available soon, in about two or three months.”

Supply of electricity to the Cheyyar and Wandiwash towns in the North Arcot district from the Mettur and Pykara mains.

* 137 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) when the Cheyyar and Wandiwash towns in the North Arcot district will be supplied with electricity from Mettur and Pykara mains; and

(b) whether there is any proposal with the Government to extend the transmission line from Polur to Tiruvettipuram (Cheyyar taluk) via Wandiwash and thence to Arni or Conjeeveram?

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THE HON. MR. YAKUB HASAN:—“(a) & (b) The Chief Engineer for Electricity is undertaking a load survey in the area referred to and is examining the economic feasibility of extending the supply of power to the places mentioned.”

Facilities for the export of fruits from the Province.

* 138 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether any fruits are sent out of this Province to places outside the Province;

(b) if so, what they are; and

(c) whether any special facilities are provided by the Government for preserving such fruits and for conveying them?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) & (b) The Madras Presidency exports a considerable quantity of mangoes, plantains and limes to places outside the Presidency. The estimated exports for 1935–36 were 18,000 tons of mangoes, about 10,000 tons of plantains and 3,700 tons of limes. The export trade in other fruits is comparatively small.

“(c) At the instance of the Madras Agricultural Department, special reduced rates for plantains have been granted by the Railway companies to places in North India like Delhi, Lahore, Lucknow, etc. During 1936–37, the traffic in plantains reached up to Lahore. Addresses of merchants dealing in plantains in North India and their terms of business were furnished by the Marketing Section of the Agricultural Department to producers and merchants in this Presidency. Representations made by the department resulted in the minimum wagon load for plantains booked from the Cauvery area being reduced from 240 to 160 railway maunds. The South Indian Railway Company have also been requested to increase the supply of wooden wagons for transport of plantains over their lines. The question of providing cold storage facilities and refrigerator vans for long-distance transport in inter-provincial trade is engaging the attention of the Marketing Section. A Fruit Growers’ Association has been organized in Vizianagaram with a view to increasing the export of mangoes to North India. It is expected that in the coming season necessary railway facilities will be obtained and the fruits marketed direct to North India without the intervention of middlemen as is the case now. A scheme for carrying out work on fruit preservation and canning at the Fruit Research Station, Kodur, is under the consideration of the Government.”

MR. K. V. R. SWAMI:—“Will the Hon. Minister be pleased to get concession rates for limes also?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“Yes, I shall try.”

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Items of expenditure from the Government of India grant for the development of handloom industry in this Province.

* 139 Q.—MR. K. VENKATAPPAYYA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether the Government of India provided for a grant of five lakhs of rupees in aid of handloom industry in India for five years beginning with 1934-35;

(b) if so, what amount has been allotted to this Province out of the total grant; and

(c) in what manner the allotted amount is being utilized?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) Yes.

“(b) The amount of grant allotted to this Province is as follows:—

	RS.
1934-35	26,500
1935-36	59,500
1936-37	68,800
1937-38	68,800

“(c) The grant is made over to the Madras Handloom Weavers' Provincial Co-operative Society as a subsidy. Details of the working of the society will be found in the Annual Administration Report of the Department of Industries which has been placed at the disposal of the Press. The Provincial Society grants subsidies to the primary societies affiliated to it to meet their establishment charges and to purchase appliances. Primary societies are eligible for cash credit and loan facilities from the Provincial Society and on its guarantee they obtain yarn from mills on credit. The Provincial Society runs an Emporium at Madras and sales depots at selected mufassal centres. It employs a marketing officer, a designer and several supervisors.”

MR. BASHEER AHMED SAYEED:—“Will the Government be pleased to state the extent of development that has been brought about by the present arrangement that the Government have followed in respect of the disbursement of the Rs. 68,800?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“I would refer the hon. Member to the Annual Administration Reports which give the information.”

MR. G. RANGAYYA NAYUDU:—“Sir, in whose charge are the funds placed for distribution?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“In the charge of the Madras Handloom Weavers' Provincial Co-operative Society.”

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MR. BASHEER AHMED SAYEED:—“May I know whether the Hon. Minister is aware that the entire spending of this amount by the Provincial Handloom Weavers' Co-operative Society is a failure?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“It is a matter of opinion.”

Government of India grant in aid of cottage and small scale wool industries in this Province.

* 140 Q.—MR. K. VENKATAPPAYYA: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether the Government of India made a grant of one lakh of rupees in aid of cottage industries and another lakh of rupees in aid of small scale wool industry for five years beginning with 1936-37;

(b) if so, whether any or what amount has been allotted for this Province out of the said grants; and

(c) how the allotted amount is proposed to be utilized?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) Besides their subvention to the handloom weaving industry the details of which are being furnished in reply to another question of the hon. Member, the Government of India are distributing grants in aid of sericulture and woollen industry as follows:—

(i) Sericulture	..	One lakh per annum for a period of five years.
(ii) Cottage and small scale woollen industry.		Five lakhs spread over a period of five years.

“(b) The amounts allotted to this Province are as follows:—

(i) Sericulture—

	RS.
1935-36	16,610
1936-37	14,700
1937-38	14,340

(ii) Woollen industry—

1936-37	14,000
1937-38	7,714

“(c) (i) Sericulture.—The grant is utilized for the production and distribution of disease-free ‘cellular’ seed and on research connected with the ‘pebrine’ disease.

(ii) Woollen industry.—Several co-operative societies are to be organized in the cumbly-weaving areas. These societies will be provided with capital for the purchase of improved appliances and the establishment of a sale depot. And in the interests of the Ellore pile carpet industry it is proposed to organize a central co-operative sale society of master weavers engaged in that industry for the dyeing of wool in a small

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central dye-house (the cost of which will be specially met from provincial funds) and for the marketing of finished products. A designer will be employed to assist in the development of both sections of the woollen industry."

Posting of persons not possessing a knowledge of Kanarese as Veterinary Assistants in South Kanara.

* 141 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) how many Veterinary Assistants who do not know Kanarese are now in South Kanara; and

(b) what the reasons are for posting such men when there are Kanarese-knowing men elsewhere?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) Three.

“(b) The following points are generally taken into consideration in the matter of postings and transfers:—

(i) The suitability of a Veterinary Assistant Surgeon for successfully running a particular institution or touring billet.

(ii) Maintenance of a fair proportion of seniors, juniors and probationers in each of the different circles.

(iii) Service in Telugu areas by non-Telugu Veterinary Assistant Surgeons by turns for periods of about three years, and

(iv) Allotment of sufficient number of Veterinary Assistant Surgeons with refresher training to hold charge of institutions provided with microscopes.

“As far as possible, Veterinary Assistant Surgeons are posted to districts the language of which they know.”

Measures for combating the “Mahali Pest” affecting the arecanut gardens in South Kanara district.

* 142 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether Government are aware of the havoc and the consequent loss caused to the owners of arecanut gardens on account of the “Mahali pest” in South Kanara district;

(b) whether any representations have been received from associations and individuals in this connexion by the Government; and

(c) what relief, if any, Government propose to grant to the owners of the affected gardens?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) The Government are aware that the pest appeared again this year but only in a mild form.

“(b) The answer is in the affirmative.

“(c) The Government are not aware that any relief is necessary this year for the owners of arecanut gardens in the district.”

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Application of an arrack shop dealer for the recoupment of the loss sustained by him on account of the villagers abstaining from drink on the Dipavali day.

* 143 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether the arrack shop dealer, Mr. Sadaibaba Mudaliyar, complained to the Hon. the Premier that he lost about Rs. 175 on account of the villagers of Nallur, Wandiwash taluk, North Arcot district, having abstained from drinking arrack on the Dipavali day, 31st October 1937, and that the same must be made good by the Government; and

(b) whether any officers were deputed to enquire into the matter?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) & (b) A petition on the subject, dated 7th November 1937, was received from one S. Sadaibaba Mudaliyar. It was transferred to the Board of Revenue for disposal. The Government have no further information.”

UNSTARRED QUESTIONS

Extent of cultivated and cultivable lands in the backward area.

63 Q.—MR. P. PEDDA PADALU: Will the Hon. the Minister for Revenue be pleased to state—

(a) the extent of the backward area;

(b) the area of the land that is under cultivation now and the area of the land that is cultivable in the backward area;

(c) the respective areas of dry and wet lands in each taluk in the backward area;

(d) the respective areas of surveyed wet and dry lands in the backward areas in each taluk;

(e) what the land revenue for 1936 in backward areas is and what the amount of other income from cultivated lands is (talukwar);

(f) what the respective areas of Government and zamindari lands in the backward areas are and what the extent of wet and dry lands in each kind is;

(g) what the population of the backward areas and tribes constituency (males and females) is; and

(h) what the number of ryots who are living by cultivation in the backward areas is?

A.—(a) to (h) The Government understand that by “backward areas” the hon. Member means the agency portion of the Srungavarapukota taluk in the Vizagapatam district, the whole of the Gudem taluk of the same district and the Yellavaram taluk of the East Godavari district. Separate figures are not available as regards the agency portion

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alone of the Srungavarapukota taluk. The following statement gives details as regards the three taluks as far as they are readily available:—

Taluk.	Area in square miles.	Current demand. Land revenue and cesses for 1945.	Population.
Gudem	1,318	Rs. 8,000	85,317
Srungavarapukota	278	38,000	165,576
Yellavaram	919	54,000	44,336
Total ..	2,515	1,00,000	295,229

Construction of the high school building by the Tiruppattur Municipality without proper sanction.

64 Q.—MR. K. A. SHANMUGA MUDALIYAR: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether it is a fact that the Tiruppattur Municipality, North Arcot district, began to construct the high school building without the necessary sanction and approval of the estimates and plan by the departments concerned;

(b) if so, what action has been taken by the Government against the municipality;

(c) whether the Government received any mahazar from the public of Tiruppattur regarding the construction of the high school building by the Tiruppattur Municipality;

(d) if so, what action has been taken thereon;

(e) whether the Government sent the District Board Engineer, North Arcot, to inspect the building instead of the Public Works Department Engineer;

(f) if so, what the reason for that special procedure was, whether it was because the chairman of that municipality requested for such a procedure;

(g) what the result of that inspection was; whether the Government will be pleased to place the papers before the Assembly;

(h) whether the Government received telegrams and mahazars again about the same matter a few days back; and

(i) if so, what action the Government propose to take in the matter?

A.—(a) In August 1936, it was brought to the notice of Government that the Municipal Council was demolishing and reconstructing the front block of the school building, and that the work was being arranged for departmentally.

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(b), (d), (e) & (g) As there was an allegation that the materials used for reconstruction and the construction itself were not up to the mark, the Government arranged for an inspection which was carried out by the District Board Engineer, North Arcot. He suggested certain improvements and these were communicated to the Commissioner of the Municipality who was further required to take the opinion of the Executive Engineer as to the soundness of the structure to take a second storey. The Government do not consider it necessary to place the papers on the table.

(c) No.

(f) The Chairman did not request the District Board Engineer to inspect.

(h) Yes.

(i) The Executive Engineer has since inspected the building and although he considers that the structure is not well built he is definitely against interfering with the ground floor construction at this stage but is of the opinion that a storey should not be added to it. With this opinion before them, the Government do not consider that any further action is called for.

Illicit distillers in each district during the last five years.

65 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) the total number of cases put up against illicit distillers in each of the last five years in each district; and

(b) how many of them ended in conviction in each district?

A.—(a) A statement^a showing the total number of cases relating to illicit distillation and possession and sale of illicitly distilled spirits reported in each district during the last five years is appended.

(b) The information cannot be compiled without a considerable amount of investigation and trouble.

Working of Presidency Magistrates' Courts.

66 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the total expenditure on the Presidency Magistrates' Courts during the last year;

(b) the total revenue therefrom for the same period;

(c) the number of magistrates that are working;

(d) their salaries;

(e) how many of them are lawyers; and

(f) the number of cases disposed of by each during the above period?

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- A.—(a) The total expenditure on the Presidency Magistrates' Courts during the year 1936–37 was Rs. 1,32,641. This does not include expenditure incurred on such items as the construction and maintenance of buildings by the Public Works Department, leave allowances of Presidency Magistrates other than the Chief Presidency Magistrate, pensions of Presidency Magistrates and their establishment, stationery supplied and printing done for the Presidency Magistrates and other incidental items. It is not possible to compile figures in respect of these items.
- (b) Rs. 94,078. This excludes receipts from stamp fees which it is not possible to ascertain.
- (c) There are now three salaried Presidency Magistrates working. The post of the fourth Presidency Magistrate is at present vacant.
- (d) The Chief Presidency Magistrate is at present drawing a pay of Rs. 1,800 per mensem and the second and third Presidency Magistrates, Rs. 700 and Rs. 850, respectively.
- (e) The Chief Presidency Magistrate is a lawyer.
- (f) Chief Presidency Magistrate—1,221 cases.
Second Presidency Magistrate—1,217 cases.
Third Presidency Magistrate—1,052 plus 5,488 municipal cases.
Fourth Presidency Magistrate—737 plus 5,567 municipal cases.

Number and inspection of Adi-Dravida co-operative societies.

67 Q.—MR. K. ISHWARA: Will the Hon. the Minister for Industries and Labour be pleased to state—

- (a) the number of Adi-Dravida co-operative societies in the South Kanara district;
- (b) the names of the several societies and the amounts of audit fees collected from them during the year;
- (c) the strength of members of each society;
- (d) the number of inspectors of the said societies;
- (e) the number of Depressed Classes Inspectors and non-Depressed Classes Inspectors, respectively; and
- (f) the number of visits made by each of the respective inspectors per month, and the number of meetings held by the respective societies in a month or a year?

A.—(a) There are 80 societies.

- (b) & (c) A statement^a showing the names of the several societies and the number of members in each society is appended. No audit fee was collected from any of these societies during the year.

^a Printed as Appendix II on page 313 infra.

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- (d) & (e) There are two inspectors; they are not members of the depressed classes.
- (f) On an average 18 visits were made by each Inspector per month. Information regarding the number of meetings held in each society in a month or a year has to be gathered from the records of each of the 80 societies and is not readily available. But meetings are usually held whenever Inspectors visit the societies.

Number of boys and girls of school-going age in the Presidency and the number of primary schools available for them.

68 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

- (a) the number of boys of school-going age in the Presidency;
- (b) the number of such girls; and
- (c) the number of boys and girls for whom primary schools are available?

A.—(a) & (b) The number of boys and girls of school-age in the Presidency is approximately 3,359,000 and 3,073,000 respectively.

- (c) The total number of boys and girls under instruction in primary schools on 31st March 1936 was 2,867,600.

Income derived by the District Boards and Municipalities from toll-gates during the last two years prior to the abolition of tolls and the amount now paid to them by the Government by way of compensation subsequent to the abolition of tolls.

69 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

- (a) the income to district boards and municipalities from toll-gates in each of the last two years before the tax was abolished;
- (b) the compensation promised to be paid to them in respect of loss of revenue; and
- (c) the total amount now paid to them?

A.—(a) The income derived from tolls was as follows:—

Year.		District boards.	Municipalities.
		RS.	RS.
1929–30	...	43,16,148	17,83,628
1930–31	...	40,37,525	17,70,150

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- (b) The attention of the hon. Member is invited to section 10 of the Madras Motor Vehicles Taxation Act. The maximum amount that is payable per annum to local boards and municipalities is—

	RS.
Corporation of Madras ...	3,38,000
District Boards ...	44,20,000
Municipal Councils ...	20,62,000

- (c) Rs. 36,44,862-4-0 has been paid to them in respect of the year 1936-37 and Rs. 25,98,475-15-0 has so far been paid in respect of the year 1937-38.

Present financial position of the Salem Dye Works Syndicate, Limited.

70 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

- (a) the present financial position of the Salem Dye Works Syndicate, Limited;
 (b) the nature of work they do;
 (c) the paid-up capital of the Syndicate;
 (d) the loss or gain in each year since the loan was granted by the Government; and
 (e) the reasons for the loss, if any?

A.—(a) The assets of the Salem Dye Works Syndicate have been purchased by the South India Dye Works, Limited, and the Government have no information regarding the present financial position of the Syndicate.

(b) Does not arise.

(c) In 1928 its paid-up capital was Rs. 27,000.

(d) & (e) The questions do not arise as the concern did not work after obtaining a loan from the Government.

Present financial position of the Metal Industries, Limited, Shoranur.

71 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state in respect of the Metal Industries, Limited, Shoranur—

- (a) the amount lent by the Government;
 (b) when it was lent;
 (c) the value of the assets of the company when the loan was granted;
 (d) the loss or gain in each year after the grant of the loan; and
 (e) the reasons for the loss, if any?

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A.—(a) Rs. 8,000.

(b) The loan was disbursed on 30th March 1933.

(c) The value of the assets of the company was then estimated at Rs. 30,000.

(d) & (e) —

Year.	Net loss.			Reasons for loss.
	RS.	A.	P.	
1933-34	4,796	11	7	Finished articles are said to have been sold below cost owing to keen foreign competition.
Seventeen months ending 31st August 1935.	24,579	5	4	....
Fifteen months ending 30th June 1936.	25,288	9	1	The Board of Directors of the concern consider that the existing arrangements and equipment of the factory are not suitable for running the business on profitable lines.

Loan advanced to Messrs. Boddhu Paidanna & Sons by the Government.

72 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state in respect of Messrs. Boddhu Paidanna & Sons, Vizianagram—

- (a) the nature of business done by the firm;
 (b) the value of assets of the firm when the loan was granted by the Government;
 (c) the loss or gain in each year since the loan was granted;
 (d) the penal rate of interest collected from the firm when they failed to pay the instalments in time;
 (e) the amount of the loan granted; and
 (f) the number of instalments fixed?

A.—(a) The concern is engaged principally in groundnut decortication, oil milling and rice hulling.

(b) Rs. 61,752-9-0.

(c) —

Year.	Gain.			Loss.			Remarks.
	RS.	A.	P.	RS.	A.	P.	
1931-32	758	10	5				..
1932-33				5,361	8	7	..
1933-34				9,531	5	4	..
1934-35				10,218	9	10	..
1935-36	232	15	2				..
1936-37				20,947	13	9	The loss is reported to be due to high manufacturing costs and fall in the selling prices.

(d) Rs. 365-10-6.

(e) Rs. 40,000.

(f) Twenty annual instalments.

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Recommendations of the Board of Industries in regard to amendments to the State Aid to Industries Act.

73 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

- (a) whether the Board of Industries made any recommendations in or about 1936 for amending the State Aid to Industries Act;
- (b) if so, what those recommendations are; and
- (c) whether the Government accepted those recommendations, and if so, in which respect?

A.—(a) Yes.

(b) The Board recommended—

- (1) the addition of the following clause to section 5 (1) of the Madras State Aid to Industries Act, 1922:—
“in exceptional (or suitable) cases old and established industries.”
 - (2) the deletion of the proviso to section 9 of the Act and the inclusion of a provision in the same section to admit of the collateral security being taken into account in determining the amount of the loan that could be granted; and
 - (3) the raising of the limit of one thousand rupees to two thousand rupees in section 14-A of the Act.
- (c) The Government accepted the recommendations and gave effect to them by enacting the Madras State Aid to Industries (Amendment) Act, 1936 (Madras Act VII of 1937), a copy of which is available in the library of the Madras Legislature.

Establishment of new chemical industries in the Mettur area.

74 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

- (a) whether the Government have examined the possibility of establishing any new chemical industries in the Mettur area; and
- (b) if so, with what result?

A.—(a) Yes. The attention of the hon. Member is invited to “A report upon the prospects of developing the Mettur settlement into an industrial centre” and also to the report entitled “Mettur; its industrial potentialities” which are available in the Library of the Madras Legislature.

- (b) As a result largely of the efforts of the Industries Department the Mettur Chemical and Industrial Corporation, Limited, has been formed for the purpose of establishing an alkali industry and of manufacturing caustic soda, liquid chlorine, bleaching powder, hydrogen and other chemicals.

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Applications, if any, from private individuals for starting industries in the Mettur area.

75 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

- (a) whether any definite proposals were received from private individuals or firms for starting any industries in the Mettur area; and
- (b) if so, what they are?

A.—(a) & (b) Yes, from (1) the Mettur Chemical and Industrial Corporation, Limited, for establishing an alkali industry and for manufacturing caustic soda, liquid chlorine, bleaching powder, hydrogen and other chemicals;

- (2) the Mettur Industries, Limited, for establishing a cotton spinning, weaving and finishing mill and also for developing a hand-loom weaving colony in conjunction with the mill;

- (3) the South India Dye Works, Limited, for acquiring the assets of the Salem Dye Works Syndicate, Limited, Salem, and to carry on dyeing operations at Mettur; and

- (4) Messrs. Dayaram & Sons, for establishing calcium carbide industry.

Stoppage of further investigation in regard to the construction of storage reservoir in the Upper Godavari.

76 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Public Works be pleased to state—

- (a) what the nature of investigation made is regarding the construction of storage reservoir in the Upper Godavari;

- (b) the chief points submitted to Government in respect of the same;

- (c) why the Government directed the stay of further investigation; and

- (d) whether Government will place the report on the table?

A.—(a) A preliminary investigation of the proposal was made. It was based on the rainfall records and rough calculations of discharges made from certain cross sections of the Sileru, Sokkaleru and Sabari rivers and the reported maximum flood levels and normal water levels.

- (b) A note^a containing the salient features of the proposed reservoir on the Sabari river is placed on the table of the House.

^a Printed as Appendix III on page 314 infra.

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- (c) The cost involved will be out of proportion to the benefits expected and it was considered that there was no real need for a reservoir on this river. The Government felt that there were other areas where the need for irrigation facilities was more pressing. They therefore dropped the proposal.
- (d) The report is lengthy and the Government consider that, apart from the waste of money and labour involved, no useful purpose will be served by printing and placing the report on the table of the House.

Educational qualifications of the Panchayat and Assistant Panchayat officers in each district.

77 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Local Administration be pleased to state—

- (a) the number of panchayat boards in each district;
 (b) the number of Panchayat officers and Assistant Panchayat officers in each district;
 (c) how many of them are graduates; and
 (d) how many of them are graduates in law?

A.—(a) & (b) A statement^a giving the information is appended.

(c) District Panchayat Officers	23
Assistant Panchayat Officers	36
(d) District Panchayat Officers	13
Assistant Panchayat Officers	7

Reservation of vacant land for grazing purposes in the South Kanara district.

78 Q.—MR. K. ISHIWARA: Will the Hon. the Minister for Revenue be pleased to state—

- (a) whether it is a fact that the Government have reserved vacant plots of land in South Kanara district for grazing purposes;
 (b) if so, the total area of land reserved by the Government so far in the South Kanara district; and
 (c) the average area of land so reserved in each village?

A.—(a) Yes.

(b) & (c) The Government have no information.

Protest against shifting the Veterinary Assistant at Palkonda to Parvatipur.

79 Q.—SRIMAN Y. V. A. BHASKARARAO PATNAIK MAHASAYO: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

- (a) why the post of the Veterinary Assistant at Palkonda, Vizagapatam district, was shifted to Parvatipur;

^a Printed as Appendix IV on page 315 infra.

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(b) whether the Government received any complaints from the public of Palkonda of the trouble and inconvenience caused thereby; and

(c) what action the Government have taken or propose to take in the matter?

A.—(a) Palkonda and Parvatipur taluks were under a Touring Veterinary Assistant Surgeon with headquarters at Palkonda. The Assistant was not able to devote sufficient attention to outbreak reports from the Parvatipur taluk. Parvatipur taluk is one of the gateways from the Agency areas of Orissa Province for the spread of cattle disease into this Presidency. Palkonda having been the headquarters of the billet ever since it was opened about thirteen years ago was receiving greater attention of the touring assistant all along and in order therefore to make the departmental activities equally popular in Parvatipur taluk also, his headquarters were shifted to Parvatipur on 1st June 1936.

(b) Every effort is made for the prompt attendance of outbreak reports in Palkonda taluk by posting a Reserve Veterinary Assistant Surgeon whenever there is a real necessity and there have been no complaints from the public of Palkonda taluk so far, though some of the local people of Palkonda town once expressed to the District Veterinary Officer, Vizagapatam, orally their desire for a touring Veterinary Assistant Surgeon at Palkonda.

(c) Proposals for the sanction of a touring Veterinary Assistant Surgeon for Palkonda are under consideration in connexion with the budget for 1938–39.

Measures for the development of ceramic industry.

80 Q.—MR. V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Minister for Industries and Labour be pleased to state—

- (a) whether any survey was undertaken with regard to the prospects of starting the ceramic industries;
 (b) if so, (i) the nature of the survey and (ii) the cost thereof;
 (c) whether the Government will be pleased to place a copy of the report; and
 (d) what steps the Government have taken to develop the ceramic industries?

A.—(a) Yes.

(b) (i) The survey consisted in the investigation of the location and character of raw materials available for use in the ceramic industry, the extent of their deposits, their commercial value and the facilities available for quarrying and transporting them and also of an

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investigation of the position and potentialities of the tile industry on the West Coast and the problems with which the tile factories were confronted.

- (ii) The pay of the ceramic assistant and his staff came to about Rs. 11,385. Figures for travelling allowances and contingencies are not available as they were not separately recorded.
- (c) A copy of the report is available in the library of the legislature.
- (d) In regard to one branch of ceramic industry, i.e., pottery, the Government have sanctioned a scheme submitted by the Director of Industries to instruct students in the manufacture of articles such as jars, domestic pottery and artistic pottery ware.

The class is in charge of a trained science graduate. The question of starting a pottery *cum* porcelain class after 1st April 1938 is under consideration.

Arrangements are also being made by the department to conduct demonstrations with an improved potter's wheel for the benefit of the country potters. The department has endeavoured to interest private enterprise in the development of some branches of the ceramic industry.

Income realized by Government annually under various heads from each of the Telugu districts in the Presidency.

81 Q.—MR. K. VENKATAPPAYYA: Will the Hon. the Prime Minister be pleased to lay on the table a statement showing the income annually realized under various heads from each of the Telugu districts in the Presidency?

A.—Figures of revenue and expenditure under all heads by districts are compiled only by the Accountant-General and it will involve considerable time and labour to collect them separately for the Telugu districts. Even the Accountant-General does not compile figures by districts under Forest and Public Works heads, since the unit in those cases is the division and not the revenue district.

In connexion with a resolution which was moved in the Madras Legislative Council in 1933 for creating the Andhra Province, the Accountant-General furnished the figures relating to the year 1932–33 in respect of the Telugu districts. A statement^a containing these figures with deductions on account of the areas subsequently transferred to the Province of Orissa is laid on the table.

^a Printed as Appendix V at pages 316–317 infra.

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This statement does not include revenue and expenditure on account of the Telugu districts booked outside the districts such as share of unified stamps, receipts from the High Court, contribution for railway police and subventions from the Central Road Fund in respect of receipts; and general expenditure, such as that relating to the Governor, Legislature, Secretariat, Heads of departments, High Court, Debt charges, Stationery and Printing, Expenditure in England, Pension liability and the like.

Protest against the restricted field of activity for the Local Fund Sub-Assistant Surgeons.

82 Q.—MR. R. S. VENKATARAMAYYA: Will the Hon. the Minister for Public Health be pleased to state—

- (a) whether there is a separate class of Sub-Assistant Surgeons called Local Fund Sub-Assistant Surgeons;
- (b) whether their qualifications, pay and nature of duties are the same as or whether they are different from those of Sub-Assistant Surgeons in Government service;
- (c) who the inspecting authority is for both classes of Sub-Assistant Surgeons; whether the inspecting authority is the same or different;
- (d) in what classes of institutions the Local Fund Sub-Assistant Surgeons are asked to work; whether they are allowed to work in all local fund medical institutions and if not, why not; and
- (e) whether Local Fund Sub-Assistant Surgeons of Madura and some neighbouring districts submitted a memorial to Government some years back requesting that they should be allowed to work in all local fund medical institutions; and if so, how the matter was disposed of?

A.—(a) Yes.

(b) The qualifications and nature of duties for both are the same; but the scale of pay for Local Fund Sub-Assistant Surgeons is Rs. 60—5/2—120 while that for Government Sub-Assistant Surgeons is Rs. 65—7½/2—110—10/2—170.

(c) The inspecting authority for both classes of officers is the same, viz., the District Medical Officer.

(d) Local Fund Sub-Assistant Surgeons are allowed to work in local fund medical institutions reserved for them and they are not allowed to work in local fund medical institutions reserved for Government Sub-Assistant Surgeons for the following reasons:—

- (1) The cadre of Government Sub-Assistant Surgeons consists of duty posts plus leave and epidemic reserve at 12½ per cent and under duty posts are included posts of Sub-Assistant Surgeons in Government medical institutions and certain specified posts in medical institutions under the control of local bodies. The posts under local bodies

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which should be held by Government Sub-Assistant Surgeons have been definitely fixed by the Government on a permanent basis to facilitate accounting and audit procedure. Recovery from local bodies on account of Government Sub-Assistant Surgeons lent to them for employment in non-taluk headquarter institutions is made with reference to particular posts held by Government Sub-Assistant Surgeons and audit is conducted with reference to that basis and not with reference to each individual working under local bodies.

- (2) The Government have undertaken to meet the salaries of Government medical officers employed in the taluk headquarter institutions, from provincial funds. This concession is not admissible if taluk headquarter institutions are held by Local Fund Sub-Assistant Surgeons.
- (3) There are Local Fund Sub-Assistant Surgeons who have no experience of medico-legal work and who cannot possibly be posted to some of the medical institutions held by Government Sub-Assistant Surgeons, which are important from a medico-legal point of view.
- (e) Yes, in 1934; but the request was not complied with for the reasons given in the answer to clause (d) above.

Reconstitution of the Panchayat Board, Neikuppai, Ramnad district, on ward basis.

83 Q.—MR. V. S. R. M. VALLIAPPA CHETTIYAR: Will the Hon. the Minister for Local Administration be pleased to state—

- (a) whether the Government have received any complaint against the administration of the Panchayat Board, Neikuppai, Ramnad district;
- (b) whether it is a fact that the said panchayat board was superseded previously for maladministration;
- (c) whether it is a fact that the said panchayat board employs more staff than is necessary;
- (d) whether it is a fact that in the said panchayat board as at present constituted Harijan and other interests have not been represented;
- (e) whether the last election to the said panchayat board was conducted without dividing the area into wards;
- (f) whether it is a fact that the North Ramnad District Board have recommended to the Government to reconstitute the said panchayat board area into wards and order a fresh election to the same at an early date; and

(g) if so, whether the Government will be pleased to enquire into the matter and order a fresh election rectifying the defects in the constitution of the said panchayat board?

- A.—(a) The Government understand that a complaint was received by the Inspector of Municipal Councils and Local Boards.
- (b) The answer is in the affirmative.

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- (c) The Government have no information.
- (d) Two seats have been reserved for Adi-Dravidas on the panchayat.
- (e) The answer is in the affirmative.
- (f) & (g) The Government understand that the North Ramnad District Board made certain recommendations to the Inspector of Municipal Councils and Local Boards and that the Inspector to whom the power to divide villages under the Madras Local Boards Act, 1920, into wards has been delegated is already taking the necessary steps in the matter.

Refund of fines collected from ex-political convicts.

84 Q.—MR. G. VENKATA REDDI: Will the Hon. the Prime Minister be pleased to state—

- (a) what amount was realized by the Government by way of fines from those Congressmen who were convicted during the period from 1st August 1920 up to 14th July 1937;
- (b) whether the Government received any applications from the ex-political convicts praying for refund of fines; and
- (c) what reply was given to such applicants with the reasons therefor?

- A.—(a) The information is not available and it is not practicable to collect it from old records.
- (b) A few applications were received.
- (c) The petitioners were informed that it was not possible to take up the question of repayment of fines imposed by courts.

Inclusion of the Bhadrachalam taluk in this Province.

85 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

- (a) when Bhadrachalam taluk was included in the Madras Presidency;
- (b) in which Province it was included previous to its inclusion in this Presidency;
- (c) for how long; and
- (d) the reasons for including this taluk in this Province?

- A.—(a) The Bhadrachalam taluk was included in the Madras Presidency in 1874.
- (b) & (c) The Bhadrachalam taluk became British territory in 1860 and until 1874 was administered as part of the Upper Godavari district of the Central Provinces.
- (d) The taluk was transferred to this Presidency in view of its racial and geographical affinities to the Godavari district of this Presidency.

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

III.—THE MADRAS AGRICULTURISTS RELIEF BILL (L.A. BILL
No. 10 OF 1937).12
noon.

* THE HON. MR. C. RAJAGOPALACHARIAR:—“ Mr. Speaker, Sir, I beg to present the Report^a of the Joint Select Committee on the Bill that was referred to them, namely, the Bill to provide for the Relief of Indebted Agriculturists in the Province of Madras (L.A. Bill No. 10 of 1937). The Report has been published in the gazette; and the measure in some form was before the country for four months and the Bill itself was for two months before the country and the Select Committee's Report, with the amended Bill^a has been before the country for nearly a month. All sections of the House were represented in that Committee and both Chambers were there—the Opposition Leader of the other House, and Mr. Appadurai Pillai in the absence of the Leader of the Opposition in this House. On the whole, Sir, I do not think I am over-estimating it, if I say that the Report has carried with it a considerable amount of unanimity of opinion of the members that formed the Joint Select Committee.

“ The changes made have been set out in the Report, but the major one is worthy of elucidation once again. Debts in respect of which relief is sought to be given, have been divided into two groups, one incurred before the depression period and the other after the depression period. The first set of debts is treated in the manner in which the original Bill treated them or they are left in the same condition in which the original Bill dealt with them; that is to say, the modified form of Damdupat continues to apply, and if a debtor such as is sought to be helped in this Bill, has paid twice the amount of the principal he has borrowed, in substance his debt is deemed to be discharged; and if he has done less than that, he has to pay only that much in order to get a discharge and in any event, in such cases, the principal is due and the interest is wiped out. The other class of cases, the later debts, that is, debts incurred after 1932, are dealt with in a different way. According to the amended Bill, 5 per cent interest is charged instead of any higher rate that might have been charged in the original obligation, and all payments made are given credit and the debtor is to discharge only the residue. That was the change made in the Select Committee's Report. This is the major difference between the original Bill and the Bill as it emerged from the Select Committee.

“ There have been minor alterations and some of them are of considerable importance. The revised Bill deals with the banks that were excepted, and the Committee felt that the claim of the banks which were not excepted from the operation of the Bill were sufficiently met from the provision made as to payment of 5 per cent interest, in regard to debts borrowed within recent times.

“ Then with regard to the rent, the position was, even in the original Bill, that a tenant, if he desired to claim the benefits of this Bill

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in respect of old arrears, was bound to pay the arrears of the current fasli and of the previous fasli if he had been in arrears, so that the condition in the original Bill made it necessary for any tenant to be a prompt tenant in respect of payment of rent and prove himself as such before he could claim any write-off for ancient arrears. The Select Committee strengthened this position a little bit further and one more step was taken to make it necessary that the arrears for the current fasli of 1347 should be paid up before 30th September next in order that he might be entitled to any of the benefits of this Bill, and that condition being satisfied, he was entitled to pay up the whole of the arrears for both faslis if any such existed, in order that he might claim the full write-off. Otherwise, he would be entitled to a write-off only in proportion to the extent to which he discharged his current liabilities, but it was rather an essential condition that he must discharge fully the current year's obligation in respect of rent if he should ever come in at all for claiming any portion of the benefit. This additional condition strengthens the policy that was adopted in framing the provisions of the Bill, which as I stated was this: that it was to create a new psychology of conduct regarding payment of current dues and to prevent the continuation of the attitude of going into arrears year after year until the law compelled him to have his properties sold or other coercive measures were adopted against him. It was felt by the framers of this Bill that this would enable the landlord to have better tenants and enable the tenants to live better. This attitude of payment of current dues within the right time is an attitude which is very beneficial to all parties concerned and, if it is not prevailing now, that is due to the poverty of the people to a great extent and also due to the desperate condition brought about by the burden of previous arrears which makes them imagine that when probably there is no escape from the position, they need not worry about it at all. It was with this object that the write-off that was proposed by this Bill was coupled with what appear to be hard conditions as far as the tenant is concerned, but which in the long run were intended to help the tenant against himself, even as the write-off is intended to help the landlord against himself. The present change that I referred to which the Joint Select Committee made, strengthens it further by making a beginning absolutely necessary within a tangibly near point of time, namely, before the 30th September 1938, the beginning being the entire payment of the dues for fasli 1347.

“ Much apprehension was felt—at any rate even if it was not felt, it was raised as an argument—that probably all these measures would lead to a tendency not to pay the dues to the landlord and if you mix it with the present political tendencies, might lead to a difficult situation for the landlords. I submit, Sir, that the provisions that are enacted and the form in which the provisions have been made by the Select Committee which have further strengthened the same policy, must be enough to allay all apprehensions in this direction. This was another

A—7

^a Published in the Fort St. George Gazette, dated 4th January 1938.

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change which might be called minor, but I submit it is very important, because it strengthens the policy which must allay to some extent the apprehensions of those who are hit, so to say, by this Bill.

"Then the Committee made other minor or similar changes to which I need not refer in detail, since the Report has been before the people for a considerable length of time by now. But I may just in passing say that there are such small matters, but important matters, as that the payment of the land-cess paid by the landlord will be recouped from the arrears to be recovered from the tenant under the amended Bill; and there are also similar, what may be called, concessions made in respect of certain other matters to which I need not refer, as hon. Members are aware of these changes. Numerous amendments may come up and we may have to discuss all these things once again.

"I move, Sir, without any further remarks—

'that the Bill, as revised by the Joint Select Committee, be taken into consideration.'

* MR. G. KRISHNA RAO:—"Mr. Speaker, Sir, I rise to a point of order. I would like to know if, according to section 299 of the Government of India Act, as the liability of the ryot to pay his rent to the landholder obliterates to that extent the rights in the land of the landholder and his rights have been extinguished by the measure before this Assembly, it is not necessary to have the previous sanction of His Excellency the Governor in his discretion. I would therefore like to know, Sir, if this matter has been brought to the notice of His Excellency the Governor and the full implications thereof explained to him and his previous sanction taken in his discretion?"

* THE HON. MR. C. RAJAGOPALACHARIAR:—"The motion is based upon the proposal of the Government which means His Excellency the Governor also."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Does it include Governor acting in his discretion as distinct from Governor acting as a part of the Government? I believe, Governor acting in his discretion means acting in his own individual capacity apart from the Governor acting as a Member of the Government. I want to know, Sir, if in this matter the Governor has given his previous consent in his discretion and not in his capacity as part and parcel of the Government of Madras presided over by the Hon. the Premier as such partaking on his part will not be tantamount to the Governor acting in his discretion."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I claim, Sir, that the objection is not right. I was only giving information with reference to the question that was put to me in the speech in which the objection was raised; and at the end of it, it was asked whether His Excellency the Governor had given his consent. I claim that the objection is not valid; I also claim that His Excellency the Governor has given the consent even if it was required."

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* MR. SPEAKER:—"The point has been raised whether this Bill received the previous sanction of the Governor, as required by the Government of India Act. The Governor of Madras, on 18th December 1937, appended his signature to the following: 'I give my previous sanction to this Bill.' As such, previous sanction of the Governor has been obtained for this Bill; and the requirement of the section relating to 'sanction of the Governor in his discretion' is fully satisfied by the previous sanction given by the Governor of Madras on 18th December 1937."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"If that had been known before, this controversy would not have arisen at all."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"With reference to the observation . . ."

* MR. SPEAKER:—"The point has been decided and I think further argument is unnecessary."

* MR. R. M. PALAT:—"Mr. Speaker, I beg to move—
'that the consideration by this Assembly of the Madras Agriculturists Relief Bill (L.A. Bill No. 10 of 1937), as revised by the Joint Select Committee, be adjourned for a minimum period of one year.'

12-15
p.m.

"I shall state as briefly as I can the reasons which have induced me to move for the adjournment of the consideration of this Bill. The Joint Select Committee took only three days to consider the Bill and on the fourth day they met, I presume, for the sole purpose of signing the report. The Select Committee made certain important changes in the Bill and we find within three weeks after the publication of the Report of the Select Committee that the Premier himself has given notice of ten amendments. We also find that there are about 250 amendments of which notice has been received in respect of this short Bill consisting of only 27 clauses. I believe this is a record number especially when we see that it is a very short Bill. The reason is not far to seek. The Bill modifies the provisions of various Acts, both Central and Provincial, Imperial Acts, such as the Negotiable Instruments Act, the Limitation Act and Provincial Acts like the Malabar Tenancy Act, the Madras Estates Land Act, etc. These Acts have been the result of a great deal of thought and consideration by various Committees, the members of which were experts in their own line. And now we have this short Bill which affects their scope and operation. The Government is now trying to change all these Acts in a hurry. Some of the members of Government have more than once declared that they are like babies in the art of legislation and one cannot but observe that they are not more than the babies they have described themselves to be, in this very rash attempt to alter these various Acts with the alleged object of expressing their sympathy with the Indian agriculturist. Their want of consideration shows the utter callousness with which they

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are prepared to experiment with the public interest. We have had a number of Acts rushed through this House and here is another, the consequences of which it would be very difficult to foresee.

"I ask whether this Bill will really help the agriculturist. Let us see what the Report of the Agricultural Credit Department of the Reserve Bank of India says:

'A cultivator who is habitually running into debt cannot be saved merely by the grant of lower instalments with lower rates of interest. He must be trained and disciplined to the use of money and if he is living on a deficit economy, attempts must be made to impress his margin of profit.'

In this Bill not only do we see that no attempt is made to train and discipline him in the use of money but he is encouraged to be still more thriftless by the hope created by this Bill that if he manages to get sufficiently into debt, the legislature would always see to it that he started off again with a clean slate, regardless of the reasons that brought him to that situation. This is really doing a disservice to the country, for are we not converting a naturally thrifty peasantry into a thriftless one? The Bill introduces a novel principle that good tenants who have been paying their rents properly and good landlords who have been considerate in their dealings with their tenants should be penalized in favour of bad tenants and bad landlords.

"Again what does the report, I have already quoted, say about the scaling down of debts?

'These are definitely emergency measures justified only by the occurrence of unusual circumstances. Their effect in frightening away credit cannot be minimised but the exceptional circumstances themselves have a similar effect. We have no exceptional circumstance here. This will merely frighten away credit and reduce the borrowing facilities of agriculturists. In a letter addressed by the Reserve Bank to the scheduled banks, the village money-lender is called 'the largest supplier of agricultural credit in India' and it is this very village money-lender that this Bill seeks to penalize. Let us try to consider his reactions to the Bill. The persons who lend money to the agriculturist may be roughly divided into two classes, those who wish to get hold of the lands and those who merely wish to find a good investment for their money. Now what will happen is that the former class will tell him 'Look here, I am also a poor man. With the laws as they are, I may well stand to lose my money if I lend you any. If you sell me your land, I will give you some money. I know that you do not need such a large sum of money as the market price of the land. But considering the risk, you will have to sell me your land for such an amount as I can afford.' The result would be that the agriculturist would be forced to sell. So, instead of creating a satisfied peasantry, you are making them go landless. As for the other class of persons, they will start investing their money in companies and banks which will assure them a stated return. Seeing that India is not sufficiently industrialized to immediately find an opening for all this new capital, this may result in the exportation of their capital for investment abroad in such securities, for instance, as the British Trustee Securities yielding 4 or 5 per cent. We have seen such occurrences follow

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the establishment of socialist Governments in other countries. Even in such level-headed countries like Switzerland and recently in France, we have seen this.

"We have recently seen the Bombay Money-lenders Bill and the Bihar Bill which follows the recommendations of the Reserve Bank. Both these Bills are practical measures—both are Congress Provinces and in neither of them do we see such reckless provisions as in this Bill. Why should we not wait for some time and see what those sane Governments do, because the conditions there are similar to our own. It has been said by the Hon. the Premier that other means of relieving the agriculturist have failed. I consider that this statement is entirely baseless. If one looks at the working of the Agricultural Loans Act, which was only finally amended as recently as 1935, one sees that in fasli 1345, there were 2,089 applications and the debt discharged by the Government was 5.23 lakhs, the debts being scaled down by 20 per cent, while in fasli 1346, there were 13,827 applications and relief was granted to 11,720 persons, the debt discharged by Government being 40.07 lakhs and there was a scaling down of 29.9 per cent, the money actually paid by Government being 28.06 lakhs. The report on the first quarter of fasli 1347 already shows a scaling down of 33.7 per cent. As regards the still more recent Debt Conciliation Act which came into force on 1st January 1937-38 and which has been in force only in a few districts, no one can say for a moment that it has had a fair chance. Further, public opinion as judged from what we have seen from the newspapers which represents the opinion of those that are competent to form an opinion on it, has not expressed itself in favour of the Bill. Of course there were certain resolutions carried in meetings engineered by the Congress.

"The theory advanced by the Premier that the debtors, if they could pay, would have paid as they are good Hindus and Hindu dharma enjoins on them the liquidation of all debts, could as well apply to the creditors, who, as good Hindus, are equally enjoined not to treat any one harshly. So there would have been no need for any law. The Premier should be the last man to quote . . ."

* MR. K. R. KARANT:—"Mr. Speaker, is it in order for the hon. Member to go into the merits of the Bill without adducing any arguments relevant to the holding over of this Bill for a minimum period of one year?"

MR. R. M. PALAT:—"I was saying . . ."

* MR. SPEAKER:—"I thought the hon. Member was going to speak on the point of order. Mr. Palat is perfectly within his rights in dealing with the principles of the Bill in his endeavour to point out to the House why he wants an adjournment of the Bill for a period of one year."

* MR. R. M. PALAT:—"I was saying, Sir, that the Hon. the Premier should be the last man to appeal to Hindu dharma, for he

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himself does not follow it. For at his age, as a Brahman following the Hindu dharma, one would expect him to be in the forests fulfilling the Vanaprasta-asrama and not to be here in this Assembly."

* MR. SPEAKER:—"The hon. Member must remember that he should not make any personal references in this matter. These have no relationship to the subject-matter of the Bill at all."

* MR. R. M. PALAT:—"There is a class of persons who deserve and are in need of relief far more than the agriculturist. I refer to the landless agricultural labourer. Although the original Bill did nothing to relieve him, clause 4 (j) shows that the Select Committee had him in their mind. Evidently they were pressed for time and could not deal with him sufficiently or is it because the agricultural labourer has no vote that he has been neglected?"

"The Banks, except to a very limited extent, are not allowed to collect the debts due to them. How can they repay the hundreds of their depositors? Are they to lose their money? That would be the inevitable result if the banks become bankrupt. There is also the case of insurance companies which have advanced money to their policy-holders on the security of their policies."

"The only class of rents that is affected by this Bill is that due from zamindaris and in Malabar. There is a Committee sitting to consider the former class. Why not therefore leave it to that Committee to find means for relieving the zamindari ryot? Is there any reason why this Bill should be rushed through before the Report of that Committee is in the hands of the Government? As regards Malabar tenantry, we passed the Malabar Tenancy Act only in 1929 after about 12 years of controversy and three or four Legislative Councils sat on it. Considering all this, I think it is too early for the Select Committee within three days to try to alter the law in this haphazard manner. In fact this Bill is so bad that no number of amendments could ever make it acceptable or even passable."

"I would bring to the mind of the Government the warning uttered by Mr. Langley, that they are now setting the country on a course of revolutionary legislation and they will soon find that they could not control either the direction or the speed. Countries which have not slowly evolved democracy but had it thrust on them, have very rapidly degenerated into dictatorships, where all individual freedom has been crushed. We have seen this in Russia and in Italy and we are now seeing it in the Congress Party in this country. Unlike these other countries, there is an utter want of realism in India in that both internal and external peace—the two main functions of every Government—are guaranteed by England, and these so-called patriots are free to carry into effect such hasty and ill-considered schemes as may occur to them. Even there they are being slowly driven out by the more extreme sections among them, I mean the socialists, as instanced by the recent Congress elections

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in Malabar. As in Russia, the so-called intelligentsia is preparing the way despite itself for the taking over by its extremists. So I would again ask the Government to call a halt while there is yet time, before they entirely demoralize the peasantry and make them landless."

"Various countries before and after the French Revolution have tried to find a panacea for the evils from which the peasantry in every country suffers, but the only measure that has met with any degree of success is for the State to come to the rescue and make money easily available in cases of real need, without victimizing a very valuable class of its citizens. For instance, the whole of the present agricultural debt could be consolidated and bonds issued by the State at a low rate of interest. I have also pointed out how successfully the Agricultural Loans Act has been working. Why not combine that with a general issue of bonds instead of trying these spectacular and ruinous methods?"

"It is neither just nor useful to attempt to legislate for the agricultural debtor alone in a country where practically every one is indebted. There is no use in your legislating in haste and repenting at leisure. I, therefore, say it would be well to postpone the consideration of this Bill till the Members of Government find time in the midst of their peregrinations through the country to study what other provinces in India such as Bombay, Begal and Bihar are doing to solve this difficulty."

Khan Bahadur P. Khalifullah Sahib Bahadur seconded the motion.

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Sir, I rise to support the motion moved by my friend, Mr. Palat. As I said during the course of the original debate when the Hon. the Premier introduced the Bill and moved for its reference to the Select Committee, this Bill is fundamentally so wrong in principle and is going to be ultimately so damaging to the whole Province, that any amount of alteration or amendment that this House, or for that matter, anybody else could think of introducing, cannot improve it. And if therefore I support this motion I do so with the full hope that the time thus obtained will give Government an opportunity to take better counsels and redraft the whole Bill altogether. And I am emboldened to entertain that hope mainly by the fact that within the short time that has elapsed since the Select Committee reported, the Government themselves have not been sure of their ground, and so have thought it necessary to introduce amendment after amendment. In fact, an amendment, of which notice has been given by the Hon. Premier, has just been circulated—and some of the Government amendments have been so long that we have not sufficient time to consider their full implications. It has been reported that the Hon. Premier has stated elsewhere that in his opinion the Bill has received an overwhelming support in the country. All I can say is that that is not my view of the matter. Probably the Premier has had sent to him resolutions passed by the various Congress committees, village committees, taluk committees, district committees, all supporting

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wholeheartedly the principle of debt relief to agriculturists. Recently he had himself been to Batlagundu, where a huge mob numbering thousands had collected and had given their unanimous support to the Bill by raising their hands."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I do not think it was a mob that was gathered there." (Laughter.)

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I beg your pardon, I did not mean any offence; I only meant a huge crowd numbering thousands. Anyway the response that the Premier received to his query about the reception of the Bill was demonstrated by the lifting of hands by the people that had gathered at Batlagundu; and I believe from the experience the Premier has had of public life, and from the experience of other leaders in public life, one ought to realize how easy it is to canvass support of this type. When men are elevated to Premiership or Ministership . . ."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I suppose you had it when you were in office." (Laughter.)

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Yes, I had it."

* MR. SPEAKER:—"The hon. Member need not reply to cross-conversation."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Thank you very much. I only wish to say how easy it is for gentlemen opposite occupying their position, the position of leaders of parties, to trust to persons assembled there with a pre-determined purpose to lend support to those in authority by raising a huge cluster of hands in support of any measure, however preposterous it may be, sponsored by those in authority. I can only say, that whatever the gathering at Batlagundu might have said, the agriculturist, as such, does not want the Bill. In support of it I will quote the 'Mirasidar' of Tanjore. I believe, if there is one organization in the Province which can speak on behalf of the agriculturist, it is the 'Mirasidars' Association' of Tanjore. If there is an organ which has made itself heard and felt on behalf of the agriculturist, it is the 'Mirasidar.' Just recently, this organ has stated that this Bill is one which is not calculated to benefit the agriculturist. You claim, Sir, to benefit the agriculturist and I say, the agriculturist does not want it. Perhaps some of the richer, more well-to-do people and therefore more capable of paying off their debts might welcome it, for this reason: that they may be relieved of a few lakhs of their just dues. I am talking of the ordinary agriculturist cultivating a few acres and eking out his living with the aid of that. He is in debt, he has got to pay off the debt, he feels the terms on which he holds his land give him a chance of releasing himself from the debt. That being so, let us not by this measure demoralize him. It is on that principle mainly, Sir, that I say that this Bill should not be placed on the statute book. As I said if this Bill is put off for a year, I hope that better counsels will prevail with the Government and that we might realize that a measure of this

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sort, which is expropriatory in character, which deprives people of their rights is not desirable—I see the Hon. Revenue Minister laughing; all I can say to him is that if he more than anybody else is to be expropriated, then alone he can realize the situation; or for the matter of that, supposing a portion of the revenue he expects to get this year is lost, he will be then at his wit's end as to how to make up the deficit. Thus, in such a contingency, if Government cannot do it, much less can individuals do it.

"Sir, you would have heard that Bombay has introduced a Bill of this character. Report shows how impartial it is. It is also a Congress Government. I do not see any reason why our Premier should push through this drastic measure and drive this Province to destruction. Let us not take his lead in this matter; let us follow the lead given by Bombay. Let Madras follow the other Provinces if need be. The Bombay Government fully realize that there are two methods of affording relief, one, by conciliation, and the other by coercion. Coercion, they say, ought not to be resorted to. Why not we adopt conciliation? You say conciliation boards are not adequate. Let us wait for a period of twelve months, and then let us try some other method by which we can afford relief to all, instead of giving relief to a few by taking away the interest of all other people. It is for this reason that I support the motion of Mr. Palat."

MR. ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, I do not think that there is any Member in this House, who disagrees with the principles of this Bill, and who is of the opinion that the time has not come when some effective relief should be given to the agriculturists with regard to the burden of debt. The amendment before the House is calculated to put off the consideration of the Bill indefinitely. Although some of us do not agree with the Government in the way in which they are carrying on with the Bill, i.e., in a hurried and speedy manner, we are anxious that every point of view should be given due consideration not only by this House but by the Select Committee, even if the Bill is to go back to it once again. All the same, we believe that this Bill is calculated to do good to the agriculturist, and therefore we feel that this measure should not be put off indefinitely. Arguments were advanced against the passing of this Bill now. Although they appear to be plausible with reference to the Bill as it is framed, yet we feel that if this were delayed, the Bill is of such a nature, that instead of doing good it would do a good deal of harm; and so I do not agree with the arguments for the postponement of the consideration of this Bill.

"I know that this Bill will affect a certain class of people while helping another class. It will be impossible for any Government to bring any piece of legislation which will help all classes of people all at once. Therefore, Sir, I do not think that we can be a party to any motion, which will put off indefinitely the consideration of this Bill, for we know, that already the effects of this Bill are being realized by

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the parties which are affected in both ways, i.e., those that are affected adversely, and those that are affected favourably. Such of those that are affected favourably will stand to lose if this measure is put off indefinitely. For those persons who are interested in this matter and those that stand to lose by this Bill, will prepare to make arrangements which will once for all make it impossible for any Government to bring any legislation which will effectively give relief to the agriculturist. Therefore, I hope, Sir, the hon. Member from Malabar, who has moved this motion will withdraw it and I think he will certainly be well-advised if he agrees to the whole of this Bill being referred back to the Select Committee, so that the numerous amendments that are now before the House including those of the Government can be given the full consideration that they deserve."

12-45 p.m. * MR. W. K. M. LANGLEY:—"Sir, I am not quite clear if I am to speak on the amendment of Mr. Palat. I expected that Mr. Hameed Khan would be moving his own amendment, but he seemed only to be opposing the first one."

* MR. SPEAKER:—"The hon. Member is asking whether he can speak on the amendment of Mr. Palat or on the main motion. As Mr. Hameed Khan has opposed the amendment, the hon. Member Mr. Langley may speak on it."

* MR. W. K. M. LANGLEY:—"Thank you, Sir. I really have very little to say as we have already expressed our views in connexion with this Bill when it was originally brought forward by the Hon. the Premier and we cannot say that in its passage through the Select Committee it has been materially altered in any way. Therefore we have very little to say at this particular juncture. But, as I hope that Mr. Palat will be pushing his amendment to a division, and as we must inevitably take part in such a division if it takes place and a vote, it would not, I think, be proper on our part that we should give a silent vote. I therefore wish to explain quite briefly our position at the present moment."

"Now, I wish to give the Hon. the Premier the fullest possible credit for the considerate way in which he has so far dealt with all the opposition—and it is an enormous opposition—to this Bill. He accepted a number of amendments in the Committee and has himself put forward further amendments which, to some extent, may be said to improve what, I am afraid, is an unimprovable Bill. We have also a number of amendments on paper. But I feel that the Hon. the Prime Minister, with all his kindly thought for the Hon. the Opposition, is rather in the position of the Inquisitor in the time of the Middle Ages. The pillar is still there and the screw is still on the rack (Laughter). Now, it cannot be doubted by anybody who reads the papers, that, in addition to the very large representative institutions which we ourselves represent at the present moment, the public opinion of this country is very largely reflected in the press. I think even the Prime Minister

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himself must admit that practically the whole of middle class and tolerably well-to-do opinion in this country is opposed to his Bill and, surely, anything which clashes with the reasonable interests of the middle classes of this country who have their small investments mostly in land—that being the only investment which is generally understood in this country—must not be attempted. Everywhere the serious concern of the Governments has been the securing of employment for the middle classes, because it is well understood that a well-established middle class is a guarantee of the stability of any country. Now, I maintain that the provisions of this Bill are sweeping away practically with one stroke, the legitimate interests of the important middle classes. I therefore feel that we must oppose this Bill as it stands in the interests of this important body."

"Now, as I have remarked, I maintain that the Hon. the Prime Minister has ranged against him the great mass of moderate opinion in this Presidency, and of the small investing class, and naturally also the large investing classes. But it is the small investor who is going to be most hit by this Bill, and I think it cannot be denied that at the present moment the Hon. the Prime Minister is fighting a rearguard action. Well, no doubt with that Napoleonic skill which we know so well, he will turn his rearguard action into resounding victory and will carry his Bill without the slightest difficulty. But that actually will be a Pyrrhic victory and will stimulate opposition in this Presidency which I for one would deplore. I feel that at the present moment the present Government is the only possible Government for this Presidency and it is deplorable that they should alienate public opinion to such an extent as they are doing in connexion with this Bill."

"The other point I wish to make is in connexion with the question of credit. I know I am treading on delicate ground. I know the Hon. the Prime Minister's strong views on the subject of interest and credit generally. But the fact remains that the biggest industry in the country, agriculture, cannot possibly do without liberal supplies of credit. Now, Mr. Gladstone, many years ago in the House of Commons I think, described credit as an extremely delicate plant which you have to constantly watch and feed and keep in as healthy a condition as possible, and if you do not tend it and encourage it in every way, it is a plant which is apt to wither and decay almost in the night. That view has been expressed most tersely by people in the United States where there is a well known expression that 'there is nothing so shy as a million dollars.' I am perfectly competent to speak, and I speak with some experience, of agricultural credit in this country of a particular kind when I say that this Bill will undoubtedly affect seriously the credit of this Presidency and the credit which agriculturists might be expected to enjoy. If the Hon. the Prime Minister ever wanted an excuse for abandoning this Bill, surely it would be found in a recent report, and a very important report, made by the Reserve Bank on the subject of agricultural credit and the methods of

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be adopted in order to provide the necessary capital for the development of agriculture which is the most important question now confronting us in this country. I have not got this report by me unfortunately, but I remember distinctly the very important paragraph in the early part of it in which it most definitely laid down that the scaling down of debts was not a permanent remedy whatsoever in connexion with the supply of credit for agriculture; in other words, it is,—I must once again apologise to my hon. Friend Mr. Abdul Hameed Khan for returning to his analogy—like giving a temporary stimulus through the veins by means of an injection which will wear off in practically no time and the patient will then be not only no better, but probably distinctly worse. I appeal to the Hon. the Prime Minister to recognize that surely a body like the Reserve Bank must have more closely and carefully considered the whole question of agricultural credit than his own Government would have been able to do since they came into office; and he should, surely, in the face of that important report by the Reserve Bank, send back this Bill for further consideration. That is why I strongly support my hon. Friend Mr. Palat in his proposal that this Bill should be taken up for consideration a year hence."

* MR. SPEAKER:—"The question is—

'that the consideration by this Assembly of the Madras Agriculturists Relief Bill (L.A. Bill No. 10 of 1937), as revised by the Joint Select Committee, be adjourned for a minimum period of one year.'

"If Members do not rise, there will be no chance of their speaking at all. I shall put the amendment to the vote of the House."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Could I make a representation to you?"

* MR. SPEAKER:—"I rose to put the motion to the House only after I saw nobody rising to speak after Mr. Langley."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Could I make a representation to you?"

* MR. SPEAKER:—"Though I have risen to put the motion to the House, I will give the Leader of the Opposition an opportunity to have his say."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, I am thankful to you for this indulgence shown to me."

"It is an established custom that on an important amendment like this unless the Hon. the Premier or the Minister in charge of the Bill chooses not to reply—this is not a minor matter which does not merit a reply—I think the Members of the Opposition particularly, and I have no doubt also all the Members of the House, would be very anxious to know the views of the particular Minister concerned. I would certainly request you, Sir, to see, as is usually the case, that

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Members of the Government make a reply. Though in this case no Member has risen from his seat, the convention is that at the end of a debate the Member in charge always replies. I wish only to make an appeal to you that the House should not be denied the opportunity of knowing the views of the Hon. the Prime Minister who is in charge of the subject."

* MR. SPEAKER:—"After the speech of Mr. Langley was finished, I glanced very carefully all over the House and saw none, including the Hon. the Premier, rising. Therefore I was obliged to get up and put the amendment to the vote. Since representation has been made by the leader of the Opposition that the Premier who is in charge of the Bill, might be called upon to give a reply on behalf of the Government, I request the Premier to rise and speak."

* MR. K. KOTI REDDI:—"May I say that on an important matter like this. . ."

* MR. SPEAKER:—"I have called upon the Premier to reply."
(Laughter.)

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. Speaker, I must apologise to you for not having been prompt in getting up as soon as Mr. Langley sat down. I was not quite sure that some other Members would not get up and I thought it would be indelicate on my part to make a sign as if to get up when possibly other Members were getting up. All the same I should have been prompt and should have caught the eye of the Speaker. But, at the moment, I may mention that I was looking over the pages of an important document Mr. Langley referred to. I was therefore to some extent responsible for thus compelling the leader of the Opposition to come to my assistance."
(Laughter.)

"Now, coming to the main reason why I desire to speak, I must say that I feel it would be somewhat of a discourtesy if I did not reply, even as Mr. Langley thought that it would not be right for him to merely participate in a division without speaking, especially since so many attractive metaphors were made use of by Mr. Langley. I feel that even the House may like to know how those metaphors react upon me. It may be useful at any rate to restore some amount of confidence and dispel the dreams of the inquisition and all those terrible things to which Mr. Langley referred."

"Even now if the things that are contemplated by this Bill are so 1 p.m. bad, let me ask the hon. Member to take it from me that, while he was describing the screw, the rack and all the apparatus of the old inquisitorial system of torture, my mind went back to this Bill, and to the debtor and creditor, and that there was much more to-day between the creditor and the debtor that had to be considered than the screw, the rack and all the other apparatus that are set up between inquisition and torture. I think I may take this House to the other and more pleasant

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figures of speech through which we were taken, the charges and the rear-guard operations of Napoleon and Pyrrhic victories and so on. I am not thinking of any such things nor am I really doing any such things. I was only saying that he said that I showed a little amount of consideration. I did not mean that any Member was manoeuvred in my consideration; nor am I worried as to what kind of victory we are going to get, whether it is going to be not merely a Pyrrhic victory but also a substantial one. All that I really want is that something should be done for the welfare of the people and some consideration should be shown for those who think otherwise and who differ from us. Whether it is going to be one kind of victory or another, it does not materially matter, and I even go further and say that I take Mr. Langley's advice in all seriousness. I take it it was a great mark of good will on his part. He repeated again what he said the other day, viz., that this Bill is going to be the death warrant and this Government is going to break upon this very bad measure. He said 'you are only going to do harm to the middle class people who have been getting on all these years with some little resources; you really will have people hereafter who will go a-begging for their credit and you are as unwise in shutting the creditors; don't do it.' So he repeated what he said the other day, and with a little more explanation he said 'it would be a death warrant.' To-day he said 'it would spell disaster' and he would deplore it because he wants this Government to go on for some time longer, if not for all time (Loud-Laughter), and I take cent per cent of that expression as an expression of good will. But let that not confuse us. If even Mr. Langley could give us a word of good will, I am sure the rest of the people of this country will give us equal good will. If Mr. Langley even now says 'I oppose this Bill because I want you to go on for some time.' I say 'I know my mind better and my people will support me.' They know why we are doing this. They know that we are not actuated by malice towards any one and even if we go wrong, they know that the Assembly is anxious and the Government are powerful enough to correct all these things. Therefore I think this question should not be solved from that point of view. No Member on the Opposition or on the side of the Government should base his decision on the ground that any delay in postponing the consideration of this Bill will help the continuance of this Government. That is not the right way. At least let my Friends on the other side understand that issue. If they think the postponement of the consideration of this measure will be an advantage to one political party or another, then I think we will all go wrong, not only the Government but even the Opposition. If they begin to examine the question from that point of view, I submit through you Sir, that it is not right and that we should not decide it merely on the ground of political expediency of whether we continue in power or not. I feel that this measure is necessary and it has to be passed. It was said that this would be a death warrant and Mr. Palat repeated the same.

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I once for all say that no Member of the opposition need think that any warning of this kind will divert us from the path we are going to adopt. I did not expect this kind of warning but I expected some arguments in favour of their position. . . ."

* MR. R. M. PALAT:—"What I said was that this measure if passed, would be a death warrant to any stable Government or the party in power. I was not concerned with the present Government."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"It does not matter whether he referred to the present Government or the party in power. I think when Mr. Palat referred to what Mr. Langley said, he referred to this point. I do not know why he referred. There is no difference as to whether Mr. Palat meant the one thing or the other. What I say is, political loss or gain will not affect us. I am clear about it and I want to make it clear to the House as much as possible. There is a relevant motion before the House and Mr. Palat said that the consideration of this Bill can be put aside for a year, so that the people may understand and correct the errors of the Bill. That is the main issue on this amendment. I say that if this Bill is bad, it is better that it is passed at once. I say if the death warrant is to issue, let it issue now since it is wrong to keep a condemned man unhanged for a year. It is wrong to get it postponed if it is like that. Let it be decided now once for all. My point is that all the arguments that have been advanced show that this Bill should not be adjourned, but that it should be disposed of straight-away. This Bill cannot be amended by any process of alteration or correction. Therefore it is that it should not be postponed. What is the good of postponing? It is like saying 'I cannot cure the patient now, but I will come to him and attend to him after a year.' Figures of speech were utilized for the manner in which the stimulus is given. I think in spite of all that has been said by Members, all the surgeons who restore the patients really do not depend so much upon the stimulus or the medicine they give as the natural strength and power of revival of the patient. So, even the agriculturists of our country, who have been thriftless will correct their ways. It is no use saying that they will never correct themselves nor will these temporary measures give them any benefit.

"Reference was made to the Reserve Bank's Report and it is not perhaps quite right for me to make comments on that. But I think I am entitled to say that it is a sound lecture, but that it makes no advance. I do not think there is anything wrong in what they say. At the same time that does not help us at all. Mr. Langley was reading from some other document. It was just the thing I was reading at the time. This is what the Bank's Report says:

'It is only natural that money-lenders both good and bad should dislike the new restrictions imposed on them and the impression that recent debt legislation has resulted in a contraction of credit of the agriculturist is probably true. In areas where such legislation is in force it is said that money-lenders have discontinued lending except to old and trusted clients or their own tenants and

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have restricted their loans to the minimum. But though this has probably caused some hardship to the cultivator, it has been an unmixed evil. It has taught him to try to live within his means and so far there are no complaints of land remaining uncultivated for want of finance.

"I submit therefore, that even now I do not believe that lands will remain uncultivated. I do not believe the peasants will go about the bazaars asking for the loan of the seed. I do believe that neighbours will help them. I know my countrymen. They do not go about and buy seed like that. I think some other document to which reference was made dealt with loss of credit. In another paragraph the Reserve Bank report says:

'If statistics could be collected it is more than probable that it would be found that the flow of agricultural credit had become impeded as soon as the depression started, and before protective measures for borrowers came under consideration.'

"I know, and all people who have been living in the countryside know, that they cannot command credit. It is already frozen. People are not depending upon mere possibilities with regard to credit situations. I therefore submit there is nothing intrinsically wrong in the way of giving temporary remedies. Everybody knows that the mere scaling down of debts does not save the man all the time. What we claim is that these temporary measures will help him to gain wisdom and if, possibly, the burden is removed to some extent, he will be able to make his own reclamation.

"Then it was said 'why not follow Bombay?' Now Bombay has come in handy. Mr. Pannirselvam and others referred to the measures adopted by the Bombay Government and asked us that, as Bombay also has a Congress Government, we might follow their policy. Am I to follow Congress Government alone? I may follow any Government if it shows me the way. I may not follow the Congress Government if that cannot succeed. The real point that I want to mention through you is that Bombay can well afford to be moderate. When we have taken the first step, if the creditors and money-lenders in Bombay know that they do not succeed by means of Conciliation Boards, what is being done in Madras may come very well to be one and indivisible and all the Congress Governments may make experiments. If I beat my child, and if my neighbour looks on while I am beating my child, it is not necessary that my neighbour also should beat his child. It is like that. What we are going to do here is going to serve not only us, but also other Provinces, if conciliation proves ineffective. So it is no use referring us to Bombay. I have asked my Bombay friends not to proceed with this matter beyond conciliation. I have told them I am giving the sanction from here and that they need not go further at all. But these things are not very important. The world is proceeding together all along and all parts of it also proceed with it. If we pass legislation here everybody is going to be profited by it. It does not matter whether the particular piece of legislation that we pass here is in Bombay or not.

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"My Friend, Mr. Palat, referred to the capture of certain seats by the socialists in certain institutions in Malabar. I ask him to think over it. (Loud laughter.)

"I ask hon. Members on the Opposition to think over these changes 1-15 that take place not only in Malabar but in other places also. We set ^{p.m.} it in Malabar now, and later on it is going to take place in other places also. What is the reason for it? Is the remedy to throw out the Bill or put it off for one year? I submit not. More Congress organizations will be captured by the socialists in Malabar if we put it off for one year. I promise. Sir, I submit there is no reason whatsoever for putting off this thing. If this Bill is bad, let it be disposed of now. We do not think it is bad; we think it is good. It did not occur to me, to the hon. Members of the two Houses assembled in their large proportions and to the Members of the Joint Select Committee that the Bill was bad.

"My hon. Friend Sir Pannirselvam referred to the ease with which we can get support from the public. Am I not popular? Was I not popular? Yes, but have not people put up letters in the press all over the country absolutely and strongly opposing the Bill? I submit, Sir, that we are not such poor sheep as Sir Pannirselvam describes our country to be. They do not follow people because they are in position or because they are in power or because they are leaders. Does it need great courage for a man to write a letter to the press against the Government in power? Does it need great courage for a man not to raise his hand when he is sitting in front of me? I say that the letters in the press which have appeared on behalf of certain classes who have a grievance are evidence to show that no one need charge anybody with simply intimidating or using his influence over others or misleading himself by his own influence. We are honest enough, straight enough, brave enough to express our opinions. There are some people who do not like this Bill and who have expressed their opinion. But I repeat what I have said elsewhere that the whole country is supporting this Bill. If it is not, either I must be a great fool and the Members of this Government must be great fools or they are riding for a fall or signing their death warrant. Let them. We do not mind. It is the best thing we can do to ourselves and to the House to rid the Assembly of ourselves. I submit, Sir, that to say that the country is against this Bill is not correct. But if it is correct, it is better that we do not govern. Therefore, Sir, I submit that this Bill should not be put off but should be discussed and passed. And let us reap the benefits of it or the evils of it. It should not be kept hanging. This, Sir, is a measure which deals, as was pointed out, with credit which concerns the every-day life of the people and it should not be kept hanging like that. It is bad enough to suffer delays that were necessarily gone through in working the democratic machinery in a matter of this kind, but it is not right to delay one minute longer than it is necessary to delay. Therefore, Sir, I plead that the House should reject the motion for the adjournment."

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The amendment of Mr. R. M. Palat was put and declared lost.

MR. R. M. PALAT demanded a poll. The bell was rung.

* MR. SPEAKER:—"I suppose hon. Members have occupied the seats allotted to them. I shall now put the question to the vote of the House. The question is . . ."

MR. ABDUL HAMEED KHAN:—"On a point of order, Mr. Speaker, I should like to draw your attention to the fact that after you have ascertained whether hon. Members have resumed their seats and begun to put the question to the House for the purpose of taking a division, one hon. Member has entered the House. I should like to ask whether it is in order."

MR. SPEAKER:—"The hon. Member has been too late in drawing my attention. I have not seen the hon. Member who entered." (Laughter.)

The amendment was put to the House and while names of hon. Members were being marked on the division list by the Secretary it was pointed out that Mr. K. Bhashyam Ayyangar's name had been omitted.

* MR. SPEAKER:—"Is the hon. Member Mr. Bhashyam Ayyangar in his seat?"

MR. K. BHASHYAM AYYANGAR:—"No, Sir, because it has been already occupied by another."

* MR. SPEAKER:—"I think the hon. Member should occupy his own seat. He will go to the seat allotted to him. Hereafter I request hon. Members to keep to their seats invariably whenever they come to the House. The practice of hon. Members changing their seats is causing great trouble and inconvenience to themselves. On a previous occasion it was specially noticed that a lady Member of the House had to search for another seat because her seat had been occupied by a gentleman Member. (Laughter.) It was a great inconvenience to her."

The taking of the poll was continued and finished with the following result:—

Ayes.	
1 Jamedar Adimoolam.	113 Mr. J. Raja Rao.
2 Diwan Bahadur A. Appadurai Pillai.	14 " G. B. Roade.
3 Mr. B. Bhaktavatsalu Nayudu.	15 " Dr. M. J. Samuel.
4 " E. M. D'Mello.	16 Mr. K. C. Senthariishi Reddiyar.
5 Khan Bahadur P. Khalif-ullah	17 " G. E. Walker.
Sahib Bahadur.	18 Zamindar of Bodinayakkanur
6 Mr. G. Krishna Rao.	(T. V. K. Kamaraja Pandiya
7 Kumararaja Muthiah Chettiyar of	Nayakar).
Chettinad.	19 Zamindar of Chemudu (V. V. S.
8 Mr. W. K. M. Langley.	Narayana Gajapathi Raja
9 " J. Nuttall.	dur).
10 " G. L. Orchard.	20 Zamindar of Mirasuram (Sri Raja
11 " R. M. Palat.	Meka Venkatarajalakshmi Rao
12 Rao Bahadur Sir A. T. Pannirsel-	Bahadur).
vam.	

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Noes.

1 Mr. Abdul Hameed Khan.	62 Mr. R. S. Manickam.
2 " K. Abdur Rahiman Khan.	63 " M. Marimuthu.
3 " P. Achuthan.	64 " R. Maruthai.
4 " P. M. Adikesavulu Nayakar.	65 " Mir Akram Ali.
5 " Ahmad Thambi Muhammad	66 " P. K. Moideen Kutty.
Mohideen Maracair.	67 " K. S. Muhammad Abdul Kadir
6 Srimathi G. Ammanna Raja.	Ravuttar.
7 Mr. B. Anantachar.	68 " Muhammad Abdur Rahman.
8 Srimathi Anjalai Ammal.	69 " K. Muhammad Rahmatullah.
9 Mr. N. Annamalai Pillai.	70 The Hon. Mr. V. I. Muniswami
10 " Mathu. Kr. Ar. Kr. Aruna-	Pillai.
chalam Chettiyar.	71 Mr. B. S. Murti.
11 " M. Bapineedu.	72 " K. A. Nachiyappa Gounder.
12 " M. Bhaktavatsalam.	73 " A. Pl. N. V. Nadimuthu Pillai.
13 " K. Bhashyam Ayyangar.	74 " S. Nagappa.
14 Sriman Y. V. A. Bhaskara Rao	75 " N. Nagaraja Ayyangar.
Mahasayo.	76 " S. Nagiah.
15 Mr. V. Bhuvarahan.	77 " D. L. Narasimha Raju.
16 " P. Buchappa Nayudu.	78 " P. L. Narasimha Raju.
17 " K. Chandramouli.	79 " C. Narasimham.
18 " G. Chelvapathi Chetti.	80 " V. V. Narasimham.
19 " O. Chengam Pillai.	81 " D. Narayana Raju.
20 " S. Chidambara Ayyar.	82 " K. V. Narayana Rao.
21 " P. Chinnamuthu.	83 " M. G. Natesa Chettiyar.
22 " M. P. Damodaram.	84 " P. Natesa Mudaliyar.
23 " M. Doraikannu.	85 " C. Obi Reddi.
24 " A. R. A. S. Doraiswami Nadar.	86 " V. C. Palaniswami Gounder.
25 The Hon. Mr. V. V. Giri.	87 " V. K. Palaniswami Gounder.
26 " B. Gopala Reddi.	88 " M. Palham Raju.
27 Mr. Govinda Doss.	89 " O. R. Parthasarathi Ayyan-
28 " C. K. Govindan Nayar.	gar.
29 " V. J. Gupta.	90 " P. Pedda Padalu.
30 " S. Guruvulu.	91 " K. S. Periaswami Gounder.
31 " N. Halasyam Ayyar.	92 " K. Periyaswami Gounder.
32 " H. S. Hussain.	93 " M. P. Periyaswami.
33 " D. R. Isaac.	94 " V. R. Perumal Chettiyar.
34 " K. Ishwara.	95 " B. Perumalla Nayudu.
35 Mrs. Jebamoney Masillamoney.	96 " R. Ponnuswami Pillai.
36 Mr. A. Jagi Nayudu.	97 The Hon. Mr. T. Prakasam.
37 " A. K. Kaderkutti.	98 Mr. R. Raghava Menon.
38 " D. Kadirappa.	99 The Hon. Mr. C. Rajagopala-
39 " K. Venkata Rao.	chiar.
40 " A. Kaleswara Rao.	100 Mr. B. Raja Rao.
41 " K. Kamaraj Nadar.	101 " A. K. A. Ramachandra Red-
42 " E. Kannan.	diyar.
43 " K. R. Karant.	102 " R. B. Ramakrishna Raja.
44 " A. Karunakara Menon.	103 " T. N. Ramakrishna Reddi.
45 Mrs. Khadija Yakub Hasan.	104 " D. Ramalinga Reddiyar.
46 Mr. K. Koldavelu Nayanar.	105 " A. Ramalingam.
47 " K. Koti Reddi.	106 The Hon. Mr. K. Raman Menon.
48 " G. Krishnamurti.	107 " S. Ramanathan.
49 " L. Krishnaswami Bharathi.	108 Mr. D. V. Ramaswami.
50 " K. Kulasekaran.	109 " K. S. Ramaswami Gounder.
51 " P. S. Kumaraswami Raja.	110 " V. M. Ramaswami Mudaliyar.
52 " K. Kuppaswami Ayyar.	111 " N. G. Ramaswami Nayudu.
53 " V. Kurmayya.	112 " N. Ranga Reddi.
54 Srimathi A. V. Kuttimala Amma.	113 " G. Rangayya Nayudu.
55 Mr. O. Lakshmanaswami.	114 " J. L. P. Roche Victoria.
56 " P. Lakshmanaswami.	115 Mrs. Rukmini Lakshminipathi.
57 Mrs. Lakshmi Sankara Ayyar.	116 Mr. Saiyed Ibrahim.
58 Srimathi K. Lakshmi Ammal.	117 " K. Sakthivadivelu Gounder.
59 Dr. N. Lakshmi Devi.	118 " M. A. Salam.
60 Mr. P. Madharasa.	119 " V. J. Samu Pillai.
61 " Mahboob Ali Baig.	

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Noes—cont.

120 Mr. L. Sattanatha Karayalar.	140 Mr. N. S. Varadachariar.
121 Khan Sahib K. A. Sheik Dawood Sahib Bahadur.	141 " C. J. Varkey.
122 Mr. V. S. T. Sheik Mansoor Tharaganar.	142 " A. Vedaratnam Pillai.
123 " A. B. Shetty.	143 " S. V. Venudaya Gounder.
124 " K. Shanmugam.	144 " G. Venkanna.
125 " K. A. Shanmuga Mudaliyar.	145 " Gopavaram Venkata Reddi.
126 " B. T. Seshadriachariyar.	146 " Grandhi Venkata Reddi.
127 " H. Sitarama Reddi.	147 " K. Venkata Reddi.
128 " K. Sitarama Reddiyar.	148 " P. T. Venkatachari.
129 " J. Sivashannugham Pillai.	149 " B. Venkatanarayana Reddi.
130 Sri Raja Vasireddi Durga Sadasiveswara Prasad Bahadur Manne Sultan.	150 " S. C. Venkatappa Chettiyar.
131 Mr. D. Srinivasa Ayyar.	151 " R. Venkatappa Nayudu.
132 " P. S. Srinivasa Ayyar.	152 " K. Venkatappayya Pantulu.
133 " P. Subbiah.	153 " P. Venkatarama Ayyar.
134 " C. P. Subbiah Mudaliyar.	154 " R. S. Venkataramiah.
135 " A. Subrahmanian.	155 " B. Venkatarao Baliga.
136 " K. V. R. Swami.	156 " R. Venkatasubba Reddiyar.
137 " P. Syamasundara Rao.	157 " V. Venkatasubbayya.
138 " V. S. R. M. Valliappa Chettiyar.	158 " T. Viswanatham.
139 " K. Varadachariar.	159 " K. P. Yagneswara Sarma.
	160 The Hon. Mr. Yakub Hasan.
	161 Zamindar of Challapalli (Zabdatul Aqran Sreeman Rajah Yarlagaadda Siva Rama Prasad Bahadur Zamindar).

Neutral.

- 1 Mr. Basheer Ahmed Sayeed.
2 " T. T. Krishnamachariar.
3 Rao Bahadur M. C. Rajah.

4 Khan Sahib V. K. Unnikammoo
Sahib Bahadur.

Ayes 20. Noes 161. Neutral 4.

The amendment was lost.

The House then adjourned for lunch.

After Lunch (2-30 p.m.)

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—" Mr. Speaker, Sir, I rise to move the amendment, notice of which I have given. It reads thus:—

'that the Bill be recommitted to the Joint Select Committee for further consideration.'

" When I get up to move this amendment, I do so in all seriousness and sincerity. First of all, I should like to remind the House that hon. Members sitting on this side of the House have for the last few months not been obstructive or objecting merely for the sake of objecting. Our criticisms whenever called for have always been directed only according to exigencies of circumstances. Sir, the Opposition, when they can see eye to eye with any Government measure, have been giving their wholehearted support to the Government. The view of the Opposition always depends on the particular motion before the House.

" Before I come to the Debt Relief Bill, I would just say a few words as to how this came about. First of all, the Moratorium Bill was brought forward. Within a few days of the publication of the Bill, a

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great deal of public opinion was concentrated on the Bill. We are lucky in this Presidency; the concentration of public opinion is a great asset particularly to the Members of the Opposition. I shall refer to the Opposition only and not to the Government, because they have such a large number of members and they are able to command much man-strength. We, who are few in numbers, have got the great additional advantage of much public opinion coming from all sides. Thanks to public opinion, thanks also to the good way in which the Hon. Premier and his Government acceded to public opinion, the consideration of that Bill was dropped.

" What we laymen thought was that the new Bill should be a Debt Relief Bill. We thought that it would be a Debt Redemption Bill. I find that it is not a Debt Redemption Bill but a Debt Scaling Down Bill. I think the Bill should not be called Debt Relief Bill. The word 'relief' should not be there. Though I have been away from Madras, I have been closely watching the proceedings of this Assembly during the last session which were very interesting.

" The report of the Select Committee is now before us. The problems that are involved in the Bill are very complex. Very eminent lawyers have been telling me that each clause is more than a Bill and each clause is a machine; it will be found to be so if it is put into effect. I have a hazy recollection of the words used by the Hon. the Premier when he moved the Bill, that he did not want to give much discretion to courts in this matter. He wanted to provide definite rules in the matter. But I am afraid, Sir, that the new Bill which is before the House is one which will enlarge the work of the courts, whether it be the present courts or whether it be new courts which are sought to be established by the name of tribunals. The Bill is not at all simple. If it was only a simple scaling down Bill with money relief being given by the Government, it would have the unanimous support of this House. For, I can say that we are ourselves anxious to join with whomsoever it is, to give relief to our agriculturists. When I say 'agriculturist,' I do mean the real agriculturist who lives on the land, who depends for his living on the income that he derives from land alone and not from any other source. As it would have been seen from the voluminous criticisms that have been offered, the Bill is very defective in many respects. May I say that most of the major clauses are very defective? I do not want to take up the time of the House by going into details now, except to say that very well-informed criticism has been offered on this occasion, thanks to the two powerful dailies of our place, the *Hindu* and the *Madras Mail*; they have greatly helped to focus public opinion on this matter. It has been based on the main ground that the Bill is confiscatory in nature and discriminatory in its scope and subversive in principle. If the object of the Bill was merely confined to giving relief to the agriculturist, it would have been a simple matter. The Bill has very many wide arms and the persons who are going to be affected adversely are the agriculturists themselves as I shall presently show.

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The Bill as it is before us, is seriously objected to just because, as my hon. Friend Mr. Langley pointed out, thousands of agriculturists who come from the middle classes would be adversely affected by it. I would go further and say that it is not only the middle classes but also neighbouring villagers who depend upon agriculture as their profession are going to be adversely affected. Statistics have been published in the Banking Enquiry Report and in other reports which go to show that the creditor class is not the money-lending class alone. I am right in saying that there is a considerable number of persons in the village whose main profession is connected with land, who, at the same time, have been thrifty, who have saved some money, invested it on lands or have advanced loans to neighbouring villagers. What happens to them all now, is the question. Is this not a Bill which is very discriminatory in its scope? It is not fair that this Bill should give relief either to those who do not require it or deserve it or to some at the expense of others. If the Bill is confined to those who are in need of help really, then it would be a simple matter. Even the upper limit that was found in the Moratorium Bill is not found in this Bill. I do not see any reason why the Government should not accept the simple principle that the beneficial provisions of the Bill should apply to the man who tills the soil, to the man who derives his income from agriculture, to the man whose main living is dependant on his income from agriculture. That would solve the problem; it would be simple and quite enough.

"Sir, this Bill is also very unique in not taking into account the capacity of the debtor to pay. There are several debtors who are richer and who are in a better position than the creditors themselves. Is it not therefore necessary to see that those who can afford to pay do not escape? I would like to know from the Hon. Premier representing the Government, why the man who is in a position to pay, should be allowed to escape. I do not think it will be the intention of any Assembly to allow the man who can afford to pay, to go scot-free; we should attempt to give relief only to the needy.

"Sir, I think there is a wrong conception with regard to the position of the creditor. As I stated just a few minutes ago, the creditor is not a rich money-lender; he is a poor villager himself. Should we not consider his economic position? Should we penalize him for having been thrifty during the years of depression? Is it not the duty of the Government to protect him from ruin?

"One interesting feature of the Bill to which I should like to refer is this. Though the Select Committee had endeavoured its best to improve the Bill, very many improvements have not been made to the Bill, as one would have expected. A distinction has been made between post-depression debts and pre-depression debts. The pre-depression creditor is sought to be penalized for his goodness. It is unique; the Congress Government, as soon as they came into office, felt that moratorium was necessary; but they do not realize that there were some persons who thought that this relief was necessary five years ago. Five years ago

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these persons thought and gave a moratorium such as the Congress Government are thinking of now. Why should such a pre-depression creditor be penalized? You can substitute the pre-depression creditor for the Hon. Premier. I should certainly say therefore that the pre-depression creditor deserves greater consideration than anybody else.

"I shall not speak at length about credit organizations and their utility. I shall do so on a different occasion. Various articles have appeared in the newspapers about the utility of credit organizations. I only wish to point out that fostering credit is absolutely essential just after the depression, and particularly when the Government have not taken any serious steps to put money in the hands of the new credit organizations. The Government have taken no doubt all steps to help the Co-operative Department but I think I am right in saying that the number of co-operative societies in this province is not enough to take up agricultural finance as a whole. At the top of it, we have the report of the Reserve Bank of India to the effect that it is impossible for them to take up rural finance; it will be the duty of the Government to think of helping the agriculturist.

"Sir, I shall not refer to the various injustices that are attempted to be perpetrated by this Bill to the smaller credit institutions of this country. I shall only refer to the new phase of the many credit organizations that have come into existence within the last twenty years. It is a well-known fact, Sir, that during the last twenty years, there has been a movement for the starting of not only big but small banking institutions; and though I am not personally connected with any of the small banking institutions and cannot therefore claim to have a personal knowledge of the working of those institutions, I have known from many persons connected with such banking institutions in the rural areas that they have behaved well, that they have not been charging exorbitant rates of interest for the money lent and that they have not been declaring big dividends. It is such institutions that will suffer to-day by this measure. Should not, I ask, the Government take care to see that these institutions do not get ruined? I only want hon. Members to take note of this particular fact, that if once these institutions are ruined, it would be practically impossible to revive them. It must be remembered that we have to deal with two sets of people, the shareholder class and the depositor class. As a result of this measure, both the shareholder and the depositor will become shy, and it will be difficult later on to induce them to put their money into any of these institutions, especially if we pass this measure at this time when these institutions are trying to lift their heads up.

"Sir, I shall not refer to high-sounding legal terms which have been already resorted to by many eminent lawyers, such as sanctity of contract or contractual relationship, etc., for which we should all show great respect. In spite of the fact that there are eminent lawyers in

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the Cabinet, when the Government feel that contractual relationship need not be seriously taken into consideration, I would only remind them that there is a considerable volume of public opinion voiced forth by very many jurists in the country to the effect that this Bill is unsound. However much the Legislature may be able to carry it into law, it would be unsound in principle. I shall leave it at that and shall not say anything except that if this Bill does not affect rural economy, I shall not be sorry. I take my stand only on that ground.

“There is one other point, Sir, in regard to which I shall say a few words. I am at one with the Government on the question of removing any inequality due to unconscionable rates of interest being charged. The question of high rates of interest is far different from that of wiping off the capital itself. The rule of Damdupat to which the Hon. Mover of the Bill has referred is not the usual law of Damdupat; I shall ask him to give a new name to this rule, so that it may be easily distinguished from the real rule of Damdupat. I would go further and say that however much the Legislature may attempt to curtail interest, it ought not to allow the reopening of past accounts which will ultimately lead to the wiping off of debt. If, for instance, a middle class gentleman in a village has advanced a sum of Rs. 5,000 to other persons in the village and all that Rs. 5,000 represents old transactions, he will certainly be reduced to the position of an insolvent. This is the one question that I put, and I shall stop with that.

“Again, Sir, this Bill is very unique not only in its character, but also unique in that there is a complete absence of reference or any provision in it as regards the question of finance. All the world over, Sir, whenever proposals are made for the rehabilitation of agriculture or for the relief of the agriculturist, they are always coupled with the consideration of the question of finance involving large sums of money. I am surprised that this Government have not mentioned a single word about finance in this measure. What is the earthly use, I ask, of this scaling down of debts? It would be very much better if no legislation were passed at all unless Government could put a few crores of rupees in the hands of a few officers for the purpose of trying conciliation. To say that conciliation will be very wrong particularly in the face of the statistics recently given—I do not want to take up the time of the House by repeating it here—which show that Rs. 40 lakhs of debt has been reduced to Rs. 28 lakhs, is not correct. This reduction from Rs. 40 lakhs to Rs. 28 lakhs is only an indication to show that the creditor class will be only too willing to reduce the debt, provided they are able to get cash—and that is the important point. I shall, in this connexion, give an illustration of a case in Indo-China which happened in the year 1933. The Director of Co-operative Societies there was given about a crore of rupees for distribution in this manner; but curiously enough that officer wanted the creditors to go to him and sign a document agreeing to a reduction of the debts, without telling them at the

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same time that he was going to distribute money for immediate payment of the debts; he would not give any hopes to them in that respect although he had been allowed more than a crore for this purpose by the Government. There was a hue and cry and there was a lot of trouble over it, but subsequently, after about six months, when the Government actually began to distribute the money through the Director of Co-operative Societies and when the creditors knew that they could get some money they were at the door of the Director and it was found that the Director was able to distribute about Rs. 56 lakhs in the course of six months. I should therefore think, Sir, that this Government should take steps of a positive nature. As a matter of fact, if you show that you have the money, you would be better able to conciliate than you are likely to do with a measure such as this. I say this, Sir, with some practical experience; I am equally anxious that real relief should be given to the agriculturists; but I am not for giving this paper relief which will not do good to anybody.

“It will be seen from all this that this Bill is very defective and discriminatory and goes much farther than what is needed to relieve the agricultural population. The Government no doubt have been actuated by praiseworthy motives in their desire to give relief to the agriculturists; but the manner in which they are trying to do it in the Bill presented to us is one with which we cannot agree. If the Bill can be radically changed so as to embody very many of the amendments that have been suggested by various well-informed critics both inside and outside this House, it will be possible for the members of all parties in this House to say ‘yes’ to that measure.

“With reference to the amendments to this Bill that have been placed before us, I may say that there are about 250 of them, and I think it would be impossible, even if we calculate mathematically at the rate of ten or fifteen minutes for each of the amendments, to finish discussion on all the amendments within twelve or fifteen days. I would therefore suggest to the Government, through you, Sir, that it would be very advantageous to have all these amendments considered by the same Select Committee that considered this Bill previously; they may be asked to go into these amendments. It will be very easy for them to do so as they already know the details of this measure, and thus help the House. That will also save us from wasting our time in considering details. It is with that object, Sir, that I move this motion. I do not think that anybody can expect a milder motion than this; the earlier motion was for the postponement of the measure for a period of one year. There is nothing dilatory in this motion. The House can meet again in the second or third week of February and consider the report of the Select Committee on the amendments to the Bill that have been tabled. I would at the same time like to assure the Government that the Opposition do not mean to do anything which is likely to cause delay. Otherwise, I am afraid it may not be possible to consider this measure and all the amendments within the limited time now available.

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"With these remarks, Sir, I move—

'that the Bill be recommitted to the Joint Select Committee for further consideration.'"

* **MR. SPEAKER:**—"There has been enormous repetition of the arguments advanced previously when the Bill was considered by this House at the time it was referred to the Select Committee. It is not desirable that members speaking on any motion should repeat the same arguments again and again. Hereafter, members will address themselves to the actual point under discussion, and not only not repeat their own arguments but also not repeat the arguments advanced by others."

MR. ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, I certainly bow to your ruling; but I thought the Speaker already knew that whenever I spoke, I tried my best to speak to the point; and I never committed the sin of repeating either my own arguments or the arguments of others."

"Sir, I have great pleasure in seconding the motion. When I do so, I may not be supporting all the arguments that have been advanced by the hon. proposer. We have agreed to differ on certain points, but we agree on one point, namely, that no legislation, particularly legislation of this character, should be expedited or hurried through or speeded up in the manner in which the present Government are trying to do. Ever since this Government accepted office, we have noticed a tendency on their part—well, with all good intention, I admit—to try to minimize all possible rules and regulations of this House and of the Legislature, so that the good that they want to do to the people can be done at the earliest possible moment. But however good the intentions of an able person may be, and however well-intentioned his party may be, it is just possible that the Government may go wrong. It used to be said that the King can do no wrong, and it is just possible that this Government think that they can do no wrong at all. But they are also human as anybody else, and they are likely to err as well as any other Government may err. Therefore, it is necessary that they should take into account the existence of opinion which, though not in their opinion correct, will still make them think and consider the position in the light of the arguments advanced in opposition to their own and which at the same time may be in the interest of the people whom the Government themselves want to benefit by a measure of this kind. So far as the measure is concerned, Sir, many of the members in this House and critics of this measure outside, some of them interested and most of them disinterested, have already given expression to their opinion on the platform and in the Press, and have also given the Government sufficient information to go upon, so that they might amend the provisions of this Bill in such a way as to make it as acceptable and satisfactory to all as possible."

3 p.m.

"Sir, after all, what exactly is the object of this Bill? It is intended to give adequate relief to the poor agriculturist and in our attempt to give him that relief, I am afraid the Bill as at present

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drafted, or even as it emerged from the Select Committee, has become complicated in such a manner that instead of giving relief to the agriculturist, we will be making him the target of attack not only from the creditor, but also from the lawyer and that hereafter he will be the butt of attack continuously; and at the same time it will involve him in litigation which he might never have dreamt of. There are so many other legal and technical complications which the Hon. the Premier has been trying with the help of his legal advisers to remedy though he has not succeeded in doing so. In his attempt to make a compromise between the creditor and debtor, he has unwittingly, if I may say so, made the Bill so very complicated that the position of the debtor will be rendered more hopeless and would involve him in such a manner that there will be no provision of this Bill which would prevent both the creditor and the debtor from going to a court of law. That will be his position."

"I do not here want to disclose all that took place in the Select Committee, even though the report has been published and is in the hands of hon. Members. Some of us thought it would have been very much better to hear evidence from groups of people or groups of interests and even from people whom we are going to help to see whether we are helping the agriculturists or whether we are not involving them in further trouble. That kind of information we could only have got by hearing evidence and by calling in witnesses from various interests to come before the Select Committee to give their evidence. But I am sorry to say that that question was not taken up. I do not think I need dilate on that question, but if this Bill is referred to the Select Committee again, it may be advised to call in witnesses representing various interests so that they may give their opinions and then it will be possible to get out of the complications to which this Bill has been reduced as a result of the compromise that has been sought to be made. As it is, the hon. the Mover of the motion has told us, that there are as many as 250 amendments. Are all these 250 amendments going to be considered by this House, or are they going to be taken for granted and need not be considered? And, if they are going to be considered, what exactly will be the time that will be taken up? It will certainly take a lot of the time of the House. At least a minimum of five minutes will be required for each amendment to be moved and if the Hon. the Speaker limits the time for each Member to five minutes, at least 10 minutes will be required for both the mover and seconder of an amendment and if the Hon. the Premier will have to reply, it would mean that at least 15 minutes are required for each motion. If at this rate we are going to consider all the 250 amendments, we would require at least 10 or 12 days. Might I therefore ask the Hon. the Speaker and the Hon. the Premier representing the Government whether they would agree to the House sitting for 10 or 12 days on this measure? That seems to me to be impossible. If that is so, why not refer this Bill with all these amendments to the

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same Select Committee so that it may consider them and class them under certain broad classifications and reconsider the Bill in the light of those amendments. It cannot be stated that these amendments are inconsequential in nature—they are really important ones and they affect the very objects of the Bill. It would therefore be better if the Hon. the Premier would agree to this motion to refer this Bill to the same Select Committee again so that the whole Bill along with the various amendments could be reconsidered. In this connexion I might also bring to the notice of the House—and I think the House also knows—that the Hon. the Premier himself has been going on adding one amendment to another every day and that he might have in his own mind many more amendments to give notice of as a result of the numerous representations that might have been received by him directly and indirectly through the Press. Therefore, if he really intends that this Bill should be really useful and complete, he would himself be prepared or willing to bring forward more and more amendments. It looks as if there does not seem to be an end to the amendments of Government or of the Opposition or of any other party in this House. That really shows that the Bill has not been considered from the various points of view and that there are many lacunae in it which have to be made good before the Bill is made really useful.

“Sir, my hon. Friend the mover, was anxious that the interests of the creditors should be safeguarded and I am also anxious that the debtors whom this Bill seeks to benefit do not suffer. I am afraid that even in spite of the compromise that the Government have been making between the creditor on the one hand and the debtor on the other, the debtor is in the same position to-day as he was before when the Moratorium Bill was thought of. The Moratorium Bill is never to come, but the Debt Relief Bill has come in its place. No debtor is relieved because his relief is going to be a very costly affair and his relief is going to do him injury instead of doing him good. Therefore, even in the interests of the debtor, in whom we are all very much interested—for we know that he is the backbone of our Province and that he is the person who is carrying on the staple industry of this country—it is very desirable that we should protect him and we should see that his interests are not affected adversely by our trying to compromise his interests with those of the creditor to such an extent that his interests are affected. I therefore hope that the Hon. the Premier will agree to this Bill being recommitted to the Select Committee for the various reasons that have been advanced by the Mover of the motion, for it may be possible for the Select Committee to consider all the amendments much more quickly than in this House with all the rules and formalities. It would then be easy for this House to pass the Select Committee Report without much loss of time. I have therefore much pleasure in seconding the motion.”

* MR. T. T. KRISHNAMACHARIAR:—“Mr. Speaker, Sir, I support the motion before the House though I am not doing so with

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any idea of obstructing the progress of legislation in this House; but the circumstances that have happened since we last met in this House, the Select Committee's Report and the attitude of the Government subsequent to the publication of the Select Committee's report, have made me support the motion before the House. I believe that in a matter of legislation like this, suspense both to the parties who are going to be benefited and to the parties who are going to be affected by it is not wise; but, nevertheless, the House would have taken into account the fact that Government have tabled several amendments subsequent to the publication of the Select Committee's Report. What are those amendments? They are of a far-reaching nature and can be reduced to three important points: one of them refers to the operation of the joint-stock banks and companies raising issues of considerable magnitude and I hope to have the opportunity of referring to them later. The second one is with regard to the scaling down of debts—also an essential part of the legislation before us. The third one takes my breath away and it is the question of the constitution of tribunals. And what are those tribunals? How are they going to be constituted? These amendments have been brought in subsequent to the Select Committee's Report and one of them brought in under the rule-making powers of the Government. They are really matters of far-reaching importance and cannot be discussed in the shape of amendments on the floor of the House. If there are no other reasons for referring the Bill to the Select Committee over again for reconsideration, I think these three amendments of the Government—one with regard to banks and companies about which they have given one amendment and subsequently sought to amend it by another; the second one regarding the scaling down of debts and the third one relating to the constitution of tribunals to dispose of applications under the Act for settling instalments where necessary—all these three things will occupy the time of the Select Committee probably for a couple of days if the Bill is going to be examined in detail.

“Now, Sir, with regard to the Select Committee's report, the proceedings of which the Government have been good enough to furnish us, I am afraid they were making a change one day and changing it the next day and then changing it over again the third day. It was perfectly obvious that the suggestion made by the hon. the Leader of the Muslim group for taking evidence was brushed aside, without due consideration. In matters like this, where representations have been made in the press and by means of deputations to members of Government by the several bodies interested, I think it is only fair that those bodies should have been invited to give evidence. As a matter of fact, even an unimportant private member like myself belonging to what is called the unorganized opposition had to receive about 250 deputations in the course of ten days and I am sure Members of the Government must have received a far larger number of deputations—probably some of those who went to the houses of Members of Government might have been turned out because Ministers could not

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find the necessary time to see them and there might also be others who received no reply from them. It is these things that make it necessary for the Bill to go before the Select Committee which might call in evidence, sift it and give due weight to the propositions that have been raised; and finally this House would have the benefit of the conclusions which the Select Committee might reach on those questions.

3-15 p.m. "As regards what has happened outside since we last met in this House, a matter of great relevancy to this measure to which reference was made by three speakers preceding me, the Hon. the Premier replied in his usual manner ably but hardly convincingly as he used casuistry rather than arguments to answer the points raised. I do not think that the answer given by the Premier was at all to the point. There was no point in it. It is just, shall I say, a mincing of words. Is there any reason why we should not profit by similar measures that are being carried out in a sister province? Is there any reason why we should not benefit by the result of their accumulated experience? Of course, we are going to be the judges of what suits us. We will try to suit the different interests that are involved before we adopt a system that obtains elsewhere. Considering all this and the fact that there are several bodies who have not been heard and who have to be given a chance of being heard and the very serious nature of the Government's amendments, I think that the House ought to re-commit the Bill to the Select Committee for further consideration."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I support the motion mainly for the reason that the House has not had sufficient opportunity of considering the Bill in all its details. That the provisions are of a very controversial nature and every one of its clauses demands considerable discussion cannot be gainsaid. The Premier this morning told the House that the Bill had been before the House in some shape or other for the last four months, that the Bill in its present form was before us for about two months before it came under discussion and that the report of the Select Committee has been before us for about a month. But really the House has not been given sufficient opportunity of discussing the Bill in all its merits. It was introduced on the last occasion one morning at twelve o'clock and we were made to discuss it the whole day and half of the night, till midnight, and then we said that the Bill had been discussed by the House and sent it up to the Upper House. They in turn had it discussed for about 2½ hours and sent it back to us with the list of their nominations to the Select Committee. We met the same evening at 5 o'clock and nominated our representatives on the Select Committee. All this was before the commencement of the Christmas holidays. I presume that holidays are to be holidays to be availed of by the members just like any other people. In spite of the fact that the Christmas holidays commenced on the 24th December, the Select Committee was timed to meet on the 27th, 28th and 29th December. It so happened that one of our members, who, by reason of his special knowledge and learned view of things could well have been considered an expert at it and would have brought

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to bear his experience on the discussions of the measure, had to be absent by reason of his previous arrangement from the meetings of the Select Committee. The Select Committee itself, as was stated by Mr. T. T. Krishnamachari, began considering the measure in one particular manner on the first day, went back upon it the next day and after such consideration for three days, brought forward their report. The report, it is well to understand, is the product of such kind of deliberations. And now we are asked to take it up for consideration. I am, however, glad to say that the Hon. the Premier has paid attention to the various criticisms and has been giving consideration to the directions in which the provisions of the measure could be modified and he has been attentive to tone down some of the provisions in the best manner possible. With whatever intentions the amendments may have been given notice of and whosoever's criticism he might have liked to meet by so doing, all I can say is that, some of them are going to make confusion worse confounded. I have no doubt, however, that the amendments of the Government are the only ones that are going to be accepted. The result will be that every clause will be the basis of a crop of litigation and the poor agriculturist whom you want to relieve will be in court and out of court either as creditor or debtor. Both of them, I say, are going to form 90 per cent of the people affected. You may be thinking of sowcars and usurious money-lenders, but knowing as I do my part of the Province, I say that you are going to drag the agriculturists to the courts and make them spend what little they might have saved, in litigation and the only persons who will be benefited will be the profession to which I have the honour to belong. To avoid all this, I suggest that we should take time; let us not hustle the Committee and say to them, 'the report ought to be ready on such and such date' as is usually the habit since this Ministry came into power. In the matter of legislation during the four and a half months that this Government has been in power we have been bound down to the time whenever the Government makes up its mind that a certain measure should become law on a particular date. No regard whatever is paid to the extent of time that would be taken for the careful consideration of measures. If a programme of time were fixed and we do not do it, we are made to sit till midnight flattering ourselves in the belief that we had discussed the measure to the full. That is the way that legislation has been carried through ever since the present Government came to power. I appeal to you for Heaven's sake, let us not be hustled. This is a very important measure which is going to affect vitally the whole of the province. Let us take time. There is no hurry. If you say that a load of about 200 crores of rupees of debt is hanging down the neck of the agriculturist, I say a few weeks' delay would not strangle him. Let us take time. Let us take evidence. Let us not say, 'this shall have to be finished in two days or three days.' Let them consider every one of the clauses and dispose of them. Every one of the clauses is controversial. Let us give them time and let us enable them to so consider the Bill in all its details and let them present to us a report for which no amendments will be necessary."

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* THE HON. MR. C. RAJAGOPALACHARIAR:—“ Mr. Speaker, the point now for consideration is whether the Bill should be sent back to the Committee. I submit, speaking for myself, that I do not feel that any object will be served by such a re-committal. If it could serve a useful purpose, I would be the last man to stand in the way of the proposal. Let me be understood to speak my mind when I say that the matter has been thoroughly sifted and the various amendments that have been proposed will either have to be accepted or rejected by the House. If we could conceive of any measure known to the law by which we could send this Bill back to the Committee and the House would accept the decision of the Committee without any further discussion and complaining about want of time, I could well understand the object. But I know that it would be too much to expect such a thing. I submit that there is no reality in the complaint since there is no reality in the remedy. If it is said that there are so many amendments to be discussed and so many minutes ought to be taken for each amendment, then it would be a case for the frugal use of the time at our disposal. To suggest the sending back of the Bill to the Select Committee is no remedy at all. It is not as if the principles have been accepted, the methods have been accepted and that only a little ignorance on one side or another is to be cleared as to how to meet the situation. On the contrary, there is plenty of knowledge, plenty of mutual understanding and personal good will. Principles do not come together, methods do not come together and that is why people are differing from one another. In such a case, the final authority is with the House. I submit that unless an extraordinary machinery is discovered whereby on second re-examination by a Committee, the House will lose all powers of proposing amendments and ought to accept its report as final, it is impossible to conceive the reason behind the proposed amendment. It is for that reason that a Committee of the two Houses was set up and their report is now before us. I consider, Sir, that there is no point in referring the Bill back to the Committee.

“ As regards the merits of the Bill, I do not think I need go over the same ground again, for I do not like to waste the time of the House. Those points that have been raised have been considered before. It is true that if the subsisting arrangements were to continue without the State coming down and laying down a certain thing, the tenants and zamindars, the debtors and creditors will have to go to the courts and execution proceedings will be taken much to the disadvantage of the tenants and creditors. But if we wish to scale down, there may be some discussion in the court. But the contention that every section of the Bill will bring in litigation between the debtor and creditor is, I submit, exaggerated. As a matter of fact, there is no point to be examined except the meaning of the words in the Bill. There is no reason why there should be any litigation about it. Is it suggested that a second examination by the Committee would ease the situation? The same difficulties will still remain.

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“ If the debt is to be scaled down according as the creditor deserves or does not deserve it, if proposals on these lines are to be examined, then of course the lawyers will prove not only the facts but also the tendencies and there will be no end of such examination. That is why that issue has not been brought into the Bill. Matters like that may be good if they are taken up by Conciliation Boards where there is no question of compulsory enforcement. But where there is the question of compulsory enforcement and the determination of what should be enforced by the court is concerned, we cannot have vague issues of that kind. That is the explanation that I can offer as to the defect that has been pointed out by the Opposition.

“ The Leader of the Opposition said that there were no financing operations contemplated in the Bill but that there were only provisions regarding the scaling down of debts. If he does not like the word ‘relief,’ I would without opposition agree that the title of the Bill be changed into ‘the Scaling Down of Debts Bill.’ But I maintain that scaling down of the debt affords relief to the agriculturist and in that way it is all right. I would say that financing is a matter of Government policy, of banking, of accommodation. It is not a matter of legislation. It is impossible to have any Bill by which it could be started off. Money could be brought in only as a result of governmental or banking operation subsequently and with this relief could be given to the peasant. Here in this Bill we have no reference to the collection of funds for the purpose of advancing to debtors to enable them to discharge their loans.

“ That cannot be made part of the Bill. The Bill is only a scaling down Bill and nothing else. But the actual scaling down has to be done only by courts of law; it cannot be done by mere agreement. I know that debtors and creditors will be pleased to scale down by agreement. That only shows the condition of the debtors and creditors, and it also shows the necessity to scale down debts. You say, ‘no cash is given; what is really needed is cash; mere scaling down will not do.’ I answer, ‘we have tried conciliation boards and have found that they are not quite suitable.’ So far as money can be got, i.e., financing, this Bill does not prevent it, this Bill does not prevent executive operations of the Government. You say, it is unnecessary and wrong and vicious to make the creditor and debtor to scale down debts without the help of outside finance. And so to make the scaling down of debts effective the State should assist the debtor with money. I am afraid that such a course would have the reverse effect. I think it will do the very mischief, as was pointed out by an hon. Member, of making the debtor once again run into debts. However that is a matter of opinion with which we are not now concerned.

“ As regards the simplicity of the Bill, I claim that the provisions of the Bill will not lead to interminable litigation. Of course, if we take cases, theoretical cases, and attempt to write a book of all probable cases of litigation that may arise, it may swell up to a large

3-30
p.m.

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volume. And probably, after all, litigation can be avoided; but that is not an answer to the proposal. I submit there is absolutely no advantage to be gained by sending this Bill to the select committee. It is not for me to reply to the point with reference to night sitting and all that. I think we ought to be prepared, if necessary, to extend 24 hours of the day to 26 hours. We should not grudge that."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"We can extend human energy as well!"

* MR. SPEAKER:—"I shall now put the motion to the vote of the House."

"The question is—

'that the Bill be recommitted to the Joint Select Committee for further consideration.'"

The amendment was put and declared lost.

Rao Bahadur Sir A. T. Pannirselvam demanded a poll.

MR. SPEAKER:—"I shall now put the motion again to the vote of the House."

"The question is—

'that the Bill be recommitted to the Joint Select Committee for further consideration.'"

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"May I know why you want to put the motion again to the vote of the House?"

* MR. SPEAKER:—"If you challenge again, a poll will be taken. Otherwise no useful purpose will be served by calling for a division except to adopt a dilatory procedure and thus waste the time of the House."

The amendment was again put and declared lost.

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I demand a poll. I have no intention of adopting any dilatory procedure at all."

* MR. SPEAKER:—"A poll will be taken."

A poll was taken and the House divided thus:—

Ayes.

- | | |
|--|--|
| 1 Mr. Abdul Hameed Khan. | 14 Rao Bahadur Sir A. T. Pannirselvam. |
| 2 " K. Abdur Rahman Khan. | 15 Mr. M. A. Salam. |
| 3 Jamedar Adimoolam. | 16 Dr. M. J. Samuel. |
| 4 Diwan Bahadur A. Appadurai Pillai. | 17 Khan Sahib K. A. Sheik Dawood Sahib Bahadur. |
| 5 Mr. B. Bhakthavathsalu Nayudu. | 18 Mr. V. S. T. Sheik Mansoor Tharaganar. |
| 6 " H. S. Hussain. | 19 Mr. Grandhi Venkata Reddi. |
| 7 " A. K. Kaderkutti. | 20 Zamindar of Bodinayakkannur (T. V. K. Kamaraja Pandiya Navakar). |
| 8 " G. Krishna Rao. | 21 Zamindar of Chemudu (Vyricherla Narayana Gajapathi Raju Bahadur). |
| 9 " T. T. Krishnamachariar. | |
| 10 Kumararaja Muthiah Chettiayar of Chettinad. | |
| 11 Mr. Mir. Akram Ali. | |
| 12 Muhammad K. Rahmatulla. | |
| 13 Mr. R. M. Palat. | |

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Noes.

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|---|---|
| 1 Mr. P. S. Srinivasa Ayyar. | 60 The Hon'ble Mr. V. I. Muniswami Pillai. |
| 2 " P. M. Adikesavalu Nayakar. | 61 Mr. B. S. Murti. |
| 3 " Ahmed Thambi Muhammad Mohideen Maracair. | 62 " K. A. Nachiyappa Gounder. |
| 4 Srimathi G. Ammanna Raja. | 63 " A. Pl. N. V. Nadimuthu Pillai. |
| 5 Mr. B. Anantachar. | 64 " S. Nagappa. |
| 6 " N. Annamalai Pillai. | 65 " N. Nagaraja Ayyangar. |
| 7 " Muthu. Kr. Ar. Kr. Aruna-chalam Chettiayar. | 66 " S. Nagiah. |
| 8 " M. Bapineedu. | 67 " D. L. Narasimha Raju. |
| 9 " M. Bhaktavatsalam. | 68 " P. L. Narasimha Raju. |
| 10 Sriman Y. V. A. Bhaskara Rao Mahasayo. | 69 " C. Narasimham. |
| 11 Mr. P. Buchappa Nayudu. | 70 " V. V. Narasimham. |
| 12 " K. Chandramouli. | 71 " D. Narayana Raju. |
| 13 " G. Chelvapathi Chetti. | 72 " K. V. Narayana Rao. |
| 14 " O. Chengam Pillai. | 73 " M. G. Natesa Chettiayar. |
| 15 " S. Chidambara Ayyar. | 74 " J. Nuttall. |
| 16 " T. S. Chockalingam Pillai. | 75 " C. Obi Reddi. |
| 17 " G. E. Walker. | 76 " V. C. Palaniswami Gounder. |
| 18 " M. P. Damodaram. | 77 " V. K. Palaniswami Gounder. |
| 19 " M. Doraikannu. | 78 " M. Pallam Raju. |
| 20 " A. R. A. S. Doraiswami Nadar. | 79 " C. R. Parthasarathi Ayyangar. |
| 21 The Hon. Mr. V. V. Giri. | 80 " P. Pedda Padalu. |
| 22 The Hon. Mr. B. Gopala Reddi. | 81 " K. S. Periaswami Gounder. |
| 23 Mr. Govinda Doss. | 82 " K. Periyaswami Gounder. |
| 24 " C. K. Govindan Nayar. | 83 " M. P. Periyaswami. |
| 25 " V. J. Gupta. | 84 " V. R. Perumal Chettiayar. |
| 26 " S. Guruvulu. | 85 " B. Perumalla Nayudu. |
| 27 " N. Halasyam Ayyar. | 86 " R. Ponnuswami Pillai. |
| 28 " D. R. Isaac. | 87 The Hon. Mr. T. Prakasam. |
| 29 " K. Ishwara. | 88 Mr. R. Raghava Menon. |
| 30 Mrs. Jabamoney Masillamoney. | 89 " The Hon. Mr. C. Rajagopalachariar. |
| 31 Mr. Jogi Nayudu. | 90 Mr. B. Raja Rao. |
| 32 " D. Kadirappa. | 91 " A. K. A. Ramachandra Reddiyar. |
| 33 " K. Venkata Rao. | 92 " R. B. Ramakrishna Raju. |
| 34 " A. Kaleswara Rao. | 93 " T. N. Ramakrishna Reddi. |
| 35 " E. Kannan. | 94 " D. Ramalinga Reddiyar. |
| 36 " K. R. Karant. | 95 " A. Ramalingam. |
| 37 " A. Karunakara Menon. | 96 The Hon. Mr. K. Raman Menon. |
| 38 " K. Kolandavelu Nayanar. | 97 " S. Ramanathan. |
| 39 " K. Koti Reddi. | 98 Mr. D. V. Ramaswami. |
| 40 " G. Krishnamurti. | 99 " K. S. Ramaswami Gounder. |
| 41 " L. Krishnaswami Bharathi. | 100 " V. M. Ramaswami Mudaliyar. |
| 42 " K. Kulasekharan. | 101 " N. G. Ramaswami Nayudu. |
| 43 " P. S. Kumaraswami Raja. | 102 " N. Ranga Reddi. |
| 44 " K. Kuppaswami Ayyar. | 103 " G. Rangayya Nayudu. |
| 45 " V. Kurmayya. | 104 " P. Ratnavelu Tevar. |
| 46 Srimathi A. V. Kuttimalu Amma. | 105 " G. B. Reade. |
| 47 Mr. O. Lakshmanaswami. | 106 Mrs. Rukmini Lakshmiipathi. |
| 48 " P. Lakshmanaswami. | 107 Mr. K. Sakthivadivelu Gounder. |
| 49 Mrs. Lakshmi Sankara Ayyar. | 108 " V. J. Samu Pillai. |
| 50 Srimathi K. Lakshmi Ammal. | 109 " L. Sattanatha Karayalar. |
| 51 Dr. N. Lakshmi Devi. | 110 " A. B. Shetty. |
| 52 Mr. W. K. M. Langley. | 111 " K. Shanmugam. |
| 53 " P. Madhavan. | 112 " B. T. Seshadriachariyar. |
| 54 " M. Mariemuthu. | 113 " H. Sitarama Reddi. |
| 55 " R. Maruthai. | 114 " K. Sitarama Reddiyar. |
| 56 " G. L. Orchard. | 115 Sri Raja Vasireddi Durga Sadasivadaswara Prasad Bahadur Manne Sultan. |
| 57 " P. K. Moideen Kutty. | 116 Mr. N. M. R. Subbarama Ayyar. |
| 58 " K. S. Muhammad Abdul Kadir Ravuttar. | 117 " P. Subbiah. |
| 59 " Muhammad Abdur Rahman. | |

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Noes—cont.

118 Mr. C. P. Subbiah Mudaliyar.	130 Mr. B. Venkatachalam Pillai.
119 „ A. Subrahmanian.	131 „ P. T. Venkatachariar.
120 „ K. V. R. Swami.	132 „ B. Venkatanarayana Reddi.
121 „ P. Syamasundara Rao.	133 „ S. C. Venkatappa Chettiyar.
122 „ V. S. R. M. Valliappa Chettiyar.	134 „ R. Venkatappa Nayudu.
123 „ K. Varadachariar.	135 „ K. Venkatappaya Pantulu.
124 „ N. S. Varadachariar.	136 „ P. Venkatarama Ayyar.
125 „ C. J. Varkey.	137 „ R. S. Venkataramiah.
126 „ A. Vedaratnam Pillai.	138 „ B. Venkatarao Baliga.
127 „ G. Venkanna.	139 „ R. Venkatasubba Reddiyar.
128 „ Gopavaram Venkata Reddi.	140 „ V. Venkatasubbayya.
129 „ K. Venkata Reddi.	141 „ T. Viswanatham.
	142 „ K. P. Yagneswara Sarma.

Ayes 21.

Noes 142.

The amendment was lost.

* MR. SPEAKER:—“The leader of the Opposition may make the representation he wants to make.”

3-45 p.m. KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“I am thankful to you, Sir, for allowing me to make a representation with regard to the right of the Members you referred to. I should like to refer to rule 55 of the Legislative Assembly Rules which says that a division shall be taken if any member so desires. It is not to be understood as a challenge of the decision given by the Chair in the matter. As a matter of fact, the rules say that only the result of the division shall not be challenged. Members are not entitled to challenge your decision after a division has been taken, but they are entitled to do so when an announcement is made before a division. It is customary in the legislature for Members to call for a poll and it is invariably given. The reason why I wanted to make this representation to you is to clear up a little misunderstanding. When a Member wants to have a poll taken, it is not to be considered as a dilatory motion as the Chair was pleased to remark that it is. We only want to make a humble representation to the Chair that such motions should not be understood as dilatory motions. It is the fundamental right of a member or a representative of a party to call for a division. I do not want to take up the time of the House by saying more on this point.

“The arrangement that now exists for taking a division is responsible for this business taking a lot of time. If we had more accommodation and we had the Ayes and Noes Lobbies, probably we may be able to dispose it of more quickly.

“I may, before I conclude, once more make it clear that whenever we ask for a division it should not be understood as in any way dilatory. That is the only purpose of this representation that I am making.”

* MR. SPEAKER:—“There is considerable misconception on the part of the leader of the Opposition as to the procedure that has been adopted. The procedure that has been adopted in this House is the parliamentary procedure of the House of Commons, and all the remarks

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[Mr. Speaker]

that have been made by the leader of the Opposition are clearly out of place. I refer the hon. Member to page 357 of May's Parliamentary Practice. It says:

“On a division being called, the Speaker or the Chairman, as the case may be, gives the order “clear the lobby,” and the tellers' doors in both the lobbies are locked. After the lapse of two minutes from this direction the Speaker or Chairman *again* puts the question, and the *ayes* and *noes* respectively declare themselves. If his opinion is again challenged,”

that is the very word used by me,

“the Speaker or Chairman directs the *ayes* to go into the right lobby, and the *noes* into the left lobby.”

Therefore, the word ‘challenge’ has been thoroughly misunderstood by the leader of the Opposition. The mere fact that the rules of procedure simply say that the vote shall be taken by division if any member so desires should not be taken to mean that it is the parliamentary practice. It must be understood in the light of parliamentary practice. Therefore there is nothing bad in the use of the word ‘challenge.’ That word is very widely used. I should point out to the leader of the Opposition, with regard to the system of taking a division, that the lobby system can be arranged here in this House, by using the verandahs on both sides of the Chamber. We have not arranged for it because, after experience, it was found that this system saves a lot of time. But, if a division were to be called on every matter, for which of course Members may have a right, the question will be quite different. But, this system has worked well hitherto and works more quickly than otherwise.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“We are thankful to you, Sir, for clearing up the difficulty. At the same time I wish to assure you that we have not misunderstood the situation. What we mean by challenge is that we persist in our desire to have a vote taken clearly. We shall certainly follow what you said.

“With regard to the arrangements for taking a division, I did not suggest any change immediately. Also there is no possibility of making any change. We agree to the procedure. We only wish to make clear that the word ‘challenge’ is not to be taken in any bad sense.”

* THE HON. MR. C. RAJAGOPALACHARIAR:—“Sir, I have seen some divisions called for in the Assembly at Delhi. We take only a fifth of the time taken under their procedure.”

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—“When I called for a poll, I did not intend to challenge any procedure. That is far from my mind. The remark made by the Speaker that the calling for a poll at this particular juncture will be dilatory. . . .”

* MR. SPEAKER:—“The hon. Member will please resume his seat, and not comment upon the remarks made by the Chair.”

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RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I should like to protect myself against the statement made by you, Sir." (Cries of 'Order, order.')

* MR. SPEAKER:—"The hon. Member will resume his seat. I will now put the original motion to the vote of the House."

"The question is—

'That the Bill as revised by the Joint Select Committee be taken into consideration.'"

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

* MR. SPEAKER:—"The motion for consideration having been carried, I will submit the Bill to the House, clause by clause. The preamble and clause 1 will be taken up after the other clauses have been disposed of."

Clause 2.

* MR. SPEAKER:—"As there are no amendments to this clause, I will put the clause to the vote of the House."

Clause 2 was put and carried.

* MR. SPEAKER:—"Before taking up clause 3 for consideration, I would point out to the House that I disallow the general amendment of Mr. Grandhi Venkata Reddi on the order paper, viz., to delete the words and figures '1st October 1937' wherever they appear in the Bill and to substitute therefor the figures and words '23rd September 1937', at this stage. That general amendment may be moved whenever the words and figures '1st October 1937' occur in the various clauses of the Bill. That is the proper time for moving it."

Clause 3.

Sub-clause (i).

* MR. H. S. HUSSAIN:—"Sir, I move—

'In line 5, of sub-clause (i) of clause 3, omit the words "a charitable or religious institution".'"

Sir, I do not see any reason why a charitable or religious institution which happens to own agricultural lands and which has got debts also should not get any benefit under this Bill. My purpose in moving this amendment is to place before the House the fact that many of these religious or charitable institutions are indebted and they have to pay interest for loans on lands which they have mortgaged. We know these institutions exist for the benefit of the public and there is no reason why they should be denied any benefit under this Bill. I commend my amendment for the acceptance of the House."

4 p.m. * MR. G. KRISHNA RAO:—"Mr. Speaker, Sir, I second this amendment, for the simple reason that charitable and religious institutions require very sympathetic consideration at the hands of this

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[Mr. G. Krishna Rao]

House. The restrictive provisions of this Bill should not be made to operate with regard to religious and charitable institutions as they are doing public service and sometimes catering to the spiritual needs of the people as well as carrying on beneficent activities, such as running of dispensaries and schools, feeding of poor students and so on. Their investments are only with agriculturists, because they do not care so much for the interest on the amounts invested, as for the safety and soundness of the principal. If the right to recover their legitimate dues from the agriculturists is denied to these institutions, it might considerably interfere with their activities. I would also say that sometimes the donors have stipulated that the money endowed by them should be invested only on lands. So, if these religious and charitable institutions are excluded from the purview of this Bill in this manner, it would amount to our passing a legislation which is quite in violation of the very idea with which the donors made their endowments. I say that this is not the right thing to do. I may also say that these religious and charitable institutions lend their money at a very cheap rate of interest and are doing a very useful work not only to themselves but to the agriculturists also. They are more or less acting like co-operative societies by lending moneys at a cheap rate of interest to the agriculturists on long terms. In these circumstances I think this is a very reasonable amendment and I commend it to the good sense of the House. I support the amendment."

The amendment was put and lost.

Clause 3.

Sub-clause (ii) (a).

* MR. H. S. HUSSAIN:—"I beg to move the amendment which stands in my name, that is—

'In line 1 of sub-clause (ii) (a) of clause 3, after the word "saleable" insert the words "or other valuable".'"

I wish to move this amendment for this reason: It is stated here that only a person who has got a saleable interest should get the benefit under this Bill. What I mean to do by proposing to add the words 'or other valuable' is that in the case of a widow who happens to come into possession of properties, of her deceased husband which are encumbered, she will not have a saleable interest therein, but all the same she will have a valuable interest in those properties. In these circumstances it should be proper and equitable that such a person should get the benefit of this Bill. That I intend to do by inserting the words 'or other valuable'. For this reason, I move the amendment."

The amendment was duly seconded.

The amendment was put and lost.

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* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"The amendment that stands in my name runs as follows:—

'In lines 3 and 4 of sub-clause (ii) (a) of clause 3, omit the words "not being land situated within a municipality or cantonment".'

"Mr. Speaker, Sir, without being understood to be dilatory, I move this amendment."

MR. SPEAKER:—"The hon. Member will speak anything relevant to the amendment. His speech must relate to the subject-matter of the amendment."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I move this amendment although I know there is very little chance of its being accepted as without an understanding with the Hon. the Premier no amendment has any chance and I having no such understanding, am afraid there will be very little purpose in moving this amendment. My motion can to that extent be termed as dilatory, but nevertheless I move it because I feel my responsibility for my constituency and the duty that I should discharge by it. In moving this amendment I wish to make a few general remarks. On the two occasions on which I have previously spoken on this Bill I have made it clear that this is a Bill which is incapable of any improvement and if however I move this amendment, it is not because I have changed my view or swerved from the position which I originally took. Knowing as I do that this Bill is going to be forced down the throats of the people, my aim in moving the amendment is to minimize its evils and to obviate, if possible, the numerous anomalies which this Bill will give rise to. In moving this amendment it might be that I am asking for the scope of the Bill to be more liberalized in favour of the debtor, than is contemplated in the Bill itself. The Bill seeks to exclude from its benefits persons who own lands within municipal limits or cantonment limits. I believe we can leave this 'cantonment limit' out of account. So far as our Province is concerned, we have got very few cantonments. Confining myself to municipalities, I believe there is very little difference in character between lands within municipal limits and those outside municipal limits. Our municipal towns have got a really rural character about them and though for the purpose of administration a cluster of villages have been clubbed together and constituted into one municipality, these villages do still retain their rural character. I will give an illustration from a town with which I am myself familiar. There is the Tanjore town. The municipality extends for about 2½ miles to 3 miles on either side of the fort. Immediately bordering the fort you will see agricultural fields and for well over 6 to 7 furlongs, it is nothing but agricultural fields, and beyond that we have two or three clusters of houses, each one of them being separated by about 3 to 4 furlongs from the others. Beyond that for another 6 furlongs we have again agricultural fields. Then you get to a river and beyond that

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another cluster of houses. Thus we have a fairly large extent of agricultural lands owned by people who live almost exclusively on agriculture and whose character is not different from that of landholders outside the municipal limits though the lands lie within municipal limits. If we are going to benefit by this Bill a person who lives outside the municipal limit, why not extend it also to one who owns the lands within the municipal limits? We are going to impose the restrictions of income-tax and of profession tax; why then this restriction on the land itself; let us not exclude a person purely on the score of agricultural lands being within municipal limits. If we do so, it would be creating an anomaly; a person living on one side of the river or a channel would get the benefit of this measure and another living on the other side would not be getting it. That is why I move this amendment."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I second it."

The amendment was put and lost.

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I beg to move the amendment which stands in my name as follows:—

'In line 6 of sub-clause (ii) (a) of clause 3, after the words "land revenue" add the words "not exceeding Rs. 400 per annum."'

"Sir, if my amendment is accepted, then the clause would read, 'agriculturist' means a person who—

'(a) has a saleable interest in any agricultural or horticultural land in the Province of Madras not being land situated within a municipality or cantonment which is assessed by the Provincial Government to land revenue not exceeding Rs. 400 per annum'.

"In moving this amendment, I may say that if I followed my personal inclination I should have reduced the figure to Rs. 100. As I understand the word 'agriculturist', it means a person who cultivates the land himself with the labour of people in his house or by the direct control of one or two labourers, using his own cattle, looking after the cultivation himself. That is the person, who can be called real agriculturist. Hundred rupees land revenue would ordinarily cover about 10 to 15 acres of land and that too in a highly assessed district like my own. A family consisting of a husband and wife with probably one boy to assist can attend to only four or five acres personally. I am prepared to increase that five acres to ten or even fifteen acres. That would give us about Rs. 100 land revenue. If, however, I have put down Rs. 400 land revenue as the upper limit it is only in the faint and distant hope that my proposal will be accepted by the Hon. the Premier as he himself had proposed this upper limit in the Moratorium

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Bill which he introduced but which has now been dropped. If for the sake of a mere moratorium a limit of Rs. 400 should be fixed, it stands to reason that at least that limit should be fixed when we actually confer more benefits on the agriculturists by this Bill, when we are actually giving them something for nothing and when we are relieving them of obligations which law imposed on them, obligations which they took upon themselves voluntarily. It is unnecessary and unreasonable to extend the benefits of this Bill to persons who pay a land revenue of more than Rs. 400. It is for these reasons that I have proposed this amendment though I am not sure whether I have not queered the pitch for other hon. Members who have given notice of amendments fixing the limit of land revenue at even less than Rs. 400 and who might hereafter follow me and wish to move those amendments."

MR. B. BHAKTAVATHSULU NAYUDU:—"I second the amendment."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, the amendment before the House is a very vital amendment. Though there are many amendments proposed, I imagine that this is perhaps the crux of the whole Bill. To whom, Sir, do you want to give relief, is the question. Sir, an agriculturist has been defined in some other enactment. It is stated that an agriculturist broadly speaking is a person who is connected with land, who is tilling the soil and who is carrying on the operation of agriculture. I should have given notice of an amendment to the definition of an agriculturist, but it was too late and I thought I might do the best under the circumstances and adopt the short-cut method of supporting the amendment now before the House. Even if this amendment is accepted and the limit is fixed at Rs. 400 land revenue, a person who pays that land revenue will have on an average about 35 to 40 acres of wet land or a good deal more of dry land. I do not think that persons who own more lands than that should be given the benefits of this Bill at all. I quite realize that in the succeeding sub-clauses there are exceptions introduced by which persons paying profession-tax above a certain limit, income-tax and so on have been excluded from the definition of an agriculturist. But what is the object of those exceptions? It is to confine as far as possible the benefits of the Bill to persons who are connected with land. If that is the object, then why not accept this amendment which will make the definition simple? Why have another definition without any limit and then introduce all these exceptions?"

"I want to press this amendment for another reason. It will be practically in keeping with the Government's view, if their view is to help agriculturists only. Why should they not accept this amendment and allay public apprehension in the matter and show that the Government want to confine their help to agriculturists alone and do not to extend the benefits of the Bill to non-agriculturists?"

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"Sir, there are two methods of fixing an upper limit: one is by reference to the tax-paying capacity of the person and the other is by reference to the total debts of the debtor. But the most logical way of defining an agriculturist in a measure intended for the relief of agriculturists is to define him, as one who is actually connected with land. But as it is, Sir, the limit that is proposed in the amendment is rather too high and I would have preferred to put it at Rs. 100. But as a compromise, a reasonable compromise Rs. 400 is very good. Our case is all the stronger because the Government themselves fixed the limit at Rs. 400 in their Moratorium Bill. If the Moratorium Bill had been passed then, I dare say that the Government would now have repeated that Rs. 400 clause in this Bill which is intended for the relief of indebtedness. It is in that view I hope that the Hon. the Premier and the Government will see their way to accept this amendment at least. (Interruption by Mr. K. R. Karant.) I have no personal reasons to advance in this matter. They are all reasons on behalf of the public. We are all here on behalf of the public and one and all of us here including the Parliamentary Secretary are serving the public. I wish only to say that there is no special pleading on my part. In one sense every hon. Member here can be accused of special pleading. I am sorry I have been cut off from the current of my thoughts and that I have been thus disturbed."

"I submit that if we accepted an upper limit it will make the Bill easily workable. There would be no complaint about a complicated machinery. If Rs. 400 is unsuitable as an upper limit, I would ask the Hon. the Premier what he would have, whether he would have Rs. 1,000 or Rs. 500 or even Rs. 5. He would probably say that it would be difficult to draw a dividing line. But I have suggested Rs. 400 as a compromise. Perhaps I may be told that there are various exceptions and various compartments and that one might go and hide himself in the compartment of the profession-tax or in the compartment of the income-tax and so on. I ask, Sir, why do you want this complicated compartmental system? Have a simple system. I would be glad if the Hon. the Premier would convince us that no upper limit is necessary. But I would urge that an upper limit is necessary. It should be either Rs. 400 land revenue (which would cover about 25 to 30 acres) or some figure with regard to the total debts of the debtor."

* MR. MAHBOOB ALI BAIG:—"Mr. Speaker, in rising to oppose this amendment, I submit that the important point that is behind this legislation has been lost sight of by the Mover of the amendment. I take it, Sir, that this legislation would not have become necessary if the value of the rupee had remained constant all these ten years. The reason why people went into debts is that prior to the depression the purchasing power of the rupee was low but it rose up after the depression. Or in other words if a rupee fetched a certain amount of goods in the pre-depression days it fetches much more now after the

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depression. The result is that a person who entered into a debt of one rupee before the depression has to part with comparatively a larger amount of goods if he wants to repay that debt now. I take it, Sir, that the real point that is behind this legislation is that the purchasing power of the rupee has now risen. And if we look at the matter from that standpoint, it will be clear that no such limit as is proposed in the amendment should be fixed. Because by this fall in the value of the rupee persons paying a land revenue of Rs. 400 and more are affected in the same way as persons paying less. So, Sir, I submit that no such limit need be fixed. The aim of this Bill is to restore what may be called the economic equilibrium. In these circumstances, Sir, I submit that no limit need be fixed because no real relief would be granted in view of the fluctuating circumstances of the money market."

* MR. T. T. KRISHNAMACHARIAR:—"Mr. Speaker, Sir, I had given notice of an amendment to fix an upper limit in connexion with Proviso D, of this clause but since the subject has been raised I propose to deal with it here. Sir, the question of fixing an upper limit is really one of the cardinal points of the Bill. Actually the Government have made no case against it. When this subject was discussed at a previous sitting of this House, the demand for an upper limit was answered by means of similies, and similies, several of which we have had from the other side and often, as everybody knows, are bad arguments. If any one hon. Member really answered the question of the upper limit it was the Parliamentary Secretary to the Hon. Minister for Excise. His speech was applauded and I take it that his views were really approved by the Hon. the Leader of the House. He said: 'We cannot separate the sheep from the other kinds of cattle when the tiger is abroad.' I am afraid, Sir, that that analogy is highly faulty. There is no tiger. We have been living with the tiger of debt all along for centuries and probably for thousands of years. They are part of our existence. They are really an intrinsic part of our economic arrangement. We cannot compare them to a tiger which has come all of a sudden from the jungle to swallow the Parliamentary Secretary for Excise and myself. Actually if this is the way in which the demand for an upper limit is dealt with, it means that Government have not chosen to deal with this demand from the public. My own constituency have given a definite mandate to oppose the passing of this Bill without an upper limit. We are really in favour of doing something for the agriculturists; we are in favour of scaling down the debts and doing everything to help them notwithstanding the sanctity of contract or whatever it might be called, but that the ability to pay must be the criterion in affording relief must be acknowledged by every sane person. The very fact that the Government have refused to accept a limit in the case of ryotwari landholders shows that there is something behind it. Why should this Bill exempt the ryotwari landholder from this limit?"

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"If you mention any upper limit, the Hon. the Leader of the House and his followers say 'Oh! there you stop, do not touch the ryotwari landholder; no upper limit for him.' What is at the basis of it? Is it justifiable for us to draw conclusions therefrom? Is it justifiable to infer that there are people behind the party in power who are interested in not having an upper limit? I do not want to make suggestions. But these suggestions will remain in the minds of people who will suffer because of certain provisions of the Bill. Those people who can afford to pay, are prevented by this legislation from paying. People naturally want to know why the Government want to give them special protection."

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"Again Sir, the theory is advanced of the burden on the land; the burden on land must be removed; debt on land must be removed. I venture to ask the Hon. the Leader of the House what is the burden on land. Are not those absentee landlords with a thousand acres who have borrowed money for purposes not altogether agricultural, probably for marriages, probably for buying more lands and for other purposes which cannot be enumerated here not a burden on the land. Will the agricultural economy of the country lose anything, by wiping off these people? Supposing they sell 500 acres out of 1,000 acres or 100 acres out of 200 acres to pay their debts will agriculture in this country suffer? I say, Sir, that the Government have not made out a case for not prescribing an upper limit. I repeat that the presumption that they are interested in protecting some classes of people from paying their legitimate dues to the creditor stands uncontradicted. I join in the appeal made by the hon. Member, the Leader of the Opposition, for accepting the amendment. The Opposition are only few in number. I hope the Government would bestow some attention, and try to improve the Bill by means of amendments to give more relief to the needy and less relief to those who are able to pay. The Government may not accept this amendment. It may be that the Government steam-roller will go on and whoever opposes will be crushed. I will even say it is not a steam-roller but rather the juggurnath car, but nevertheless, I appeal once again to the Government to accept this amendment."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. Speaker, Sir, this, I admit, is an important amendment. This group of amendments brings forward an important principle. At first sight, all the criticisms that have been brought forward may well appear to be correct. But the justification that I submit is this. This is not an attempt as the hon. Member, the Leader of the Opposition put it, to put away a bigger class of landowners. We are putting them aside by describing them as income-tax payers, as profession-tax payers, instead of following the straight, easy and simple way of putting a monetary limit and removing those who are above that limit from the purview of this Act. I submit it is not a correct description of the position. If we had intended simply to make the distinction

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which the Leader of the Opposition wants to make, he is quite right in saying that his proposal is simpler. But, if on the other hand as we claim, the intention is to distinguish the agriculturist class from those who follow a different occupation, then the more complex way of distinction which is put in the shape of this Bill has to be accepted in preference to the mere monetary limit. The agriculturist who has a thousand rupees to pay as land revenue and who is indebted in proportion to it in all probability, is as much an agriculturist and has to be attended to as the agriculturist who is paying 50 rupees land revenue. Everybody must admit that the mere amount of land revenue paid by one does not in any manner, settle his occupation. It is not only he who holds his hands on the plough, that can be truly called an agriculturist. If we include in a carpenter even a big company that makes a large number of chairs and benches, it will be seen that the mere size of the operations does not make any difference. There is a big amount of management necessary for running the industry of agriculture on a large scale; there is attention, there is management, there is science, there is tradition, and there is culture also involved in it. If we want to distinguish the occupation of agriculture from other occupations, we must go by the provision that we have made in this Bill and that is the explanation why we have gone at great length to put aside all persons living in urban areas, even the man who has only a bit of land in a municipality. That is why we undertake rather this complex method than the simple process of putting a money limit; mere money limit does not make any difference here. It need not be imagined that it is intended to benefit any particular class. Some allegations were made in a partial manner which are not quite parliamentary. I should submit that that is not the intention. If that was our intention, we would have easily omitted a number of clauses that have been introduced as provisos. It was easy not to refer to people who pay income-tax or profession-tax minimum. There is no such motive behind this provision. A mere upper limit would not suffice. That is all I submit; I have no other argument."

The amendment was put and declared lost.

A poll was demanded by Rao Bahadur Sir A. T. Pannirselvam and the House divided thus:—

Ayes.

- | | |
|--|------------------------------------|
| 1 Kumararaja Muthiah Chettiyar of Chettinad. | 4 Mr. M. B. Bhakthavatsalu Nayudu. |
| 2 Rao Bahadur Sir A. T. Pannirselvam. | 5 Zamindar of Mirzapuram. |
| 3 Mr. Adimulam Jamedar. | 6 Mr. T. T. Krishnamachariar. |
| | 7 " G. Krishna Rao. |

Noes.

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| 1 Mr. K. Abdur Rahman Khan. | 4 Srimathi G. Ammannar Raja. |
| 2 " P. M. Adikesavalu Naicker. | 5 Mr. B. Anantachar. |
| 3 " Ahmad Thambi Muhammad Mohideen Maracair. | 6 " N. Annamalai Pillai. |

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Noes—cont.

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| 7 Mr. Muthu. Kr. Ar. Kr. Arunachalam Chettiyar. | 67 Mr. C. Narasimham. |
| 8 " M. Bapineedu. | 68 " V. V. Narasimham. |
| 9 " M. Bhaktavatsalam. | 69 " D. Narayana Raju. |
| 10 " K. Bhashyam Ayyangar. | 70 " K. V. Narayana Rao. |
| 11 Sriman Y. V. A. Bhaskara Rao Mahasayo. | 71 " M. G. Natesa Chettiyar. |
| 12 Mr. P. Buchappa Nayudu. | 72 " P. Natesa Mudaliyar. |
| 13 " K. Chandramouli. | 73 " C. Obi Reddi. |
| 14 " G. Chelvapathi Chetti. | 74 " V. C. Palaniswami Goundar. |
| 15 " O. Chengam Pillai. | 75 " V. K. Palaniswami Goundar. |
| 16 " S. Chidambara Ayyar. | 76 " M. Pallam Raju. |
| 17 " T. S. Chokkalingam Pillai. | 77 " C. R. Parthasarathi Ayyangar. |
| 18 " M. P. Damodaram. | 78 " P. Pedda Padalu. |
| 19 " M. Doraikannu. | 79 " K. S. Periaswami Goundar. |
| 20 " A. R. A. S. Doraiswami Nadar. | 80 " K. Periyaswami Goundar. |
| 21 The Hon. Mr. V. V. Giri. | 81 " M. P. Periyaswami. |
| 22 " Mr. B. Gopala Reddi. | 82 " V. R. Perumal Chettiyar. |
| 23 Mr. Govinda Doss. | 83 " B. Perumalla Nayudu. |
| 24 " C. K. Govindan Nayar. | 84 " R. Ponnuswami Pillai. |
| 25 " S. Guruvulu. | 85 The Hon. Mr. T. Prakasam. |
| 26 " N. Halasyam Ayyar. | 86 Mr. P. Raghava Menon. |
| 27 " H. S. Hussain. | 87 The Hon. Mr. C. Rajagopalachariar. |
| 28 " D. R. Isaac. | 88 Mr. B. Raja Rao. |
| 29 " K. Ishwara. | 89 " A. K. A. Ramachandra Reddiyar. |
| 30 Mrs. Jebamoney Masillamoney. | 90 " R. B. Ramakrishna Raju. |
| 31 Mr. A. Jogi Nayudu. | 91 " T. N. Ramakrishna Reddi. |
| 32 " A. K. Kaderkutti. | 92 " A. Ramalingam. |
| 33 " D. Kadirappa. | 93 The Hon. Mr. K. Raman Menon. |
| 34 " K. Venkata Rao. | 94 " Mr. S. Ramanathan. |
| 35 " A. Kaleswara Rao. | 95 Mr. D. V. Ramaswami. |
| 36 " E. Kannan. | 96 " K. S. Ramaswami Goundar. |
| 37 " K. R. Karant. | 97 " N. G. Ramaswami Nayudu. |
| 38 " A. Karunakara Menon. | 98 " N. Ranga Reddi. |
| 39 Mrs. Khadija Yakub Hasan. | 99 " G. Rangayya Nayudu. |
| 40 Mr. K. Kolandavelu Nayanar. | 100 Mrs. Rukmini Lakshmiipathi. |
| 41 " K. Koti Reddi. | 101 Mr. K. Sakthivadivelu Goundar. |
| 42 " L. Krishnaswami Bharathi. | 102 " V. J. Samu Pillai. |
| 43 " P. S. Kumaraswami Raja. | 103 " L. Sattanatha Karayalar. |
| 44 " K. Kuppuswami Ayyar. | 104 " K. A. Sheik Dawood, Khan Sahib. |
| 45 " V. Kurmayya. | 105 " V. S. T. Sheik Mansoor Tharaganar. |
| 46 Srimathi A. V. Kuttimalu Amma. | 106 " A. B. Shetty. |
| 47 Mr. O. Lakshmanaswami. | 107 " K. Shanmugam. |
| 48 " P. Lakshmanaswami. | 108 " B. T. Seshadriachariyar. |
| 49 Mrs. Lakshmi Sankara Ayyar. | 109 " H. Sitarama Reddi. |
| 50 Srimathi K. Lakshmi Ammal. | 110 " K. Sitarama Reddiyar. |
| 51 Dr. N. Lakshmi Devi. | 111 Sri Raja Vasireddi Durga Sadasivswara Prasad Bahadur Manne Sultan. |
| 52 Mr. P. Madhavan. | 112 Mr. D. Srinivasa Ayyar. |
| 53 " Mahboob Ali Baig. | 113 " P. S. Srinivasa Ayyar. |
| 54 " R. Maruthai. | 114 " N. M. R. Subbarama Ayyar. |
| 55 " P. K. Moideen Kutty. | 115 " P. Subbiah. |
| 56 " K. S. Muhammad Abdul Kadir Ravuttar. | 116 " C. P. Subbiah Mudaliyar. |
| 57 " Muhammad Abdur Rahman. | 117 " A. Subrahmanian. |
| 58 " K. Muhammad Rahamatullah. | 118 " P. Syamasundara Rao. |
| 59 The Hon. Mr. V. I. Muniswami Pillai. | 119 " V. S. R. M. Valliappa Chettiyar. |
| 60 Mr. B. S. Murti. | 120 " K. Varadachariar. |
| 61 " K. A. Nachiyappa Goundar. | 121 " N. S. Varadachariar. |
| 62 " S. Nagappa. | 122 " C. J. Varkey. |
| 63 " N. Nagaraja Ayyangar. | |
| 64 " S. Nagiah. | |
| 65 " D. L. Narasimha Raju. | |
| 66 " P. L. Narasimha Raju. | |

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123 Mr. A. Vedaratnam Pillai.	134 Mr. P. Venkatarama Ayyar.
124 „ G. Venkanna.	135 „ R. S. Venkataramiah.
125 „ Gopavaram Venkata Reddi.	136 „ B. Venkatarao Baliga.
126 „ Grandhi Venkata Reddi.	137 „ R. Venkatasubba Reddiyar.
127 „ K. Venkata Reddi.	138 „ V. Venkatasubbayya.
128 „ B. Venkatachalam Pillai.	139 „ T. Viswanatham.
129 „ P. T. Venkatachari.	140 „ K. P. Yagneswara Sarma.
130 „ B. Venkatanarayana Reddi.	141 Zamindar of Challapalli (Zabdatul
131 „ S. C. Venkatappa Chettiyar.	Aqran Sreemanthu Rajah Yarla-
132 „ R. Venkatappa Nayudu.	gadda Siva Rama Prasad Baha-
133 „ K. Venkatappayya Pantulu.	dur Zamindar).

Ayes 7. Noes 141.

The amendment was lost.

4-45 p.m. * MR. R. M. PALAT:—“ Sir, the next amendment stands in my name. I request that I may be given permission to take items 8, 9 and 13 in the printed list of amendments, together. All the three amendments stand in my name, and the arguments in favour of each are the same.”

* MR. SPEAKER:—“ They relate to different items, and different subjects. You may speak first on amendment No. 8 and then formally move the other amendments when their turn comes.”

* MR. R. M. PALAT:—“ As you please, Sir. I want to speak on the question of the zamindari ryot. There is no difference made between ryots who pay Re. 1 as rent and those who pay big sums such as Rs. 20,000 rent. Suppose a ryot has over 1,000 acres and has borrowed Rs. 2,000. Is he to have the advantage of this Bill simply because his debt was not collected by October? I therefore suggest that there should be an upper limit fixed for the zamindari and inamdari ryots in this clause.

“ I accordingly move, Sir—

‘ that in sub-clause (ii) (a) of clause 3, the words “ and pays rent not exceeding Rs. 50 ” be added at the end.’ ”

The amendment was duly seconded.

The amendment was put and lost.

Clause 3.

Sub-clause (ii) (b).

* MR. R. M. PALAT:—“ I do not want to repeat what I said in favour of the previous amendment. I formally move, Sir—

‘ that in sub-clause (ii) (b) of clause 3, the words “ and pays rent not exceeding Rs. 50 ” be added at the end.’ ”

The amendment was duly seconded.

The amendment was put and lost.

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Clause 3.

Sub-clause (ii) (c).

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—“ Sir, I move—
‘ that in sub-clause (ii) (c) of clause 3, the words “ and pays there-
for a rent not exceeding Rs. 400 per annum ” be added at the
end ’.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“ I
second it.”

The amendment was put and lost.

Clause 3.

Sub-clause (ii) (d).

* MR. H. S. HUSSAIN:—“ Mr. Speaker, Sir, I move—
‘ that in sub-clause (ii) (d) of clause 3, the words “ under a lease
in writing ” be inserted in line 1 after the words “ of such
land ”.’ ”

“ If these words are not included, it will give rise to complications and protracted litigation. If there is no lease in writing, the tenant will set up all sorts of defences and deny the liability to pay the debt. He may deny the tenancy itself or dispute the rate of rent and the due date for payment. It would be better therefore if these words are inserted. There must be something to show that the tenant is holding the land on lease. Otherwise, as I said, all sorts of contentions may be set up by the tenants when landlords ask them for arrears of rent or when demand is made for the scaling down of debts due by the tenants. I move the amendment.”

Mr. Abdul Hameed Khan seconded the motion.

The amendment was put and lost.

Clause 3.

Sub-clause (ii) (d)—Proviso (A)

* MR. B. BHAKTAVATSALU NAYUDU:—“ Sir, I move the amendment standing in my name, that is—
‘ in proviso (A) to sub-clause (ii) (d) of clause 3, for the words and figures “ has in either of the two financial years ending with 31st March 1938 ” the following be substituted:—

“ has in either of the two financial years ending with 31st March immediately preceding the date on which the debt is incurred ”.’ ”

I wish to move this amendment so as to take into consideration the position of the person concerned at the time when the loan was contracted so that those who had during the two years preceding that in which loans were taken paid income-tax may be ‘ exempted ’ from the operation of the Agriculturist Relief Bill. I think the creditors also will have no reason to grumble, for they advanced the loans fully conscious of the

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fact that the debtors had no other source of income. A provision of this kind will go a great way in extending the scope of this measure and bringing within its fold a very large number of agriculturists, who require to be relieved of their burden. With these few remarks, I request the hon. Members of this House to accept this amendment."

The amendment was duly seconded.

The amendment was put and lost.

Clause 3.

New sub-clause after sub-clause (ii) (d).

MR. GRANDHI VENKATA REDDI rose to move his amendment to sub-clause (ii) (e).

* MR. SPEAKER:—"Items 15 and 16 were passed over, as the hon. Members were not present then. Does Mr. Venkata Reddi want to move his amendment?"

MR. GRANDHI VENKATA REDDI:—"Yes, Sir. I move—

that in clause 3, the following be added as a new sub-clause (ii) (e):—

"(ii) (e) helps a landholder, tenant or sub-tenant in cultivation either as a carpenter, blacksmith, barber or labourer and makes his living by such service".

Sir, this amendment is mainly intended to help the labourers. These labourers have been labouring under many difficulties for the past so many years. So, I request the Hon. the Leader of the House to accept this amendment and help the labouring classes."

MR. MAHBOOB ALI BAIG:—"I second it."

The amendment was put and lost.

Clause 3.

New sub-clause after sub-clause (ii) (d).

5 p.m. * RAO BAHADUR M. C. RAJAH:—"Mr. Speaker, Sir. I beg to move the amendment standing in my name, namely:

Add the following as a new sub-clause after sub-clause (ii) (d) of clause 3:—

"(ii) (e) works as an agricultural labourer and depends mainly upon the income from such labour for his livelihood".

"Sir, I take it that this Bill is intended to help the agriculturists and has been conceived in their interests, but I see that the definition of 'agriculturist' is not complete. If the man who holds the plough is not an agriculturist, who else can be and my main object of this amendment is to include in this Bill the real agriculturists of the land who form the bulk of the population so that they may get the benefits of the Bill. By agriculturist, I mean the person who ploughs the field,

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sows the seed, waters the area and raises the crop. He should get the actual benefit of this Bill. With this object in view, I am moving this amendment and I consider this to be a very useful amendment to the poor agriculturists of the land. I therefore hope the Hon. the Premier will accept this amendment."

MR. MAHBOOB ALI BAIG:—"I beg to second the amendment."

MR. B. BHAKTAVATSALU NAYUDU rose to speak.

* MR. SPEAKER:—"The question is"

MR. ABDUL HAMEED KHAN:—"You are moving very fast, Sir."

* MR. SPEAKER:—"Not at all. When a Member rises to speak I allow him to speak."

MR. ABDUL HAMEED KHAN:—"If the Hon. the Speaker is not moving fast, he would have allowed the hon. Member to speak."

* MR. SPEAKER:—"When I say 'I put the amendment to vote,' if any Member rises and says he wants to speak, I allow him to do so."

MR. ABDUL HAMEED KHAN:—"I beg to submit that it is at this stage that a Member should be allowed to speak."

* MR. SPEAKER:—"If any hon. Member rises in his seat, I say, I am prepared to allow him to speak."

MR. B. BHAKTAVATSALU NAYUDU:—"Mr. Speaker, Sir, I support the motion which has been moved by my hon. Friend, Mr. M. C. Rajah. I submit, Sir, that the labouring classes are the most important of the agriculturists and they must be given some sort of relief. So, I hope the Hon. the Premier will be kind enough to accept this amendment."

III.A.—DISCUSSION RE HOURS OF SITTING.

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"May I point out, Sir, that under rule 14, we have to rise at 5 o'clock except for very extraordinary circumstances, and to-day there being no extraordinary circumstance, I submit that we should now rise. It is now already past five. We have been here from 11 in the morning and I think that is the most that even the Hon. the Premier would expect of any hon. Member to devote to the deliberations of this House. Therefore this rule has been very well-framed that while in session, a meeting shall ordinarily commence at 11 and finish at 5 p.m. To-day, I submit, is just an ordinary day."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"You will permit me, Sir, to deal not with the subject taken up by Mr. M. C. Rajah, but with the last point raised as to our sitting. I wish to ask your permission, Sir, to take the sense of the House so that we should either

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proceed to sit on till 7 p.m. or that we should sit at night. (Interruption.) Not till I finish. I submit, Sir, that it is necessary in the circumstances of the case. It is needless for me to say that sometimes we have to work hard. It is not as if I am particularly a bad man. I think the word 'even' was used by the hon. Mr. Pannirselvam in his last appeal. But there are ordinary circumstances and also special circumstances. It is only during the session that the House sits at all, and the rule that was just now read states that while the House is in session, we shall ordinarily sit till 5 p.m. Of course it is a good rule, but I think we want to get through this Bill quickly. I have already given the reasons. Not that there would be anything lost for us if we sit for a few days more, but that we should expedite the Bill, because it holds up so many people's affairs and so we should try and do our utmost quickly; and that is the reason why I want the House to agree to sit for longer hours, whether it be now or whether it be at night I do not mind. I find, Sir—I hope the hon. the Leader of the Opposition will permit me to say—that he too goes away on the 1st February. Is that not correct? (Kumararaja Muthiah Chettiyar of Chettinad: But that cannot stand in the way of the House sitting longer.) Sir, he has also been away during the Select Committee meetings and I think it should be our business to accommodate one another. But when the question is only as to how long we should sit when we are here, I submit we should stretch a point. I beg therefore, Sir, that you permit the House to express its opinion, if necessary, or it is left to you to decide. All that I want is a few more hours these few days, and whether it be now or later, I do not mind it."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I wish to be very firm on this question, Sir. I no doubt appreciate what the Hon. the Premier has said, but I would only ask you, Sir, and the Hon. the Premier and other Members of this House to realize the difficulties of others also. It is not for my convenience that I am saying this, but it is for the convenience of the House as a whole. It may be possible that I am going away on the 1st February, but that is not a matter that should be taken into consideration in connexion with the business of this House on this very important question. If the Bill cannot be passed within the 1st February, it can go on even later."

"In regard to the question that we should sit after 5 p.m. ordinarily, I submit no urgency has cropped up so far. As a matter of fact, we are now only on the first day of the session. Government should have budgeted for more than three days if they wanted to give that amount of consideration to the members of this House. Probably, I should be rather considerate in assuming that they might not have taken into consideration that 250 amendments would be tabled when they fixed three days. (The Hon. Mr. C. Rajagopalachariar: Divisions.) There will certainly be divisions, as the Hon. the Premier says, on important issues on this Bill. It is right. It is also common that the House divides on important clauses and if precedents are wanted there are many and I do not want to waste the time of the

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House by stating them here. If there are going to be no divisions there is no necessity to have all this procedure and if need be a Gazette notification may be issued and the enactment passed. Now that the motion has been moved, the Bill has been debated upon and amendments given notice of and all the formalities have to be gone through in this Legislature. Once you have established all this procedure, we cannot get rid of them. And the fact that the Upper House has been summoned for the 31st instant should in no way deter this House considering the measure in all its aspects.

"I also see there is a feeling in us that the Government are not replying to the amendments moved one way or the other, probably for cutting short the time. Of course if they choose they can remain silent over all the amendments and save all the time; but I would only say that the level of debate in this House will go down very much and it will not be in the interests of the House and certainly not in the interests of the country if they do so. I do not think that the Government will be doing their duty by the public by shirking their responsibility of answering the amendments. As a matter of fact, we should like to know the counter-arguments of Government for opposing the amendments. Therefore, I submit that the question of hours of sitting is not a matter for taking the sense of the House; and if you take the sense of the House, we know what it will be. If the Hon. the Premier wants to remain after 6 o'clock, the House will no doubt sit. I only want that you should consider our views in the best light possible and it should not be understood that we are saying anything in a spirit of non-co-operation. If the House is permitted to vote upon this question and if the House is going to decide upon sittings at hours not acceptable to the other members of the House, I should only say that we should resign ourselves to a position which I do not want to tell you now and I am not now in a position to tell you definitely what course of action we on this side will have to take. If we are made to absent ourselves, I should very much regret it, particularly on a Bill like this on which we are anxious to participate. I do not think that Government will be a party to prevent us from taking part in the debate on this Bill. I hope the intention of the Government will be to have us here and that they will reply to most of the amendments. I therefore submit, once again, that this is not a question for taking the sense of the House, but this is a question of ascertaining the convenience of the parties whether it is possible for them to sit longer. I, for my part, have endeavoured my best to consult the members of this side of the House since this morning but I find that it is not possible for them to sit longer than from 11 to 5 at present."

MR. ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, I wish to add a few words to what the Hon. the Leader of the Opposition has said. Sir, this is not the first time we have been asked to sit beyond the hours fixed for any ordinary sitting of the House. We have found from the beginning of this Assembly that we have been asked to work not only for longer hours during the day but asked to work even at

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nights. This has become almost the practice; of course under extraordinary circumstances we can be expected to sit and finish our business, but not on the very first day of a meeting of a session which is to last for three days. It is just possible we may finish the work to-morrow itself or the day after to-morrow itself before even the scheduled time. But, to prepare for a contingency of this Bill taking a longer number of days, is certainly not an extraordinary circumstance.

“ Besides, Sir, we on the Opposition have tabled amendments, though hon. Members of the Government party have not tabled amendments except the Hon. the Premier who is in charge of the Bill and who is sitting here for a longer number of hours—certainly he is taxing himself—and so, it is only the members of the Opposition who have to fight; I do not mean fighting actually, but we have to fight on the Bill. Therefore, it is the duty of the Opposition to be on the alert, to be prepared and be ready as quickly as possible to catch the Hon. the Speaker's eye so that they may move their amendments. Though we know what the result of the amendments might be, all the same we have to do our duty properly. I therefore request the Hon. the Speaker that he will not take the sense of the House on this matter, as suggested by the Hon. the Premier, for this is not a question to be decided by majority of votes.

5-15 p.m. “ Therefore, Mr. Speaker, I do not agree to the suggestion of the Hon. Premier that the sense of the House should be consulted upon this issue. I submit that this is not a matter to be decided by a majority to the inconvenience and disadvantage of the minority. This is a matter which has to be decided by the Speaker who does not belong to any party, to the majority or the minority party and who belongs to the whole House. I hope, therefore, that you, Mr. Speaker, will decide the point in consultation with the convenience of the party leaders of the House. I suggest as an alternative that we rise to-day and meet again at 11 o'clock to-morrow.”

* MR. W. K. M. LANGLEY:—“ Mr. Speaker, let me state at the outset that I am able to take an unbiassed attitude with regard to this matter because I am one of those who do not receive any salary. Hon. Members will see that we are only taking a few extra hours in addition to the five hours that we have been sitting here. When one hears of complaints about the hours of work one cannot but reflect on the long hours the persons, for whose benefit this measure is intended, toil. As far as we are concerned, as a group, we are the busy people who have a great deal of other work to do. Some of us like myself come from long distances at considerable inconvenience and desire to get through the business as expeditiously as possible. Therefore, Mr. Speaker, any hours decided either by you or the Leader of the House will receive our full support. So far as we are concerned, we would very much prefer to rise now and sit again at half past eight and continue just as long as you choose to keep us here. I believe it is the experience of legislative bodies that business is more expeditiously transacted at such sittings. Many members

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get tired of moving their amendments and so the business of the House is expedited. Any hour that you, Mr. Speaker, fix will receive our full support.”

MR. BASHEER AHMED SAYEED:—“ Mr. Speaker, I must deprecate Mr. Langley's reference to the question of salaries. No doubt some hon. Members receive salaries but they are also expected to devote a few hours for their other work and those hours the House has already taken up in the consideration of this Bill. Five hours is the maximum that under the rules the Members are expected to be here. And so the question of salaries is, Sir, beside the point. The question is whether we are to continue to sit having come here at 11 o'clock instead of dispersing at 5 o'clock. Are we to go on for another four hours? Have we not other avocations to look to? May I tell Mr. Langley that the system of paying salaries for the whole time at the disposal of the Members has not come into vogue here? When that system comes into existence and when people are to be paid for devoting their whole time to politics, then Mr. Langley's observations may be relevant. I say, Sir, it will be overworking us if you ask us to sit for another two hours. We have other duties to perform, we have to attend to our business, to our clientele and so on. Surely you cannot ask us to disown the obligations we owe to others by asking us to go on like this here. It has to be remembered that in order to be here at 11 o'clock, we have to prepare at 9 o'clock which means that we have to give further time to this business. Sir, as the Speaker of the House and as the protector of our interests, even if it be a single Member that objects to the extension of the time, I submit to you, Mr. Speaker, that it will be within your province to come to such a Member's rescue and say that there shall not be any extension of the time. Of course nobody can compel us to stay on; but having given notice of certain amendments, we have compelled ourselves to be present. I, therefore, submit that it will not be fair to ask us to be here on the strength of a majority vote in its favour. It would be very very unjust to people who have to look to other professions. I do not think that the Hon. the Premier will be a party to such an injustice.

“ Further, no special case has been made out for the extension of time. No extraordinary circumstances have been pointed out either by the Hon. the Premier or by other speakers. Even Mr. Langley did not touch on that point. The alternative hours I would suggest are either from noon to 4 o'clock or from 4 o'clock in the evening till 10 at night. I am agreeable to either of them. We are not bulls. Even for bulls there is the Society for Prevention of Cruelty to Animals. It does not matter very much if, for special circumstances, the sittings of the House are extended to such hours. Against a recourse to such sittings as a normal procedure, I strongly protest. No special reasons have been adduced for the extension of the time. Already, we have been muzzled and we are puzzled and I do not think that it is fair that there should be any more of such things.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“ It is unfortunate that the hon. Leader of the European group referred to

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the question of salaries. Hours of sitting have no relationship to the question of salaries. It is all a question of convenience. I feel that even for the salaries that are paid the Members are overworked. The salary is not adequate. It has been a matter of common experience that while returning home after the sittings, many do not get conveyances to go to their houses. Many do not own cars. As stated by Mr. Langley, it would, of course, be very easy to get through business with so many Members not inclined to take to their work very enthusiastically, feeling sleepy and tired. I wish I were the Minister in charge of the portfolio with a night session in front of me and a Bill in respect of which 250 notices of amendments have been given. Further there is not much of urgency. We are not discussing a taxation measure on the 31st March when it has to become law on the 1st April. I say that the most prudent thing will be not to be discussing about this question but to carry on from 11 o'clock to 5 o'clock. Judging from the progress we have made, I should imagine that the Bill would be passed very early. Mr. Speaker, you should not take into account the time that was consumed by the taking of divisions. On some important issues divisions have to be taken. But in the future, we may be more accommodating. The reason why we had a division was not that we wanted to figure in the 'Noes' lobby but because the country wants to know whether a division was taken or not. I, therefore, suggest that the matter may be left as it is."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I just wish to suggest to the Leader of the Opposition that the reference to salaries was not, as far as I can see, anything offensive. If it is, I should be offended and nobody else because we are receiving pretty big salaries and the Members are receiving adequate salaries as I consider them to be. The reference to salaries was made because reference to hours of work was particularly made by certain other Members without receiving any wages whatever."

"The question is whether we should sit at 8-30. I should very much like not to press the present discussion to an acrimonious point. If hon. Members would co-operate to-morrow without much unnecessary discussion in getting the measure through—of that I cannot be sure and that offer should come spontaneously from the other side—I would desire that you take the sense of the House on a motion that we sit at 8-30 to-night so that we may finish a greater part of the business before us. Otherwise, judging from the amount of work we get through to-morrow, we may decide to-morrow whether we are to sit in the night."

* MR. G. KRISHNA RAO:—"Mr. Speaker, the Opposition is of the view that the business which the Government have before them must necessarily be carried on with due despatch. But, what I wish to say is that, this being the first day of our assembling here, we are not prepared to sit up or prolong the sittings. We feel very much tired and we want to sleep over the matter to-night and decide what to do to-morrow with regard to the night sittings. I request that you will adjourn the meeting. I think it would be wrong to ask us to

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continue the sitting as it would be absolutely impossible in view of the facts I have explained to give the business before us the consideration it deserves."

* MR. SPEAKER:—"This is an important question on which a definite ruling from the Chair would be required. The matter having been discussed at such great length, it is desirable that hon. Members should know where the House stands in regard to this matter. Rule 14 of the Assembly Rules contemplates circumstances when the House will have to sit at any time that the Chair may ask the House to sit. According to the House of Commons practice, the rules of procedure have to be construed very strictly in these matters and the very first Standing Order of the House of Commons refers to the sittings of the House. It is distinctly stated therein that 'unless the House otherwise order, the House shall meet every day at quarter to three of the clock.' The hours have been specifically fixed in the Standing Orders, as to when the House shall rise, when the House shall meet again in the night and when the House shall disperse in the night and so forth, but then there is a specific provision, 'unless the House otherwise order.'

"There, in the House of Commons it is contemplated that a definite motion should be made on the floor of the House, and a definite decision should be given by the House when the times of sitting have to be altered. Such a procedure is not contemplated in the rules of this House. The only alternative is the Speaker's discretion. Because the word 'ordinarily' leaves the question of emergency to be decided by some authority. Which is the authority to decide when the House should sit at different hours? It must be either the Speaker or the House. The Speaker may take the sense of the House, or may consider that the circumstances require that the House should sit at different times other than from 11 a.m. to 5 p.m. There are only two authorities empowered to change the hours or to fix the hours of sitting different from 11 a.m. to 5 p.m. That is either the Speaker or the House itself. And if the House itself resolves, there is an end of the matter; because the House has a plenary power to suspend the rule at any time; for the words 'the demands of the occasion' refer to the fact that the House can sit and have a whole night session, or as the Premier put it, a whole day session, if the emergency of the situation demands. And the Premier has made an offer to the Members opposite that if they would agree to a night session to-morrow, he would not press for a change of hours of sitting to-day. I quite see that so far as to-day is concerned, hon. Members of the Opposition might have fixed some engagements for this evening or to-night, and probably they did not expect that they would be called upon to sit to-night. So I would suggest to the Leader of the House, and I would definitely say that the sense of the House also is in favour of it, that we rise now to-day but on the definite understanding that to-morrow night, if required, the House should sit for the purpose of quick despatch of business. So for to-day I adjourn the House now till to-morrow."

5-30
p.m.

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KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, it is very very unfortunate that I have to rise often and often to-day. I only wish to say that the Hon. the Leader of the House has not proved how an emergency has arisen for an alteration in the hours of sitting of the House. Anyhow I am glad a distinct understanding has been reached, and there is no room for any misunderstanding hereafter."

MR. ABDUL HAMEED KHAN:—"I rise only to say that like Mr. Krishna Rao, we would like to sleep over the Bill to-night. (Laughter.)"

* MR. SPEAKER:—"So we adjourn the House to-day till 10 o'clock to-morrow morning. We rise for lunch at 1 p.m. and meet again at 3 p.m."

MR. ABDUL HAMEED KHAN:—"And we rise for the day at 5 p.m."

* MR. SPEAKER:—"If hon. Members do not agree to sit after five in the evening, then they will have to sit at night."

IV.—STATEMENT RE PRAYER—ETIQUETTE.

* MR. SPEAKER:—"Before the House is adjourned formally by me, I should like to say one or two words. It is very regrettable that some hon. Members of the House have gone out of the House this morning at the time of the prayer. I do sympathize with them. On former occasions, of course, I did not take notice of certain Members sitting when the Speaker was standing before he took his Chair. Parliamentary etiquette requires that, when the Speaker comes to the House and stands, unless he takes his Chair, the Members should not sit. That is the convention that is always adopted everywhere in many of the Parliaments when the prayers are read. Hon. Members keep standing when the Speaker comes and stands until the prayers are finished and the Speaker takes the Chair. Of course, I have always stated that Members are at liberty to absent themselves from any proceedings of the House including prayers. Of course, to me, a walkout is not of any consequence. On the question of prayer, I have always tried to bring about a sort of amicable unanimity of understanding: because I have been solicitous that we should establish a system of Parliamentary brotherhood in these matters. And so far as our Muslim friends are concerned, I propose to summon a conference shortly. The communications that have been made to me by a large number of people from outside go to show that there is practical unanimity about having a prayer before the commencement of the business of the House. The majority seem to think that it is possible to evolve a non-denominational prayer and that it would be the best. But some people suggest that the different faiths that are represented in this House must be satisfied so that there will be a general agreement. To this end the question

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of different faiths and different languages has to be tackled. Of course, in different Parliaments different kinds of prayer in different languages on different days are held. No doubt the problem bristles with difficulty. So as to accommodate our Muslim friends who are looking at the Vande Mataram song in a different light from what it really ought to be looked at, I would tell them that they should view the matter with a greater and a broader outlook. And I would therefore arrange that so far as Friday is concerned, we shall suspend the singing of the Vande Mataram song, and have a prayer from the Quoran. I hope all the Members of the House will participate in the prayer."

RAO BAHADUR SIE A. T. PANNIRSELVAM:—"I cannot participate in it."

* MR. SPEAKER:—"I know there are some Members whose religious sentiments and whose religious faiths will not permit of their participation in particular denominational prayers, and therefore they are at perfect liberty to absent themselves. In all Parliaments there are a number of persons who might not like to participate in the prayers. There is perfect option given to every member to absent himself from any prayer at any time. The division bell will be rung before and after the prayers, so that it may be possible for Members to enter the House immediately after the prayers. For to-morrow, the Vande Mataram song will not be sung; there will be a prayer recitation from the Quoran."

"The House will now adjourn and meet again to-morrow at 10 o'clock."

V.—PAPER LAID ON THE TABLE OF THE HOUSE

Notification appended to G.O. Ms. No. 4755, Home, dated 26th November 1937, exempting from the payment of the tax leviable under sub-section (1) of section 11 of the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), one motor vehicle used by the mobile staff at Pondicherry of the Health Department of the Government of the French Establishments in India in connexion with their official duties.

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APPENDIX I.

[Vide answer to unstarred question No. 65 asked by Mr. K. V. R. Swami at the meeting of the Legislative Assembly held on the 27th January 1938, page 239 supra.]

Offences relating to illicit distillation and possession and sale of illicitly distilled spirits.

	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.
Ganjam	510	869	745	1,087	Transferred to Orissa.
Vizagapatam	926	525	626	574	663
East Godavari	371	325	426	216	208
West Godavari	170	196	205	195	163
Kistna	28	72	42	36	27
Guntur	159	229	275	187	189
Nellore	95	111	64	119	134
Cuddapah	178	551	426	445	432
Anantapur	162	156	219	299	302
Bellary	135	222	257	336	256
Kurnool	217	269	373	342	393
Madras	..	..	2	..	..
Chingleput	1	1	4	4	1
Chittoor	23	49	55	60	72
North Arcot	18	21	32	33	28
South Arcot	48	68	135	91	61
Tanjore	..	3	2	..	1
Trichinopoly	40	58	55	66	53
Madura	52	96	79	102	43
Ramnad	..	2	..	2	6
Tinnevely	24	11	19	27	25
Coimbatore	265	318	302	359	363
The Nilgiris	6	17	14	10	5
Salem	451	377	361	471	453
South Kanara	413	429	401	390	384
Malabar	234	264	302	264	305
Total ..	4,524	5,239	5,421	5,715	4,517

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APPENDIX II.

[Vide answer to unstarred question No. 67 asked by Mr. K. Ishwara at the meeting of the Legislative Assembly held on the 27th January 1938, page 240 supra.]

Statement.

Serial number and name of the society.	Number of members.	Serial number and name of the society.	Number of members.
1 Panambur, A.D.	23	43 Kumbala, A.D.	17
2 Ullal, A.D.	24	44 Uppala, A.D.	16
3 Derebail, A.D.	75	45 Bangremanjeshwar, A.D. ..	15
4 Kavoor, A.D.	20	46 North Trikarapur, A.D. ..	13
5 Surakkal, A.D.	18	47 Adoor Maratis	21
6 Ambalamogar, A.D. ..	12	48 Ichlampadi, A.D.	10
7 Kunjathalail, A.D. ..	17	49 Sullia, A.D.	24
8 Kulashakar, A.D.	26	50 Malpe, A.D.	33
9 Adyapadi, A.D.	22	51 Badagabettu, A.D.	13
10 Gurpur, A.D.	15	52 Brahmuvar, A.D.	20
11 Habangadi, A.D.	13	53 Udyavar, A.D.	26
12 Chiranthipet, A.D. ..	16	54 Katpadi, A.D.	14
13 Balugiddi, A.D.	26	55 Uchil, A.D.	14
14 Bajpe, A.D.	39	56 Yermal, A.D.	9
15 Pavor, A.D.	11	57 Mallar Roneyars	10
16 Kilpadi, A.D.	12	58 Nadisal, A.D.	23
17 Chitrap, A.D.	15	59 Baikadi, A.D.	15
18 Mangalpet, A.D.	20	60 Pangal, A.D.	10
19 Baikampadi, A.D.	17	61 Perampalli, A.D.	18
20 Souterpet, A.D.	28	62 Kemmannu, A.D.	21
21 Hosabettu, A.D.	20	63 Vaderhobli, A.D.	55
22 Haige, A.D.	46	64 Gangolli, A.D.	16
23 Thannubhavi, A.D. ..	18	65 Bassur Depressed Class ..	19
24 Kandavar, A.D.	10	66 Baidur, A.D.	15
25 Wellspettah, A.D. ..	31	67 Krimanjeshwar, A.D.	18
26 Sajep, A.D.	11	68 Moodabidri, A.D.	68
27 Talpadi, A.D.	12	69 Puttige, A.D.	30
28 Bantwal, A.D.	12	70 Kallanumdkur, A.D.	10
29 Malanoor, A.D.	14	71 Karkal, A.D.	29
30 Kasaragod, A.D.	18	72 Belvai, A.D.	15
31 Pilicode, A.D.	32	73 Palli, A.D.	15
32 Shiribagilu, A.D. ..	15	74 Kashipatna, A.D.	25
33 Manjeshwar, A.D.	28	75 Hirgan, A.D.	12
34 Mogral Puttur, A.D. ..	19	76 Mangalore Municipal Sweepers ..	130
35 Mangalpet, A.D.	16	77 Mangalore Municipal Sweepers ..	74
36 South Trikarapur, A.D.	14	78 Udipi Municipal Sweepers and Scavengers ..	22
37 Hosdurg, A.D.	28	79 Mangalore Court Hill	54
38 Bars, A.D.	24	80 Puttur, A.D.	107
39 Kodkat, A.D.	22		
40 Pallikere, A.D.	31		
41 Cheruvahur, A.D.	35		
42 Bela, A.D.	30		

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APPENDIX III.

[Vide answer to unstarred question No. 76 asked by Mr. K. V. R. Swami at the meeting of the Legislative Assembly held on the 27th January 1938, page 245 supra.]

Salient features of the proposed reservoir on the Sabari river.

1. The ultimate second-crop area in the Godavari delta may be taken to be 315,000 acres. The existing area of second crop is about 243,000 acres and the present duty with reference to the supply in March (which is found to be about 3,750 cusecs) is about 65. At this duty, the requirements for the full extent, viz., 315,000 acres will be about 4,850 cusecs. The discharge in the Godavari falls below this quantity by about the 23rd February. Supply at the rate of 4,850 cusecs may be required till about the 23rd April. At present, the supply diminishes to about 2,400 cusecs on this day. The extra discharge required will therefore be $\frac{4,850-2,400}{2} \times 60 \times 0.086$ m.c.ft. or 6,321 m.c.ft. The capacity of the reservoir should be--

	M.C.FT.
(1) Requirements for maturing crop ...	6,321
(2) Loss in transmission, say 5 per cent ...	316
(3) Evaporation losses, say ...	280
Total ...	6,917

or say 7,000 m.c.ft.

2. This reservoir may cost about 7,000 × Rs. 800 or Rs. 56,00,000. As the area lies in the Agency and development of communication and other difficulties may arise, an extra 4 lakhs should be added to the above sum. The total cost will be roughly Rs. 60 lakhs for works. Including establishment and other charges, the total cost will be Rs. 78.58 lakhs.

3. *Financial forecast.*—The extension of second-crop area will be (315,000—243,000) or 72,000 acres. The average rate for second crop on ryotwari lands is about Rs. 4.24 per acre.

	RS.	RS.
Revenue from 72,000 acres at Rs. 4.24 per acre ...		3,05,280
Deduct—		
(1) Maintenance charges at 8 annas per acre ...	36,000	
(2) Collection charges at 5 per cent ...	15,264	
	51,264	51,264
Net revenue ...		2,54,016

This represents a return of 3.23 per cent of the capital outlay of Rs. 78.58 lakhs.

4. It is not improbable that the capital cost will be considerably increased when detailed estimates are prepared.

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APPENDIX IV

[Vide answer to unstarred question No. 77 asked by Mr. K. V. R. Swami at the meeting of the Legislative Assembly held on the 27th January 1938, page 246 supra.]

Statement showing (1) the number of panchayats in each Local Fund district and (2) the number of District Panchayat Officers and Assistant Panchayat Officers in charge of panchayats in each Local Fund district.

Districts.	Panchayats.			Total District Panchayat Officers.	Total Assistant Panchayat Officers.
	Ex-unions.	Non-unions.	Total.		
(1)	(2)	(3)	(4)	(5)	(6)
Anantapur	13	187	200	1	1
Bellary	21	157	178	1	1
Bezwada	7	52	59	1	..
Bobbili	8	81	89	1	1
Chicacole	6	32	38	1	..
Chingleput	19	344	363	1	3
Chittoor	10	233	243	1	2
Cocanada	12	159	171	1	1
Coimbatore	10	32	42	1	..
Cuddalore	12	69	81	1	1
Cuddapah	13	99	112	1	1
Dharmapuri	13	339	352	1	3
Ellore	9	159	168	1	1
Erode	7	120	127	1	1
Guntur	10	296	306	1	2
South Kanara	Nil.	157	157	1	1
Kistna	12	86	98	1	1
Kurnool	15	152	167	1	1
Madura	31	139	170	1	1
Malabar	3	41	44	1	1
Narasapur	11	160	171	1	1
Nellore, North	6	119	125	1	1
Nellore, South	5	173	178	1	..
Nilgiris	..	31	31	1	..
Ongole	14	330	344	1	3
Rajahmundry	4	114	118	1	1
Ramnad, North	15	6	21	1	..
Ramnad, South	17	143	165	1	1
Salem	24	147	171	1	2
Tanjore, East	9	253	262	1	2
Tanjore, West	16	213	229	1	1
Tinnevely, North	7	49	56	1	1
Tinnevely, South	23	36	59	1	3
Tiruvannamalai	8	491	499	1	2
Trichinopoly	19	274	293	1	3
Vellore	13	358	371	1	1
Villupuram	6	185	191	1	1
Visagapatam	11	43	54	1	1

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, the 28th January 1938.

The House met in the Assembly Building, Chepauk, at ten of the clock, Mr. Speaker (THE HON. MR. B. SAMBAMURTI) in the Chair.

Prayer.

Proceedings commenced with a recitation from the Koran by MR. MUHAMMAD ABDUR RAHMAN, and the reading of the following prayer by Mr. Speaker:—

“ Oh Eternal and Almighty God, we the representatives of the people of the Madras Presidency assembled here in Parliament fervently pray that our hearts may be so enlightened that we may be freed from all passions and prejudices and that our minds be so constituted that in our deliberations we may not purpose or decide otherwise than in the best interests and welfare of the people. We heartily pray that we may possess wisdom and understanding to pass laws and resolutions for the maintenance of truth and justice, wealth and happiness of the people and that we may also possess strength and determination to devote ourselves to the service of our Motherland and harness all energies and resources for the attainment of Freedom and Peace.

“ Om Santih, Santih, Santih.”

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Move of the Madras Government to Ootacamund during summer.

* 144 Q.—MR. P. BUCHAPPA NAYUDU: Will the Hon. the Prime Minister be pleased to state—

(a) what the annual cost is of the exodus of the Madras Government to and from Ootacamund hills and its stay thereat during the summer since 1921 to 1937;

(b) what the reasons are for this exodus annually; and

(c) what is the policy of the present Government in this matter?

THE HON. MR. C. RAJAGOPALACHARIAR:—

“ (a)

Year.	Cost.	Year.	Cost.
	RS.		RS.
1921	49,562	1930	43,977
1922	51,900	1931	45,081
1923	58,094	1932	44,201
1924	54,457	1933	46,625
1925	45,597	1934	45,610
1926	38,808	1935	47,566
1927	43,635	1936	53,225
1928	44,115	1937	48,814
1929	45,246		

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“(b) The reason for the seasonal transfer of the seat of the Government to Ootacamund was that it was considered that the chief officers of Government would retain better health and thus render more efficient service by such a periodical stay on the hills.

“(c) It has been decided that the Ministers and the Secretariat staff as a whole will in future remain in Madras. But, after a full examination of the situation, it has been arranged that Secretaries to Government may, for reasons of health, be permitted to spend a period of about two months during the ensuing hot weather at Ootacamund, with minimum personal staff.”

MR. W. K. M. LANGLEY:—“ May I ask the Hon. the Prime Minister whether he does not think that it is desirable that there should be more than one seat for the Government of such a large Presidency as this and whether it is not of benefit to the people on the western side of the Presidency that there should also be a seat of Government in Ootacamund as well as in Madras? ”

THE HON. MR. C. RAJAGOPALACHARIAR:—“ An absolutely new suggestion on a new ground which will be given due consideration.”

MR. V. M. RAMASWAMI MUDALIYAR:—“ May I ask the Hon. the Prime Minister whether it is desirable and is in the interests of the administration that the Ministers should be separated from the Secretaries even for a short period of two months? ”

THE HON. MR. C. RAJAGOPALACHARIAR:—“ As I have already said, very full and anxious consideration has been given to all aspects of the matter that arise out of this, and, as the answer will have made it clear already, a very temporary and limited arrangement has been arrived at by which the balance of considerations has been met in the best manner that we could possibly do it.”

MR. ABDUL HAMEED KHAN:—“ May I ask, Sir, whether it will not be better if the other seat of Government, instead of being in Ootacamund, is held in Calicut? ” (Laughter.)

THE HON. MR. C. RAJAGOPALACHARIAR:—“ This, I submit, Sir, is a valuable contribution to the point raised by another hon. Member previously.” (Renewed laughter.)

MR. G. RANGAYYA NAYUDU:—“ May I know from the Hon. the Prime Minister whether it will be possible to abolish the system of the Government going to the hills? ”

THE HON. MR. C. RAJAGOPALACHARIAR:—“ Not only is it possible, but it has been already done as I have stated. A very personal consideration with reference to the health of senior

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Members who are serving day in and day out in the Secretariat under very difficult conditions is the only limitation that has been temporarily put upon the decision.”

MR. P. BUCHAPPA NAYUDU:—“ May I ask, Sir, whether it is the opinion of the Government that the conduct of Government during the summer season is impossible without their going to the hills? ”

THE HON. MR. C. RAJAGOPALACHARIAR:—“ As long as we submit to even a few persons coming from a very distant country and from a different climate, I submit that the matter cannot be logically analysed up to the point to which hon. Members are desirous of reaching.”

MR. P. S. KUMARASWAMI RAJA:—“ Will the Indian Secretaries remain here? ”

THE HON. MR. C. RAJAGOPALACHARIAR:—“ To avoid questions of invidious distinction, that is left to their voluntary decision.” (Laughter.)

Complaint against Mr. Mustafa Ali Khan Sahib Bahadur, Deputy Superintendent of Police, Cuddalore.

* 145 Q.—MR. R. VENKATASUBBA REDDIYAR: Will the Hon. the Prime Minister be pleased to state—

(a) the date on which Mr. Mustafa Ali Khan Sahib Bahadur took charge as Deputy Superintendent of Police at Cuddalore;

(b) the number of days he was in camp till 31st October 1937 with the stations and days in each station;

(c) whether the Government have received any information that his stay involves unbearable expenditure to the subordinates;

(d) whether the Government are aware that the cook of the said officer called the Merkanam Sub-Inspector of Police a ‘ Banchoth ’ as the Sub-Inspector was unable to meet his demands in full;

(e) whether it is a fact that the said cook beat a constable at Tindivanam while the officer was camping there recently;

(f) whether the constable reported the matter to the said officer and whether the officer took any action on it; if so, the nature of the action;

(g) whether it is a fact that the present District Superintendent of Police, Mr. Crossley and the said Deputy Superintendent of Police were serving in a particular district as District Superintendent and Deputy Superintendent of Police sometime before;

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(h) whether it is a fact that there were complaints against them; and

(i) whether the Government will consider the desirability of transferring any one of them?

THE HON. MR. C. RAJAGOPALACHARIAR:—“(a) Khan Bahadur B. Mustafa Ali Khan Sahib Bahadur took charge of the Villupuram subdivision on 6th July 1937.

“(b), (c), (d), (e) & (f) The Government have no information, but since the Member asking the question has taken responsibility for the statements, the Government have called for information.

“(g) Mr. D. Crossley and Khan Bahadur Mustafa Ali Khan Sahib Bahadur were both in the East Godavari district, the former as District Superintendent of Police and the latter as Deputy Superintendent of Police from 11th February 1930 to 22nd April 1930 and from 25th October 1933 to 15th May 1934.

“(h) The answer is in the negative.

“(i) The answer will depend on the result of the enquiries made.”

Adjustment of the land-revenue remission during the current year in the first kist for the coming year.

* 146 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether any remission had been made in land revenue during the current year;

(b) if so, what the percentage is;

(c) what the percentage of remission in Malabar is;

(d) whether the Government are aware of the fact that people are unable to reap the advantage of such a remission by reason of the receipt of the Government Order regarding remission by the district authorities only after the payment of the final kist payable on 31st March;

(e) whether the Government had given any instructions to the district authorities to give credit to the assesseees in respect of such remission in the first kist for the coming year from December; and

(f) if not, whether the Government will be pleased to issue immediate orders to the district authorities to that effect to enable the people to benefit themselves by the remission?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—“(a) to (d) The attention of the

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hon. Member is invited to the Press Communiqué, dated 16th December 1937 announcing the land revenue concessions sanctioned for fasli 1347 which has been published at page 2122 of Part I of the *Fort St. George Gazette*, dated 21st December 1937. The Board of Revenue has been asked to take immediate steps to give effect to the orders and to issue the necessary instructions to the Collectors.

“(e) & (f) Instructions have been issued directing that the amount remitted should be deducted from the April kist in the districts of Tinnevely, Madura, Ramnad, Coimbatore and South Kanara. In all the other districts it will be deducted from the March kist. Where the month specified is not a kist month for any area in a particular district, the remission in that area should be made by deduction from the last kist.”

MR. G. RANGAYYA NAYUDU:—“May I know what the final date for collection of the final kist is?”

MR. T. VISWANATHAM:—“The dates vary. The attention of the hon. Member is invited to the Standing Orders of the Board of Revenue. In one of them, the dates are mentioned.”

MR. G. RANGAYYA NAYUDU:—“Am I not entitled to receive a reply, Sir?”

MR. T. VISWANATHAM:—“The hon. Member is entitled to receive information, but I do not have it at my finger's end, Sir.”

Proposal for the repeal of Act I of 1858 and the cancellation of Board's Standing Order No. 86 (5).

* 147 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether there is any proposal to repeal Act I of 1858 (the Madras Compulsory Labour Act, 1858), and cancel the Board's Standing Order No. 86 (5) at an early date; and

(b) whether there are proposals for setting up any other suitable machinery for the upkeep of the irrigation works in good order for the benefit of the villagers in the Province of Madras?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—“(a) & (b) There is no proposal at present to repeal the Act or to cancel the Board's Standing Order referred to by the hon. Member. The question will be considered when the land revenue policy is settled.”

[28th January 1938]

Supply of power to Guntur from the Thermal station at Bezwada along with the other stations.

* 148 Q.—MR. K. VENKATAPPAYYA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the power from the Thermal station at Bezwada will be supplied to Guntur along with other stations or whether it will be postponed; and

(b) if Guntur is not to be supplied simultaneously with other stations, the reasons therefor?

MR. K. R. KARANT (Parliamentary Secretary) on behalf of the Hon. Mr. Yakub Hasan:—“The additional transmission line work that is necessary for connecting Guntur with the Bezwada Thermal Scheme has been put in hand and as soon as it is completed Guntur will be supplied with power from the Bezwada station. The work could not be taken up till now as the power agreement was signed by the Guntur licensee only in December.”

Mrs. A. RUKMINI LAKSHMIPATHI:—“May I know whether the proposal to supply power to Guntur by means of the Thermal system is more profitable than bringing power from the Hydro-Electric Scheme as contemplated in the Lamasinghi Project in the Vizagapatam district?”

MR. K. R. KARANT:—“That does not arise from the question. The matter has to be examined and an answer given.”

The estimated cost of the Coringa project and the extent of land to be saved from submersion.

* 149 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Public Works be pleased to state in respect of the Coringa project—

(a) the estimated cost of the project;

(b) the extent of the area that will be saved from submersion; and

(c) whether the proposal has been approved by the Government?

MR. K. R. KARANT (Parliamentary Secretary) on behalf of the Hon. Mr. Yakub Hasan:—“(a) Presumably, the hon. Member refers to the Coringa Island Irrigation Project. The estimate for the project as last framed is Rs. 9,50,000.

“(b) An extent of 13,300 acres is liable to submersion when the Coringa river is in floods. The execution of the irrigation project will not by itself relieve submersion but there is a separate proposal to cross-bund the Coringa river, or to construct a lock, with a view to relieve the submersion. The cost of the cross-bunding scheme is estimated to be about Rs. 1,50,000.

“(c) The two proposals are being examined by the Chief Engineer and his report thereon is awaited.”

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Extension of the scheme of compulsory primary education in the Province.

* 150 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) the areas in which the primary education is made compulsory;

(b) the number of school-going male children in such areas; and

(c) whether Government intend to extend compulsion to other areas?

THE HON. DR. P. SUBBARAYAN:—“(a) & (b) A statement* is placed on the table.

“(c) The question of introduction of compulsion will be considered in connexion with the reorganization of elementary education.”

MR. K. V. R. SWAMI:—“May I know from the Hon. Minister for Education why it is that the number of boys under instruction in some of the municipalities is very low?”

THE HON. DR. P. SUBBARAYAN:—“That shows that the scheme of compulsion as at present introduced has failed.”

MR. K. V. R. SWAMI:—“May I know whether every care is being taken to see that all the students of the school-going age are taken to the school?” 10-15 a.m.

THE HON. DR. P. SUBBARAYAN:—“The Act as it stands does not give enough power to take all the students of school-going age to the schools concerned.”

MR. G. RANGAYYA NAYUDU:—“May I know from the Hon. Minister whether he will see that the Act is improved so that boys may be compelled to attend the schools?”

THE HON. DR. P. SUBBARAYAN:—“I am considering the whole question of amending the Elementary Education Act.”

MR. G. RANGAYYA NAYUDU:—“May I know when that consideration will be finished?”

THE HON. DR. P. SUBBARAYAN:—“I am not able to give a definite answer.”

MR. V. M. RAMASWAMI MUDALIYAR:—“May I ask whether it is not a fact that in compulsory areas, the local bodies concerned are not able to bring all the boys into schools for the reason that their financial commitments are very great and that Government have refused to give them additional contribution?”

THE HON. DR. P. SUBBARAYAN:—“I think the hon. Member's presumption is wrong. Government refused to give increase in the case of secondary schools. In the case of primary schools,

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if the local bodies concerned raise education tax, the Government will give their part of the contribution."

MR. V. M. RAMASWAMI MUDALIYAR:—"May I know whether the Vellore Municipality was prepared to raise education tax but the Government would not allow them to do that for the reason that the Government had to give additional subsidy?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid I am not conversant with the affairs of that municipality. The hon. Member is the Chairman of that municipality and so, he is better conversant with the affairs of that municipality. However, I shall look into the matter."

MR. M. G. NATESA CHETTIYAR:—"May I know whether the proposals of some of the local bodies for a scheme of compulsory education were turned down by the Government?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid I cannot answer a question of this kind offhand as it involves investigation."

MR. G. RANGAYYA NAYUDU:—"May I know what became of the recent proposals for the abolition of the District Educational Councils?"

THE HON. DR. P. SUBBARAYAN:—"I am not aware of any proposals made by anybody else. I am having this matter under consideration."

Mrs. A. Rukmini Lakshmipathi put a supplementary question which was not audible.

THE HON. DR. P. SUBBARAYAN:—"I should be grateful to the hon. the Deputy Speaker if she were to raise her voice a little."

Mrs. A. RUKMINI LAKSHMIPATHI:—"May I ask the Hon. Minister to repeat his answer?" (Laughter.)

THE HON. DR. P. SUBBARAYAN:—"I did not give any answer. I simply said that I should be grateful to the hon. Deputy Speaker if she should raise her voice a little in putting her supplementary question."

Mrs. A. RUKMINI LAKSHMIPATHI:—"May I ask the Hon. Minister to state whether it is a fact that a Government Order was published in June last in which a definite recommendation was made that the District Educational Councils should be abolished?"

THE HON. DR. P. SUBBARAYAN:—"I am not aware of it."

MR. D. RAMALINGA REDDIYAR:—"May I know how the Government are going to insist on compulsion when the poor students are unable to purchase their slates and pencils?"

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THE HON. DR. P. SUBBARAYAN:—"It goes outside the purview of the question under reference put by the hon. Member for Rajahmundry."

MR. G. RANGAYYA NAYUDU:—"May I ask the Hon. Minister whether he is going to insist on compulsion, when children cannot afford to go to schools leaving their parents who are solely depending upon them for their livelihood?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid this again is a big problem which I cannot deal with now."

Protest against the alleged practice of mixing sand with tobacco grown in the coastal villages in South Kanara district.

* 151 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether it is a fact that sand is mixed with tobacco grown in all the coastal villages south of the Chandragiri river in South Kanara district;

(b) whether any representations had been made to the authorities to take steps to put down this practice to save the poor cultivators from being ruined by the consequent low prices;

(c) what steps, if any, have been taken by the Government in the matter; and

(d) whether Government will be pleased to call for a report as to the desirability of undertaking legislation on the lines of the Food Adulteration Act to put down this practice?

THE HON. MR. V. I. MUNISWAMI PILLAI:—" (b) No representations have been received.

" (a), (c) & (d) It is reported that the cultivators in South Kanara district are in the habit of sprinkling sand on the gummy exudations of the tobacco leaf a few days before harvest with a view apparently to increasing its weight and that the same process is repeated by petty-merchants before the leaves are bundled for sale. The Agricultural Department has been doing and will continue to do propaganda work among the ryots and merchants advising them against this practice. The Government do not consider it necessary to undertake legislation now. It has also been suggested that Loan and Sale Co-operative Societies in the district should be induced to co-operate with the department in the matter by refusing to advance money on such adulterated produce. The Registrar of Co-operative Societies has been asked to advise the societies accordingly."

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Levy of enhanced rate of duty on certain spirituous medicinal preparations imported into Madras from other Provinces.

* 152 Q.—MR. T. T. KRISHNAMACHARIAR:—Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether it is a fact that until recently a duty of Rs. 10 only per proof gallon was being levied on *all spirituous medicinal preparations* imported into Madras from other Provinces, and whether the duty has now been increased to Rs. 17-8-0 per proof gallon in respect of certain of these preparations; and

(b) if so, what the circumstances justifying the levy of the enhanced rate are?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) Excise duty on the spirit contained in certain medicinal preparations was ordered to be levied at the rate of Rs. 17-8-0 per proof gallon with effect from the 1st November 1935—Vide Revenue Department Notification No. 323, dated the 25th October 1935, published at page 1442 of Part I of the *Fort St. George Gazette*, dated the 29th October 1935.

“(b) The higher rate of duty was adopted as the preparations were reported to be of very little or no medicinal value and could be easily used as flavouring essences.”

MR. T. T. KRISHNAMACHARIAR:—“May I ask the Hon. Minister whether the Government propose at any time to consider the removal of provincial tariffs in regard to medical preparations containing spirituous liquor?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“Notice, Sir.”

Compulsory service of non-Telugu Veterinary Assistant Surgeons in the Telugu districts for a period of three years.

* 153 Q.—MR. P. MADHAVAN: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether there is a rule that every non-Telugu Veterinary Assistant Surgeon is bound to serve for three years in the Telugu districts; and

(b) if so, what purpose is served by such a rule?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) & (b) There is no such rule; but the Director of Veterinary Services in arranging for postings and transfers of veterinary assistants takes into consideration the desirability of non-Telugu men serving in Telugu areas for a period of about three years so that these assistants may have opportunities of learning the language and enhancing their usefulness.”

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MR. G. RANGAYYA NAYUDU:—“Am I to understand that troubles have been caused owing to frequent transfer of people from Telugu country to Tamil country and vice versa? Do Government think that transfers of this kind are troublesome to the employees as well as the people of the locality where they are transferred, because the former do not know the language of the country?”

THE HON. MR. V. I. MUNISWAMI PILLAI:—“There have been very few transfers, Sir.”

Renewal and cancellation of gun licences in Malabar.

* 154 Q.—MR. P. MADHAVAN: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) in how many instances the gun licence was cancelled in Malabar since 1931;

(b) in how many instances the licences were cancelled without assigning any reason for cancellation;

(c) whether any appeal was preferred to the Government by any person aggrieved against the order of cancellation by the Collector of Malabar;

(d) whether there was any instance in which the licence was restored to the individual; and

(e) whether it is a fact that a distinction is made between ancient holders of gun licence for more than 50 years and those of recent grant, and that the licence in the former case is cancelled while the licence in the latter case is renewed; if so, why?

THE HON. MR. K. RAMAN MENON:—“(a) Licences may either be cancelled under section 18 of the Indian Arms Act, 1878, or refused renewal under rule 43 of the Indian Arms Rules.

“The number of gun licences cancelled in Malabar was 5 in 1934, 2 in 1935, nil in 1936 and 3 in 1937. The records relating to the period prior to the year 1934 have been destroyed.

“The number of licences which were refused renewal was—

13 in 1931;
15 in 1932;
77 in 1933;
86 in 1934;
820 in 1935;
378 in 1936; and
3 in 1937.

“(b) Under the Indian Arms Rules, no reasons need be assigned by licensing authorities for refusing to renew licences. As regards the cases of cancellation of licences referred to in the answer to clause (a), reasons were recorded in all but one case.”

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"(c) & (d) The answer is in the negative.

"(e) The answer to the former portion of the clause is in the negative and the latter portion of the clause does not therefore arise."

MR. K. BHASHYAM AYYANGAR:—"Will the Government be pleased to consider the desirability of asking these Collectors to give reasons when they refuse to give licences?"

THE HON. MR. K. RAMAN MENON:—"As the law stands at present, there is no provision for assigning reasons. If it is to be done, the law has to be amended."

MR. K. BHASHYAM AYYANGAR:—"That is why I am asking the Government to consider a proposal for amending the Act."

THE HON. MR. K. RAMAN MENON:—"The Indian Arms Act is an Imperial Act."

MR. K. BHASHYAM AYYANGAR:—"The rules are made by the Provincial Government, I take it?"

THE HON. MR. K. RAMAN MENON:—"If the hon. Member means only the amendment of the rules, then the suggestion will be considered."

MR. G. RANGAYYA NAYUDU:—"May I ask whether there is any proposal before the Government to amend the Arms Act and to allow every Indian to have gun licence?"

THE HON. MR. K. RAMAN MENON:—"There is no proposal like that."

MR. P. S. KUMARASWAMI RAJA:—"Will the Hon. Minister be pleased to issue instructions to all the authorities concerned to be more liberal at least from to-day in issuing gun licences?"

THE HON. MR. K. RAMAN MENON:—"It has been done more than two months back."

Application of the revised scale of pay of 1936 to fully qualified permanent secretaries working under non-bifurcated district boards.

* 155 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether revised higher scales of pay were sanctioned by Government in March 1936 to secretaries of district boards;

(b) whether Government directed that these revised scales should not be made applicable to secretaries already in service;

(c) whether it is a fact that Government had, in spite of the above direction issued by them, sanctioned the higher scales of pay to some of the existing secretaries on the recommendations of the presidents of the concerned boards; and

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(d) whether in view of the application of the revised scales to some of the existing incumbents, Government would be pleased to order the application of the revised scales of pay at least to all the permanent secretaries working under unbifurcated district boards, who possess the necessary educational and special test qualifications and whose cases have been recommended to Government by district boards?

MR. M. BHAKTAVATSALAM (Parliamentary Secretary) on behalf of the Hon. Mr. B. Gopala Reddi:—" (a), (b) & (c) The answers are in the affirmative.

"(d) Of the secretaries in eleven unbifurcated district boards, three including one new appointee, have been given the revised scale of pay. Individual applications received for the grant of the revised scale to the existing incumbents in four other unbifurcated district boards were considered and rejected by the Government. Proposals in the remaining cases have not so far been made by the Presidents of district boards concerned."

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

II.—CONDOLENCE RESOLUTION *RE* THE DEATH OF NAWAB C. ABDUL HAKIM SAHIB BAHADUR.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. Speaker, before we proceed to take up the normal business of the House standing from yesterday, it is my painful duty to bring to the notice of the House that Nawab C. Abdul Hakim Sahib Bahadur passed away this morning and it has become our sorrowful duty to give expression to our feelings of sincere condolence with the members of the family and to move that this expression be placed on record and communicated to the members of the bereaved family. The late Nawab Abdul Hakim is well known to all people in this province irrespective of caste, community or race and no words from me should be necessary to remind the Members of this House of his even and generous charity and philanthropy on every occasion when such acts were necessary on account of the distress of people. He has passed away at the ripe age of 71. But his life is a lesson to all who consider that they have not had opportunities for work and for rendering themselves as well as those around them happier. He was very poor and with a very small capital he started business at the age of 40 and in a few years he was able to leave a few lakhs to many of his relations besides giving freely and generously to other philanthropic institutions that approached him or demanded any gift from him.

"I very well remember, Sir, now about 17 years ago when there was trouble in Malabar, it was not necessary for me to go to him or even to approach him and wait at his office, but over the phone I secured from him a large donation for relieving distress in Malabar irrespective of the community of the distressed. His charity is well

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known; his industry is well known and the great attention which he bestowed on his business is well known. In every respect he is an example to all, especially the young in our country. It is therefore very important and it is our duty to give expression to our feelings of deep sorrow at his death. Sir, I move—

‘that an expression of sincere condolence with the members of the family of the late Nawab C. Abdul Hakim Sahib Bahadur be placed on record and communicated to the members of the bereaved family’.”

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“ Mr. Speaker, Sir, I rise to associate myself with the motion moved by the Hon. the Premier and the sentiments he expressed. When I came down here this morning I least expected to hear this sad news; I had hoped to meet Nawab Abdul Hakim Sahib here. I did not know that he was ill and nobody could believe that he could fall ill. For though he was 71 years old he was working 14 to 15 hours a day and his life, as the Hon. the Leader of the House said, was an example to all. He was one of those persons who was ceaselessly working to earn money, but who at the same time realized that the earning of money meant an obligation, a moral obligation, to give as much as he could to good causes. He gave very liberally to charitable institutions. If I should number the institutions he helped, I would be taking at least half an hour of the time of the House. It will be true to say that there is not a single institution in this city, at any rate, which has not enjoyed his munificence and the district of North Arcot particularly owes a great deal to him. Education particularly owes a great deal to him. His charity knew no distinction of caste or race and he gave as much to other institutions as to Muslim institutions. Though we may miss his presence hereafter, we will always remember him by the great work he did as a philanthropist.”

* MR. ABDUL HAMEED KHAN:—“ Mr. Speaker, Sir, it is my painful and melancholy duty to associate myself with the motion of condolence moved by the Hon. the Premier on the death of Nawab C. Abdul Hakim Sahib, the merchant prince of Southern India. The hon. the Mover referred to the great life of the Nawab Sahib who was not only a merchant prince but a great philanthropist, whose benefactions knew no distinctions of caste, creed or race. I believe, Sir, that he gave more to others than to his own community; for, he believed that there ought to be no distinction in philanthropy. Even though he was not highly educated, he gave a great deal of his money for the promotion of education amongst the various communities in the Presidency. His charities were not confined to the City alone; they were spread all over the country and the district of North Arcot particularly owes much to him. He was not only an able businessman, but he was also an illustrious gentleman. Though he gave most of his time to his business, he gave also a good deal of his time to the other public affairs. While he was President of the South Indian Chamber of Commerce,

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he was also the president of various other public organizations, both in the City and elsewhere. Up to the very last day of his life when he took seriously ill he had been attending not only to his business but also to the various other public affairs with which he was connected. His death has left a gap which it is difficult to fill. His death is a great loss not only to the Muslim community but to all the communities in the Presidency.”

* RAO BAHADUR SIR A. T. PANNIRSÉLVAM:—“ Mr. Speaker, Sir, may I with your permission associate myself on behalf of the Indian Christian community with the sentiments expressed by the Hon. the Premier and the other speakers who have preceded me with regard to the sad event of the death of Nawab C. Abdul Hakim. As has been said before, his philanthropy knew no distinction of caste or creed. He felt that the money he earned was for the use of the people and he placed it at their disposal. I am sure, Sir, the Indian Christian community in common with the other communities of this province will feel deep sorrow at the death of Nawab Abdul Hakim Sahib, which is a great loss to the Province.”

* MR. T. T. KRISHNAMACHARIAR:—“ Mr. Speaker, Sir, on behalf of the Indian commercial community, I beg to associate myself with the sentiments that have been expressed on the floor of this House by the Hon. the Leader of the House with regard to the death of Nawab Abdul Hakim Sahib. He was really an ornament to my community and I should like to add a few words to what has been said in appreciation of the departed soul. Having myself personally been the recipient of unfailing courtesy at his hands on all occasions, I am at a loss for words. His loss will be very keenly felt by my community. If at any time any merchant was in difficulties the Nawab went to his aid if approached, acted as his trustee and avoided his going to the insolvency court. While we are in the midst of the discussion of a debt conciliation measure, it will be well to remember that he was really one of those people who always conciliated debts among the Indian Commercial community. The House may feel the death of that man as a void, the communities in the Presidency may feel his passing away as a loss, but his death will be an irreparable loss to the Indian Commercial community.”

* MR. BASHEER AHMED SAYEED:—“ Mr. Speaker, Sir, the death of Nawab Abdul Hakim Sahib is a great loss to the entire people of South India and not merely to any one particular community, because he gave freely to every one who approached him irrespective of caste or creed. Very few people know the real man. Nawab Abdul Hakim Sahib is universally said to know no distinction of caste, race or creed. And if I should give a few more details, it would be of great interest to hon. Members here and their regret at his death will be all the deeper. In the great business he built up, it will be found that there are not more than four Muslims out of a staff of about seventy-five people. In his charities he made no distinction between a temple and

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a mosque. His gift of an elephant to a temple, his gift to other temples for renovation purposes, his gift to the National Girls' School, Mylapore and to the Ramakrishna Mission Students' Home, the several choultries he built, and the several mosques he built are very well known to the people of South India. The large donations he promised to the Travancore University, the Andhra University and the Aligarh University are yet to be fulfilled and in the midst of these great expectations the great benefactor has passed away from our midst. The entire people of South India mourn his loss. He was quite unostentatious and very simple in his life and he lived and earned not for his own sake but for the sake of those dependent on him. Sir, his dependents are very large in number and that is a fact which causes much distress, because we do not know what is to happen to them. I do not think that the void can be easily filled by any means in the near future, from the Muslim community in South India or I venture to submit, from the other communities. Barring one or two exceptions there has been in the last century or so no greater man than Nawab Abdul Hakim Sahib. I therefore associate myself with all that has been already said by my predecessors."

* MR. W. K. M. LANGLEY:—"Mr. Speaker, Sir, I desire to associate the European group in the fullest measure with this message of condolence. The late Nawab was very well known and liked greatly by many Europeans, especially in business circles where he was such an outstanding figure for so many years in the history of this important City. Above all, he practised to the full the greatest of all virtues in the opinion of all castes and creeds. I allude to the great virtue of charity. He himself is now gone, but his benefactions remain. We all deplore his passing."

* THE HON. MR. V. I. MUNISWAMI PILLAI:—"Mr. Speaker, Sir, I rise to associate myself with the sentiments expressed by the several speakers who have preceded me on the motion of condolence moved by the Hon. the Premier. Sir, the late Nawab was greatly interested in the hide industry and he established several tanneries in this part of the country. In so doing, he gave employment to a number of Harijans in his factories and tanneries. Though a capitalist himself, he felt with the labourers and extended his helping hand to them at all times. Through his help several Harijans have earned money and they in turn have helped other Harijans in their educational career. I saw him for the last time when he presided over the Anniversary of the Hindi Prachar Sabha when the Hon. the Premier laid the foundation stone of the Hindi Training School building. There he said what he thought of the proposal for the introduction of Hindi in our schools. He cared to improve the culture of the Tamils which spirit he exhibited as a Member of the Senate of the Annamalai University of which I happened to be a member. As a great philanthropist, he gave his charities not only to his own community, but to all communities and I am sure his noble example will be followed by others."

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* MR. SPEAKER:—"The question is—

'that an expression of sincere condolence with the members of the family of the late Nawab C. Abdul Hakim Sahib Bahadur be placed on record and communicated to the members of the bereaved family.'"

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The resolution was put and carried *nem. con.* all Members standing.

III.—THE MADRAS AGRICULTURISTS RELIEF BILL (L.A. BILL No. 10 OF 1937)—*cont.*

Clause 3.

New sub-clause after sub-clause (ii) (d).—*cont.*

* MR. SPEAKER:—"Discussion on Mr. M. C. Rajah's ^a amendment will be resumed."

* MR. T. T. KRISHNAMACHARIAR:—"Sir, in supporting the amendment by the hon. Member, Mr. Rajah, to extend the facilities afforded by this Bill to agricultural labourers, I think, I can say that it involves only an extension of the broad features underlying this Bill. Actually the Government have contemplated to give relief to a number of people, to the tenants of inamdars, to the tenants of zamin-dars; but the ryotwari tenant has been singularly left out of the Bill. The ryotwari pattadar has been singled out for the benefits under this Bill. I cannot see why the ryotwari tenant should not be given the benefits of this Bill. I do not think that I need convince the Hon. the Leader of the House who is in charge of this Bill that this case ought to eminently deserve special attention. Members of this House have often been heard to say that these people are 'my people'. Very often I have found the Members of the Treasury Bench referring to these people as 'my people'. I can claim along with my hon. Friend, Mr. Rajah, that these people are not represented here; at any rate, their difficulties are not represented here; I may be permitted to state their need. The Hon. the Leader of the House told Mr. Palat on a different occasion that this Bill is intended as a protection against the spread of socialism in this country. I think there is a definite case for showing the proletariat some special consideration. I hope my appeal will be specially supported by the Hon. Minister for Public Information who has made a special study of the matter. I think there is a case for consideration of the amendment moved by Mr. Rajah. I hope it will receive the attention of the Government."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I think on behalf of the Government it is right that I should say a few words

^a Add the following as a new sub-clause after sub-clause (ii) (d) of clause 3:—
"(ii) (e) Works as an agricultural labourer and depends mainly upon the income from such labour for his livelihood."

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on this point as to agricultural labourers who depend mainly on the income from such labour for their livelihood. The only reason why no provision has been made for relieving such classes of people from their debts, from the burden of their debts, is that the steps to be taken in connexion with such relief are wholly different from the steps that can be taken in respect of burdens on the classes of people contemplated in the present Bill. The land is not there; there is no common identity of consequences arising out of any steps taken between the landless and those who have lands under one tenure or another. It is difficult to bring together any formula that could cover those two cases. That is the reason why no clauses have been introduced in this Bill to cover the cases of debts of the agricultural labourers referred to in this amendment. It is not as if their difficulties are not known or are not appreciated. It is not as if they are not in need of relief, in the opinion of the Government. They are in need of relief; much has to be done, much can be done and much cannot be done. In all these cases we cannot judge the Bill by the number of people it seeks to cover. We can only judge the Bill on its merits. I should therefore request the hon. Mover of this amendment, with whose aim I am in entire agreement, to see the difficulties of covering these classes of people by any section in the present Bill. I would really request him to withdraw this amendment, in view of the fact that it is not possible or easy to contemplate any amendment which could cover the two cases. Of course this is a point that can be raised by way of argument against the Bill, that the Bill which does not cover the difficulties of the agricultural labourers, is not worthy of consideration. But no amendment can possibly cover the ground which is sought to be covered by this amendment."

The amendment was, by leave, withdrawn.

* MR. R. M. PALAT:—"Sir, I formally move the amendment standing in my name, that is:—

'Add the words and figures "and pays rent not exceeding Rs. 50" at the end of the sub-clause'.

"My arguments are the same as those which I have advanced in favour of my amendment No. 8 in the list. I do not want to repeat what I have stated already."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I second it."

The amendment was put and lost.

Clause 3.

Sub-clause (ii) (d) proviso (A).

* MR. T. T. KRISHNAMACHARIAR:—"I beg to move, Sir, the amendment standing in my name, that is:—

'In proviso (A), in line 1, delete the words "either of" and insert after the words "the two" the word "consecutive".'

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"Actually there are some people who have been assessed to income-tax by chance for only one year. Such occurrences are not uncommon. According to the existing provision, they will not get the benefit of the Bill. It does happen sometimes that a person pays income-tax for one year only, even though there are facts to prove that he should not be assessed. He may not have known that a measure is coming subsequently and is going to give relief to him. Otherwise, he might have contested the assessment more vigorously. That does not mean that he has other means of livelihood. In depression days, many agriculturists have thought of many desperate means of augmenting their income. It very often happened that an agriculturist buys a bus and plies it for hire for a year. He will come then under the scope of proviso (a). He might not have continued it for a long time; he might have dropped the business. Similarly, an agriculturist might have had a variety of other occupations and paid income-tax for only one year. Assessment for two years will show that the man has been plying other trade. Hence I wish that relief should be denied only in cases where tax has been paid for two consecutive years. I commend this amendment to the acceptance of the hon. Mover of the Bill."

* MR. MAHBOOB ALI BAIG:—"I second it."

* MR. BASHEER AHMED SAYEED:—"Sir, I have given notice of a similar amendment. The intention of the Bill does not seem to be that, even if a person has paid income-tax, by an off-chance, for one year, he should not be brought within the scope of the Bill. It might be that the person concerned might have started a business with a view to save himself from his obligations and for the year he did that business he might have been assessed to income-tax; he might have made a little profit in the business or he might have subsequently gone into further debts. I think it is necessary that such a person who tries to make his position better, should be given relief; he should not be made to suffer, simply because he has been assessed to income-tax for one year within two years. It is therefore eminently necessary that this off-chance should be eliminated and only those persons who have been assessed to income-tax for both the years should not be brought within the scope of the Bill. Instances can be multiplied. The object of the amendment is to eliminate from the scope of the provisions of the Bill, persons who have paid income-tax for two consecutive years before the coming into operation of the Act. It is possible that a person who might have taken up an enterprise might have failed and not have continued it; the circumstances might not have been favourable to continue it. A single enterprise, a single venture, which might have been taken into account for income-tax purposes, should not be made the basis for excluding the person undertaking it, from the benefits of the Bill. From many points of view, he might be in need of greater relief than other persons who have been brought under the scope of this Bill. I therefore support the amendment."

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* THE HON. MR. C. RAJAGOPALACHARIAR:—"This amendment, Sir, illustrates the necessity for a general rule. You can improve the Bill only when you accept the general principle on which it is based. Those who object to the main principle of the Bill and the main method of the Bill cannot really enter into the spirit behind it. I wish to point out that even as I strenuously opposed the upper-limit of income that was sought to be placed, I strenuously oppose the limitation that is sought to be imposed with reference to the occupation and to the man to whom we shall give this relief. If a man is so unsteady an agriculturist that he gives up agriculture and takes up an occupation for one year and gets so much as to pay income-tax thereon and if next year he takes to some other occupation giving up his former occupation because it was a loss or whatever the reason may be, that is not the person to whom we contemplate to make this measure applicable which up to a certain extent upsets the prevailing order of things with reference to contracts of debts. We wish to help only the agriculturist; we do not propose to help the person, whose number is comparatively less, who takes up an occupation which gives him one year the income on which he has to pay income-tax and then goes back to the village, cultivates the land and pays rent to the Government. A man cannot claim the benefit of this Bill for even loans taken for the purpose of carrying on a business on which he pays income-tax or in which he is losing. That is not the design of this Bill. If therefore, we whittle down the provisions of the Bill by limitations, we would spoil the whole scheme of the Bill. I submit therefore that the House would be well-advised not to accept these seemingly liberalizing amendments to the measure, which are not really liberalizing but are spoiling the whole design of the measure itself."

The amendment was put and lost.

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* MR. BASHEER AHMED SAYEED:—"Sir, I move—
'that in line 5 of proviso (A), after the words "any Indian",
the words "or foreign" be inserted.'

"Sir, the Hon. the Prime Minister was pleased to state that some of us who have given amendments do not agree with the principles of the Bill and on that ground no useful purpose will be served in accepting or even discussing many of the amendments placed before this House. I think, Sir, he is entirely mistaken in presuming that all of us who have given notice of amendments do not agree with him in the main principles of the Bill. I and some of my friends do agree with him and we do stand for giving relief to the agriculturists. There are no two opinions with regard to the question of giving the relief required by the agriculturists which they deserve in an eminent degree. But the point is, whether you are going to give such relief to the greatest detriment, or the least detriment of the other people who are not agriculturists, but who are, in addition to being agriculturists, also

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following some other avocation. We do want as much relief to be given to the agriculturists as possible, but the agriculturists do not by themselves stand as a class. Some of them overlap other classes of people who follow other avocations. Some of them, although agriculturists, have taken to other occupations; and that itself is an argument for giving relief to the agriculturists; for it is because they have found it necessary to supplement their income from agriculture that they have taken to other occupations. It seems as though we are now penalizing a man who gets seventy-five per cent of his income from agriculture while he gets only twenty-five per cent from other occupations. That being the case, I do not think it is fair for anybody to presume that we are not agreeing to the principles of the Bill. We want to make this measure the least objectionable to the largest number possible. After all, it might be . . ."

* MR. SPEAKER:—"Will the hon. Member kindly confine himself to the actual subject-matter of the amendment now before the House?"

* MR. BASHEER AHMED SAYEED:—"Sir, this amendment relates to the insertion of the words 'or foreign' and this amendment is relevant and necessary, if the objects of the Bill are to be carried out. That was why I was referring at length to the objects of the Bill and our attitude towards the Bill. The provision as it stands in the clause is, that a person shall not be deemed to be an 'agriculturist' if he has been assessed to income-tax in any 'Indian State'. I say that it is only just and fair that persons who have paid income-tax under the income-tax law either of India or of any Indian State or of any foreign state shall be excluded. If you are going to penalize people who are merely paying income-tax within British-India or the Indian States, there is nothing that goes against reason if we also say that persons who are engaged in similar occupations outside British India or Indian States, say in foreign states like Germany or England, who may possess some lands here or who have invested on land, should also come under the same category. I need not even go to far-off Germany or France for thinking of a foreign state; I can refer to places like Burma, Singapore, the Straits Settlements, Sumatra, Java or Borneo, which are all foreign states, where there are hundreds of people, Indians, who are themselves agriculturists in India, but who nevertheless engage themselves in some avocation or other in those places and have consequently become liable to income-tax assessment. Those persons invest their earnings here on the purchase of lands and are agriculturists. Still, according to the definition here and according to the intentions and the scope of the Bill, they are sought to be excluded on the ground that they are carrying on some other occupation and derive some earnings from such occupations. If it is just that people who are assessed to income-tax in Indian States should be

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excluded, it is also just that people who are assessed to such tax in foreign states should be excluded. I hope, Sir, that the Hon. the Prime Minister will accept this amendment."

* MR. T. T. KRISHNAMACHARIAR:—"I second the amendment."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, it was not my intention, nor do I think that my words carried the sense, that all people who have given notice of amendments were barred by the principle which I respectfully enunciated. I covered only some of the amendments and not all of them. And as immediate proof of that, I accept this amendment. But as a purely verbal matter, I would suggest that the amendment may read as 'or foreign Government', inasmuch as it is pointed out that the word 'State' is conventionally used in a particular sense in India and that 'Government' would be much better here."

"I therefore move—

that in the amendment of Mr. Basheer Ahmed Sayeed, for the words "any Indian" the words "any Indian State" be substituted and for the words "or foreign", the words "or foreign Government" be substituted."

The amendment was put and carried.

The amendment of Mr. Basheer Ahmed Sayeed as further amended by the Hon. Mr. C. Rajagopalachariar's amendment was then put and carried.

Clause 3 (ii) (d).

Proviso (B).

* MR. GRANDHI VENKATA REDDI:—"Sir, I beg to move the amendment standing in my name, that is:—
'that proviso (B) be deleted.'

"Sir, as it stands, agriculturists in some municipal areas are affected by this proviso. They also require and deserve the relief contemplated by this Bill. I therefore appeal to the Hon. Prime Minister to accept my amendment and consent to the deletion of this proviso."

* MR. H. S. HUSSAIN:—"Sir, in seconding this amendment, I wish to say that this is more in the interests of the agriculturists themselves than of anybody else. It will be found that, not only in bigger towns or smaller towns, but also in the villages and rural areas, a large number of small agriculturists are carrying on other trades in order to supplement the slender income that they are deriving from their agricultural holdings. If this proviso is not omitted, I am afraid a very large number of such small agriculturists will be very hard hit,

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just because they are following other occupations in order to make both ends meet. It is therefore in the interests of the agriculturists themselves that I have pleasure in seconding this amendment."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, the deletion of this proviso would, as I said before, completely alter the character of the whole measure. It is true, and I shall admit it at once, that a large number of deserving people will not get the benefits which we propose to afford by this Bill to a majority of the agriculturists. But in order to bring in a large number of such people, if we omit a proviso like this, we shall be entirely changing the consequences in character altogether, not only in measure. Any man who lives in a municipal town or a major union who carries on a trade, but who has a little bit of land on which he pays some tax in some village will be entitled to bring, under this measure, all his trade debts in case the proposed amendment is accepted. Liabilities arising out of purchases in shops in a major union or in a bazaar in a town will all be brought under the scope of this measure, which is not the intention of this Bill. It may be that a few more deserving persons will be brought in for the benefits of this Bill, if this proviso is deleted; but, as I said, the consequences will be terrible in another respect, namely, that it will bring in all kinds of debts, which is not what we contemplated at all. I shall deprecate, I submit, any attempt, so to say, to bring in more agriculturists of any kind into the circle of benefits and thereby alter the character of the whole measure. I hope, Sir, that the House will reject this amendment."

The amendment was put and lost.

MR. BASHEER AHMED SAYEED:—"Sir, I move—

'In line 1 of proviso (B) to clause 3, for the word "within" substitute the word "for", and for the words "two years" substitute the words "four consecutive half-years".'

Sir, this has been a little wrongly printed, for the two amendments have been put together. The first part is that 'in line 1, for the word "within" the word "for" be substituted'. That is one amendment. The other amendment is only an alternative amendment in case the first amendment is not carried. So, Sir, I shall not move the first amendment; I shall confine myself to the second amendment, viz., that for the words 'two years', the words 'four consecutive half-years' be substituted.

"Sir, the point is, that under the District Municipalities Act, the Local Boards Act and also the recently amended City Municipal Act, profession-tax is leviable half-yearly. Apparently, the framers of this Bill forgot that the profession-tax is not leviable yearly, but only on a half-yearly basis. That being the case, for one thing, it is necessary that we should take note of the fact that the tax is leviable

11-15
a.m.

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and assessable during each half-year. It might be that one person is assessed to profession-tax for one half-year and again in another half-year and the two half-years have been put as though the tax is assessable only on the basis of a year. Besides, Sir, the same arguments that have been advanced with reference to an earlier amendment relating to income-tax apply to this as well. It might be that income-tax at any rate might stand on a different footing to some extent. In the case of a person paying income-tax after carrying on a particular business for a year, if he has not made any profit, he is not assessed to income-tax; but that is not the case with regard to profession-tax. With regard to profession-tax, the total turn-over is taken into account for determining the amount of the tax payable and whether he has made a profit or not, is not at all the concern of the taxing authority. The taxing authority is concerned only with the mere fact that the person has carried on a profession or trade for the sixty days in the half-year. That is the main criterion with regard to profession-tax. If it is really intended that persons who have carried on their profession and whether they have made a gain or not, should be excluded from the benefits of this Bill, I submit it will be a hard provision which will work against very many agriculturists themselves. Though they might get some subsidiary income, yet the agriculturists depend very largely upon their income from agricultural land. It does not mean that, simply because a man is engaged in a side occupation or profession, he ceases to be an agriculturist. In fact, he does not abandon his land altogether; he pays the land tax which he is liable to pay and it is not excused or completely remitted, nor does he give away the land to other persons, but continues all the time to be an agriculturist. But, since agriculture has long ceased to pay, he has taken to some other profession within a municipality and as often as he could, he goes to his land or pannai, spends lots of hours there and then returns to his profession. Even if the land is really paying to him, he carries on his profession in order to supplement what he gets from his land.

"So, what I say is, that it is reasonable that a man who has for four consecutive half years been assessed to profession-tax, should be exempted. I consider that it is not the intention of the Bill that such persons who are mainly agriculturists, but secondarily taking to some other profession, should not be brought under the scope of the Bill. If I am correct in that presumption, it is absolutely just and fair that only those persons who have been assessed to profession-tax for four consecutive half-years should be excluded from the scope of the Bill, if at all they deserve to be excluded. I therefore request the Hon. the Premier to accept this amendment."

* MR. T. T. KRISHNAMACHARIAR:—"Sir, I second the proposition before the House, because I have also given notice of a similar amendment. I am not actually reiterating the points mentioned by

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my hon. Friend, Mr. Basheer Ahmed. Really, the point is not at all on all fours with the income-tax issue, because the minimum amount of income-tax is Rs. 62, whereas a man can be assessed to profession-tax even at Re. 0-8-0 or Re. 1 or Rs. 1-8-0 or whatever it is. Now, the question is whether a man is assessed to profession-tax of Re. 1 half-yearly unjustly or probably justly. In case where it is unjustly levied, the person has got to go to the municipal or panchayat authority and ask for a remission. As a matter of fact, many people do not pay larger amounts by way of profession-tax; and though they are wrongly taxed they find it difficult to take an appeal before the municipal authorities. Generally people do not want to worry themselves about in regard to such appeals, because they can easily pay the small amount of money instead of going to a lawyer to prepare a petition to the municipal authority or the panchayat board, who may possibly not accept the objection ultimately. This is one of the cases I want to guard against by my amendment.

"The second point really is, that people who are in charge of assessing the blacksmiths and the like are subject to the whims and fancies of Sanitary Inspectors and maistris who might have assessed these people unjustly for one year. These considerations do not operate in the case of income-tax as in the case of the profession-tax. I therefore appeal to the Hon. the Premier to accept the amendment."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I am sorry, I am not in a position to accept the proposed amendment, because I consider that this is the most dangerous amendment in the whole list of amendments. Hon. Members who are aware of the working of the profession-tax scales and schedules will know that there is no such tax as referred to by the last speaker as Re. 1; either there is a half a rupee or Rs. 1-8-0 per half-year, and on the basis of that if we examine the question, it will be obvious that what I said, is not an exaggeration. If a pleader or a petty shop-keeper who makes more than Rs. 50 per month in a town is to be brought under this Act and allowed to file a schedule of all his debts, is it or is it not dangerous? A man earns more than Rs. 300 per half-year and earns more than Rs. 50 per month and this Bill is not intended to cover such cases, but I reiterate that anybody who gets Rs. 49 per month will be saved. I know that under the Bill anomalies of this kind there will be, but we can only see what will be the natural and the general result of it. The man who carries on a petty trade or runs lawyer's office or other business concern in a town will not be benefited. Again, I say, there are some deserving cases, but on the whole even if some deserving cases do not get the remedies given by this Act, it is safer to confine the measure that we propose to agriculturists who do not carry on business in a town and who are not either clerks or teachers in schools and people of that kind. This Bill is not intended for such people. Rupees 50 per month is a fair measure,

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I submit, for distinguishing the class that we want to benefit from the class that we do not propose to take into account.

"I protest against the picture of mis-government in municipal institutions that was raised before us. On the whole I have a right to say that municipalities are well governed and taxes are mostly well and properly laid down and I may even go to the extent of saying this that a large number of people escape proper taxation rather than a large number of people are not properly taxed. I submit that in order to save a few people who are improperly taxed for one reason or other, we ought not to spoil the measure and change the whole character of the Bill. This amendment also should be rejected and I commend its rejection to the House."

The amendment was put and lost.

MR. BASHEER AHMED SAYEED:—"Sir, I beg to move the amendment standing in my name, namely—

'In line 5 of proviso (B), for the word "three" substitute the word "six".'

"We are prepared to take as many defeats as are available. I am moving this amendment with a view to restrict the scope of the Bill to those who are to be excluded from its scope. If a man earns Rs. 50 per month, he ought not to be bothered. I think Rs. 50 is the scheme of the present Bill, but I propose that it should be Rs. 100 a month. I submit that Rs. 50 is not at all sufficient. Any person who gets Rs. 50 a month is not supposed to live happily in this country. On the other hand, there has been agitation everywhere that the persons who draw salaries of less than Rs. 100 ought to be exempted. Now, even in the latest Government measure revising the scales of salary, they have not touched persons drawing Rs. 100 and less and they have imposed a cut only on those drawing over Rs. 100. Following the same standard, I would suggest that persons who draw more than Rs. 100 may be excluded from the benefits of this Bill. Rs. 50 is nothing to a man who has a family of five or six and with say Rs. 10 a month per head for food, clothing, house-rent, conveyance, etc., it is impossible for him to have a decent living. I would therefore suggest to the Hon. the Premier to be a little more liberal-minded and exclude persons who are paid more than Rs. 600 per half year. After all, I am only asking for mercy on the part of those persons who are not able to get on with Rs. 50 a month. I only want him to keep into line with their own professions and practice which they have given an example and instance of in not touching persons with salaries of Rs. 100 and less. Therefore, I do not claim any greater advantage in moving this amendment. I do not claim the Premier to accept this amendment." I request the Hon.

The amendment was duly seconded.

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THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, just a word to say that I am not going to accept this amendment, because it would cover the head accountants, assistant school-masters and everybody in a town who gets between Rs. 50 and Rs. 100 and all his debts incurred in the city, which is not indeed our object."

The amendment was put and lost:

* DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I move— 11-30
'In line 13, omit the words "In India".' a.m.

"Proviso (B) excludes from the benefit of this Bill agriculturists who pay profession-tax and who reside in municipalities, cantonments, other provinces in British India, Indian State or any foreign state in India. These have been excluded from the benefits of the measure and in my opinion rightly so, because the exercise of any profession other than agriculture indicates that the person has other means of livelihood and is not solely dependent on agriculture for his maintenance. If we exclude agriculturists who pay profession-tax in any foreign state in British India, I could see no reason why we should not extend that exclusion to residents in any foreign state out of India. There are concrete instances of agriculturists who are indebted and are resident in foreign state outside India like Malaya, Straits Settlement and Ceylon. They are in a position to pay their debts as much as others who have been specifically excluded in this clause from the benefit of this measure. Looking at the question from the point of view of the creditor, it does not fit in with the general scheme of the Bill that this class of people should be excluded from the benefit of the Bill, because they are residents of foreign states in India while those resident in foreign states outside India get the benefit of the measure. It will be too much to ask the creditor to lose in such cases especially when the debtors are in a position to pay their dues. That is why, I submit, Sir, that they should also be brought under the purview of this clause. After all, in the matter of profession-tax, it is not the place where the profession is exercised that matters, but the fact of the payment. I am sure that the Hon. the Premier will accept this very simple and harmless amendment."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, I second the amendment in the hope that it is a very mild amendment, which could be accepted by the Premier on the analogy of the other amendment accepted by him for the first time. I hope this will be the second one to be accepted by him. Probably the best amendment would be to cut out the words 'foreign state in India' and use the words 'or any foreign Government or 'foreign country'."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. Speaker, it is only by way of explanation for not accepting a seemingly harmless amendment that I rise. I do not think there is any harm in

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accepting the amendment. But what I fear is this. The finding of facts in the settlement of debts would be very difficult. One cannot get the facts as to whether the person was paying profession-tax in a foreign country and the result will be that proceedings will be held up and the advantages gained by such a provision would be wholly disproportionate to the difficulties involved in the matter of getting the information.

"We have included payment of profession-tax in any province in British India, or Indian State, or any foreign state in India and the ascertainment of the fact of such payment would be easy, whereas if the proposed amendment were to be accepted, it would mean much difficulty in getting the facts. Therefore, I do not wish to accept the amendment."

MR. BASHEER AHMED SAYEED:—"Sir, in matters of legislation like this, it is open for any one to convince the Premier before a final decision is made. The point adduced by the Hon. Premier does not seem to me to be convincing. What applies to a foreign state applies with equal force to a foreign state out of India. I do not for a moment believe that the difficulties involved in getting the information from Mysore, Ceylon, Pondicherry or Kathiawar or Kashmir are any less insurmountable than getting information from a foreign state outside India. I do not see any valid or legitimate difficulty in this regard between getting an information from a state in India and outside India. My contention is, that what applies to states within India, will apply equally well to states situated outside India. We are excluding people having business transactions in foreign states in India from the benefits of this measure. Why should not the same exclusion apply to people who are carrying on their professions in foreign states outside India?"

* MR. SPEAKER:—"The hon. Member is making a rather long speech. I thought he was going to make a brief observation. I must remind the hon. Member that he is not the mover of the amendment."

MR. BASHEER AHMED SAYEED:—"I am not replying. I am only trying to show that there is no difference between the one and the other case."

* MR. SPEAKER:—"The hon. Member will please finish his speech. He has been occupying too long a time."

MR. BASHEER AHMED SAYEED:—"Mr. Speaker, I submit that until the motion is put to the vote of the House, any person has the right of speaking on the effects of the attitude of the Government, if they say that they cannot accept an amendment."

* MR. SPEAKER:—"The hon. Member will please go on with his speech."

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MR. BASHEER AHMED SAYEED:—"What I was saying is that what applies to a foreign state within India ought to apply with equal emphasis to a state outside India. So I hold that it must be applicable to persons resident in foreign state outside India. There is no variation, no difference in principle between the amendment that has already been accepted by the Government and this one. Even in regard to clause (A) some such difficulties as the Premier has mentioned in regard to the ascertainment of facts in states outside India, do obtain. When that amendment has been accepted, I see no reason why this amendment should not be agreed to. I would, therefore, submit that the Hon. Premier would be well advised in accepting this modest amendment."

The amendment was put and declared lost.

A poll was demanded by Mr. Basheer Ahmed Sayeed.

The bell was rung and Members moved to their seats.

* MR. SPEAKER:—"Hon. Members will hereafter sit in the seats allotted to them throughout the session and not waste the time of the House in moving to their respective places when a division is called."

AN HON. MEMBER:—"Is it in order for a Member to enter the House after the bell has ceased ringing and the Speaker is on his legs?"

ANOTHER HON. MEMBER:—"The Member was inside the House, but was a little late in moving to his place. The Member was inside the House all through."

* MR. SPEAKER:—"They shall not hereafter change their seats. Does the hon. Member even now want to have a division? I thought I would give him a chance to reconsider his decision."

MR. BASHEER AHMED SAYEED:—"I want a poll."

There were no members in support of the motion in the first block.

Members in the first block rose in response to the Speaker's call for 'Noes' to rise in their places.

MR. BASHEER AHMED SAYEED:—"On a point of order. I observe, Sir, the Hon. the Minister for Education inducing the Hon. Minister for Revenue, to get up. I submit to you that that is not the proper procedure."

* MR. SPEAKER:—"I rule it out of order."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"On a point of 11 45
order, Sir, is the Hon. the Minister for Education right in moving from a.m.
his seat before the results of the poll are announced?" (Laughter.)

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* MR. SPEAKER:—"Hon. Members including the Ministers, will hereafter make it a rule not to move out of their places before the result of the poll is announced." (Laughter.)

Ayes.

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| 1 Kumararaja Muthiah Chettiyar of Chettinad. | 5 Mr. Mir Akram Ali. |
| 2 Rao Bahadur Sir A. T. Pannirselvam. | 6 " Basheer Ahmed Sayeed. |
| 3 Diwan Bahadur A. Appadurai Pillai. | 7 " T. T. Krishnamachariar. |
| 4 Mr. B. Bhakthavatsalu Nayudu. | 8 " G. Krishna Rao. |
| | 9 " R. M. Palat. |
| | 10 " M. J. Samuel. |
| | 11 Zamindar of Chemudu. |

Noes.

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| 1 Mr. Abdul Hameed Khan. | 48 Srimathi A. V. Kuttimalu Amma |
| 2 " Abdur Rahman Ali Rajah, Arakal Sultan. | 49 Mr. O. Lakshmanaswami. |
| 3 " P. M. Adikesavalu Naicker. | 50 " P. Lakshmanaswami. |
| 4 " Ahmad Thambi Muhammad Mohideen Maracair. | 51 Mrs. Lakshmi Sankara Ayyar. |
| 5 Srimathi G. Ammanna Raja. | 52 Srimathi K. Lakshmi Ammal. |
| 6 Mr. B. Ananthachar. | 53 Dr. N. Lakshmi Devi. |
| 7 " N. Annamalai Pillai. | 54 Mr. P. Madhavan. |
| 8 " Muthu. Kr. Ar. Kr. Arunachalam Chettiyar. | 55 " Mahaboob Ali Baig. |
| 9 " M. Bapineedu. | 56 " R. S. Manikkam. |
| 10 " M. Bhaktavatsalam. | 57 " M. Mariemuthu. |
| 11 " K. Bhashyam Ayyangar. | 58 " R. Maruthai. |
| 12 Sriman Y. V. A. Bhaskara Rao Mahasayo. | 59 " P. K. Moideen Kutty. |
| 13 Mr. V. Bhuvarahan. | 60 " Muhammad Abdur Rahman. |
| 14 " P. Buchappa Nayudu. | 61 The Hon'ble Mr. V. I. Muniswami Pillai. |
| 15 " K. Chandramouli. | 62 Mr. B. S. Murti. |
| 16 " G. Chelvapathi Chetti. | 63 " K. A. Nachiyappa Goundar. |
| 17 " O. Chengam Pillai. | 64 " A. Pl. N. V. Nadimuthu Pillai. |
| 18 " S. Chidambara Ayyar. | 65 " S. Nagappa. |
| 19 " M. P. Damodaram. | 66 " N. Nagaraja Ayyangar. |
| 20 " M. Doraikannu. | 67 " S. Nagiah. |
| 21 " A. R. A. S. Doraiswami Nadar. | 68 " D. L. Narasimha Raju. |
| 22 The Hon'ble Mr. V. V. Giri. | 69 " P. L. Narasimha Raju. |
| 23 Mr. Govinda Doss. | 70 " C. Narasimham. |
| 24 " C. K. Govindan Nayar. | 71 " V. V. Narasimham. |
| 25 " S. Guruvulu. | 72 " D. Narayana Raju. |
| 26 " N. Halasyam Ayyar. | 73 " K. V. Narayana Rao. |
| 27 " H. S. Hussain. | 74 " M. G. Natesa Chettiyar. |
| 28 " K. Ishwara. | 75 " P. Natesa Mudaliyar. |
| 29 Mrs. Jehamoney Masillamoney. | 76 " C. Obi Reddi. |
| 30 Mr. A. Jogi Nayudu. | 77 " V. C. Palaniswami Goundar. |
| 31 " A. K. Kaderkutti. | 78 " V. K. Palaniswami Goundar. |
| 32 " D. Kadirappa. | 79 " M. Pallam Raju. |
| 33 " Kala Venkata Rao. | 80 " C. R. Parthasarathi Ayyangar. |
| 34 " A. Kaleswara Rao. | 81 " P. Pedda Padalu. |
| 35 " K. Kamaraj Nadar. | 82 " K. S. Periaswami Goundar. |
| 36 " E. Kannan. | 83 " M. P. Periaswami. |
| 37 " K. R. Karant. | 84 " V. R. Perumal Chettiyar. |
| 38 " K. Karunakara Menon. | 85 " B. Perumalla Nayudu. |
| 39 " K. Koti Reddi. | 86 " R. Ponnuswami Pillai. |
| 40 " S. Krishnan. | 87 The Hon'ble Mr. T. Prakasam. |
| 41 " G. Krishnamurti. | 88 Mr. R. Raghava Menon. |
| 42 " L. Krishnaswami Bharathi. | 89 The Hon'ble Mr. C. Rajagopalachariar. |
| 43 " K. Kulasekaran. | 90 Mr. B. Raja Rao. |
| 44 " P. S. Kumaraswami Raja. | 91 " A. K. A. Ramachandra Reddiyar. |
| 45 " P. I. Kunhammad Kutty Hajee. | 92 " R. B. Ramakrishna Raju. |
| 46 " K. Kuppuswami Ayyar. | 93 " T. N. Ramakrishna Reddi. |
| 47 " V. Kurmayya. | 94 " D. Ramalinga Reddiyar. |
| | 95 " A. Ramalingam. |

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Noes—cont.

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| 96 The Hon'ble Mr. K. Raman Menon. | 122 Mr. C. P. Subbiah Mudaliyar. |
| 97 The Hon'ble Mr. S. Ramanathan. | 123 " A. Subramanian. |
| 98 Mr. D. V. Ramaswami. | 124 " K. V. R. Swami. |
| 99 " K. S. Ramaswami Goundar. | 125 " P. Syamasundara Rao. |
| 100 " V. M. Ramaswami Mudaliyar. | 126 " V. S. R. M. Valliappa Chettiyar. |
| 101 " N. G. Ramaswami Nayudu. | 127 " N. S. Varadachari. |
| 102 " N. Ranga Reddi. | 128 " C. J. Varkey. |
| 103 " G. Rangiah Nayudu. | 129 " A. Vedaratnam Pillai. |
| 104 " P. Ratnavelu Tevar. | 130 " S. V. Venaudaya Goundar. |
| 105 Mrs. Rukmini Lakshmiopathi. | 131 " G. Venkanna. |
| 106 Mr. K. Sakthivadivelu Goundar. | 132 " Gopavaram Venkata Reddi. |
| 107 " V. J. Samu Pillai. | 133 " K. Venkata Reddi. |
| 108 " L. Sattanatha Karayalar. | 134 " B. Venkatachalam Pillai. |
| 109 " A. B. Shetty. | 135 " B. Venkatanarayana Reddi. |
| 110 " K. Shanmugam. | 136 " S. C. Venkatappa Chettiyar. |
| 111 " K. A. Shanmuga Mudaliyar. | 137 " R. Venkatappa Nayudu. |
| 112 " B. T. Seshadriachariyar. | 138 " K. Venkatappayya Pantulu. |
| 113 " H. Sitarama Reddi. | 139 " P. Venkatarama Ayyar. |
| 114 " K. Sitarama Reddiyar. | 140 " R. S. Venkataramiah. |
| 115 " J. Sivashanmugham Pillai. | 141 " B. Venkatarao Baliga. |
| 116 " D. Srinivasa Ayyar. | 142 " R. Venkatasubba Reddiyar. |
| 117 " P. S. Srinivasa Ayyar. | 143 " V. Venkatasubbayya. |
| 118 " Karunakaram Subba Rao. | 144 " T. Viswanatham. |
| 119 " N. M. R. Subbarama Ayyar. | 145 " K. P. Yagneswara Sarma. |
| 120 The Hon'ble Dr. P. Subbarayan. | |
| 121 Mr. P. Subbiah. | |

Ayes 11. Noes 145.

The amendment was lost.

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Mr. Speaker Sir, I beg to move—

'that the words "or under the Madras Local Boards Act, 1920, in a Panchayat which was a union before the 26th August 1930" occurring at the end of proviso (B) to clause 3 (ii) (d) be omitted.'

"Sir, yesterday, while dealing with the land situated in a municipality, I stated that both our municipalities and panchayats are, generally, speaking, rural in character and, therefore, it would be not proper to exclude those areas from the scope of this bill. I feel today, that I stand on even firmer ground when I state, that our panchayats and unions are essentially rural in character, and there is in fact, very little difference in the atmosphere and character of the people in a union and those living in village parts. I would, therefore, submit, Sir, that it would be rather inequitable to deny to residents within a union the benefits which we give under this bill to persons actually living outside the union areas. I would like to draw a distinction between unions and municipalities. We know, Sir, that most of our unions are merely clusters of villages, mere congregation of a few thousands of persons occupying themselves in a subsidiary manner in certain business, which make them liable to small professional taxes, and it would be hardly right to deny

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them the relief which we give under this bill. They are as much agriculturists as those living outside the union limits. So I would submit this amendment to the acceptance of the House."

MR. BASHEER AHMED SAYEED:—"Sir, I rise to second the amendment, and in doing so, I only wish to point out that no strong case has been made out to exclude the panchayats which were unions before 26th August 1930. There is, after all, no great difference between the ordinary unions and those that were constituted prior to August 1930. As has been pointed out, if it is the intention of this Bill that all unions should be benefited, I see no reason why the panchayats which were unions before 26th August 1930, should be excluded. And further if only you care to see how many unions are there of this sort, you will see that such unions are only a very small number. And so, I submit this distinction is invidious. I do not think that it is very seriously contended by Government for one moment, that simply because sometime ago these panchayats were bigger unions, or were more or less like municipalities, they should be put outside the scope of the Bill. I do think all unions are just like villages, and there is not much difference between these unions and ordinary villages. Simply because a particular village has grown in dimensions, I do not think that is sufficient justification to exclude it from the operation of this Bill. Further the standard of life, the habits of the people and the professions exercised by the people in the villages and these unions are all one and the same, and so I would suggest that this amendment should be accepted."

The amendment was put and lost.

Clause 3

Sub-clause (ii) (d)—*Proviso (C)*.

MR. GRANDHI VENKATA REDDI:—"Sir, I move—
'that proviso (C) be omitted.'

"The proviso as it stands restricts the benefit to be derived from the Bill to certain classes of agriculturists. I think it is not proper and just that the benefits of this Bill should be so restricted. So I submit that this proviso be completely deleted and the benefit of the Bill be extended to all the agriculturists. In every district, there are many panchayats and unions. In almost all the panchayats and the unions, there is profession-tax, house-tax or some other tax levied. There are very few non-panchayat villages. If the proviso is allowed to stand as it is, very few agriculturists will be benefited by this Bill. So I appeal to the Hon. the Premier to accept the amendment and delete Proviso (C)."

The amendment was duly seconded.

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The amendment was put and lost.

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I beg to move—
'In line 1, for the words "within the two years" substitute the words "in both the years."'

"My object in moving this amendment is this: In the proviso as it now stands in the Bill, if a person owned a house in a municipality and was assessed to property-tax, say in the year 1936, and though he has sold the house in 1937 and has no longer a house within the municipal limits he will not be benefited by this Bill. A person who, probably owing to a debt which was sitting heavily on him disposed of the house within the municipal limits before 31st March 1938, in order to clear off a portion of his debt, will not get the benefit of this Act. He has already disposed of the house and he has no more house within the municipal limits. I do not see any reason why we should deny him the benefits of this proviso. That is why I have proposed the substitution of the words 'in both the years'."

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

The amendment was put and lost.

MR. BASHEER AHMED SAYEED:—"Sir, I am not moving the first part of my amendment, as it has already been moved and lost. The second part of my amendment which I beg to move, runs thus—

'In line 3, after the word "been" insert the words "the owner and" and after the word "assessed" insert the words "as such."'

"Even though the previous amendment moved by the hon. Member Sir, Pannirselvam, could not be accepted, there is every reason why this should be accepted. No doubt the case pointed out by the hon. Member, Sir Pannirselvam, is a very proper case and it has to be provided for in this Bill. There are cases in which the assessment is levied under Municipalities Act, on the basis, that a certain person is the owner. Ownership is not established by any independent investigation or enquiry so far as the municipalities are concerned. In the City of Madras, it seems, that the mere fact that the name of the owner is found in the register against that property is sufficient for the purpose of the Act and for the purpose of levying the assessment. So that, both in the City of Madras and elsewhere, even, when the owner in whose name the property stood might have ceased to be the actual owner some five years ago, the assessment is still continued to be put against the name of that person, because there is no law which compels the owner to notify at once the change of ownership or the transfer of the property to any other person. On the other hand, it is to the interest of the purchaser or the vendee or the mortgagee to notify that he has become the owner. That

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being the case, if it is merely to be put down as the person who has been assessed, it will lead to difficulties. In order to remove this anomaly, it is necessary that we ought to specifically lay down that 'owner' does not mean the person in whose name the property stands in the registers of the municipality or the local body concerned, but that he should be the actual owner and must have been assessed as such. Otherwise it will create hardship. On account of the negligence of a man to inform the authorities concerned that he has sold his house, he ought not to be made to forego the benefit of this Bill. Such anomalous cases ought not to be allowed when we are legislating for a certain class of people. Even though the previous amendment has not been accepted, it is necessary that here at least we should provide that the person must be owner and must have been assessed as such. I may assure the Hon. the Premier that it does not go against the principles of the Bill. It will benefit the persons who, this Bill contemplates should derive benefit. The scope of this amendment does not go against any principle or object of this Bill. I would earnestly request the Hon. the Premier to accept it. This amendment only clarifies the position and makes it clear as to who should be the persons that should get the benefit of this Bill."

MR. T. T. KRISHNAMACHARIAR:—"I second the amendment."

The HON. MR. C. RAJAGOPALACHARIAR:—"The only thing I wish to say is that the reason why I do not accept the amendment is that it is not the intention to accept evidence of ownership of property to go into litigation on this question."

MR. BASHEER AHMED SAYEED:—"May I say, Sir, that that is not the only point to be considered in this matter? I request the Hon. Minister to consider the other aspects of the matter. Let me have the benefit of his views on them. There are other amendments which fall under the same category. I should like to know whether he wants to deny the benefit of this proviso to an agriculturist who has ceased to be the owner of any property."

The HON. MR. C. RAJAGOPALACHARIAR:—"I do not wish to be discourteous to the hon. Member. He will see that the mischief that I have pointed out is not met by his request. If once you allow evidence to be gone into as to the ownership of property, it does not matter what the intention of the Bill is, the mischief is still there."

The amendment was put and lost.

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, I move the amendment of which I just now gave notice, that is—

'to insert the words 'or any foreign country' between the words "State" and "or" in line 11 of proviso (C).'

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"It is only extending the same principle that has been accepted in the proviso (A) with reference to income-tax. There are a large number of Indian nationals abroad doing business. They own house property in other places and might have contracted debts here. They would have taken deposits from women and would have been carrying on business owning house property in foreign countries. I do not think it is the intention of this enactment to help such persons. It is only for that purpose that I want the extension of the same principle in this proviso also."

MR. BASHEER AHMED SAYEED:—"I rise to second this amendment for the very same reason which I have already advanced."

The HON. MR. C. RAJAGOPALACHARIAR:—"I am sorry, Sir, that it is a little difficult for me to accept the amendment for the reason that I have in connexion with the previous amendment. We will have to go into the question of ownership of a particular house or property in a country, rather too far removed, for the purpose of the litigation contemplated in this measure. You will have to find out the question of ownership of a house and taxation in a country so far remote that I dread to accept such an obligation. That is why I oppose the amendment."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I quite realize the difficulties pointed out by the Hon. the Premier. I would not have moved this amendment if the foreign countries which are contemplated to be brought within the scope of this Bill are situated far off from this province. In the case of house-property, it will be much easier to find out who are the owners of house-property, and who pay house-tax. With regard to finding out who are all paying property-tax in Colombo or Rangoon, it is much easier to find out than it is in the case of Indian States. In that view I would ask the Hon. the Premier to reconsider his decision in this matter. It is only the same thing whether it is income-tax or property-tax. The income derived from house-properties is also taken into account for the purpose of income-tax. Therefore the same analogy as was applied with regard to income-tax in the previous amendment in proviso should also be applied here. We were given to understand that he would accept this amendment. I am sure that he realizes that it is not proposed to apply this provision to far-off countries like America and Great Britain. I would confine myself to two or three places such as Ceylon, Burma and Straits Settlements. Burma has been part of India until recently and Ceylon is very close to India. I may say also that people in the Tinnevely district have very large business connexions in Colombo and in other places, owning house-properties and paying property-tax there. They may have landed property in some part of the Tinnevely district such as Tuticorin or some other place. In such cases it is quite fitting they should not be classed as agriculturists. Though they may be carrying on a prosperous business in Colombo or some other part, they may

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have landed property in their native places such as Tuticorin or some other place in the Tinnevely district. I would therefore urge on the Hon. the Premier to reconsider his decision in this matter."

THE HON. MR. C. RAJAGOPALACHARIAR:—"It is true that I was considering it but the considerations pointed out to me make it difficult for me to accept the amendment for this reason that it would be very difficult to go into the question of ownership of properties in Malaya, Singapore, or Penang. To cover a possible case like that where a man may own properties in those places, if we are to introduce such an amendment, I think it would lead to various complications. If we are to introduce such a phrase as the hon. Member puts forward in his amendment, it would bring up an issue in all the other cases which will have to be gone into and such a procedure will lead to a lot of complication."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I beg to withdraw the amendment I have given notice of."

AN HON. MEMBER:—"No."

MR. SPEAKER:—"The sense of the House has to be taken. If one member says 'No,' the question has to be put."

The amendment was then put and lost.

* MR. SPEAKER:—"The hon. Member, Mr. Raghava Menon, says that block No. 5 has no loud-speaker and members in that block should be allowed to occupy other places in other blocks. This is not permissible and no loud-speaker could be fitted to-day or at any time. The maximum number of loud-speakers and microphones have been fitted and even if members are put to a little inconvenience, they will have to sit in their places, otherwise legislative business will not easily get on. Reshuffling of seats will take a long time. Therefore hon. Members are requested to be in their places when amendments are under consideration."

MR. BASHEER AHMED SAYEED:—"I beg to move the amendment that stands in my name, that is—

'in line 11 of proviso (C), for the word "or," substitute the words "and not".'

"This amendment is conceived in the interests of agriculturists. The clause as it stands seeks to exclude people who are in the possession and occupation of houses. Even though the houses may be in the occupation of certain people, who are owners themselves, they should not be denied the benefit of this Bill. I will give an illustration and be done with this. An agriculturist owns certain lands in a union and he also owns a house in which he resides but does not get any income by way of rent from that house; but the value of the house

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is certainly what is going to be taken into consideration for the purposes of this measure. But I say it is entirely his own house. He has no other house. He is an agriculturist and he is indebted. At the same time the clause as it stands seeks to exclude such a man from the benefit of this Bill. If the value of the house is more than the annual rental value it may be all right. But in the case I am citing the owner himself is occupying the house. If it is let out and if he gets any income from his house, besides his own agricultural income, then he may be excluded from the benefits of this measure. For an agriculturist there is no other credit except his own house and he has a standard of life to maintain. He may own a house whose value can be estimated at Rs. 1,000 and he occupies that house. He wants to live and maintain a standard of living and he becomes indebted. I do not see any reason why such a person should not be given the benefit of this Bill. If this amendment is accepted I do not think that it will cause any mischief or violate any principle or object which underlies this Bill. I very strongly plead that this amendment is in the interests of small agriculturists. I might own a house the annual rental valuation of which may be Rs. 600 or Rs. 50 per mensem. Then in that case according to this clause, I will be excluded from the benefits of this Bill. But the valuation of these houses as far as we know is fixed by the local bodies at a higher figure. Sometimes the valuation of these houses is fixed vindictively, on an enhanced scale by some interested parties or by some others to wreak vengeance. In order that we may not be understood that this House has not been favourable to some of the owners of houses who may also be agriculturists and that the benefits of this Bill may not be shut out to them, I strongly plead for the acceptance of this amendment."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Amendment No. 39 is practically the same as the one which has been moved by my hon. friend Mr. Basheer Ahmed Sayeed. Therefore I would second this motion and if it is put to vote and lost, my motion automatically goes. I will abide by the decision of the House on this amendment."

"Sir, this is a very reasonable amendment. A person owning or occupying or letting out a house in a union before 1930 may now be just in occupation of that house without letting it out. In that circumstance I do not see any reason why such a person should be denied the benefit of this Bill. By the previous proviso under this Bill we have already excluded people who pay income-tax and people who pay profession-tax. But now in cases of this sort he does not pay either income-tax or profession-tax. He might probably have been letting out his house before 1930. But now he occupies it himself and he does not own any other house within the municipal limits. He just occupies one house and he owns agricultural lands outside the municipal limits. It seems to me that he is in every sense of the term an agriculturist and it would be unfair and inequitable to deny him the benefits under this Bill."

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THE HON. MR. C. RAJAGOPALACHARIAR:—"Even if the amendment which Sir Pannirselvam has tabled is the same as has been proposed by Mr. Basheer Ahmed Sayeed, or if the principle in both the amendments is the same, I understand that the intention of the framers of the Bill is not to allow the debts of a person, who has a house in an important town or municipality and yet who refuses to sell it and pay off his debts, to be scaled down. Though a person owning a house may not get rent from out of it, yet the principle is, that, if a person does not make the best use of it by selling it and paying off his debts, though he is heavily indebted, then he should be refused the benefit of this measure. Hence this amendment cannot be accepted."

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The amendment was put and lost.

MR. BASHEER AHMED SAYEED:—"I beg to move that—
'in the last line of proviso (C), for the figure "600," the figure "900" be substituted.'

"Sir, the limit of Rs. 600 is too low and should be raised to Rs. 900. I do not mention the names of the various associations and individuals who have been of the same opinion. Rs. 900 per annum comes to only Rs. 75 a month and it is the so-called salary of the members of this House. I do not see why people having a house should be treated differently if otherwise they are agriculturists. Rs. 75 a month is a decent maximum and on that ground I wish to move this amendment."

MR. V. S. T. SHAIK MANSOOR THARAGANAR:—"I second the amendment."

The amendment was put and lost.

Clause 3.

Sub-clause (ii)—Proviso (D).

MR. R. M. PALAT:—"I beg to move—

'that proviso (D) be omitted.'

"This proviso deals only with zamindari tenants and landholders under the Malabar Tenancy Act. The question of zamindari tenants is now under the consideration of a committee and it is only proper that we should await the report of the committee before we take any steps. As regards Malabar tenants, I shall deal with it more fully when amendment No. 45 is taken up. For the moment I should like to point out that the question of Malabar tenants was fully gone into only recently and settled by the Malabar Tenancy Act in 1929, and it is too early to reopen it now. Moreover when large ryotwari landholders are included in the scope of the Bill and many of them are much richer than many zamindars, there is no reason why a similar favour should not be shown to these people also."

The motion was duly seconded.

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* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, the omission of this proviso would mean not that the matter is put off for the purpose of examination by some other committee, but that every landholder would be in the same position as the agriculturist defined here for getting his debts scaled down. Such a large extension of the Act hardly comes properly from an hon. Member who was absolutely and wholly opposed to this measure. It is surprising that such a proposal should come from the hon. Member who has moved it and I am unable to accept the amendment."

* MR. SPEAKER:—"Does Mr. Palat want to say anything in reply?"

MR. R. M. PALAT:—"I only wish to say in reply to the Premier's observation that though I might have opposed the whole Bill it is open to me to amend any part of it if I think it necessary."

The amendment was put and lost.

MR. BASHEER AHMED SAYEED:—"I move—

'that in lines 4 and 5, for the words and figures "any sum exceeding Rs. 500" the words and figures "any sum exceeding Rs. 300" be substituted.'

"Sir, Rs. 500 is a very large amount and persons who pay more than that amount would be owning about 1,000 acres of land. If persons paying only about Rs. 300 and more are taken into account then it will affect all those who own more than 500 or 600 acres. This will exclude a large number of people. This amendment is obviously intended in the interests of the creditor, because he also should receive some benefit. He should get back at least a portion of his outstandings. If Rs. 500 is fixed a larger number of creditors would lose their money. When we are giving the benefits of this Bill even to persons who own vast lands and who can afford to pay their debts, my submission is that we should at least reduce the number of creditors who will be adversely affected. The lower limit that I propose will have the effect of reducing the number of creditors who will be affected and I submit that this amendment may be accepted."

MR. B. BAKTHAVATSULU NAYUDU:—"I second it."

The amendment was put and lost.

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"May I make a suggestion, Mr. Speaker?"

MR. SPEAKER:—"Yes."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, however much the amendments may not be serious, I think—I would not use the word 'discourteous' but would use a milder word—it would certainly be more courteous and generous to the opposition

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and particularly to the hon. Member who has taken the trouble to give notice of an amendment, if the Government should give their reasons why they are not accepting it. I was looking forward in this particular case to the Hon. the Premier rising up and explaining why he has fixed an upper limit of Rs. 500 in this case while no upper limit was fixed in the case of the ryotwari landholders. I myself seconded an amendment to have an upper limit for the ryotwari landholders; the Government themselves had an upper limit in their Moratorium Bill and I would have been glad if the Hon. the Premier had stood up and explained his position. It would have helped us to argue better later on during the further consideration of the Bill on the general question of the upper limit and ask why there should be an upper limit in the case of some landholders and not in the case of others. The Hon. the Premier might have very good reasons in support of his position and it is in that spirit that I am suggesting that all amendments good or bad—certainly they are good in the opinion of the members who have given notice of them—should be replied to. I think the Government owes a duty to the House as a whole to explain their attitude in the matter. Otherwise we need not be sitting here at all; we shall straightaway pass the Bill into law and we do not need to be here. I am very sorry to have to say all this."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, the point raised is that as the Mover of the Bill, I should reply and explain things in respect of the amendments moved. I at once concede the point. But there must be a certain amount of give and take and a sense of proportion in dealing with the situation. If really the hon. the Leader of the Opposition wants me to deal with all the 225 amendments and at every stage I would be hard put to it to carry on up to the end. But surely that is not the intention of the Leader of the Opposition. In this particular case, it has just now been explained why the Leader of the Opposition expected me to answer the amendment. I quite appreciate it. I proceed therefore to say that on the question of bargaining, as to the exact figure, I did not think I should get up and say anything. On the other hand, if there had been any point of principle involved and if it had been made clear in the motion moved by Mr. Basheer Ahmed Sayeed, I would not have let that opportunity go. As a matter of fact, it was only a question whether it should be Rs. 300 or Rs. 400 or Rs. 500. I have already explained yesterday by taking probably more time than I ought to have done, the principle that guided us in fixing the limit. I have said that it is occupation and not quantity that I am concerned with and that is the principle here. The word landholder is a technical expression in the Estates Land Act. Any landholder who is only a landholder and not an agriculturist, as I understand him to be in the scheme of this Act even though he may be big or small, does not get the benefits of this Bill. It does not matter where we draw the line, so long as we draw the line somewhere. Very small landholders paying, it may be,

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Rs. 300 or Rs. 400 or Rs. 500, ought to be given the benefit of this Act, even though they are called zamindars. That is the only principle and I do not wish to keep back this principle. Nothing of the kind. Supposing there had been an amendment to reduce the limit to Rs. 200 or Rs. 150 it might have been left to the vote of the House without my rising to answer to the debate. I hope, Sir, I have satisfied the point of courtesy raised by the hon. the Leader of the Opposition. He should not, I submit, be under the misapprehension that we do not want to help the Opposition to put forward their views in order to understand the position of the Government. It was rather an unnecessary length to which he went when he said that we might as well pass a resolution that the whole Bill be passed into law. If he felt any grievance that we meant any discourtesy, he was entitled to take offence and make such strong statement. But no such thing was intended and I hope we shall proceed with the discussion without misunderstanding one another. If on every amendment like this I do not rise, it should not be taken to mean that I treat the amendment or the Mover of the amendment with discourtesy or contempt. It simply means that no words are necessary from me and on that understanding the House will vote on the amendment. I do not mind if, where I do not speak, members of my Party exercise their right and vote freely just as they like."

* MR. SPEAKER:—"The Leader of the Opposition should have drawn my attention to it before I had actually taken the vote. It was after the question was put and vote taken, that explanation was sought for from the Hon. Premier." 12-45 p.m.

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I made these observations only for guidance in the future."

MR. SPEAKER:—"But the explanation was given after the vote was taken; it was asked for and it was given."

* MR. T. T. KRISHNAMACHARIAR:—"Sir, I beg to move the alternative amendment. It runs thus:—

'In line 6, for the figures "Rs. 100," after the words "any sum exceeding" substitute the figures "Rs. 250".'

"I realize after the explanation given by the Hon. the Mover of the Bill that the amount does not matter. The inamdar has been treated not quite fairly in this Bill. The zamindar has been given a limit of Rs. 500. The Malabar janmi has been given a limit of Rs. 500; but inamdar has had his limits fixed at Rs. 100. The inamdars might be divided into two classes, those who get a little more than the quit-rent, who are supposed to enjoy *arda manyam* rights and those who have *sarva manyam* rights. I know that many inamdars are very poor. I suggest that those people who pay more than Rs. 250 as quit-rent should be excluded from the provisions of the Bill. You should not deny the privileges of the Bill to those who

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are really in need of them. I think Rs. 250 is a very modest figure in the case of *arda manyam* inamdars. I commend this amendment for the acceptance of the House."

MR. MAHBOOB ALI BAIG:—"I second the amendment, Sir. My reasons for doing so are these. There are some inamdars who are joint owners of villages or who own shares in the villages, who pay quit-rent to the Government and jodi or kattubadi or poruppu to the zamindar. Some inamdars are cultivating the land. When you are giving the benefits of this Bill to ryotwari cultivators or landholders who own 1,000 acres of land, I do not see any reason why the inamdar who cultivates the land should not derive the benefits. In recent years the inamdars have taken the land and are cultivating it themselves. I do not think any case has been made out for excluding them and for treating them differently from the ryotwari landholders who may not be cultivating the lands themselves. The cry in the country is that most of the inamdars have become poor. Already there is the Inams Act which has deprived them of their kudivaram rights. Such of the persons who actually cultivate the lands themselves under the changed circumstances will be denied the benefit, merely because they are inamdars. I think it is fair that the inamdars who pay less than Rs. 250 as quit-rent or kattubadi, should derive the benefits. From the facts and figures that have been given recently, we could see that most of the inamdars have suffered and are suffering on account of depression. Unless very cogent reasons are advanced by the Government for putting the limit at Rs. 100 only, I would implore the Government not to be unmindful of the great disadvantages to which the inamdar is put, merely because he is an inamdar, by being excluded from the provisions of this Bill."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, the amendment is to extend the scope of the benefit of the Bill to those who pay the higher amount of inam peshkash, quit-rent or jodi, to the inamdars. It may be that there are a number of people who may be deserving of the benefits of this Bill, even though they may be paying jodi or quit-rent or kattubadi between Rs. 100 and Rs. 250. But it is safer to take the risk of not extending the benefits of the Bill to such persons than to extend it to all cases which would fall by increasing the figure Rs. 100 to Rs. 250. That is the only reason for our being unable to accept the amendment."

The amendment was put and lost.

MR. R. M. PALAT:—"Sir, I beg to move the amendment standing in my name, that is—

'Delete the following words in lines 8 to 11 of proviso (D) to clause 3, sub-clause (ii) (d):—

"or is a janmi under the Malabar Tenancy Act, 1929, who pays any sum exceeding Rs. 500 as land revenue to the Provincial Government".'

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"The reason is this; the tenure of the janmi in Malabar is the same as the ryotwari tenure in the East Coast. There is no reason why the ryotwari tenants in other districts should be given the advantages of this Bill, while the Malabar ryotwari tenant is prevented from taking advantage of the same. The janmi in Malabar is in a worse position than the ryotwari tenant. The tenants in janmam lands have been given permanent occupancy rights. I do not see any reason why one district alone, the district of Malabar, should be singled out and excluded from the benefits of the Bill or given prejudicial treatment. Every Member from Malabar will support me in my statement that in Malabar land is as much subject to resettlement as land on the East Coast. When the ryotwari tenant of the East Coast is included there is no reason why the Malabar ryotwari tenant should not also be included."

MR. G. KRISHNA RAO:—"Sir, I second the amendment."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, the question is that the Malabar janmi should be removed from proviso (D) and that we should extend the benefits of the provisions of the Bill to the whole class of janmis. The Government cannot go so far. I submit that it would at once introduce into the measure a new policy altogether. In no sense of the term can the janmi be treated as an agriculturist. On account of the peculiar characteristic of the tenure, there may be some contact between the ryotwari holder and the janmi; but there are more points of difference than points of identity between the ryotwari holder in the East Coast and the janmi in the West Coast. It is only on that ground that the janmi is excluded from the provisions of this Bill. If the hon. Member is in favour of a Debt Relief Bill and if he can bring forward a Bill with respect to the Malabar janmis, the Government will give every consideration to such a measure."

* MR. R. M. PALAT:—"Sir, the point put forward by the Hon. the Premier is that the Malabar janmi is not a cultivating agriculturist; I presume I am right in saying that the larger ryotwari landholder in the East Coast is not an agriculturist. You will find that the big ryotwari landholders in Trichinopoly, Tanjore and other districts are not personally cultivating their lands. There are perhaps as many people among the minor janmis in Malabar who actually cultivate their lands as among the ryotwari landholders in the East Coast. We are sorry we are compelled to suffer from the disadvantages of both the systems. We should have the advantage of at least one system. Therefore I request the Hon. the Premier to reconsider his position."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, taking it to be a request that I should further explain the matter and that you allow me to do so, I only wish to add this. The tenure has been separately treated and that is the tradition of this House. The janmi

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cannot very easily evict the tenant on his land; it is not so in the case of the tenant of a ryotwari landholder. There is a good deal of difference; there is no claim for improvements; there is no claim against eviction and all that in the case of the ryotwari tenant in the East Coast; the tenure essentially is different. I once again repeat that if a measure of relief for the janmis of Malabar is felt to be necessary, it should be the subject-matter of a separate enactment and not by removing him from the provisions of proviso (D)."

* MR. R. M. PALAT:—"On a point of personal explanation, Sir. I was not speaking of the relationship between the janmi and his under-tenants, but of the relationship between the janmi and the Government. That was the point which I wanted to put forward. The relationship between the janmi and the Government is exactly the same as between the ryotwari landholder and the Government."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, at the risk of making it a loose debate, I wish to say that the relationship between the Government and the janmi does not affect the question. The question we are dealing with is whether he is an agriculturist or not."

The amendment was put and lost.

The House then adjourned for lunch to re-assemble at 3 o'clock.

After Lunch (3 p.m.)

Clause 3—cont.

Sub-clause (ii)—Proviso (D)—cont.

MR. H. S. HUSSAIN:—"Mr. Speaker, Sir, in moving this amendment which stands in my name, that is, that—

'in clause 3 (ii) (d), proviso (D), after the words and figures "Malabar Tenancy Act, 1929," in lines 8 and 9 the words "or is a ryotwari pattadar" be inserted.'

"I wish to say that I feel that an upper limit should also be fixed in the case of the ryotwari pattadar. Because, the principle should be that those who are able to pay off their debts in full should be made to pay. The ryotwari pattadar who pays an assessment of more than Rs. 500 should be considered to be quite well off, whereas the smaller agriculturist will not be in a position to meet his liabilities in full. Such smaller agriculturists no doubt need relief, because by paying their debts, they may lose their all, while in the case of the ryotwari pattadar who pays Rs. 500 or more as assessment, he will be in a position not only to pay his debts but to save something for himself and his family. Therefore, Sir, I move this amendment."

MR. ABDUL HAMEED KHAN:—"I second it."

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DIWAN BAHADUR A. APPADURAI PILLAI:—"There are one or two other amendments, Sir, on the same lines as that moved by my Friend, Mr. Hussain. Will I be in order if I request you to permit those amendments also to be moved, so that the time of the House may not be wasted? I refer particularly to amendment No. 49 standing in my name. I understand that as regards amendment No. 48, Mr. Krishnamachariar is not moving it."

MR. T. T. KRISHNAMACHARIAR:—"There is no point in my moving it, Sir, because it has been discussed already."

DIWAN BAHADUR A. APPADURAI PILLAI:—"My Friend, Mr. Krishna Rao, has given notice of amendment No. 47, but he undertakes to speak after I have moved my amendment, No. 49."

* MR. SPEAKER:—"If the hon. Member speaks on No. 46 now under discussion, I shall put it to vote. No. 49 may then drop out."

DIWAN BAHADUR A. APPADURAI PILLAI:—"I thought if the House heard me first, it might be in a position to vote one way or the other."

* MR. SPEAKER:—"Yes; you can now speak on amendment No. 46, with reference to the subject-matter of amendment No. 49. Amendment No. 46 will be put to vote and in that case amendment No. 49 may drop out, or may be withdrawn."

DIWAN BAHADUR A. APPADURAI PILLAI:—"In that case I do not wish to speak on amendment No. 46, Sir. I would prefer to speak on No. 49."

* MR. SPEAKER:—"An amendment as regards the upper limit was spoken about yesterday; but you can formally move your amendment now, and speak on it."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, there are amendments Nos. 46, 47, 48 and 49, and if I understand aright, even No. 50, all relating to the same subject. But leaving the last amendment aside, amendments Nos. 46 to 49 cover the same ground in principle, namely, the question of fixing an upper limit for ryotwari pattadars. It seems to me that we have discussed it before on a previous amendment. If it is considered that they are still legally or technically new amendments, we have to go through them; but it may be pointed out to hon. Members that the discussion has practically been concluded and disposed of in one way on the subject of these amendments."

DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I shall bear the Hon. the Prime Minister's remarks in mind when I move my amendment No. 49. May I be permitted to speak on it, Sir?"

* MR. SPEAKER:—"You may move it, and I shall put it to vote. But it was really covered yesterday, though not technically."

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RAO BAHADUR SIR A. T. PANNIRSELVAM:—"There was not even a discussion yesterday on my amendment, Sir, regarding an upper limit. There was not even a reply made by the Government."

* MR. SPEAKER:—"So, the Hon. the Prime Minister will speak on all these amendments jointly."

* DIWAN BAHADUR A. APPADURAI PILLAI:—"It so happens that there is overlapping in these amendments, because the upper limit is sought to be brought in with regard to the ryotwari landholder in any suitable place in this Bill. My amendment, No. 49 is to the same effect, but my upper limit is Rs. 250. A ryotwari landholder who pays a land revenue of Rs. 250 and above ought to be taken out of the purview of the Agriculturists' Relief Bill. Sir, a word of explanation is due from me as to why having been a member of the Joint Select Committee, I move this amendment at this stage. The more I think of it the more do I feel convinced that an upper limit in the case of a ryotwari landholder would meet the serious objections raised in the country with reference to this Bill generally and to this provision in particular. A ryotwari landholder is in no worse position than a zamindar who pays a peshkash of Rs. 500 or an inamdar who pays a quit-rent of Rs. 100 or a janmi under the Malabar Tenancy Act, who pays a land revenue of Rs. 500. These landholders have been taken out of the provisions of this Bill in order to confine the benefits of the Bill as far as possible to *bona fide* agriculturists. That is also the intention with which clauses (A), (B) and (C) of the proviso have been introduced, viz., to make sure that the protection afforded by this Bill is confined as far as possible to *bona fide* agriculturists and not to persons who pay profession tax or property tax or income-tax. Sir, in the case of ryotwari landholders who occupy more or less the upper limit, the same objections would hold good to a very great extent. I shall try to explain my position in this way. We find that in the report prepared by Mr. Satyanadhan, the Special Officer, who enquired into the agricultural indebtedness, a special paragraph has been devoted to the indebtedness, the incidence of indebtedness on the agricultural population. It is stated therein that ryots paying a land revenue of Rs. 250 and below are more heavily indebted than ryots who pay land revenue in excess of Rs. 250. Mr. Satyanadhan has classified ryotwari landholders into three classes at page 42 of his report. First, farm labourers owning no lands and paying no assessment, second, registered landholders and tenants paying land revenue of Re. 1 to Rs. 100, and third, registered landholders and tenants paying land revenue and rent of Rs. 100 and above. We find in the case of the first class, namely, farm labourers that the debt per head is Rs. 15; in the case of the second class of ryots, namely, landholders and tenants paying land revenue of Re. 1 to Rs. 100 the debt per head is Rs. 211, while the debt per acre is Rs. 72 and the debt per rupee of assessment is Rs. 29; in the case of the third class of ryots, i.e., landholders and tenants paying

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land revenue and rent of Rs. 100 and above, the debt per head is Rs. 918, while the debt per acre is Rs. 44 and the debt per rupee of assessment is Rs. 8. It is very clear from these figures that the ryots who fall in the second category, i.e., who pay land revenue of Re. 1 to Rs. 100, are more indebted than ryots paying Rs. 100 and above. The debt per acre in their case is Rs. 72, whereas in the case of the upper class, i.e., the third category of landholders and tenants, the debt per acre is Rs. 44 and the debt per rupee of assessment is Rs. 8. No further argument on my part is called for to show that the middle-class ryots paying land revenue of Rs. 100 and below form the vast majority of the pattadars, and that they are the persons that bear a very large share of the agricultural debts about which we are legislating here to-day.

"Sir, my position is this: We are allowing by an amendment to clause 8 or 9 which will come up later, five per cent interest on debts from 1st October 1932. We allow thereby interest for a period of five years at the rate of five per cent making up 25 per cent on the whole. If to the rate of indebtedness per acre of Rs. 72 as already stated by me, we add Rs. 25 to it we make a middle class pattadar a debtor to the extent of Rs. 97. In other words, we are increasing his debt from Rs. 72 per acre to Rs. 97 per acre, while our ostensible object is to reduce his indebtedness.

"Sir, applying the same calculation to the next class, that is the upper class, if I may be allowed to call them so, the rate of indebtedness per acre is Rs. 44 and since we do not allow any interest as in the case of the middle classes, that ratio of 44 remains unaltered. I might be questioned as to how I say that no interest is allowed to them and the debt per acre remains unaltered. It is in this way. The small landholders are the persons whose debts are usually of recent date arising from 1932 to 1937; during that period of five years, it is the small landholders that have become indebted in a large majority of cases because they could not afford to keep away the creditor or allow him to be lenient towards him when collecting his debts. They have neither the means nor the resources at their disposal to ward off the promptitude or the alacrity on the part of the creditor to recover the debt, so much so that a large majority of them are debtors of recent date. On the contrary, the super-class or the upper-class landholders are generally long-term debtors, because in their case the creditors would be unwilling to enforce the terms of their debt and would have allowed the debt to go on from year to year in the expectation that they would ultimately clear their debt. That is how it comes about that the debtors of recent date are small landholders and the debtors of longer periods are the large landholders. In their case, they get the benefit of this allowance of interest for a period of five years, while according to my contention in the case of the small landholders, they do not get much relief; on the other hand, they are liable to pay five per cent interest, thereby adding

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Rs. 25 to the debt of Rs. 72 already in existence. That is why, I say, Sir, this Bill instead of reducing the indebtedness of the small landholders, hits them to a degree not anticipated in the Bill. That is my excuse for getting up to-day and moving this amendment.

"Sir, I would in this connexion like to refer the House to a very interesting remark made by Mr. Sathyanathan in his report on this very same subject. He compares the land revenue settlement of fasli 1335 with 1340 and comes to the conclusion that in the quinquennium between 1335 and 1340 registered holders paying Rs. 200 to Rs. 250 and Rs. 500 have increased by 316, while those paying between Rs. 500 and Rs. 1,000 have acquired nearly 25,000 acres, and among those paying more than Rs. 1,000 there are 61 more. In this correspondingly short period, the number of pattas paying Rs. 100 and less has fallen from nine million pattas to 5,734,151 pattas, that is by about three million pattas, showing thereby that during a quinquennium, i.e., from fasli 1335 to 1340 there has been a fall in the number of pattadars from nine millions to five millions. It also shows, if anything, that lands have been passing very rapidly from the hands of the small pattadars paying Rs. 100 and less to pattadars who pay higher revenue.

"Sir, I was curious to compare the figures for the quinquennium 1340 to 1345 faslis for which figures are now available, and I found to my surprise that there has been a rise in the number of pattadars all round—Re. 1 and less; Rs. 10 and less, right up to Rs. 1,000 and less—but there has been a steady increase in the holdings of big landholders. Sir, the circumstances pointed out by Mr. Sathyanathan, namely, the gradual wiping out of the middle-class patta thus continues unabated. Here, I would just quote a few figures even at the cost of tiring your patience. In the first-class, that is pattadars paying Re. 1 and less, there has been a fall in the holdings as compared with fasli 1340 from 679,176 acres to 476,649 acres; in the next grade, i.e., pattadars paying Rs. 10 and less, the extent of holdings has fallen from 12,914,615 acres to 10,106,647 acres; in the case of pattadars paying Rs. 250 and less we find that the extent of holding has decreased from 1,930,375 acres to 1,899,723 acres; in the case of pattadars paying Rs. 500 and less the increase has been from 9,760 to 10,413 acres; and in the case of those paying Rs. 1,000 and less also there has been an increase though small, the average rose from 2,815 to 3,043; in the case of pattadars paying over Rs. 1,000 the increase has been from 1,112 to 1312 acres. So that, Sir, right through we find that in the case of the upper classes commencing from those paying Rs. 250 and upwards, there has been an increase in the holdings as compared with the middle-class pattadars who have been gradually losing ground.

"Sir, the clamour has been persistent that this Bill helps the richer landholders at the cost of the actual cultivators or the actual ryots who are really in need of agricultural relief and this complaint has been

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persistent in the journals—the newspapers have been full of them—that unless an upper limit is fixed, the equality of treatment cannot possibly be secured. The creditors are hit and looking at the Bill from their point of view, they are to lose a lot of their interest and also their principal if they had received at any time twice the amount of the principal. In hitting the creditors, it is up to the legislators to hit them all alike. In the case of the ryotwari landholders, mirasdars and other bigger landholders who are in a position to repay what they have received as loan, ought not, I submit, to be treated in the same manner as the ryotwari landholders of smaller magnitude. As I have tried to point out, the small landholders are gradually being wiped out by the bigger landholders who acquire a large number of these holdings year after year. This is the reason why I have tried to move this amendment to introduce an upper limit, namely, that any ryotwari landholder who pays any sum exceeding Rs. 250 as land revenue may also be brought on on the same level as the zamindar who pays in excess of Rs. 500 as peshkash and inamdars who pay in excess of Rs. 100 and janmis who pay Rs. 500. All the landed proprietors should be treated alike and no invidious distinction should be made as we are now attempting to do, by making all the ryotwari pattadars, be they small or big, get the benefits of the relief.

"Sir, with these remarks, I move—

*that the following words be added at the end of proviso (D):—
"or a ryotwari landholder who pays any sum exceeding Rs. 250
as land revenue".*

* MR. G. KRISHNA RAO:—"Mr. Speaker, Sir, I am glad to second the amendment so ably and exhaustively moved by my hon. Friend, Diwan Bahadur Appadurai Pillai. In doing so, I have to state that the differentiation that has been shown with regard to ryotwari landholders by not having an upper limit that is demanded to be fixed for them, is not quite convincing as far as it has been explained by the Hon. the Premier on the floor of this House. Even his persuasive logic fails to convince us as to why an upper limit is not needed in the case of a large landholder of a ryotwari area. The zamindar, the inamdar and the holder of land under the Malabar Tenancy Act, have all been subjected to an upper limit and I do not think that fundamentally there is any difference between a South Indian ryotwari landholder and the other landholders for the simple reason he is not an agriculturist in the sense in which that word is used in this Bill. He lives on agriculture, and not by it; he lets out the land to various tenants and just as a zamindar gathers rent, he also gathers his lease, and most of the expenses incurred by him are not for agricultural purposes. The Hon. the Premier has often stated that debts contracted in other directions should not be scaled down when the agriculturist is brought into this Bill. But most of the debts contracted by these people do not in any way come under the category of debts contracted as agriculturists for

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agricultural purposes. Motor cars are bought, big bungalows are purchased; costly diamonds are purchased and money is being spent on other extravagances of that kind and I do not think by any stretch of imagination you can say that the large landholder is a distressed agriculturist in the sense in which help is sought to be rendered to such men. Furthermore, Sir, there is another point which must be remembered, namely, that this landowner in his area is considered to be a sort of bank by the various investors who are very often poor people who go and lend money to him because they consider him in the nature of a local bank. He is more often their trusted depository. When poor people have invested their money with these large landholders, I do not think it is right to bring them under the purview of the provisions of this Bill and enable them to have their debts scaled down; the result will be that these poor people will be mulcted of their incomes and savings.

"These, Sir, are the important objections which we have with regard to the upper limit not being fixed in the case of the ryotwari landholders. I therefore, most heartily support the amendment moved by my hon. Friend, Mr. Appadurai Pillai."

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* MR. SPEAKER:—"As a matter of procedure, I should say, technically amendments 46 to 50 would be covered by amendment No. 7^a which was already disposed of. But all the same, since there is a view that the Opposition must be given the opportunity to know the views of Government upon this matter, it was allowed. Does Mr. Basheer Ahmed Sayeed want to speak on his amendment?"

MR. BASHEER AHMED SAYEED:—"Prima facie, my amendment looks as though it is covered by the four amendments, i.e., 46 to 49. But my amendment seeks to include people who do not come under the Estates Land Act, who are ryotwari pattadars and who cannot be called landholders under the terms of that Act. I am having in view those persons who are inamdars under the Government but not inamdars falling under the Estates Land Act, that is, inamdars who are ryotwari pattadars. It is such cases that I want to bring in under my amendment. Therefore, Sir, I submit that I may be permitted to move my amendment separately."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, Sir, as a matter of fact amendments Nos. 46 to 49 were covered substantially by a previous amendment already disposed of. So, I shall refrain from repeating my arguments and I shall also refrain from putting the Government to the necessity of giving the same answer as they gave yesterday on a similar point. In a big measure like this, where the same points are raised in different places, though technically they may not be moved, it is well that the Government are provoked by

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the Opposition to have a chance of re-considering their decision. I will not say that all matters are to be re-considered. This is a very vital point in the whole Bill and I would raise the question of re-consideration by the Government only on the basis of one argument, namely, that they have agreed to have an upper limit for certain other kinds of land tenure. The Hon. the Premier stated this morning that the burden of debt on land was the question under issue and that he wanted to relieve that burden, irrespective of whether the land is owned largely by a large holder or to a small extent by a small holder. With that test before us, I would ask him whether he is going to benefit agriculture by relieving the debt of a person who has borrowed money for election expenses. If he is able to have an added test that the money that was borrowed was for agricultural purposes, then I can understand his point. If a rider were to be added to this clause that all borrowings should be connected with agricultural purposes, then we will not insist on an upper limit and that is the one particular reason why we are not convinced of the reply of the Hon. the Premier this morning. What does it matter if a mirasidar who owns a hundred velis of land and who is in debt parts with it in favour of another mirasidar. It will not matter so far as agriculture is concerned. The lands will be cultivated and will not be allowed to remain fallow and the agricultural economy of the country will not be changed. In view of that point, I would like the Government to re-consider the question of the upper limit. I do not see how the Government can justify their stand particularly after their attitude in the Moratorium Bill wherein a limit was fixed. One of the objections to the Bill would have been removed if an upper limit were put into the Bill. They can wait for a year and if they feel that the limit is too low they can raise it or if it is excessive, they can reduce it. So far as the Government is concerned, I presume that this is not going to be the only Act of this Government for the amelioration of the agriculturists; probably this is the beginning of many more in store. They could probably amend the present Act as many times as they like in the light of experience and then they may come up to the House for raising or lowering the upper limit. I do not wish to take up the time of the House; but this is a very vital issue. The country will very much appreciate the courage with which the Government have re-considered what I consider to be, the main issue."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"The principle of the amendments that have been discussed which I take the liberty of answering together, has already been disposed of in essence under amendment No. 7 which was moved by Sir Pannirselvam. It is quite incorrect to say that I did not reply. I think I did reply to them and I have nothing to add to what I have already said then. But let me state in a word that it does not seem to be appreciated that the fixing of a monetary limit does not serve the purpose of bringing out the distinction which is the basis of this Bill with respect to the relief given. It is merely a repetition of my argument but that is the main

^a In line 6 of sub-clause (ii) (a) of clause 3, after the words 'land revenue,' add the words 'not exceeding Rs. 400 per annum.'

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and the only argument and that is why I have to repeat it. That we have been anxious to limit, has been seen from the fact that we have introduced a number of occupational and residential restrictions and that we have not been willing to agree to even slight amendments by way of liberalization. It is not the intention of widening the application of the Bill to a large number of people that is behind this proposal to put an upper limit. We do want to restrict it occupationally but we do not want to restrict merely by quantity. It is wrong to say that if a man pays you a certain amount, he ceases to be an agriculturist. On that there seems to be a fundamental difference of opinion. With regard to the persons who pay Rs. 500 or Rs. 600 as landholders, they form a different class from persons who pay even more than that amount as a ryotwari pattadar. There are other considerations by way of mutual conflict that will arise in the disposal of obligations as between creditors and debtors if we make merely monetary distinctions. It has been impossible to invent just a monetary limit and hence occupational difference alone has been accepted. I do not think there is not much to say with reference to the possibility of correcting the present measure by future legislation. It is always possible but that is no reason why one should invite complication arising out of the laying down of a monetary limit in this Bill subject to correction later on. It has also been suggested that it has been proposed to give writes-off in respect of debts to undeserving classes of people. I hope that will not happen and I can assure the House that all those imaginary cases will not arise at all and that persons who have borrowed money for elections and other non-agricultural purposes would fall under one or the other of the provisos. I submit that this amendment does not fall in line with the design of the Bill and therefore cannot accept it."

DIWAN BAHADUR A. APPADURAI PILLAI:—"I have just a word to say by way of reply. I am thankful to the Hon. the Premier for the assurance that landholders of the higher class would not escape liability under this Bill. But at the same time, I would like to remind him that there are quite a number of them who do not come under the disqualifications regarding residence, profession or payment of income-tax. There are quite a number of ryotwari landholders who are enjoying all the benefits from their land but do not come under the exceptions stipulated in (A), (B), (C) and (D). That is why we attempted to bring them under the proviso (D)."

The amendment of Mr. H. S. Hussain was put and lost.

The amendment of Diwan Bahadur A. Appadurai Pillai was put and lost.

MR. BASHEER AHMED SAYEED:—"Mr. Speaker, I move—

'Add the following at the end of proviso (D):—

"or is a ryotwari pattadar who pays any sum exceeding Rs. 150 as quit-rent to the Provincial Government."

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"This clause is mainly concerned with persons who are ryotwari pattadars but who cannot under the Estates Land Act be called 'Landholders' under the terms of that Act. I am having in mind persons who are inamdars under the Government but not inamdars falling under the Estates Land Act, that is inamdars who are ryotwari pattadars."

"That is the distinction I draw between the inamdar under the Estates Land Act and the inamdar who pays more than Rs. 150 as quit-rent to the Provincial Government as ryotwari pattadar. It is that class of people whom I want not to be excluded from the scope of this Bill. It is with this intention that I move this motion."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I second the motion."

MR. SPEAKER:—"The question is that at the end of clause 3

(ii) (d) proviso (D) the following be added:—
'or is a ryotwari pattadar who pays any sum exceeding Rs. 150 as quit-rent to the Provincial Government.'

"I shall now put the motion to the vote of the House."

MR. BASHEER AHMED SAYEED:—"Mr. Speaker, Sir, you will please wait for some time after stating the motion for the discussion of the House and then put it to the vote of the House, as some Members may wish to speak on it, or the Premier may desire to reply." (Laughter.)

* MR. SPEAKER:—"Yes, I pause for a while."

"After all, in matters already covered, the Premier may not choose to speak."

MR. BASHEER AHMED SAYEED:—"Yes, though we do not expect him to speak, yet courtesy requires that he should speak. I request that you may wait for some time so that we may see whether he chooses to speak."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I protest against hon. Members misunderstanding me in this manner. I have said it already, and again I say it a second time, that hon. Members are cruel to me if they insist on misunderstanding my not replying as an act of discourtesy. If they want me to speak they can as well take it that I have spoken and finished my speech even now on all the amendments, so that the discourtesy may be written off. It is not right to interpret my not speaking as discourtesy. It is better to restrict it to positive acts, and not extend it to negative acts also."

"After these preliminary remarks I may say at the outset I cannot accept the amendment. There is no such class as a ryotwari pattadar paying quit-rent to the Government. If it were only a resolution, I would have no objection to accept the amendment, but I cannot accept it in this Bill, because it does not carry any meaning. I may point out

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that any one who pays quit-rent under the latest amended Estates Land Act does fall under the Estates Land Act, and so there is no necessity to fear that this class of people is left out. This is all that I have to submit."

Mr. BASHEER AHMED SAYEED:—"Sir, I do not think any useful purpose will be served by my making any further observations." (Laughter.)

Mr. SPEAKER:—"The hon. Member shall not indulge in such remarks. It is no reply to the debate."

Mr. BASHEER AHMED SAYEED:—"I mean no discourtesy, Sir."

The amendment was put and lost.

Mr. R. M. PALAT:—"Sir, with regard to the wording of this amendment there is a slight mistake, and that is, instead of the word 'and' in the beginning, it should be 'except where he.' I therefore move my amendment in the following altered form:—

Add the following words at the end of proviso (D) to clause 3 (ii) (d):—

"except where he is in direct possession of such land without any intermediary tenant with occupancy right under the Malabar Tenancy Act, 1929."

"Sir, this amendment will alter the meaning of the amendment as put down in the agenda to a slight extent. My idea in giving notice of this amendment is that some janmis paying more than Rs. 500 and who are actually cultivators without any intermediary tenant should be given the benefit of this Bill on the same ground as the larger ryotwari tenants on the East Coast are given. When the Premier earlier to-day refused to exempt janmis, the reason which he assigned was that the question of occupancy right and tenancy was peculiar to Malabar and therefore Malabar janmis should be treated in a different manner altogether. And it is with this intention that I request the Premier to delete the word 'and' and substitute in its place the words 'except where he' and accept my amendment, so that those janmis paying a sum of more than Rs. 500 to Government may be given the benefit of this Bill on the same ground that the larger ryotwari landholder of the East Coast is given.

"Then, Sir, there is another entirely different head under which the case of the janmi may be considered in this matter. It is a well known fact to those who know Malabar Law that a janmi may be paying Government Rs. 100, Rs. 200, Rs. 300 or even Rs. 1,000 assessment and yet be an exceedingly poor man, the reason being that all the land is in the hands of the kanamdar. We have for example the Mondambulam Moose, who pays an assessment of over Rs. 30,000 a year, and

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yet he cannot get a net profit of even Rs. 1,000 per annum. Now, if such a person happens to be in effect an 'agriculturist' I should say in fairness he ought to be allowed the benefit of this Bill. I dare say every Malabar Member here will be able to recall to his mind several such cases. Therefore, Sir, I suggest that where a janmi happens to be a *bona fide* cultivator, and even in cases where he pays only Rs. 500, he should be given the benefit of this measure."

Mr. G. KRISHNA RAO:—"I second the amendment."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I can only say that if we add the words suggested by the hon. Member, the exact opposite of what the hon. Member said would follow." (Laughter.)

Mr. R. M. PALAT:—"That is why, Sir, I started by saying that instead of the word 'and' we should have 'except where he'."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I take the amendment as it is. I see, you don't want it: nor do I want it. (Laughter.) It is not for me to redraft it; it is impossible now to do it."

Mr. R. M. PALAT:—"That is why I started by saying that in the place of 'and,' the words 'except where he' should be there; then the amendment would give the exact meaning that I want. If there is any further mistake, I leave it to the Hon. Minister."

* Mr. SPEAKER:—"I think Mr. Palat does not want to have the motion as it stands in the agenda to be put to vote."

Mr. R. M. PALAT:—"I want the motion with the alteration suggested by me to be put to vote."

The amendment was put and lost.

Clause 3.

Sub-clause (iii).

* Mr. R. M. PALAT:—"Sir, I beg to move—
'that after the word "liability" in line 1 of clause 3 (iii), the words "not arising out of a deposit or bailment" be inserted.'

"In doing so I am referring to cases where poor people have handed over their money to rich people for safe custody. In such cases the so-called debtor would be a much richer person than the creditor. It is only fair that in such cases the poor people should get back their money. Therefore I commend this amendment to the acceptance of this House."

The amendment was duly seconded.

The amendment was put and lost.

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MR. R. M. PALAT:—"Sir, I beg to move—

'In line 5 of clause 3, sub-clause (iii), for the words "but does not include," substitute the words "and includes".'

The case I want to make out is that rent should also be given the same advantages as debts. In fact, the case of rent is a much stronger one than debts. The tenant uses the land and it is only proper that the superior landlord should have the benefit which this measure confers. That is in essence my point."

MR. G. KRISHNA RAO:—"I second the amendment."

The amendment was put and lost.

4 p.m. * THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I beg to move:

'Add at the end of sub-clause (iii) of clause 3 the words—

"'or kanartham' as defined in section 3 (l) (1) of the Malabar Tenancy Act, 1929".'

"The object of this amendment, Sir, is to remove the possibility of a difficulty arising in the case of the kanam tenure by the operation of this Act, the tenure itself coming to grief. Because, if debts is interpreted to include the premium which is paid in the kanam tenure and which is treated in certain respects as a debt on a mortgage, there would be results which are not contemplated in this measure. For that reason this amendment is proposed. It does not make any change in regard either to the debt or to the mortgage. I commend this amendment to the House."

The amendment was put and carried.

Clause 3.

Sub-clause (iv).

* MR. H. S. HUSSAIN:—"Sir, I move—

'In line 1 of sub-clause (iv) of clause 3, between the words "rent" and "means," insert the words and figures "for the purpose of sections 14, 15 and 16 below".'

"I have moved this amendment only to make the position clear, as clauses 14, 15 and 16 relate wholly to rent. I think it would be better if these words are added."

The amendment was duly seconded.

The amendment was put and lost.

* MR. R. M. PALAT:—"Sir, I move—

'In line 2 of sub-clause (iv) of clause 3, for the word "or" between the words "rent" and "michavaram" substitute the words "but not".'

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"I want the word 'michavaram' to be added because under the Malabar Tenancy Act, the janmi is allowed to accumulate michavaram. As usually the kanomdar is very well off, the janmi does not care to collect the michavaram within any particular date. The kanomdar is a man who can well afford to pay it at any time. But simply because it has not been collected in time, there is no reason why he should not be made to pay the arrears of michavaram. It is quite a different case altogether, if he is a tenant-at-will or a man who is holding an under-tenure under the kanomdar. But in the case of the kanomdar there is no reason why the janmi should not be allowed to collect the arrears. In many cases the kanomdar is perhaps a richer man than the janmi himself. Therefore there is every reason for accepting this amendment."

The amendment was duly seconded.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"As there has been some difficulty in understanding the amendments of my hon. Friend, I would like to be assured whether I have understood this amendment correctly, viz., whether this amendment would mean that the hon. Member would exclude from the benefits of this Bill those who are tenants under the Malabar Tenancy Act below the janmis or kanomdars."

MR. R. M. PALAT:—"I refer only to kanomdars."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I submit, Sir, there is no reason to refuse the benefits of this measure to those who are in possession of land as kanomdars in Malabar."

MR. R. M. PALAT:—"In reply to the Hon. Minister, may I say, Sir, that the kanomdar also is not in possession of the land especially in the grain producing taluks of Malabar? In these taluks usually the kanomdar does not actually cultivate the lands. Therefore there is no reason why the kanomdar should be benefited if the janmi is not to have the benefit of this measure. It would be fair if both these people are to get the benefit of this measure."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I understood from all that I could gather, that not only is the kanomdar seriously and effectively in possession, but that an Act has been passed in the legislature calling upon the janmi to pay cost and compensation for improvements done by the kanomdar on the land. He could hardly be doing improvements to the land and yet not be in possession of the land. I see no reason to accept the amendment."

MR. R. M. PALAT:—"The kanomdar has usually got a house on the land which has been demised by the janmi. That house would have been built by the kanomdar at his own expense and he would have made improvements to waste land by converting waste lands into paddy lands. But all such lands he usually lets out to agriculturists

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who are in actual and physical possession of the lands. No doubt the janmi is in a sense, in possession of the land; but so is everybody connected with the land. The actual physical possession is however with another man called the verumpattamdar and not so much with the kanomdar. The Malabar Tenancy Act had in view only the kanomdar with regard to the improvements I have referred to. The verumpattamdars also sometimes improve the land. Usually the kanomdar pays money and improves the land and hands over the land thus improved to the other man, the verumpattamdar. This, Sir, I submit explains the position in Malabar."

The amendment was put and lost.

* MR. G. KRISHNA RAO:—"Sir, I beg to move—

'In lines 3 and 4 of sub-clause (iv) of clause 3, omit the words "or quit-rent, jodi, kattubadi, poruppu or the like".'

"These, as has been pointed out already, Sir, are in the nature of favourable and nominal rents. They are not to be compared with the ordinary rent. These amounts are included in the peshkash and the zamindar has to pay the peshkash and then recover them from the inamdars. He has no other way of recovering this money except by going to civil courts. Distraint is not allowed. In these circumstances I think it is not right to include these nominal rents in the definition of rent and bring in loss to the landholders."

MR. R. M. PALAT:—"I second the amendment."

The amendment was put and lost.

MR. R. M. PALAT:—"I move—

'In lines 7 to 9 of sub-clause (iv) of clause 3, omit the words "whether a decree or order of a civil or revenue court has been obtained therefor or not, and includes interest payable thereon."'

"I submit, Sir it is most unfair to reopen things which have been settled by a court established by law in this country. Sir, the landholder has gone to great expenditure to get a decree and if there is this threat held over him that at any moment all his troubles will go for nothing, it would be very unfortunate."

The amendment was duly seconded.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I only wish to submit that this proviso in the Bill as it stands should not be interpreted as giving the color of reopening a decree or order with all the sins that are implied in it. It is really treating the decree as a liability as a whole for the purpose of scaling down. There is no question of reopening which would be a scandal. It is treated as a liability and a debt and it is scaled down. There is nothing intrinsically wrong in principle in treating decree debts also as debts."

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MR. R. M. PALAT:—"But no provision whatever has been made for the recovery of costs."

The amendment was put and lost.

MR. R. M. PALAT:—"Mr. Speaker, if the Hon. the Premier intends to move amendment No. 186 to old clause 15, I would not move my amendment to sub-clause (iv) of clause 3."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I am moving my amendment (No. 186) to clause 15, Sir."

MR. R. M. PALAT:—"In that case, Sir, I am not moving my amendment to sub-clause (iv) of clause 3."

Clause 3.

Sub-clause (v).

* MR. H. S. HUSSAIN:—"Sir, I beg to move—

'Delete the words "and assigns" at the end of clause 3, sub-clause (v) and insert the word "and" between the word "heirs" and the words "legal representatives".'

'In line 2 of clause 3, sub-clause (v), after the word "assigns," add the words and figures "on or after the 1st October 1937".'

"Sir, in support of my motion I wish to say that assignees or third parties who have paid for the assignment should get back what amount they have paid for the assignment in their favour. At least some date should be fixed on or after which an assignment would be invalid. If this is done the word 'assigns' could be retained in the proposed section. I commend this motion for the acceptance of the House."

The amendments were duly seconded.

* MR. SPEAKER:—"Does the hon. Member want that the two amendments should be put to vote separately?" 4-15 p.m.

* MR. H. S. HUSSAIN:—"Yes, Sir."

The amendments were put one after another and lost.

Then clause 3 as amended was put and carried.

Clause 4.

Sub-clauses (a), (b) and (c).

* MR. R. M. PALAT:—"Sir, I move—
'that sub-clauses (a), (b) and (c) of clause 4 be omitted.'

"Sir, the object of this Bill is to relieve the agriculturists and it is mostly essential that they should not be subjected to any hardship. Here we see that the money-lender has been penalised for lending money to the agriculturists. The Government is in a much better position to bear any loss. The Government have got much more ways of making up their loss. They can always levy additional taxation and collect money, while private persons cannot. There is no reason why the

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Government or the local bodies alone should be given the benefit of collecting their monies. In these circumstances I move that sub-clauses (a), (b) and (c) be omitted."

The amendment was duly seconded.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"There is no doubt that the amendment is extremely important, not only important, but also, if I may use the word, murderous. It really kills the whole Bill. If these amendments are accepted, it is the end of the whole measure. There is nothing left to the debtor. I submit therefore that if these sub-clauses are put separately and if I do not get up and reply when clauses (b), (c) and (d) are being put to vote, I should not be understood to have been discourteous. Sir, they are very important. The House should reject them all."

MR. R. M. PALAT:—"Sir, the Hon. the Premier has not adduced any reasons for not accepting these amendments and why he considers these sub-clauses so important. Government can afford to stand the loss by not collecting these dues. They can withstand such a loss far better than any private creditor. When all the other creditors should be penalized in this way, I do not see any reason why Government and local bodies under the Government alone escape."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am sorry, Sir, that we have to carry on conversation like this. When I stated that these amendments, if adopted, would cut at the very root of the Bill and there would be nothing left to the debtor, I thought that it is a good enough reason why all the amendments should not be accepted. If it is said that I should explain further, I may say that if the revenues, taxes and cess payable to the Provincial Government should also be written off, there is no object or advantage to be gained to the population of this Province by getting this Bill passed. If the revenue, taxes or cess payable to the Central Government should be paid, it is absolutely necessary that such taxes and cesses should be collected from the agriculturists. So also, I may say in the case of co-operative credit societies. It would be unfair and suicidal to pass this measure excluding agriculturists from paying their dues to the co-operative societies. I submit I have given very good reasons for not accepting the amendments."

The amendments for the omission of sub-clauses (a), (b) and (c) respectively were put and lost.

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I beg to move the following amendment:—

'In clause 4, sub-clause (a) omit the words "or any other sum due to them by way of loan or otherwise".'

"My proposal is much more moderate than the one moved by my hon. Friend Mr. Palat. I realize that the Government has to get on and no Government if it wants to get on can give up its revenue or the taxes or

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the cess due to it and therefore I do not want this Government to give up their revenues. The revenue is essential for the carrying on of its administration. Although the present Government has given up a considerable portion of its revenue for other reasons and with which one may not agree, I do not want that further revenue should be given up. I should however state that there is a very old saying that 'example is better than precept.' It is a very ancient saying, which is as true to-day as ever. Before other creditors are asked to be generous to the poor agriculturists for whom the Government shed tears, let Government be generous to the same extent to which they ask the private creditors to show sympathy. Further by accepting this amendment the Government is not going to lose anything very much, as the dues to the Government would in most cases have arisen only after 1932, and we are making a provision for some interest for debts incurred after 1932. We can therefore expect a return for such debts. In cases in which debts are due to the Government from persons who borrowed before 1932, it seems to me that the argument which you are going to apply to other private creditors should also be applied in the case of Government, that is the incapacity of the poor agriculturists to repay their dues. If we do this, we shall not only be setting up an example, but we shall be discharging a duty also which we owe to these poor agriculturists. If the interest is due on debts contracted before 1932 let us forego it; if it be on debts contracted after 1932 let us levy that rate of interest which we consider to be reasonable for other people. I am very modest in my request. I do not want the Government to forego its revenue or to legislate for the Central Government giving up its revenues. If we did the latter, we would to use a common expression, perhaps get a rap on the knuckles. Let us not also ask the local bodies to forego their dues because they would be financially handicapped and they are already badly off. But in the matter of loans advanced by Government they can afford to show a gesture, the financial implications of which will not be very damaging but will be very limited. It will be a very good gesture, for then we can tell the creditors that when we ask them to give up a portion of what is due to them we are ourselves giving up a portion of what is our due. For these reasons, Sir, I ask the House to accept this modest amendment."

MR. ABDUL HAMEED KHAN:—"Sir, I have great pleasure in seconding the amendment because the object of the amendment is the same as the Hon. the Premier's object, namely to reduce the burden on the poor agriculturist. He has, by the various other provisions of the Bill, attempted to reduce the burden on the poor agriculturist and by this amendment we are helping him to achieve the object dear to his heart. This amendment does not mean that the Government will lose the entire amount of the loan advanced to the agriculturists, because the principal will still remain due and only the interest will be affected. Why should not the Government help the poor agriculturists so far as the interest on the loans due to them is concerned

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especially in view of the fact that after the small agriculturist has got the relief that is given to him under this Bill the Government are not doing him anything to rehabilitate his position so far as the future is concerned. This amendment will go a long way to help the poor agriculturist and put him in a better position so far as his future is concerned. I have no doubt that the Hon. the Premier will accept this amendment, because the principle of this amendment is the same as his, namely, the giving of as much help as possible to the poor agriculturists."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am afraid, Sir, that I must disappoint my hon. Friend who was so sure that I would accept the amendment. I am grieved to disappoint him but it is really impossible to accept his suggestion. I may at once say that the procedure which the Government follows in giving loans is wholly different from the procedure which other creditors follow in granting loans. The object and the rates also are very different. Further the writing off of loans or interest on loans due to the Government is a matter of executive discretion and it cannot be made the subject-matter of legislation against the Government itself. In principle therefore such an amendment would leave the executive Government in respect of the debts due to it, so to say, alongside of the ordinary creditors. It is not a correct principle. Apart from that, even the method of collection is different as between the Government and the other creditors. The Government cannot afford to, and do not leave interest on loans to remain in arrears as private creditors do and thus leave a burden, by sheer charity it may be, but too great for the debtor to bear. So that in every manner the position is different and it will be impossible to accept the amendment."

The amendment was put and lost.

Clause 4.

Sub-clause (d).

* MR. H. S. HUSSAIN:—"Mr. Speaker, Sir, I beg to move—
'that in sub-clause (d) of clause 4, after the words "house property" in lines 1 and 2, the word "alone" be deleted and the following words be added at the end: "so far as such house property is concerned".'

"The use of the word 'alone' is rather misleading. The clause reads: 'any debt contracted on the security of house property alone'. There may be debts contracted on the security of several properties including house property in a municipality, a cantonment or a panchayat. Therefore the omission of the word 'alone' and the addition at the end of the clause of the following words, 'so far as such house property is concerned' would be appropriate. I therefore submit that this amendment may be accepted."

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MR. V. S. T. SHAIK MANSOOR THARAGANAR:—"I second it."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I want just to say that I do not see how it can be accepted."

The amendment was put and lost.

Clause 4.

Sub-clauses (e) and (f).

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Sir, I move—

'that sub-clause (e) of clause 4 be omitted.'

"So that co-operative societies and land mortgage banks may be removed from the scope of the exemptions. I do not see any reason why we should make a distinction between these and the other classes of creditors. As far as co-operative societies are concerned, I can speak with a certain amount of personal knowledge. Those who are indebted to the co-operative societies, particularly those who have what are called overdues against them, are persons who really are incapable of paying their dues. The co-operative societies have not always been considerate in lending money and their interest has not been always reasonable. They have advanced loans at 7 to 7½ per cent and even at compound interest and where interest has not been paid promptly they have levied penalties and thus exacted additional payments. Co-operative societies—if I may use a term without meaning any offence—have been usurious in their dealings with their debtors and there is no reason why any special privilege should be accorded to them. As far as the land mortgage banks are concerned, they came into existence only recently and their debts are of a recent date and if their interests are affected by the omission of this clause it will be only to the extent of reducing the interest due to them to 5 per cent on the transactions which took place after 1932. If in the estimation of the Government 5 or 5½ per cent is a reasonable rate of interest which any creditor should charge his debtor, the land mortgage banks also should reduce their rates of interest to this level. Therefore it will be perfectly in keeping with the scheme of the Act if this amendment is accepted and thereby debtors to co-operative societies and land mortgage banks are afforded the same amount of relief which debtors to other people are afforded by this Bill.

"It might be, Sir, that the Hon. the Premier might choose to reply and he might say that people like me who are fundamentally opposed to the principles of this Bill are not likely to enter into the spirit of the Bill and appreciate the real principle underlying it. But it seems to me, Sir, there is no question whatever of any spirit underlying the Bill. It is only a question of viewing the facts as they are and taking the things as they are before us. And although we might

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not have the necessary spirit to fathom the depths underlying the principles of the Bill, we are endowed with a certain amount of common-sense and we can appreciate the facts and circumstances of a situation as they are. It seems to me, Sir, that the facts and circumstances which apply to other creditors apply equally well to the land mortgage banks and co-operative societies and I have no doubt that if there is any credit organization which can afford to be generous to the debtors it is the co-operative societies and land mortgage banks. Therefore, Sir, I urge that this amendment should be accepted."

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MR. ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, I beg to second the amendment moved by my hon. Colleague, Sir Pannirselvam. Whatever I have stated in connexion with a former amendment, applies with greater force to this amendment. The Hon. the Premier stated that, so far as the Government loans were concerned, they were not in a position to forego even the interest. I do not see any reason why the co-operative societies should be exempted from the provisions of the Bill. The co-operative societies have not been lending money to the agriculturists at very low rates. There was a time when they were lending money at a very high rate even to the extent of 18½ per cent. The loans that were given at such a high rate of interest are still due to the co-operative societies. Even the executive orders of the Registrar have not been complied with by the societies. Under the circumstances, I do not consider it advisable to exclude the co-operative societies from the application of the provisions of the Bill. In this case I think the Hon. Premier would agree that the burden of the agriculturists would be reduced to a large extent, if co-operative societies are not exempted from the provisions of the Bill."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, only a brief word. The credit system of the co-operative societies is not less important than the functioning of the Government in regard to the agriculturist. Even on principle, apart from the actual practice and facts, co-operative societies, wherever they have been borrowing, have borrowed from among the members, from among a group of agriculturists and it would be impossible to treat the co-operative societies as an outside body. Apart from the legal principle, I submit that it would not only not help the agriculturists but would interfere with their loans. That is the reason why from the very outset the whole organisation of co-operative societies and land mortgage banks were excluded from the operation of this measure."

The amendment was put and lost.

* MR. G. KRISHNA RAO:—"Sir, I beg to move the amendment standing in my name, which runs thus:—

'Add the following at the end of sub-clause (e) of clause 4:—
"Any charitable or religious institution under the management of recognized trustees."

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"Yesterday, I spoke upon the amendment which is more or less on the same lines as the present amendment on which I speak now. I want only to impress upon this House that religious and charitable institutions should be exempted from the restrictive provisions of this Bill. As I have already told the House, Sir, they are carrying on beneficent activities. They are rendering great help to the poor people by running dispensaries, high schools and various other institutions. I do not think it is right that these institutions should not get into the exemption clause. That is why I move the amendment. It would be an act of justice to exempt them from the provisions of the Act."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I second the amendment, Sir."

MR. BASHEER AHMED SAYEED:—"Sir, I would rise to support this amendment in the interests of the public, who are concerned, in a large measure, with charitable institutions and associations. Charitable associations, it must be conceded, are not interested in any one individual or any one person. They are interested in the general amelioration of the public at large. Some charitable institutions are interested in the promotion of education; some are interested in the uplift of the people, social and economic; some are interested in giving other kinds of relief, mostly for social reconstruction of the society. Such societies and institutions should not be made to suffer. I would therefore submit that charitable and religious institutions, which have no particular relation to any community or class, should not be brought under the thumb. It is but an act of charity that such charitable and religious associations should be excluded from the provisions of the Act. Religious institutions concern temples, churches and mosques; religious institutions concern the feeding of the poor, the clothing of the poor; religious institutions concern themselves with imparting real knowledge; there are charitable institutions which are promoting industries, cottage industries, handloom, weaving, etc. As these are laudable services rendered by such institutions, they ought to be exempted. They ought not to be treated on a par with individual creditors or affected by this measure. I would therefore say that it is very desirable that the Government should exempt these religious institutions."

The amendment was put and lost.

* MR. H. S. HUSSAIN:—"Mr. Speaker, Sir, while moving my amendment, I wish to make it clear that I am not advocating the cause of credit institutions to the detriment of the interest of the agricultural debtors. I welcome any measure that is calculated to grant relief to the agriculturist debtors. The object of this Bill and the intention behind it are indeed excellent and praiseworthy. But this noble

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and humanitation object should not be frustrated in the actual working of this Bill when passed into an Act. That is why I am moving this amendment. Sir, when debts are scaled down, the debtor should not be left to the tender mercies of the creditors in the matter of paying off these scaled-down debts. Facilities should be provided for the prompt payment of debts as soon as they are scaled down. My submission is that for this purpose, the Government could have the assistance of the joint-stock banks. When debts are scaled down, are the Government in a position to provide facilities to the debtors? Will co-operative banks be in a position to meet the situation that will arise? Why not get the assistance of these joint-stock banks? It will be better to have some sort of Government control over these joint-stock institutions for the purpose of utilizing them as agencies for supplying cheap credit to the agriculturist debtors instead of jeopardising their very existence and making their position precarious by bringing them under this Bill as creditors. I do not mean to say that these public credit institutions can be allowed to have a free hand in oppressing their debtors. But I may be permitted to say that these public credit associations have in a considerable way served the public and they have been mainly responsible for bringing down the rate of interest from what it was before. I know that in my own district of South Kanara, at a time when there were no other banks the then Madras Bank, was charging as high a rate as 18 per cent. These joint-stock banks have done a distinct service to the public. Another service they have been doing is the pooling of resources for the benefit of the public by attracting deposits by offering very reasonable inducements. It cannot be denied, Sir, that these credit institutions, these joint-stock banks form the main financial structure of the country. They supply the blood-stream for the economic and industrial development of the country. I may say that they are the chief feature of present day finances.

5 p.m. "Therefore, Sir, it would not be wise to cripple these credit institutions by bringing them under the operation of this Bill. Whether big or small, all of these credit institutions should be protected.

"Sir, another point which should be borne in mind is this, that indigenous banking should, as far as possible, be encouraged and not stifled in this manner. I would therefore say that if the Government for some reason or other do not find it at this stage convenient to exclude these banks from the operation of this Bill, the Government, while curtailing their activities and usefulness, to the public at large, should at least see that in some way or other they are protected, so that they may be utilized as credit agencies for supplying cheap credit to the rural areas.

"Sir, I wish to state one or two more points on the usefulness of these institutions. These institutions have to perform two functions, that is to say, they are both creditors and debtors at one and the same

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time. They have to pay interest to the depositors and dividends to share-holders; and besides, they have to meet the establishment charges and keep a portion of their moneys in the reserve fund and also a portion as investment on Government securities. In the case of the scheduled banks, they are required to keep a certain percentage with the Reserve Banks without interest. Considering all these disabilities under which these credit institutions are suffering, it would not be wise to bring them under the operation of this Bill unless it be to disable them further. These banks which may, in some way or other, be controlled by the Government, should not under any circumstances be allowed to die, because any panic or scare that might be created on account of the operation of this Bill in respect of these banks would end in disaster to a large number of banks, especially the smaller banks which are in their very infancy. The result of such public panic will be, as it always is, that the indigenous banks will be wiped out of existence. Therefore, Sir, I move my amendment so as to minimize the harm that might be done to these banks and institutions. The amendment is:—

'At the end of clause 4, sub-clause (e), add the following:—

"or to any joint stock bank, registered under the Indian Companies Act, 1882 and 1913, as a public company, or formed in pursuance of an Act of Parliament or any Indian Law or a Royal Charter or Letters Patent, or scheduled banks as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934, and having on 1st October 1937 (a) paid-up capital and reserves exceeding Rs. 1,00,000 or (b) having a working capital exceeding Rs. 5,00,000 or (c) having more than 200 members on the share register."

"I only wish to make one more suggestion, Sir, and that is in regard to the Government balances now lying idle in the taluk treasuries. If the Government really wish to utilize these banking institutions as agencies, I would suggest that Government balances which are now lying idle in the taluk treasuries might be advanced to these credit institutions against approved securities at a low rate of interest for short periods to be drawn on current account. Thus, a large amount of money could be made available for supplying credit to agriculturist debtors. If the Government would only provide facilities to these credit institutions and make them at the same time safe and secure and keep them going, I am sure these public institutions will be ready and willing to co-operate with the Government and the public in carrying out the objects of this measure. With these words, Sir, I commend this amendment for the acceptance of this House."

Mr. V. S. T. Shaik Mansoor Tharaganar seconded the amendment.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I submit, Sir, that it will be more convenient if I am permitted to move the amendment that stands against my name lower down, No. 78, as revised.

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The subject-matter of that amendment is really the same as the subject of the amendment just now moved and we would cover the ground from amendment No. 76 up to probably amendment No. 84. If you will permit me, Sir, I would move that amendment and the question may be definitely put. The discussion would be the same in respect of that amendment of mine as in respect of the present amendment."

MR. SPEAKER:—"Yes, amendment No. 78 may be moved."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I shall move, Sir, my amendment for the substitution of clause 4 (f). Sir, this clause has been the subject of a great deal of consideration and discussion and many viewpoints and many difficulties, both legal and constitutional, had to be taken into account in coming to a conclusion on this matter. And that is why I beg to move the amendment in this revised form, which is . . ."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"On a point of order, Mr. Speaker. There has been some consultation about the hours of sitting. It is five o'clock now and I should like the matter to be settled, because members on this side of the House like to know how long we are likely to be sitting this evening."

THE HON. MR. C. RAJAGOPALACHARIAR:—"With your permission, Sir, I would request members of the House to sit on till 6 p.m. to-day; and that would prevent my requesting them to come again to-night for a night session. The hon. the Leader of the Opposition wants me also to give an undertaking as to the programme to-morrow. I request again that members may agree to coming here to-morrow at 10 o'clock as they did to-day and sitting as late as possible in the evening. I would suggest 7 p.m. I beg of members to stretch a point in our favour and sit till 7 p.m. Of course it is also probable that we may finish much earlier, as I hope against hope. Something was said also about the cutting down of the lunch interval a little bit. I think members will accommodate us even there, but I think we need not go into all these details just now."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, Sir, I have been briefed very heavily. Though for to-day we agree to the suggestion to sit till 6 p.m., and also to the suggestion to cut down the lunch hour to-morrow, say to 45 minutes, for to-morrow we think it would be better to have 6 p.m. as the maximum limit. I should not be understood now to agree to any time beyond 6 p.m. to-morrow evening. I think it is better we have no misunderstanding on this point."

* MR. SPEAKER:—"A mutual understanding is being arrived at between the hon. the Leader of the House and the hon. the Leader of the Opposition. I do not want to be a party to such mutual understanding."

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* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am grateful to you, Sir, for that legal position. We shall live from hand to mouth after so much of mutual understanding. We shall therefore agree to sit to-day till 6 p.m."

"I now move, Sir, for the substitution of the following for clause 4 (f):—

'Any liability in respect of any sum due to any public company as defined in the Indian Companies Act, 1913, or to any scheduled bank as defined by section 2 (e) of the Reserve Bank of India Act, 1934, provided the interest payable in respect of the liability is not more than 9 per cent per annum or any debt due to any Corporation formed in pursuance of an Act of Parliament or any special Indian law or Royal Charter or Letters Patent.'

"Before I make any statement on this, Sir, I must tender my congratulations to the hon. Member, Mr. H. S. Hussain, on his having taken so much pains over many details in this measure as if he had been my colleague on this side of the House. It almost makes me yearn somehow to get him over to this side, so that we may have a more legally perfected measure with the least difficulty than we have been able to get so far. If it was given to me to advise the rejection of many of his amendments simply because I could not exactly understand and appreciate some of his points—perhaps I should say that I understood the difficulties more clearly than appreciate the advantages—he should not feel that I have not appreciated the considerable pains that he has taken in respect of many of these amendments."

"As regards this particular amendment which he has moved, Sir, it is different only in appearance from the motion I have just made, but perhaps it is even better in regard to the objects which he wishes to attain through his amendment. This amendment extends the exemption, so to say, from the operation of this Bill much beyond what has been done in the original form of the Bill. If this amendment were accepted, the banks and companies dealing in credit in connexion with agricultural operations would be much more exempt from the operation of the scaling down here than under the original proposals. The only restriction that is sought to be put upon these institutions is that they should not charge usurious interest. I wish to remind the House that this 9 per cent has nothing whatever to do with the percentage of interest that we think is proper, but it only puts an outer limit for distinguishing proper transactions from usurious transactions. There are many banks which, though they may be called banks, are lending much to the agriculturists and are earning by way of penalties and otherwise enormous amounts, and there is great complaint among the agriculturist classes that usurious exactions are being made in the name of loan transactions. Therefore, this

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outer limit has been put down. If the rate of interest charged is more than 9 per cent, it is not an institution which—whatever the form of it may be—deserves our consideration in this regard. It will be seen that we allow for debts after the year 1932 interest at five per cent; and when I move another amendment later on, it will also be seen that we do not propose that under this Bill the final scaling down should go to less than the principal itself. Taking all these things into account, I submit that all these credit organizations are being treated very very anxiously and carefully to get as far out of the rut as possible. I tender this amendment, Sir, for the acceptance of this House."

5-15
p.m.

MR. BASHEER AHMED SAYEED:—"Sir, I think this amendment has been moved in response to intense agitation carried on by certain interests which were being affected by the provisions as they stood. So far so good. Sir, in the clause as proposed by the Hon. the Premier, he restricts the transactions of those banks which do not cover more than 9 per cent interest. That I think is unwarranted—unwarranted in the sense that it will be in the first place against clause 12 of the Bill which says that no debt incurred by an agriculturist after the commencement of this Act shall bear interest at a rate higher than 6½ per cent. Now, this itself will be in conflict with this amendment, for one thing. Then, Sir, for another, I find that the conduct of banking business is a Federal subject and it is contained in the Federal list."

* MR. SPEAKER:—"Is the hon. Member raising a point of order?"

MR. BASHEER AHMED SAYEED:—"I am not raising a point of order, for aught I know, but Sir, I only point out that there are certain difficulties in the matter, for banking will include not only the fixation of rent but also fixation of the amount or any incidental preliminaries or events that relate to lending of loans. So, one of the important aspects of banking will be the rates of interest at which loans are given. It will therefore include also the question of giving moneys on interest. The Federal Legislative list contains: 'Corporations, that is to say, the incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations . . . but not including corporations owned or controlled by a Federal State and carrying on business within that State . . .' So, Sir, this will be a direct violation of this list, which is Federal and not Provincial. On these two things, I should say that the Hon. the Prime Minister will have to amend the present proposal, especially on the question whether it will not be considered as an infringement of the Federal list. I would therefore like the Hon. the Premier to tell me what exactly he thinks about it."

* MR. T. T. KRISHNAMACHARIAR:—"Mr. Speaker, Sir, the hon. the Mover of the amendment had taken the House into his confidence and told them that he had a lot of difficulty over this particular clause

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and the proviso thereto. As a matter of fact, though I am not in his confidence—I do not know what is happening there—I have myself felt that there are a lot of difficulties about this particular clause. Some of the points I had intended to raise have been anticipated by my hon. Friend, Mr. Basheer Ahmed. The point really is one whether the Government is justified in legislating for banks. I wish definitely to state here that I am not to be understood as raising a point of order, because I do not want to put you, Sir, in the predicament of having to give a ruling on the matter. . . ."

* MR. SPEAKER:—"If the hon. Member wants a ruling, I am prepared to give it, but there is no question of predicament or any such thing. I am always at the disposal of hon. Members. Every hon. Member is entitled to raise a point of order and the Chair is always ready to give a ruling on the point of order raised."

* MR. T. T. KRISHNAMACHARIAR:—"I thank you, Sir, very much. But the point really is that this matter is beyond the scope of the work of this House. I do not want in any way to injure the interests of the parties concerned by raising a point of order but I wish only to state the Government's responsibility in bringing forward legislation which will have consequences of a far-reaching nature which might possibly put several parties to expenditure which probably will result in a run on the banks themselves; and that these matters can be and will have to be avoided if there is a reasonable supposition that they are infringing on the powers of the Federal Legislature. I think the Government will have to give the benefit of doubt to the parties concerned. If you will permit me, Sir, I will amplify my point still further. My hon. Friend, Mr. Basheer Ahmed, has mentioned the two clauses in Schedule VII under which banking comes; one is item 33 which deals with corporations in a general way. . . ."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I submit, Sir, with great respect that this is very irregular and confusing. A mixed point of discussion or order may sometimes turn out for explanation and if you are going to have an exhaustive examination of the schedules of the Government of India Act in this connexion, I submit that it must be raised as a point of order and disposed of or you must go into the merits of the issue. It cannot be said that we are simply here to discuss the point of order and the law and the constitution and yet keep the amendment hanging in the air; and no point of order being raised, I respectfully submit that we should direct ourselves to the debate as far as possible. Either raise a point of order or drop the point of order; and if it becomes a mixed matter, only limit it to the extent that it is necessary. But, if you should go into an examination of the Government of India Act, I would rather request you to come to it in the shape of a point of order."

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* MR. T. T. KRISHNAMACHARIAR:—"Sir, I am alive to the point raised by the Hon. the Premier, but I have a responsibility to my constituency and the interests that I represent and so I wish to make a representation on their behalf. In regard to my reference to the Government of India Act and the commentary thereon I think it is a privilege which the Hon. the Premier cannot seek to deny me. I am rather sorry to take exception to the Hon. the Premier's interference. I hope the Hon. the Speaker will allow me to have my say."

THE HON. MR. C. RAJAGOPALACHARIAR:—"As a matter of explanation, Sir. I wonder why it was thought that when I raised my point I had intended directly to attack the Member. On every point that I raise, it is to the Speaker that I appeal and it is only the Speaker that can direct the debate, and the hon. Member is not right in understanding my conduct as he has attempted to do. As a matter of fact, the Hon. the Speaker alone is entitled to stop and it is to that Speaker that I appealed to examine this procedure and to see whether we should go on discussing the law on the point at great length without raising a point of order."

MR. T. T. KRISHNAMACHARIAR:—"I submit, Sir, that on the question of discussing the point at great length it may be necessary for me to refer to the law on the subject. Though I am not a lawyer I have all the same to be precise and I have to state my case and the case of the parties whom I represent here and in the manner which suits me best and it is for you, Mr. Speaker, to decide what I can do or what I cannot do."

* MR. SPEAKER:—"It was really a point of order on which Mr. Basheer Ahmed has spoken, but he did not raise it as a point of order; and Mr. Krishnamachariar, when he was specifically asked by the Chair whether he was raising a point of order before discussion on that was raised, said that he would not raise a point of order and not put the Chair in the predicament of giving a ruling, although the Chair made a sporting offer that there was no such thing as predicament at all to the occupant of the Chair at any rate, and that a ruling would be given if asked for. Mr. Krishnamachariar should certainly be prepared to take a ruling however complicated, he thinks, the question is. Probably as all Members of the House have studied the question, Mr. Krishnamachariar will not be elaborate and he would be very brief and finish soon. Otherwise there will be no end to this long and elaborate discussion."

MR. T. T. KRISHNAMACHARIAR:—"Sir, the interests involved are far too big and numerous. Generally, Sir, I do not take much of the time of the House and I wish to be brief now also, but as the interests involved are very big I claim your indulgence for some more time. I will not waste the time of the House if I can help it and

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I do not think any appeal to you from the other side should prevent me from reading from the Government of India Act or the commentary on it because it is absolutely necessary. . ."

* MR. SPEAKER:—"I do not say that the Government of India Act and the provisions should not be read by any Member. You are entitled to read, but what pertains to the point of order is being simply prolonged. That is irregular and loose."

MR. T. T. KRISHNAMACHARIAR:—"The point really is that this is a matter which could go beyond the House. . ."

* MR. SPEAKER:—"The House is perfectly aware of it and the suggestion need not be made that it will go to a Federal Court, or any other body. But, whatever it is, the hon. Member may deal with the amendment straightaway and speak upon it."

* MR. T. T. KRISHNAMACHARIAR:—"I shall not read the point referred to in Schedule VII of the Government of India Act, Sir, as I think the Government are very familiar with it. Item No. 33 of the Federal list deals in a general way with companies and banks.

"Item No. 38 deals specifically with banks. Lending money for interest is one of the activities of banking. What is given under the Provincial list, item No. 27 relates to 'money-lenders' and 'money-lending.' The real point that has to be considered is whether money-lending and money-lenders, assigned under the Provincial list, and the power assigned under it, is to the exclusion of banking. I state here that any subject that is in the Federal list takes predominance. The only available commentary that I have with me on the Act, the one which has been recommended in highly laudatory language by the hon. the Advocate-General, states very clearly the three points on the subject at issue. One thing is the predominance of the Federal Legislature on any subject if there is a possibility of confusion. The second point is if there is any overlapping of the subjects, the Federal Legislature is the proper body to enact legislation on the subject and lastly there is the question of what is called colourable legislation which implies that a body cannot indirectly do what it cannot directly do; and it is this I believe that is now sought to be done. The real position is, the amendment that is sought to be moved by the Hon. the Premier mentions specifically the scheduled banks having relations directly with the Reserve Bank of India. Am I to draw the inference therefrom that the other joint-stock banks are left out. So, I cannot see any reason for stating in the body of the amendment 'any public company' and then the reference to the scheduled bank on the top of it. To my limited understanding, it seems to be unnecessary if there is no implied meaning attached to it.

"There is another point and that is, I wish to ask the Government to make clear if the Government had already taken legal advice on this matter and unless it be a question of prestige, in any case they

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find a reasonable doubt about their powers to legislate on a particular matter, they should not make the parties suffering, seek remedy elsewhere at terrific cost. That is a point that I wish to stress on.

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"I would like to emphasize my objection to the question of limiting interest and thus interfering with banking and bringing it under the mischief of the Act. Whether the banks are really subject to the jurisdiction of the Act is a matter that has to be investigated outside. If they are to be subjected to the jurisdiction of this Legislature, how are you going to construe section 12 on which a discussion will take place later on. Section 12 opens up a vista, a large vista of litigation which I do not think the framers of the Act could have correctly comprehended.

"Is it, I ask, fair for the Government to put restrictions on institutional banking seeing that institutional banking has developed to a much larger extent in this part of the country than elsewhere. On its existence and development depend the future credit in this country. If the Premier will permit me to use his words they are the capillaries through which credit is taken to the villages and they make credit available to agriculturists at fairly reasonable rates of interest depending upon circumstances not altogether possible for the Legislature to contemplate. Is it right that they should be mulcted? I say it would be the best thing to leave the banks out of the mischief of the Act. The banks generally charge very reasonable rates of interest and no serious hardships to agriculturists could have occurred as a result of their relations with properly constituted banks. Banks are not unreasonable bodies and they will be willing to accommodate the Government in any reasonable manner in the matter of fixing rates of interest to agriculturists if asked.

"So far as the regulation of interest is concerned, I would tell the Government that it is not so easy as they think it to be. Indeed it is not so easy as carrying on the administration of a province. The administration of a province under parliamentary democracy may be carried on by amateurs. But I challenge any one of the Members on the treasury benches to come forward and say whether they know anything about banking. I will challenge them to come forward and say that they know how the interest is regulated and what it is dependent upon. It depends on many considerations. It depends on the nature of the security tendered, upon the solvency of the person applying for the loan, the position of this country among the money markets of the world and a host of other intricate and delicate considerations, which are far beyond the scope of the knowledge of the Government's Ministers. I am aware of the Government's dislike of armchair academicians, but they seem to have consulted one such in connexion with another section of this Bill. Have they consulted any expert, as it seems they have done in regard to this matter? If so, what is their opinion, and if not, do they propose to legislate on a matter like this without the advice of people who know the business? If you

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desire to regulate the rate of interest collected by the banks, you can only do so when matters go to the courts. Your law courts can interfere in matters taken up before them if usurious rates of interest are charged. I, therefore, protest against the amendment as sought to be moved by the Hon. the Mover of the Bill. I would, however, suggest to him to omit the following words from his amendment:—

'or to any scheduled bank as defined by section 2 (e) of the Reserve Bank of India Act, 1934, provided the interest payable in respect of the liability is not more than 9 per cent per annum.'

"That I think, Sir, will cover all the points raised during the course of the debate on this clause and will also avoid litigation, needless hardship and a possible run on the banks and will maintain the steady growth of the one credit institution which every one, much more the Government, should seek to develop, stabilize and encourage. If you want to regulate banking, if you want to take control of them and nationalize them, by all means do it, if you have the power. But do not try to interfere in their normal business in such haphazard manner. Do not try to interfere with their working for you do not know anything about it." (Cheers.)

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, Sir, my friend representing the South Indian Chamber of Commerce has in his usual able manner put forward a very good case for the kind consideration of the Government. I shall not attempt to go into the legal aspects of the matter for I propose to leave it to eminent lawyers and shall confine my remarks to the technical side of the question. Hon. Members would agree with me that there has been a new phase in the development of banking and credit organizations in this country during the last twenty years. Many of the banks have done extremely well. It is well known that after the failure of Arbuthnot people were very shy of putting deposits in banks and contributing to the share capital of these concerns. Thanks to the endeavours of some pioneers, it has been possible to start many institutions and they are well on the way. I wish to name only one institution which was started soon after the failure of Arbuthnot and one could not but admire the pioneers of that institution for surmounting so many initial difficulties. In fact, two or three persons had to guarantee the share capital of that company to be subscribed and but for it the company could not have been started. That institution has been flourishing and has been attracting deposits which otherwise would have gone into the hands of foreign concerns. The amount of deposits is so large that if in any manner the financial position of such institutions is to be affected, the credit of the country would be seriously endangered if there is to be a run on them by panicky depositors. You have not made any provision for a moratorium in favour of banks preventing the run on them. People may get scared as a result of this legislation and the inevitable result will be a run

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on these banking institutions. I am glad that the Government have realized that the original amendments would cause hardship and they have come with this amendment. I would only ask them whether banks that advanced money at $9\frac{1}{2}$ or 10 per cent during the pre-depression period are bad banks. I may tell the Government that during the pre-depression period smaller banks used to borrow from the bigger banks like the Imperial Bank at the rate of 7 or 8 per cent as the bank rate then was as high as 7 or 8 per cent and they re-lent it with a margin of 2 per cent profit. Should such banks be penalized? If, by putting up a small percentage to the rate at which the amount was originally borrowed from the bigger bank, the smaller bank charged $9\frac{1}{2}$ or 10 per cent, that is higher than the dividing line, and they come straightaway under the purview of the measure. This is a provision which will entail scrutiny by the court of each transaction and so the amendment proposed to be made is defective. It could very much be improved if the suggestion of my hon. Friend Mr. Krishnamachari were accepted. I only suggest to the Government that nothing should be done by the Government to disturb the credit facilities which are now being enjoyed by those institutions. The confidence of the public is a very delicate machinery and the Hon. the Prime Minister being the Finance Minister of the Government, and thereby a financier, should quite well realize that it should be the anxiety of the Government to see that the shareholders and depositors are not driven away. I should in all seriousness have supported the amendment if there were any provisions to the effect that money would be found by the Government for these institutions. A number of these banking institutions will suffer. They have been doing a much needed service to the country and I say that if they suffer, the trade of the country also will be affected."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. Speaker, the points raised and not raised—I put this interpretation on the remarks of the hon. Member representing the South Indian Chamber of Commerce casting them into the mould of a discussion without putting it in the form of a point of order—amount to this. The hon. Member advises the Government to refrain from putting forward this amendment in a form which might lead to trouble; and without raising a point of order acts as carefully, though a layman, as any good constitutional lawyer and is trying to put the Assembly in the right path. In answer to that, I have to state the House may rest assured that we have taken a great deal of trouble in regard to this matter and it is not as if we were taken by surprise and we are committing an error without care and proper circumspection. The plea that was raised that banking is excluded from the Provincial List is clear enough. I do not wish to go into the discussion as to what it means beyond saying that it does not cover legislation to relieve agriculturists. I do not want to make any further remarks thereupon

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except to say that there have been legislative measures even before this and this is not the first time and there have been acts in other Provinces which have dealt with matters such as we are now dealing. The word banking that is introduced there is not introduced there to cover transactions of this sort at all. It would be something like saying that the Criminal Procedure Code is to be interpreted into a penal legislation. Procedure is different from substance. Banking is an all-India procedure. But the difficulties of agriculturists in our Province will not be legislated for by the Federal Legislature. Even if you go to them with a memorial in this regard they will say 'You have got the power to deal with the matter. Therefore you legislate for it yourself.' I do not think that I need make any further remarks with respect to the mixed question of the point of order though it was not raised in that form.

"Before passing to the amendment itself, I submit that we should not give the benefit of doubt, even if members have a doubt, in constitutional matters like this, to the Federal Legislature. I submit that it would be quite proper and I have a right to claim from Members of this House that they should help us as far as possible to push forward our boundaries rather than restrict them. I want the co-operation of all groups and sections in this House in that process and therefore it was that I deprecated the point of order being raised and elaborated upon at length without giving an opportunity for the Chair to give a decision upon it. So that it comes to this: that we are helping those outside our borders instead of helping ourselves.

"Now, coming to the merits of the amendment itself, it has been pointed out that it hits hard and probably threatens the welfare of the institutions whose welfare should be our concern. I submit, Sir, that in the provisions as they stand in the Bill every care has been taken to maintain the banks in perfect working order. In respect of loans given after 1932, interest will be calculated at 5 per cent and payments made will not have to be returned but only credit will be given with reference to interest. I submit that as we wish to protect the agriculturists against themselves, creditors against themselves, we should also protect the banks against themselves. Surely usurious rates are not going to help the banks. They could hardly be called banks if they wish to claim exemption from the jurisdiction of this measure and from the provincial jurisdiction and yet wish to charge usurious rates of interest upon the agriculturists upon whose welfare the welfare of the Province depends.

"I submit, Sir, therefore, that we have protected banks as far as we can. After the provision that is going to be made with respect to loans issued after 1932, there cannot be even the slightest fear on the part of well-organized institutions, which, as Mr. Basheer Ahmed has said, have made a great deal of agitation in this matter. They refer only to mere formalities; so far as substance is concerned, they have been amply protected. Here, all the larger banks are

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excluded and also banks that have charged more than 9 per cent on pre-depression debts to which reference was made by the Leader of the Opposition. In the case of pre-depression loans, if banks have allowed them to remain uncollected till now, can they be called banks? They can be called only money-lenders, they cannot be called banks. Viewed from all points of view, the provisions will protect credit organizations in the country. And there is nothing wrong in protecting agriculturists against usurious banks, or ordinary money-lenders or institutions registered under the Indian Companies Act."

MR. BASHEER AHMED SAYEED:—"Sir, the two amendments that I have given notice of, and which I now move, are—

'In the new clause (f) moved by the Hon. the Prime Minister, (i) to omit the word "public" and (ii) to omit the proviso.'

"So with my amendments the clause will read thus: 'Any liability in respect of any sum due to any company as defined in the Indian Companies Act, 1913, or to any scheduled banks as defined by section 2 (e) of the Reserve Bank of India Act, 1934.' I submit, Sir, that since debts of the agriculturists are sought to be excluded and the banks are to be benefited, it should be possible for the banks to get their money from the agriculturists. After all, Sir, when banks are sought to be protected, I do not see why any discrimination should be shown between companies which are public and companies which are private. There are private companies or banks which are lending money at 6 per cent. This amendment excludes these companies. Generally, agriculturists borrow from the private companies at a low rate of 6 per cent, or 7 per cent, or 8 per cent. As I am told, in Malabar, there are a large number of such private banks, who lend out money at a small rate of interest. I cannot understand why this discrimination is made between private and public banks. No reason is given in this amendment. This amendment has undergone various alterations. Originally, the amendment given notice of by the Premier was altogether in another form. Then there was another amendment—and here I speak subject to correction—sought to be put in a different form. These various developments in regard to the proper wording shows that there is still room for a proper amendment that can be acceptable to all. Sir, I plead for the removal of the discrimination between private and public companies. If it is not removed at least I urge that the proviso be removed. Banks are apparently institutions working for the benefit of the agriculturists. After all, the number of public banks from whom the agriculturists would have borrowed would be very small; and the number of private banks from whom the agriculturists would have borrowed would be very large. If you remove the word 'public' the amendment would be good, and also it would widen the scope of persons who would derive benefit under this amendment. I therefore move the amendments."

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KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I second the amendments."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I cannot accept the amendments and it is not the intention of Government to make any discrimination between public companies and private gentlemen."

DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, it was not my intention to intervene in this debate, but from what has fallen from the Hon. Member, I feel it will clarify the position, if scheduled banks that are going to be benefited under clause (f) are not prohibited from charging more than 9 per cent. Evidently the words 'provided the interest payable in respect of the liability is not more than 9 per cent,' apparently means 'recoverable,' and so I would move—

'that for the word "payable" the word "recoverable" may be substituted.'

"Then I think there can be no objection to the amendment to go through as it stands."

The amendment was duly seconded.

THE HON. MR. C. RAJAGOPALACHARIAR:—"I take it, Sir, that both the amendments of Mr. Basheer Ahmed Sayeed and the amendment just now moved by Mr. Appadurai Pillai are now under discussion. I have already said that I cannot accept the amendments of Mr. Basheer Ahmed. Mr. Appadurai Pillai suggests the word 'recoverable' for 'payable' and I am not lawyer enough (laughter) to see the distinction between the two. I think 'payable' is all right, and people will be most anxious if we substitute the word 'recoverable,' for what is 'recoverable' depends on the insolvency or otherwise of the party." (Laughter.)

The amendments of Mr. Basheer Ahmed Sayeed and Mr. Appadurai Pillai were put and lost.

The amendment of Mr. H. S. Hussain was, by leave, withdrawn.

MR. B. BHAKTHAVATSALU NAYUDU:—"Sir, I move the amendment of which I gave notice, namely:—

'Add the following to the altered sub-clause (f) proposed by the Hon. Mr. C. Rajagopalachariar to clause 4:—

"Explanation.—In determining whether the interest payable in respect of the liability is or is not more than 9 per cent per annum, regard shall be had only to the primary interest fixed and not to a higher interest made to arise as upon default."

"Sir, my idea in moving this amendment is that some of the companies or banks are lending money to persons on condition that if the person fails to pay the dues in time then they charge a higher

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rate of interest on the basis of the agreement or bond or deed executed by the borrower. So in order to avoid any complication ultimately leading to litigation I suggest this explanation may be added. I hope the Hon. Premier will accept it."

DIWAN BAHADUR A. APPADURAI PILLAI:—"I second the amendment."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"It is this particular point, Sir, that makes it necessary for bringing these companies within the operation of this measure mostly. It is on account of the penal rate of interest that the agriculturist is screwed down, and it is well known that moneys are allowed to accrue till it is unable for him to repay, and then his whole property is sold. Therefore, it is to provide against this penal provision that my amendment is proposed so that these public companies may be dragged into this measure. And so it is not possible for me to accept the suggestion of the hon. Member. His explanation cuts underground my whole amendment."

The amendment was put and lost.

The amendment of the Hon. Mr. C. Rajagopalachariar was then put and carried.

The House then adjourned to meet again the next day at 10 o'clock.

IV.—PAPER LAID ON THE TABLE OF THE HOUSE.

Statement showing the resolutions passed by the House Committee during the First Session of the First Legislative Assembly under the Government of India Act, 1935, and the action taken thereon.

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APPENDIX.

[Vide answer to starred question No. 150 asked by Mr. K. V. R. Swami at the meeting of the Legislative Assembly held on the 28th January 1938, page 325 supra.]

Statement showing the number of boys of school-age and the number of boys of school-age under instruction in the compulsory areas in the Presidency during the year 1935-36.

Name of compulsory area.	Number of boys of school-age (children).	Number of boys of school-age under instruction.
(1)	(2)	(3)
I. MUNICIPALITIES.		
1 Vizagapatam	2,473	2,330
2 Ellore	4,324	9,994
3 Rajahmundry	3,953	3,801
4 Masulipatam	3,786	3,708
5 Hospet	1,441	973
6 Proddatur	2,179	1,216
7 Hindupur	1,355	1,070
8 Nellore	3,457	3,457
9 Chingleput	1,125	1,053
10 Conjeeveram	3,734	3,642
11 Vellore	5,455	4,250
12 Kumbakonam	3,980	3,887
13 Negapatam	3,378	2,856
14 Mayavaram	2,024	1,910
15 Madura	1,259	1,231
16 Dindigul	3,702	2,911
17 Virudunagar	2,436	2,430
18 Erode	2,634	2,427
19 Coimbatore	7,787	5,453
20 Tiruppur	2,271	1,643
21 Tirnevelly	3,879	3,119
22 Cochin	1,781	1,695
23 Calicut	7,327	7,024
24 Tellicherry	2,629	2,578
25 Bezwada	4,530	3,544
26 Salem	2,098	1,293
27 Corporation of Madras	34,874	31,372

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Statement showing the number of boys of school-age and the number of boys of school-age under instruction in the compulsory areas in the Presidency during the year 1935-36—cont.

Name of compulsory area. (1)	Number of boys of school-age (children). (2)	Number of boys of school-age under instruction. (3)
II. LOCAL BOARDS.		
1 Saidapet taluk (Chingleput district)..	7,302	5,382
2 Nattarampalli Panchayat (North Arcot)	312	219
3 Agraharam Panchayat (North Arcot). ..	191	98
4 Tiruvadi Panchayat (Tanjore) ..	584	569
5 Vadamalapuram Panchayat (Ramnad)	31	30
6 Sengamalanachiyarpuram Panchayat (Ramnad)	26	20
7 Ernad taluk (Malabar) (select amsams)	4,613	3,930
8 Walluvanad taluk (Malabar) (select amsams)	366	267
9 Ponnani taluk (Malabar) (select amsams)	2,811	1,995

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, the 29th January 1938.

The House met in the Assembly Building, Chepauk, at ten of the clock, Mr. Speaker (THE HON. MR. B. SAMBAMURTI) in the Chair.

Prayer.

MR. SPEAKER:—"Prayer."

MR. ABDUL HAMEED KHAN:—"I protest again against the singing of this song. We walk out."

(The hon. Member then walked out followed by three more Muslim Members.)

MR. SPEAKER:—"Prayer."

MRS. LAKSHMI SANKARA AYYAR sang the *Vande Mataram* song.

MR. SPEAKER then led the following prayer, all the Members standing:—

"O Eternal and Almighty God,

"We, the Representatives of the People of the Madras Presidency assembled here in Parliament, fervently pray that our hearts may be so enlightened that we may be freed from all passions and prejudices, and that our minds be so constituted that in our deliberations, we may not purpose or decide otherwise than in the best interests and welfare of the People.

"We heartily pray that we may possess wisdom and understanding to pass Laws and Resolutions for the maintenance of Truth and Justice, wealth, and health and happiness of the People, and that we may also possess strength and determination to devote ourselves to the service of our motherland and harness all energies and resources for the attainment of Freedom and Peace.

"Om, Santih, Santih, Santih!"

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Reinstatement of Government servants who were dismissed or who resigned on account of the Non-Co-operation or the Civil Disobedience Movements.

* 156 Q.—MR. K. VENKATAPPAYYA: Will the Hon. the Prime Minister be pleased to state—

(a) whether the Government propose to reinstate or otherwise compensate the Government servants who were either dismissed by the Government or had resigned their appointments on account of the Non-Co-operation or the Civil Disobedience Movements; and

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(b) whether the Government propose to remove the ban placed on some of the Government servants and others permanently disabling them from entering Government service on account of the part they took or are supposed to have taken in the Non-Co-operation and Civil Disobedience Movements?

THE HON. MR. C. RAJAGOPALACHARIAR:—“(a) Each case of reinstatement applied for is considered on its merits.

“(b) The Government have issued orders that no conviction for any offence committed in furtherance of the Non-Co-operation or Civil Disobedience movements shall hereafter constitute a bar to appointment in the public service.”

(Mr. Abdul Hameed Khan at this stage entered the Chamber with four other Muslim Members.)

MR. K. VENKATAPPAYYA:—“May I ask the Hon. Minister what the general policy of the Government.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I would request the hon. Member to speak a little farther from the 'phone and slowly. I have not been able to follow him.”

MR. SPEAKER:—“The hon. Member may frame a question and then slowly speak through the 'phone.”

MR. K. VENKATAPPAYYA:—“The Hon. the Premier was kind enough to say that individual cases will be considered on their merits. I want to know the general policy of the Government regarding those who suffered on account of the Non-co-operation and Civil Disobedience Movements.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“The general policy, Sir, I may say, is to treat the fact that they took part in the Non-Co-operation movement as no bar; but if there are other reasons for preventing the persons concerned from taking up their places, those considerations also have to be taken into account.”

MR. MAHBOOB ALI BAIG:—“May I know what those other considerations are?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“For instance, if the man has become too weak or too ill or unfit otherwise for the place.”

MR. G. RANGIAH NAYUDU:—“Is it a fact that the Government recently invited applications from persons who lost their appointments on account of their taking part in the Civil Disobedience movement and that the applications thus received have been forwarded to the Revenue Board to make enquiries and report thereon?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“Very probably the statement now made is correct, Sir.”

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AN HON. MEMBER:—“May I ask whether there are many cases where the applicants have been restored or refused restoration?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I want notice for such details.”

MR. M. G. NATESA CHETTIYAR:—“May I know whether the same remedy will be available in respect of the village officers?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I am not able to see that this question is different from the other.”

MR. MAHBOOB ALI BAIG:—“May I know whether those who were charged for violence while participating in the Civil Disobedience movement will also be restored to their appointments?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“Very probably not, Sir.”

MR. M. G. NATESA CHETTIYAR:—“I wanted to know, Sir, what the general policy of the Government with regard to village officers is?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I am still unable to see how this question is different from the question put by the hon. Member, Mr. Konda Venkatappayya.”

MR. MAHBOOB ALI BAIG:—“Do not the cases of those who have participated in the Civil Disobedience movement and were held by courts to have been guilty of violence also deserve consideration in these matters?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“I have already said, Sir, that such cases stand on a different footing from the cases of those who have merely taken part in the Non-Co-operation movement or Civil Disobedience movement and, very probably, the difficulties will be much greater for considering such cases.”

MR. M. G. NATESA CHETTIYAR:—“Sir, in view of the fact that the village munsif is not considered as a Government servant but as an honorary officer, I want to know the general policy of the Government on this question.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“The assumption in the last question is, I submit, Sir, not correct. The village officers are Government servants.”

MR. MAHBOOB ALI BAIG:—“Sir, while it is a fact that persons who were guilty of violence in their participation in the Civil Disobedience movement were released, may I know why the Government make this distinction in the case of these persons and do not want to reinstate them?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“If the hon. Member means that we should not discriminate against persons found guilty of violence, I submit, Sir, the Government are not prepared to go as far as that.”

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MR. MAHBOOB ALI BAIG:—“Is it not a fact that persons who committed violence were also released from jails?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“Certain considerations prevailed with regard to release from prison, but entirely different considerations prevail with regard to handing over a part of the Government to them.”

MR. ABDUL HAMEED KHAN:—“Do I understand the present Government to state that the judgments that were delivered by magistrates and District Judges during the Non-Co-operation period against all political prisoners were correct?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“It is difficult for Government to give an answer to this question except to this extent that the Government take the judgments to be the last word on the facts of the case, but the policy of the Government is not based on the facts of the case at all. Moreover, the question of reinstatement does not at all get connected with the judgment in a case. Resignations have nothing to do with judgments.”

MR. MAHBOOB ALI BAIG:—“May I ask, Sir, if the assurance on the part of political prisoners who might have committed violence is taken to be sufficient for releasing them, whether the same assurance may not be sufficient for reinstating them?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“The assurance should carry conviction and the decision in each case depends on the individual merits of the case.”

MR. M. G. NATESA CHETTIYAR:—“In respect of the village officers, I request the Hon. the Premier . . .”

MR. SPEAKER:—“The hon. Member is not heard at all. He should speak through the microphone from the proper distance and the proper angle.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“May I suggest to the hon. Gentleman not to put emotion into words when he speaks through the microphone and not to look at the Minister at all. He should look at the microphone while speaking.” (Laughter).

MR. M. G. NATESA CHETTIYAR:—“Thanks for the instructions, Sir. May I know from the Hon. the Prime Minister whether steps to reinstate all the village officers who were concerned in the Civil Disobedience Movement are being taken?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“Notice, Sir.”

MR. M. G. NATESA CHETTIYAR:—“May I request the Hon. the Premier to call for a list of such persons during the period covered by the Non-Co-operation Movement?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“Enough has been done to let all persons affected in that manner know that the Government are prepared to consider their cases. To go

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further and take statistics of the people affected without themselves coming forward is a little too much and I deprecate putting upon the Government that kind of burden.”

MR. M. G. NATESA CHETTIYAR:—“May I know, Sir, whether there are now petitions pending with the Government requesting reinstatement?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“Petitions are pending.”

Assessment on wet lands for the second crop.

* 157 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that while a portion only of a wet land is cultivated for the second time in a year, the entire extent of the land in that survey number is assessed for in the villages of Cheyyar and Wandiwash taluks, North Arcot district;

(b) if so, whether the same practice is obtaining elsewhere in the Presidency; and

(c) what remedial steps the Government propose to take in the matter?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—“(a) & (b) The attention of the hon. Member is invited to Board's Standing Orders 4, 5 and 13, which contain the rules on the subject applicable to all areas including those specified in clause (a). The Government have no reason to believe that the rules have not been followed in the North Arcot district.

“(c) The Government do not consider that any change is necessary in the rules.”

MR. D. RAMALINGA REDDIYAR:—“May I ask the Hon. Minister whether such things are occurring in the zamindari areas?” 10-15 a.m.

MR. T. VISWANATHAM:—“Things occurring in the zamindari areas are controlled by the Estates Land Act which is quite a different thing from what is done in ryotwari areas.”

MR. T. N. RAMAKRISHNA REDDI:—“Sir, is it not unjust that a ryot should be assessed for the whole extent of lands even when he is cultivating one acre out of ten acres, not because of his own fault but because there was not sufficient supply of water?”

MR. T. VISWANATHAM:—“If there is deficiency of water, the Board's Standing Orders make provision for it and the question will be duly considered by the local officials.”

MR. T. N. RAMAKRISHNA REDDI:—“Sir, if the ryot cultivates from tank water it is all right. But he cultivates it from well water, there is not sufficient supply of water from the well and he cannot cultivate the whole extent of land that he owns.”

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MR. T. VISWANATHAM:—"Specific cases of that kind should be brought to the notice of the Government instead of being put in the form of an interpellation."

MR. T. N. RAMAKRISHNA REDDI:—"This is not a specific case. It is a case of general occurrence."

MR. M. G. NATESA CHETTIYAR:—"Will it not be possible to issue a general instruction in a matter like that?"

MR. T. VISWANATHAM:—"General instructions are already contained in the Board's Standing Orders and they are very clear."

MR. D. RAMALINGA REDDIYAR:—"May I ask whether Board's Standing Orders are immutable in their nature?"

MR. T. VISWANATHAM:—"They are not immutable, but the circumstances to-day do not warrant any change in the rules."

MR. D. RAMALINGA REDDIYAR:—"Do they propose to keep these things unchanged for ever?"

MR. T. VISWANATHAM:—"If circumstances do not require any change, they will be kept as they are. But if circumstances demand a change, they will be changed."

MR. V. M. RAMASWAMI MUDALIYAR:—"May I ask what is the rationale behind the Board's Standing Order which says, whether part of a land is cultivated or the whole of it is cultivated, the whole land should be subjected to assessment?"

MR. T. VISWANATHAM:—"May I know from the hon. Member to what sort of lands he refers? There are several sorts of lands."

MR. SPEAKER:—"I am afraid the Parliamentary Secretary cannot put counter-questions."

MR. T. VISWANATHAM:—"I am sorry I am not able to follow the hon. Member's question. I wanted to know to which lands the hon. Member refers, to single crop wet lands or lands which are registered as double crop lands, or lands which are registered as compounded double crop."

MR. SPEAKER:—"This has assumed the form of a debate. I shall proceed to the next question."

Publication of the "Marjoribanks" Report on land revenue remission.

* 158 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Revenue be pleased to state when the Government propose to publish the "Marjoribanks" Report on remission of land revenue?

MR. T. VISWANATHAM (Parliamentary Secretary), on behalf of the Hon. Mr. T. Prakasam:—"The report will be published if

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necessary after a final decision is taken by the Government on the principle and method to be adopted to fix the land revenue assessment for the future."

MR. D. RAMALINGA REDDIYAR:—"May I know how long the Government will take for coming to a decision?"

MR. T. VISWANATHAM:—"The Government will not take a very long time."

MR. M. G. NATESA CHETTIYAR:—"May I know whether the necessity for the publication of the report itself is under consideration?"

MR. T. VISWANATHAM:—"The whole question is under consideration."

MR. MAHBOOB ALI BAIG:—"May I know what the Government are doing to relieve the burden of agriculturists in the matter of land revenue in places where such a relief is urgently called for?"

MR. T. VISWANATHAM:—"I submit, Sir, that as a Member of this House the hon. Member Mr. Mahboob Ali Baig must know what the Government are doing in the matter."

MR. V. M. RAMASWAMI MUDALIYAR:—"May I know whether there is any objection for the Government in making the Marjoribanks Report available to the Members of this House?"

MR. T. VISWANATHAM:—"There is no objection. Unless a decision is come to by the Government, there is no purpose in publishing the report."

MR. MAHBOOB ALI BAIG:—"My question was whether the Government is doing anything to distribute the burden of taxation amongst ryots and persons who are not ryots."

MR. T. VISWANATHAM:—"A little patience on the part of the hon. Member is required."

MR. G. RANGIAH NAYUDU:—"May I know when the Government expect to come to a decision?"

Withdrawal of certain temporary pattas in the Velliyur village, Tiruvallur taluk, Chingleput district.

* 159 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government have received information called for with reference to starred question No. 57 (b) answered on 21st December 1937; and

(b) if so, whether the Government propose to withdraw the temporary pattas granted for cultivation of lands in survey Nos. 230, 231 and 232 of No. 109, Velliyur village, Tiruvallur taluk, Chingleput district?

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MR. T. VISWANATHAM (Parliamentary Secretary), on behalf of the Hon. Mr. T. Prakasam:—“(a) the answer is in the affirmative.

“(b) The Board of Revenue has issued orders withdrawing the concession granted to the sivaijama cultivators of the three fields referred to.”

MR. D. RAMALINGA REDDIYAR:—“May I know whether a general order will be issued to District Collectors not to grant any temporary or permanent pattas in the case of lands classified as submersion tank-bed porambokes?”

MR. T. VISWANATHAM:—“The general order is there already.”

MR. M. G. NATESA CHETTIYAR:—“May I know whether it is absolutely necessary for Members to put questions again in respect of information called for regarding previous questions put already on the floor of this House?”

MR. SPEAKER:—“That is not a question to be answered by the Member of Government.”

Protest by the Sethiathope Mirasdars' Association against the merger of the Vylamur channel.

* 160 Q.—MR. BASHEER AHMED SAYEED: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that as a result of the remodelling of the Manampathan channel in the Chidambaram taluk, South Arcot district, the old Vylamur channel became merged in the newly excavated new supply channel to the Morattu channel;

(b) whether an aqueduct was constructed in the new Vylamur channel at its crossing of the new supply channel, to the Morattu channel;

(c) whether in consequence of this newly excavated channel and the construction of the aqueduct the irrigation of about 350 acres in the Vylamur village, Chidambaram taluk, suffered from inadequate supply of water during the years 1934-35 and 1935-36;

(d) whether there was any agitation on the part of the Sethiathope Mirasdars' Association against this merging of the old Vylamur channel and against the widening of the aqueduct;

(e) if so, what action the Public Works Department took to redress the grievance of the mirasdars who were affected;

(f) whether any substitute supply channel has been dug since, to serve the 350 acres affected by the said remodelling; and

(g) if so, when the work was commenced and completed and what the cost was?

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THE HON. MR. YAKUB HASAN:—“The answer to this question is a long one, and therefore it will be placed on the table.”

“(a) While carrying out ‘improvements to Morattu channel’ the old Vylamur channel became merged in the newly excavated supply channel to Morattu channel. It was not as a result of the remodelling of the Manambathan channel which was done earlier.

“(b) The answer to this question is in the affirmative.

“(c) The function of the old Vylamur channel was transferred to the new Vylamur channel (not under the improvements to Morattu channel, but under some old proposal) even before the improvements to Morattu channel, were carried out. During the inspection of the new Morattu supply channel in June 1934 by the Executive Engineer it was brought to his notice that the excavation of the new Morattu supply channel interfered with the irrigation of about 260 acres in Vylamur village by absorbing a former field channel in its course. So, in the year 1936, a new field channel was acquired and dug out by Government and a small everite pipe aqueduct to convey water from the said field channel across the new Morattu supply channel was constructed at a total cost of Rs. 570 for the benefit of the 260 acres referred to above. It is also true that the size of the aqueduct conveying new Vylamur channel across new Morattu supply channel is inadequate to pass the discharge required for the ayacut below it. An estimate is under preparation by the Subdivisional Officer for widening the aqueduct and work will be executed in the next closure. The cost is not expected to exceed Rs. 200.

“(d) The Shatiatope Mirasdars' Association wrote to the Executive Engineer, South Arcot Division, complaining about the inadequacy of the ventway of the aqueduct. But it does not appear that there was agitation on the part of the Shatiatope Mirasdars' Association against the merging of the old Vylamur channel in the new Morattu supply channel before or at the time of execution of the work.

“(e) As stated in the answer to clause (c) a new field channel was acquired and an aqueduct was constructed by Government in 1936.

“(f) As stated in the answer to clause (c) the new Vylamur channel serves the area under old Vylamur channel. The improvements carried out to Morattu channel did not affect the area under reference excepting to the extent of 260 acres to remedy which a new field channel with a pipe aqueduct was built in 1936.

“(g) The excavation of the new field channel and the construction of the pipe aqueduct were carried out in 1936 at a cost of Rs. 570.”

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Progress of the Current Meter observations and of the experiments conducted to decide the duty on water in the Tungabhadra project.

* 161 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Public Works be pleased to state in respect of the Tungabhadra project—

(a) whether Current Meter observations have been completed; and

(b) whether experiments to decide the duty on water for lands to be irrigated by the project have been completed?

THE HON. MR. YAKUB HASAN:—“(a) Yes.

“(b) The answer is in the negative.”

Transfer of certain teachers in the Nellore District Board on the eve of the retirement of its President.

* 162 Q.—MR. K. SHANMUGAM: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether it is a fact that the ex-President of Nellore District Board passed orders of transfer to several teachers in the district board schools on 30th November 1936 which is the date of his retirement from the office of President; and

(b) how many of the teachers were transferred on that date?

THE HON. DR. P. SUBBARAYAN:—“(a) The answer is in the affirmative.

“(b) 41.”

MR. V. M. RAMASWAMI MUDALIYAR:—“May I ask what steps the Government are taking to prevent abuse of power in such matters?”

THE HON. DR. P. SUBBARAYAN:—“We have already issued general instructions that if teachers should be transferred, they should be granted travelling allowance.”

AN HON. MEMBER:—“May I know whether such transfers are made quite indiscriminately?”

THE HON. DR. P. SUBBARAYAN:—“Strict instructions have been issued that transfers should be made only if necessity can be proved for such transfers.”

MR. V. KURMAYYA:—“May I know, Sir, whether it is not a fact that as the result of one of such transfers the school for Harijan girls at Kampallem Venkatagiri was completely reduced to a very low and poor state and that when the District Educational Officer visited the school the attendance was only two?”

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THE HON. DR. P. SUBBARAYAN:—“The hon. Member's complaint refers to a particular school. So I must ask the hon. Member to put down another question if he wishes to get information on that particular school.”

MR. V. KURMAYYA:—“May I know, Sir, whether the Government propose to redress the grievances of all the teachers that are being affected by those transfers, by retransferring them to their original places?”

THE HON. DR. P. SUBBARAYAN:—“That raises a wider question. So I would like the hon. Member to put down a separate question.”

Purchase of newspapers by the presidents of village panchayats from panchayat funds for public use.

* 163 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Education and Legal Departments be pleased to state whether it is a fact that by a Government Order, the presidents of village panchayats are disabled from purchasing newspapers from the panchayat funds for the use of the residents of the locality?

THE HON. DR. P. SUBBARAYAN:—“The hon. Member presumably refers to the rule issued in April 1936, to the effect that no panchayat should incur expenditure on the establishment and maintenance of libraries and reading rooms, including subscriptions for newspapers and periodicals, without the previous approval in writing of the Inspector of Municipal Councils and Local Boards. The question of cancelling the rule is at present under consideration.”

Raising the compound wall of the Government Training School for Muhammadan Mistresses, Guntur.

* 164 Q.—MR. S. M. LALJAN: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether it is a fact that the compound wall of the Government Training School for Muhammadan Mistresses, Guntur, is not sufficiently high to protect the gosha ladies; and

(b) if the answer be in the affirmative, whether the Government will take steps to raise the wall?

THE HON. DR. P. SUBBARAYAN:—“(a) The compound wall is of the usual height (i.e., about five feet). But tarred bamboo tattles to a height of three feet are put up on the compound wall and as such sufficient protection is afforded to the purdha ladies inside the school.

“(b) The question of raising the wall in view of sentiments of our of our Muslim brethren is under consideration.”

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Hostel accommodation for the mistresses undergoing training and appointment of Muslim teachers in the Government Training School for Muhammadan Mistresses, Guntur, and employment of proper number of conveyances thereto.

* 165 Q.—MR. S. M. LALJAN: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether the hostel attached to the Government Training School for Muhammadan Mistresses, Guntur, is outside the school compound with the result that the mistresses under training have to walk across the public road;

(b) whether the Government will consider the advisability of accommodating them in the school compound itself;

(c) whether the Headmistress and some other members of the staff are teachers whose mother tongue is not Urdu;

(d) if the answer to (c) be in the affirmative, whether the Government will take steps to appoint Muslim teachers; and

(e) whether proper number of carts have been employed to convey the mistresses and pupils to the said school?

THE HON. DR. P. SUBBARAYAN:—“(a) The hostel is outside the school compound, but no inmate has ever had to walk across the public road as they come to the school in carts provided at Government expense.

“(b) Does not arise in view of what I have said already in answer to (a).

“(c) The answer is in the affirmative.

“(d) Members of the staff whose mother tongue is not Urdu will be replaced by teachers whose mother tongue is Urdu when and as they are available.

“(e) Yes, two carts are provided.”

Number of libraries located in rural areas.

* 166 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state the number of libraries located in rural areas?

THE HON. DR. P. SUBBARAYAN:—“The Government have no information.”

MR. K. V. R. SWAMI:—“May I ask whether Government will be pleased to call for the information?”

THE HON. DR. P. SUBBARAYAN:—“I do not think any particular purpose will be served by calling for such information as I find it will be very difficult to obtain the information which the hon. Gentleman wants.”

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Agricultural institutions in the Province.

* 167 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) the courses of instruction in agriculture now available for students;

(b) the time of the year when they commence;

(c) the duration or period of each course; and

(d) the institutions where agricultural education is given and the number of students now studying in them?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“(a) (1) B.Sc. Agriculture degree course.

(2) M.Sc. degree course.

(3) Short courses in Practical Agriculture.

(4) Four months' stipendiary course.

“(b) The first year of the B.Sc. Agriculture degree course commences early in July each year. The M.Sc. degree courses are held only whenever possible. The short course in Practical Agriculture commences in July and the stipendiary course from 15th November.

“(c) (1) The B.Sc. Agriculture degree course extends over a period of three years.

(2) In the case of M.Sc. degree, two years post graduate study for Bachelor of Arts in a science subject or Bachelor of Science of the Madras University and one year for the holders of the B.Sc. (Agr.) degree or other equivalent degrees recognized by the Madras University from the date of registration.

(3) The short courses in Practical Agriculture last from July to March.

(4) Stipendiary course is given for four months from 15th November.

“(d) (a) The B.Sc. Agriculture degree course and the M.Sc. degree course are given at the Agricultural College, Coimbatore. Short courses in Agriculture are given at the Agricultural College and at the Agricultural stations at Nandyal and Taliparamba. The stipendiary course is given in the following agricultural stations:—

(1) Samalkota.

(2) Marateru.

(3) Guntur.

(4) Nandyal.

(5) Koduru.

(6) Kalahasti.

(7) Gudiyattam.

(8) Palur.

(9) Aduturai.

(10) Koilpatti.

(11) Taliparamba

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(b) The total number of students undergoing B.Sc. degree course at the College is 124 as below:—

Class I	...	...	...	...	...	48
Class II	...	...	...	...	...	38
Class III	...	...	...	...	...	38

“ There are now no students preparing for the M.Sc. degree. The number of students undergoing the short courses in Practical Agriculture is 25 and 32 are undergoing the four months' stipendiary course at present.”

Action taken on the report of the Director of Industries on the necessity of accelerating the industrial development of the Province.

* 168 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Director of Industries had in the annual report for the year ending 31st March 1936, expressed the view emphasizing the necessity of accelerating the industrial development of the Province and adding that if Madras did not take active steps in the direction of establishing some basic industries, there is ground for apprehension that we should in a few years be importing from other parts of India considerable quantities of industrial products which could and should be manufactured in this Presidency; and

(b) what steps the Government have taken to establish basic industries in the Province?

THE HON. MR. V. V. GIRI:—“(a) Yes.

“(b) The hon. Member's attention is invited to the publications entitled (i) Mettur: Its Industrial Potentialities, and (ii) A Report upon the Prospects of Developing the Mettur Settlement into an Industrial Centre, which are available in the library of the Madras Legislature. The hon. Member's attention is also invited to the administration report of the Department of Industries for the year 1936-37 which has been placed at the disposal of the Press.”

MR. K. V. R. SWAMI:—“ May I know whether any industries will be started next year? ”

THE HON. MR. V. V. GIRI:—“ Notice, Sir. I would however advise the hon. Member to study the reports referred to in the answer before he comes up with further questions.”

MR. K. V. R. SWAMI:—“ I have studied some of the reports, Sir, but I have found nowhere that the Government will undertake new schemes of industrial development in this Province.”

THE HON. MR. V. V. GIRI:—“ I shall study them and inform the hon. Member what the Government propose to do.”

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MR. V. M. RAMASWAMI MUDALIYAR:—“ May I ask whether the Government have decided on any policy of giving substantial financial help to any new basic industry that may be started in this Province? ”

THE HON. MR. V. V. GIRI:—“ The Government are always prepared to consider grants of State aid to industries which they consider useful.”

MR. K. V. R. SWAMI:—“ I want to know, Sir, whether the Government are themselves going to start basic industries.”

THE HON. MR. V. V. GIRI:—“ Notice, Sir.”

MR. ABDUL HAMEED KHAN:—“ May I know, Sir, whether the Government has adumbrated a policy of encouraging industries in this Province to a greater extent than what has been done in the past? ”

THE HON. MR. V. V. GIRI:—“ The Government is certainly giving serious consideration to this proposal.”

MR. G. RANGIAH NAYUDU:—“ May I know whether there are any centres in the northern districts in which State aid is given? ”

THE HON. MR. V. V. GIRI:—“ Not as yet.”

MR. K. V. R. SWAMI:—“ Sir, I asked what steps the Government were taking to establish basic industries in this Province and that question has not been answered. The Hon. Minister has said he wants notice.”

THE HON. MR. V. V. GIRI:—“ I have already answered the question put by my hon. Friend opposite and I think that that answer should be enough for the present.”

MR. SPEAKER:—“ No supplemental question should be repeated nor for the matter of any question.”

MR. MAHBOOB ALI BAIG:—“ May I suggest that the Director of Industries or a committee of experts may be asked to go into the question of the industries of this Province and see which of them the Government can undertake so that this Province may be industrialized much sooner than now? ”

THE HON. MR. V. V. GIRI:—“ The suggestion will be duly considered.”

MR. V. M. RAMASWAMI MUDALIYAR:—“ Besides the information that is made available in the reports referred to, may I ask whether the Government have considered the desirability of having a planned programme of industrialization of this Presidency? ”

THE HON. MR. V. V. GIRI:—“ I have already stated that the Government are considering it.”

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Scheme for the development of cottage industries.

* 169 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether there is any scheme before the Government for developing cottage industries; and

(b) if so, what that scheme is?

THE HON. MR. V. V. GIRI:—“(a) & (b) Proposals for the introduction and development of new cottage and small scale industries and the marketing of the products of the existing ones are under consideration.”

MR. K. V. R. SWAMI:—“May I ask how long the proposals have been under consideration?”

THE HON. MR. V. V. GIRI:—“Since we took up office.”

Cultivation of beedi leaves in South Kanara.

* 170 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether Government are aware that beedi industry is carried on extensively in South Kanara;

(b) whether it is a fact that all the leaves required for this industry are all imported from outside the district; and

(c) whether Government propose to investigate and start the growing of the leaf in the district itself?

THE HON. MR. V. V. GIRI:—“(a) & (b) The answers are in the affirmative.

“(c) Beedis are made from the leaves of *Diospyros melanoxylon*, a species which grows in dry hot country, on stony soils. It thrives in Cuddapah, Kurnool and Godavari. It would probably not grow in South Kanara; and if it did grow, its development would be eccentric. It would be difficult and therefore so expensive to establish plantations that it will be almost impossible to supply leaves at an economic price to beedi manufacturers.”

DIWAN BAHADUR A. APPADURAI PILLAI:—“Sir, now that the beedi manufacture has assumed such a prominent position in this country, may I ask whether the Government will consider the desirability of taxing beedi manufacture as a source of revenue?”

THE HON. MR. V. V. GIRI:—“This does not arise out of this question. The hon. Member may put another question if he likes.”

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MR. G. RANGIAH NAYUDU:—“May I ask whether it is not a fact that beedi leaves are imported from other provinces such as Guzerat and Bengal?”

THE HON. MR. V. V. GIRI:—“I have no information, Sir. From what I know I think they come most probably from the Central Provinces.”

MR. K. V. R. SWAMI:—“May I know the quantity of beedis manufactured in this country?”

THE HON. MR. V. V. GIRI:—“Notice, Sir.”

Application of the Malabar Harijan Sevak Sangh to the Commissioner of Labour for a grant.

* 171 Q.—MR. E. KANNAN: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether it is a fact that the Malabar Harijan Sevak Sangh applied to the Commissioner of Labour for a grant and if so, what the reply of the Commissioner of Labour was;

(b) whether any District Harijan Sevak Sanghs are receiving grants from Government and if so, what they are and what the amount in each case is;

(c) what the conditions are under which such grants are given by the Labour Commissioner; and

(d) what the amount of grant is which the Commissioner of Labour is giving every year to Christian Missionary Agencies?

THE HON. MR. V. V. GIRI:—“(a) Yes. The Sangh applied for grants for the maintenance of 11 pupils at the Olavakot Sabari Ashramam and for the upkeep of the Balakrishna dispensary in Pakkanarpuram. Two other requests were for grants towards pay of social workers and for books, clothes, etc. The question of a grant for the Ashramam is being examined. As regards the Balakrishna dispensary, the Sangh has been asked to apply to the District Board for a grant. As for the other two requests, financial commitments do not allow the Government helping the Sangh.

“(b) & (c) The Labour Department has given no grants to District Harijan Sevak Sanghs so far.

“(d) No grants are given to Christian Missionary Agencies for Harijan uplift work, but a considerable number of scholarships and boarding grants are held by depressed class pupils in the Mission institutions.”

Lifting of the ban on political films in the Presidency.

* 172 Q.—MR. P. MADHAVAN: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether the Government have lifted the ban on political films in the Presidency;

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(b) if the answer is in the negative, how many films remain banned at present; and

(c) whether the Government have any idea of removing the ban in the near future?

THE HON. MR. K. RAMAN MENON:—“(a) The Government have cancelled the notifications declaring the undermentioned films to be uncertified in this Province:—

‘Mahatma Gandhi's March for Freedom’ (produced by the Sharada Film Co.);

‘Mahatma Gandhi's Historic March’—12th March 1930 (produced by Shree Krishna Film Co.);

‘Mahatma Gandhi's March’—12th March, Ahmedabad (produced by Shree Ranjit Film Co.);

‘Patriot’ (produced by the Shree Ranjit Film Co.);

‘Mr. Patel's Procession’ (produced by the Pioneer Film Co., Ltd.);

‘The Patriot’ (American film);

‘Bombay Welcome Mahatma Gandhi’;

‘Mahatma Gandhiji's Punarjanmam’ (Syn.) (produced by the Shree Krishna Film Co.);

‘Mr. Gandhi's return from England’ (produced by Mr. B. Bil-moria); and

‘Gandhi meets the King’ (Cinematograph Sound News Film—Part).

“(b) Three films remain uncertified in this Province.

“(c) The matter will be duly considered if the parties raise the question.”

Number of persons charged and convicted for gambling in the Sivaganga Subdivision, Ramnad district.

* 173 Q.—MR. V. S. R. M. VALLIAPPA CHETTIYAR: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the total number of persons charged by the Police for gambling in the Sivaganga Subdivision area (Ramnad district) for each of the years 1934–35, 1935–36, 1936–37 and the current period; and

(b) the number of persons convicted for the said offence?

THE HON. MR. K. RAMAN MENON:—“(a) & (b) Details are at present available only for the calendar year. The number of persons charged and convicted are:—

Year.	Persons charged.	Persons convicted.
1935	169	165
1936	196	156
1937 (up to the end of November 1937)	224	197

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MR. V. S. R. M. VALLIAPPA CHETTIYAR:—“May I ask whether the Government are aware that the police are unable to check gambling since they find it difficult to conduct such cases successfully as the Gambling Act stands at present?”

THE HON. MR. K. RAMAN MENON:—“Any suggestion for the amendment of the Gambling Act will be considered by the Government.”

Appointment of Mr. M. Eapen as a full member of the Madras Municipal Engineering Service.

* 174 Q.—MR. T. T. KRISHNAMACHARIAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether Mr. M. Eapen has been admitted as a full member of the Madras Municipal Engineering Service by a Government Order, dated 29th March 1937;

(b) if the answer is in the affirmative, whether this officer satisfies the requirements of G.Os. No. 456, L. & M., dated 24th January 1934, and No. 2445, L. & M., dated 26th June 1935;

(c) whether the appointment was made in consultation with the Sanitary Engineer to the Government;

(d) if so, whether the Sanitary Engineer brought to the notice of the Government that the officer concerned does or does not satisfy the requirements contained in G.Os. No. 456, L. & M., dated 24th January 1934, and No. 2445, L. & M., dated 26th June 1935;

(e) whether the position of the officer in the senior list has been fixed with reference to his services as a Municipal Engineer; and

(f) whether the Hon. the Minister will be pleased to place on the Editor's table the date of entry into the service of several officers occupying analogous positions in the different municipalities in the Presidency?

THE HON. MR. B. GOPALA REDDI:—“(a) The answer is in the affirmative.

“(b) The orders quoted have no application to Municipal Engineers who are governed by separate regulations made under section 76-A of the Madras District Municipalities Act, 1920 (published in Notification No. 270 at pages 120 to 123 of Part I-A of Fort St. George Gazette, dated 3rd March 1936). The appointment of Mr. Eapen does not involve any contravention of these regulations.

“(c) The answer is in the affirmative.

“(d) The question does not arise in view of the answer to clause (b) above.

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"(e) The position of the officer in the seniority list has not yet been fixed. It will be fixed on receipt of proposals which have been called for from the Sanitary Engineer."

"(f) A statement is laid on the Table."

MR. BASHEER AHMED SAYEED:—"May I ask, Sir, whether the Government have finished the consideration of forming a Municipal Engineer's Service for the Province?"

THE HON. MR. B. GOPALA REDDI:—"Proposals have been called for from the Sanitary Engineer."

MR. BASHEER AHMED SAYEED:—"May I ask whether the Government are aware that there have been proposals pending before the Government for the last one or two years and whether these proposals are wiped out or are still under consideration?"

THE HON. MR. B. GOPALA REDDI:—"They are still under consideration."

Recovery of the arrears of kist due to the Conjeeveram Municipality from a toll-gate contractor in 1930-31.

* 175 Q.—MR. P. S. SRINIVASA AYYAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that the Conjeeveram Municipal Council had in 1930-31 granted, subject to the sanction of the Government, a remission of a month's kist to the toll-gate contractor, because he sustained losses;

(b) whether the chairman, without sending a copy of the resolution to the Government and without getting the sanction of the Government gave away even the deposit of the toll-gate contractor, when he was actually in arrears of kist to the municipality;

(c) whether the Local Fund Examiner in his No. 1518, dated 11th July 1932, and the Government in their Order, dated 12th July 1932, found the proceedings illegal and asked the municipal council to sue the contractor for the recovery of the arrears of kist amount and failing it, to recover the amount from the chairman who gave away the amount without the sanction of the Government; and

(d) whether the amount has been recovered and what action the Government propose to take in the matter?

THE HON. MR. B. GOPALA REDDI:—" (a) & (b) The answer is in the affirmative."

"(c) On 12th July 1932 the chairman was asked to report the steps taken to recover the amount."

"(d) The matter will be considered by the Examiner of Local Fund Accounts."

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MR. P. S. SRINIVASA AYYAR:—"May I ask whether it is a fact that the Municipal Commissioner, Conjeeveram, has reported that it is not possible to recover anything more from the contractor?"

THE HON. MR. B. GOPALA REDDI:—"Yes, Sir, it is a fact."

MR. P. S. SRINIVASA AYYAR:—"Then, Sir, may I ask what the Government propose to do in the matter?"

THE HON. MR. B. GOPALA REDDI:—"The matter will be considered by the Examiner of Local Fund Accounts again."

MR. BASHEER AHMED SAYEED:—"May I ask whether before the contract was given to this party, any solvency report was obtained and whether the authorities were satisfied that the contractor was solvent?"

THE HON. MR. B. GOPALA REDDI:—"Perhaps so, Sir."

MR. P. S. SRINIVASA AYYAR:—"May I ask, Sir, whether the Government will include the cost of the suit against the contractor in the surcharge on the Chairman if he should be surcharged?"

THE HON. MR. B. GOPALA REDDI:—"That will be considered when the surcharge is laid against the Chairman."

MR. MAHBOOB ALI BAIG:—"May I ask whether there is not invariably a penal clause in the contract to the effect that if instalments are not paid regularly the contract will be cancelled?"

THE HON. MR. B. GOPALA REDDI:—"It is not a question where instalments have not been paid regularly."

Re-instatement of village officers dismissed for participation in the Non-co-operation and Civil Disobedience Movements.

* 176 Q.—MR. K. VENKATA RAO: Will the Hon. the Minister for Revenue be pleased to state with reference to the Press Communiqué published in the *Fort St. George Gazette*, dated 11th January 1938, regarding the restoration of village officers dismissed on account of their connexion with the Non-co-operation and Civil Disobedience Movements, whether the Government deem it a condition precedent that to seek restoration, a dismissed officer should apply beforehand?

THE HON. MR. T. PRAKASAM:—"The hon. Member is referred to the answer to starred question No. 156 given by the Hon. the Premier this morning."

MR. K. VENKATA RAO:—"May I know, Sir, even if there is no application, whether the Government or the Board of Revenue has the authority to go into such cases *suo motu* if circumstances demand?"

THE HON. MR. T. PRAKASAM:—"Certainly the Government have got the power to go into any case without any application from the persons concerned, but if anybody wishes to claim re-appointment as a matter of right he should apply to the authority concerned."

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MR. BASHEER AHMED SAYEED:—"May I ask whether this policy of restoring to service Government servants who were dismissed or otherwise punished for their part in connexion with the civil disobedience movement will apply to all such persons who have undergone such punishments by way of suspension, reduction or dismissal?"

THE HON. MR. T. PRAKASAM:—"Every case will be considered duly on its merits when it comes up."

UNSTARRED QUESTIONS

Transfer of teachers in the board schools in South Kanara district.

86 Q.—MR. K. ISHWARA: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether it is a fact that some of the teachers in the Board schools, under the control of the District Board, South Kanara, were transferred in July last;

(b) whether the teachers concerned were given travelling allowances;

(c) what the reasons were that necessitated the transfers; and

(d) what steps Government propose to take to remedy the state of affairs in this regard?

A.—(a) The answer is in the affirmative.

(b) Travelling allowance was granted in some cases and in other cases the question of giving travelling allowance is reported to be pending.

(c) Some teachers were transferred at their own request, some as a punishment and others for administrative reasons.

(d) No special steps seem called for.

Establishment of basic industries in this Province.

87 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Director of Industries considered that it was essential that certain basic industries had to be established in this Province; and

(b) if so, what they are?

A.—(a) Yes; he holds the view that if industrial development of the Presidency is to be accelerated it is essential that active steps should be taken in the direction of establishing some basic industries.

(b) The industries he has in view are the alkali, staple fibre and calcium carbide industries; the manufacture of chemical fertilizers, and the development of Salem iron ores.

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Percentage of the amounts subscribed by Indians and others towards the paid-up capital of the Indian Steel Rolling Mills, Ltd., Negapatam.

88 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state in respect of the Indian Steel Rolling Mills, Ltd., Negapatam—

(a) the paid-up capital of the mills;

(b) the output of the merchant section of the mill during 1936;

(c) whether the mills are financed by Indians or others; and

(d) if by both, what the percentage advanced by each is?

A.—(a) Rs. 7,83,548 on 31st December 1936.

(b) 5,650 tons.

(c) & (d) The company is financed mainly by Indian capital, the proportion of shares taken by Europeans in the total subscribed capital as on 31st December 1936 being stated to be 7 per cent.

Construction of the Steel Rolling Mill at Bezwada.

89 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether construction of the Steel Rolling Mill at Bezwada has been completed;

(b) what the paid-up capital of this mill is;

(c) whether the Government have granted any concessions to this mill; and

(d) if so, what they are?

A.—(a) The answer is in the affirmative.

(b) Rs. 1,07,000.

(c) & (d) None, except that the mill has been permitted to continue in the non-industrial area of the town, subject to certain conditions as to the kind of fuel to be used.

Representation of Adi-Dravidas on the constabulary of the Police force in South Kanara.

90 Q.—MR. K. ISHWARA: Will the Hon. the Prime Minister be pleased to state—

(a) whether any of the Police constables employed in the South Kanara district belong to the Depressed Classes community; and

(b) if not, the reasons for not employing any one from this community as Police constable till now?

A.—(a) & (b).—The answer to clause (a) of the question is in the affirmative and consequently clause (b) does not arise.

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Rules regulating the conduct of examinations by the Madras Public Service Commission.

91 Q.—SRIMAN Y. V. A. BHASKARARAO PATNAIK MAHASAYO: Will the Hon. the Prime Minister be pleased to place on the table the rules with regard to the conduct of the examinations held by the Madras Public Service Commission and the valuation of the answer papers thereat?

A.—The instructions for the conduct of examinations and the valuation of answer papers are issued by the Commission for the guidance of Superintendents and Examiners. As they are confidential and the publication of them is likely to be prejudicial to the public interest, they cannot be placed on the table of the House.

Manufacture of power alcohol from molasses.

92 Q.—MR. V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the number of sugar factories in the Presidency with their capacity;

(b) whether the Government have investigated the question of manufacturing power alcohol from molasses;

(c) whether any sugar factory has applied to the Local Government for the manufacture of power alcohol; and

(d) if so, the orders passed thereon?

A.—(a) There are 13 sugar factories in this Presidency and their capacity is as shown below against each :—

(1) The Deccan Sugar and Abkari Company, Limited, Samalkot, East Godavari district.	Refining capacity: 40 tons of jaggery per day.
(2) The East India Distillery and Sugar Factory, Limited, Nellikuppam, South Arcot district.	Refining capacity: 90 tons of jaggery per day.
(3) Al. Vr. St. Sugar Mills, Tachanallur, Tinnevely district.	Refining capacity: 12 tons of jaggery per day.
(4) R. M. N. Lakshmi Sugar Mills, Alwarthirunagari, Tinnevely district.	Refining capacity: 6 tons of jaggery per day.
(5) Ettikopa Co-operative Industrial and Credit Society, Limited, Ettikopa, Vizagapatam district.	Cane crushing capacity: 60 tons per day.
(6) The Vizagapatam Sugar and Refineries, Limited, Thummapala, Vizagapatam district.	Cane crushing capacity: 120 tons per day.
(7) The Indian Sugars and Refineries, Limited, Hospet, Bellary district.	Cane crushing capacity: 400 tons per day.
(8) The Sri Ram Sugar Mills, Bobbili, Vizagapatam district.	Cane crushing capacity: 150 tons per day.

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(9) The Lakshmi Sugar Mills, Podanur, Coimbatore district.	Cane crushing capacity: 50 tons per day.
(10) The Vuyyur Co-operative Industrial and Credit Society, Vuyyuru, Kistna district.	Cane crushing capacity: 850 tons per day.
(11) Sri Ramakrishna Sugar factory, Kirlampudi, East Godavari district.	Cane crushing capacity: 120 tons per day.
(12) The Kalyanpur Sugar Mills, Limited, Kalyanpur, South Kanara district.	Cane crushing capacity: 50 tons per day.
(13) The Madras Sugars, Limited, Mailpatti, North Arcot district.	Do.

(b) The question of manufacturing power alcohol from molasses is under the active consideration of the Government.

(c) The answer is in the negative.

(d) The question does not arise.

Improvements to the Orumanayur dam in the Ponnani taluk.

93 Q.—KHAN BAHADUR P. M. ATTAKOYA THANGAL: Will the Hon. the Minister for Public Works be pleased to state—

(a) when the Orumanayur dam in the Ponnani taluk was constructed;

(b) the cost incurred by the Government on the construction of the dam to prevent damage to crops by saline water;

(c) whether it is a fact that agriculturists are being subjected to considerable loss by saline water entering the area from underneath the foundation of the dam;

(d) if so, what are the reasons therefor;

(e) whether it is a fact that concrete had not been properly laid under the foundation of the dam;

(f) what the depth to be concreted underneath the foundation was according to the estimate;

(g) whether that depth had been properly concreted;

(h) whether the Superintending Engineer and Executive Engineer had inspected it;

(i) if so, what their opinion was;

(j) whether that work was executed by a contractor or by the Department of Public Works;

(k) if the work had been executed on contract, what the period of guarantee of soundness given by the contractor is;

(l) whether recommendations had been received from the Department of Public Works for the improvement of the dam to prevent the entry of saline water therein to the great detriment of agriculturists;

(m) if so, what the recommendations are; and

(n) what the amount of the estimate relating to it is?

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- A.—(a) The Orumanayur dam or lock was constructed in 1936.
- (b) The cost incurred by the Government on the construction of the lock is about Rs. 20,000.
- (c) & (d) Some salt water is leaking into the canal due to scours under the still slabs of the lock. There is nothing to show that agriculturists are being subjected to considerable loss by salt water entering the canal.
- (e), (f) & (g). The structure is founded not on concrete but on masonry wells.
- (h) The Executive Engineer inspected the work periodically during construction. The Superintending Engineer inspected it on 27th October 1937.
- (i) Since leaks developed, the Executive Engineer and Superintending Engineer consider some remedial measures are necessary.
- (j) The work was executed by a contractor.
- (k) The period is six months after completion of the work and it expired by end of January 1937.
- (l) Rough proposals have been outlined by the Superintending Engineer and details are being worked out by the Executive Engineer.
- (m) It is proposed immediately to cross-bund the canal above the lock, to prevent ingress of salt water and provide facilities for navigation by a diversion channel joining above the cross bund, as was done during the construction of the dam. This temporary work is nearing completion. Details for a permanent remedy have not been finally settled. Proposals are being framed by the Executive Engineer.
- (n) The approximate cost of the temporary protective works is Rs. 1,500.

Alleged murder of a Harijan named Alagan in Visalankottai village, Ramnad district, for singing a song about the plight of the Harijans.

94 Q.—MR. R. MARUTHAI: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that a Harijan named Alagan was murdered in the village of Visalankottai in Ramnad district for singing a song about the plight of the Harijans on 15th June 1937;

(b) if so, whether the assailants have been arrested and whether any proceedings have been taken against them; and

(c) at what stage the proceedings stand at present?

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A.—(a) The answer is in the affirmative.

(b) & (c) The alleged assailants were arrested and prosecuted, but the Sessions Judge of Ramnad, having held that the evidence was not enough to find the accused guilty of the charges brought against them, has acquitted them.

Correspondence of the Madras Government with the Andhra University in regard to the representation of the Indian Medical Council on the subject of the sufficiency of the Vizagapatam Medical College.

95 Q.—MR. D. V. RAMASWAMI: Will the Hon. the Minister for Public Health be pleased to state whether as contemplated in section 17 (2) of the Indian Medical Council Act of 1933, the Government of Madras forwarded the representation of the Indian Medical Council on the subject of the sufficiency of the Vizagapatam Medical College with its remarks to the Andhra University, with an intimation of the period within which the University might submit its explanation to the Local Government; and if so, whether a copy of the correspondence will be placed on the table?

A.—Section 17 (2) of the Indian Medical Council Act, 1933, applies only to medical institutions granting recognized medical qualifications and lays down the procedure to be followed before withdrawing the recognition. It does not apply to the medical degrees of the Andhra University which have not yet been recognized by the Medical Council of India. Section 11 (4) applies to the said University.

Appointment of the Registrar of the Andhra University as Divisional Inspector of Schools and amendment to the Andhra University Act providing for the revision of the scales of pay of the staff of the University.

96 Q.—MR. D. V. RAMASWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether in view of the reply to my question No. 49 answered on 4th September 1937 the Government are considering the desirability of asking Mr. C. D. S. Chetti, the present Registrar of the Andhra University, to join duty as Divisional Inspector of Schools after 25th April 1938; and

(b) whether the Government are considering the question of amending the Andhra University Act so as to bring the salaries of the Vice-Chancellor, the Registrar, and other members of the staff of the Andhra University to be in conformity with the view of the Government regarding salaries?

A.—(a) The appointment of Mr. C. D. S. Chetti as Divisional Inspector of Schools has since been cancelled.

(b) The matter is one for decision by the authorities of the University.

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Total acreage of land in the whole inam villages paying quit-rent and the total acreage under cultivation.

97 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the total acreage of land in the whole inam villages paying quit-rent;

(b) the total acreage under cultivation in such villages; and

(c) if the above information is not available, whether the same will be called for?

A.—(a) to (c) The Government have no information. They have called for a report.

Removal of the Veterinary hospital at Draksharamam in Ramachandrapur taluk, East Godavari district, to another place.

98 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether there is a Veterinary hospital at Draksharamam in Ramachandrapur taluk, East Godavari district;

(b) when the same was started;

(c) the number of cattle treated therein in each of the last five years;

(d) the number of villages from which cattle ordinarily come there for treatment;

(e) whether there is any proposal to remove it from that place; and

(f) if so, what the reasons are for such a proposal?

A.—(a) There is a Veterinary dispensary at Draksharamam.

(b) The dispensary was opened in the year 1923-24.

(c) A statement ^a of the work done at the dispensary during the last five years is enclosed.

(d) Cattle ordinarily come for treatment at the dispensary from about fifteen villages.

(e) There is a proposal to shift the dispensary from Draksharamam to Ramachandrapuram after expiry of the lease of the Veterinary dispensary building at Draksharamam on 1st January 1939.

(f) Draksharamam is considered to be less suitable than Ramachandrapuram for the location of a veterinary institution. It is only a small village situated in a corner of the taluk with less cattle population. There are also

^aPrinted as Appendix II on page 521 infra.

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not many villages around, that are easily accessible to the dispensary at Draksharamam. The town of Ramachandrapuram on the other hand is a comparatively big one with a cattle population of 2,500 and it is also the headquarters of the Ramachandrapuram taluk with almost all Government and local fund offices situated there. This place is centrally situated and easily accessible from several important big villages around with a large ryot and cattle population. The Tahsildar of Ramachandrapuram taluk and other influential private gentlemen and rich landlords are also strongly and unanimously of the opinion that the Veterinary dispensary will be much more useful at Ramachandrapuram than at Draksharamam.

Number of trained and untrained S.S.L.C. men employed as teachers in primary schools and the number of S.S.L.C. men available for employment.

99 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) the number of S.S.L.C. men, trained and untrained, working as teachers in primary schools in this Province; and

(b) the number of S.S.L.C. men available for employment in this Province?

A.—(a) The number of secondary grade teachers employed in elementary schools on 31st March 1936 was as follows:—

		Trained.	Untrained.
Boys' schools	.. .. .	7,049	2,342
Girls' schools	.. .. .	1,092	191

Separate information regarding the number of S.S.L.C. holders employed as teachers in elementary schools is not available.

(b) The Government have no information.

Expenditure incurred by the Government on account of the staff and the coolies employed on famine relief works, etc., in 1934-35 in Bellary and Anantapur districts.

100 Q.—MR. H. SITARAMA REDDI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the amount of money spent by the Government in the famine of 1934-35 towards the pay, travelling allowance and batta of the staff employed by the Government in famine test works, relief works, and the conducting of free kitchens in Bellary and Anantapur districts; and

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(b) the total amount paid towards actual daily wages to coolies working in the famine relief and test works during the famine operations in 1934-35 in Bellary and Anantapur districts?

A.—(a) & (b) The attention of the hon. Member is invited to Appendices V (a) and (b) at page 25 of G.O. No. 2082, Revenue, dated 22nd September 1936, which has been published.

Report of the Chief Engineer for Irrigation on the Ghiriyar Scheme in Sankarankoil taluk, Tinnevely district, and the orders of the Government thereon.

101 Q.—MR. K. P. YAGNESWARA SARMA: Will the Hon. the Minister for Public Works be pleased to state, with reference to the Ghiriyar Scheme in Sankarankoil taluk, Tinnevely district, whether he will be pleased to lay on the table of the House the report of the Chief Engineer for Irrigation on the scheme and the order of Government on it?

A.—The Chief Engineer's report * No. 2778/35-B-4, dated 6th April 1936, on the scheme and Government Memorandum * No. 81-D/35-6, dated 29th May 1936, thereon are placed on the table of the House.

Investigation for the restoration of the Sivillaperai irrigation tank in the Tinnevely taluk of the Tinnevely district.

102 Q.—MR. K. P. YAGNESWARA SARMA: Will the Hon. the Minister for Public Works be pleased to state, with reference to the restoration of the Sivillaperai irrigation tank in the Tinnevely taluk, Tinnevely district—

(a) whether the investigation has been completed; and
(b) whether any, and if so, what orders have been passed by Government on it?

A.—(a) The answer to this clause is in the negative. Gaugings of the river are being taken.

(b) In view of the answer to clause (a), this question does not arise.

Recruitment of Muslims to the Madras Boiler Service.

103 Q.—MR. S. M. LALJAN: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there is not a single Muslim Boiler Inspector on the list of this department; and

(b) what measures he proposes to take to recruit Muslims to the Madras Boiler Service?

* Printed as Appendix III on pages 521-522 infra.

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A.—(a) The answer is in the negative.

(b) In view of the smallness of the service, the High technical qualifications required for it and the difficulty of getting suitably qualified candidates, it is not possible to select candidates on communal considerations. If suitable and qualified candidates of the Muslim community apply, the Madras Public Service Commission will no doubt consider their claims.

Appointment of Assistant Engineers in the Public Works Department by promotion from the subordinate ranks and by direct recruitment.

104 Q.—MR. S. M. LALJAN: Will the Hon. the Minister for Public Works be pleased to state—

(a) the present principle of fixing the proportion for departmental promotion and for direct recruitment as Assistant Engineers in the Public Works Department;

(b) the principle on which supervisors are promoted to the rank of Assistant Engineers; and

(c) whether the Government propose conducting the competitive examination for recruitment of Assistant Engineers this year also; if so, when, and if not, why not?

A.—(a) & (b) The following proportion was fixed with effect from 1st April 1936 for direct recruitment and for the departmental promotion of supervisors as Assistant Engineers in the Public Works Department:—

Direct recruitment	...	...	4
Promotion of supervisors with Engineer qualifications	...	...	4
Promotion of supervisors with Upper Subordinate qualifications	...	...	4

Persons who commenced their probation as Assistant Engineers before the introduction of direct recruitment, i.e., before 1st April 1936, have a statutory right for confirmation in the service in preference to direct recruits. Direct recruitment to the service has therefore been ordered to be suspended till all such probationers are confirmed and all the substantive vacancies in the service have been ordered to be filled up by the confirmation of approved probationers in order of seniority till all the persons who commenced their probation in the Assistant Engineers service before 1st April 1936 and who are fit for confirmation are confirmed.

As only persons with Engineer qualifications are eligible for direct recruitment and in order that the efficiency of the service which is intended to be a service of fully

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qualified Engineers may not be impaired by the suspension of direct recruitment it has been ordered that so long as direct recruitment is suspended, all officiating appointments to the Assistant Engineers class should be made by the promotion of Engineer supervisors and Upper Subordinate supervisors in the proportion of 2:1.

- (c) Direct recruitment can be made only against substantive vacancies. As the existing probationers have a preferential right to all the substantive vacancies in the service, no such vacancy can be reserved for direct recruits. The Government do not therefore propose to conduct any competitive examination this year.

Action taken by the Public Works Department in regard to repairs, etc., to the old buildings occupied by the Government Muhammadan High School at Guntur.

105 Q.—MR. S. M. LALJAN: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the Assistant Engineer, Guntur, has declared that part of the old buildings occupied by the Government Muhammadan High School, Guntur, should be condemned as unsafe and that the other parts of the buildings are in a bad state of repairs; and

(b) what action has been taken by the Public Works Department to remedy this state of affairs?

A.—(a) & (b) The Government have no information but have called for a report.

Prohibition in the Salem district.

106 Q.—MR. S. M. LALJAN: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) whether all the toddy shops in Salem district have been closed;

(b) whether the Government have received official reports that no one is drinking toddy in the Salem district;

(c) whether the Hon. Minister is aware that, if a habitual toddy drinker is suddenly denied his beverages, he develops neuritis and paralysis; and

(d) if so, what precautions have been taken by Government to save toddy drinkers from this kind of suffering?

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A.—(a) Yes.

(b) The answer is in the negative, but very satisfactory reports have been received as to the working of the Act.

(c) The Government are not aware that such is the case.

(d) Does not arise.

Periodicals and newspapers kept for the use of Members of the Legislative Assembly and the Council during meeting days.

107 Q.—MR. K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state—

(a) whether any periodicals and newspapers are kept for the use of Members of the Assembly and the Council during the session;

(b) if so, what those are; and

(c) the amount spent for the same during last year?

A.—(a) Yes.

(b) —

Foreign Periodicals.

- (1) The London Times.
- (2) The Times Literary Supplement.
- (3) New Statesman and Nation.
- (4) Saturday Review.
- (5) Punch.
- (6) Contemporary Review.
- (7) Fortnightly.
- (8) Empire Review.
- (9) League of Nations Official Journal.
- (10) Nineteenth Century and After.
- (11) Journal of the Royal Statistical Society.
- (12) Economic Journal.
- (13) The Round Table.
- (14) The Financial Review of Reviews.
- (15) Quarterly Review.
- (16) Journal of Comparative Legislation and International Law.
- (17) Dod's Parliamentary Companion.
- (18) Whitaker's Almanack.
- (19) Police Journal.
- (20) Foreign Affairs.
- (21) Political Science Quarterly.
- (22) Annals of the Academy of Political and Social Science.
- (23) Journal of the Empire Parliamentary Associations.
- (24) Public Administration.
- (25) Annual Register.

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- (26) Journal of the Society of Clerks at the Table in Empire Parliaments.
 (27) American Labour Legislation Review.
 (28) International Labour Review.

Indian Journals.

- (1) South Indian Teacher.
 (2) Indian Review.
 (3) Agricultural Journal.
 (4) Calcutta Municipal Gazette.
 (5) Modern Review.
 (6) Illustrated Weekly of India.
 (7) The Field.
 (8) Twentieth Century.
 (9) Roy's Weekly.
 (10) Triveni.
 (11) Wealth and Welfare.
 (12) Indian Annual Register.
 (13) Journal of Indian History.
 (14) Labour Gazette of Bombay.
 (15) Industry Journal.
 (16) The Information Series of Government of India.

Newspapers.

- (1) Hindu.
 (2) Madras Mail.
 (3) Indian Express.
 (4) Andhra Patrika.
 (5) Swadesamitran.
 (6) Dhinamani.
 (7) The Mussalman.

} Purchased during the
 days of the meetings.

(c) Rs. 825.

Vocational training of prisoners in jails.

108 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

- (a) whether any of the prisoners are given vocational training;
 (b) if so, the nature of vocational training given; and
 (c) the number of prisoners who received such training last year?

A.—(a) Yes.

(b) The hon. Member is referred to the tasks mentioned in Appendix III (XIII)—(Scale of tasks for adoption in Jails) to the Madras Jail Manual, Part II.

(c) The hon. Member is referred to column (3) of Statement XII-A (Financial) appended to the Jail Administration Report for 1936. The figures for 1937 are not yet available.

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

II.—THE MADRAS AGRICULTURISTS RELIEF BILL (L.A. BILL
 No. 10 OF 1937)—cont.

MR. SPEAKER:—"Discussion on the Madras Agriculturists Relief Bill will be resumed." 10.45 a.m.

Clause 4.

Sub-clauses (e) and (f)—cont.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. Speaker, Sir, I beg to move for leave of the House to take up the last clause, clause 4 (f), which was passed last night and to transpose the amended clause to different parts of the Bill as hereunder:—

'Add to clause 4 (e) at the end, the following: "or any debt due to any corporation formed in pursuance of an Act of Parliament or of any special Indian law or Royal Charter or Letters Patent."'

"The other amendment is to add the following at the end as a new paragraph to clause 9-A, sub-section (2), namely:—

'(iii) any liability in respect of any sum due to any public company as defined in the Indian Companies Act, 1913, or to any scheduled bank as defined by section 2 (e) of the Reserve Bank of India Act, 1934, if the interest payable in respect of the liability is not more than nine per cent per annum.'

"In moving these amendments, I must explain myself. The substance of the clause that was passed last night consists of two parts, one dealing with corporations and companies formed in pursuance of an Act of Parliament or of any special Indian law or Royal Charter or Letters Patent, the other part dealing with public companies as defined in the Indian Companies Act or scheduled banks, with a proviso as to the liability of the company for not more than 9 per cent interest per annum. I cannot pass on to any explanation of these amendments without tendering my compliments to Mr. Hussain, whose amendment is being really carried out in regard to one part of the last amendment that was passed. The Government could not accept another portion of his amendment. Sub-clause (e) of clause 4 deals with certain institutions. The other amendment that was passed last night was with reference to clause 4 (f). The other part of the amendment deals with liabilities due to public companies to which has been attached the proviso of liability bearing interest at not more than 9 per cent per annum. More correctly speaking, the scaling down clauses are clauses 8 and 9. In the chapter relating to scaling down of debts, there is the clause 9-A which deals with usufructuary mortgages and unpaid purchase money. To that clause would fall really this group of public company debts. I therefore suggest that in the rearrangement of the clauses, the two parts of the amendment that was passed, may be transposed fittingly in order that there may be no difficulties in regard.

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to interpretation. I should have done this last night but I crave the leave of the House to do this as a mere matter of transposition, because before the third reading, it should be in correct form. Here I should tender my compliments to the hon. Representative of the South Indian Chamber of Commerce for drawing my attention to the need for putting these amendments more clearly. I cannot pass on from that compliment without saying that he ought to be a representative of the Bar Council and not of the Indian Chamber of Commerce, because he has great legal acumen and he explained the point to me. I request the leave of the House to transpose the two parts of the amendment in the manner described above. I plead for leave of the House for this transposition. This is only a re-adjustment of the clauses of the Bill. I hope that leave will be granted."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I beg to submit that the first part of the amendment may be passed now; but the second part might be passed when clause 9 comes up."

MR. SPEAKER:—"The amendment of the Hon. Premier having been passed by the House, that should, in the first instance, be rescinded and deleted by the House."

The first question is whether the House rescinds and deletes the sub-clause (f) to clause 4 already passed."

The motion was put and carried and sub-clause (f) to clause 4 was rescinded and deleted.

MR. SPEAKER:—"The second question is to add at the end of clause 4 (e) the following words:—

'or any debt due to any corporation formed in pursuance of an Act of Parliament or of any special Indian law or Royal Charter or Letters Patent'."

The amendment was put and carried.

MR. SPEAKER:—"The remaining amendment will come up when clause 9-A is before the House."

MR. T. T. KRISHNAMACHARIAR:—"I would like to know, Sir, what happens to clause 4 (f), in view of these amendments."

MR. SPEAKER:—"Clause 4 (f) is rescinded by the House, and there will be no (f)."

"I shall explain more clearly the position with regard to Mr. Krishnamachari's question. The procedure that has been adopted by the House is somewhat intricate. That is not the procedure adopted in the House of Commons. Here greater attention is paid to the amendments than to the original clauses of the Bill itself. In the House of Commons, the main clause is discussed by the House first and put to vote; then the amendments are taken up. Here, more emphasis is laid on the amendments and attention is not paid to the main clauses themselves. Of course this is the procedure which has

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been adopted in this Assembly and which is commonly adopted in public meetings. The House of Commons practice is really the better practice and it will save time in passing legislation. But since hon. Members have been accustomed to this sort of procedure, it has been adopted in this House up till now. Mr. Mahboob Ali Baig may move his amendment now."

MR. T. T. KRISHNAMACHARIAR:—"I think, Sir, there is a case for the Hon. Premier explaining the position. It makes the whole section absurd."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, for the moment, let us forget amendment No. 85 that has to be moved by the hon. Member, Mr. Mahboob Ali Baig. So far as any difficulty that remains to be settled with reference to what has been previously done, is concerned, I wish to say this. Sub-clauses (a) to (e) of clause 4 were passed. Sub-clause (f) also was passed as amended. Just now I moved for leave of the House to divide the amendment into two parts and treat one part as concluding part of sub-clause (e). You, Sir, were pleased to put it to the House and leave was granted. Sub-clause (f) completely goes out of the Bill. It may stand over till we reach clause 9-A; so that, there is no difficulty now; sub-clause (e) stands as part of the Bill; sub-clause (f) does not stand; clause 4 as amended stands. If Mr. Mahboob Ali Baig wants to add his amendment to that clause, he would be in order to move it. By reason of what has happened to sub-clause (f), his amendment would not be an amendment to sub-clause (f) but to sub-clause (e). I do not think there is any difficulty now."

DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, may I have 11 the indulgence of asking the Hon. the Prime Minister to read clause (e) a.m. once more as amended?"

* THE HON. MR. C. RAJAGOPALACHARIAR:—"The position is exactly this: supposing an hon. Member has given notice to amend a particular clause but before that amendment is reached, that clause happens to have been deleted or changed, the subsequent amendment to that clause will have to be re-shaped in order to make it fit into the clause as changed. That is what has happened now. Clause (e) has been altered so as to add to itself a certain part of clause (f) as passed. The amendment which had been originally given notice of by Mr. Mahboob Ali Baig covers both the clauses (e) and (f), and therefore I suggest that it should be re-shaped so as to fit into the new clause (e). Mr. Baig will have to leave out all reference to the old clause (f). As for that purpose he may take some time, we shall move on to the next amendment and thus give him some time to re-draft his amendment."

MR. SPEAKER:—"Mr. Appadurai Pillai wants that the amended clause (e) should be read out."

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THE HON. MR. C. RAJAGOPALACHARIAR:—"I shall read from the very beginning. Clause 4 is—

'Nothing in this Act shall affect debts and liabilities of an agriculturist falling under the following heads. . . :—

(a)

(b)

(c)

(d)

(e) any liability in respect of any sum due to any co-operative society including a land mortgage bank registered or deemed to be registered under the Madras Co-operative Societies Act, 1932, or any debt due to any corporation formed in pursuance of an Act of Parliament or of any special Indian law or Royal Charter or Letters Patent."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"The point raised by the Member representing the South Indian Chamber of Commerce has not been cleared so far. His point was that your statement that the amendment of the Hon. the Mover of the Bill to clause (f) was rescinded would mean that the old clause (f) remained. Therefore, we should know now what has happened to old clause (f). The amendment of the Hon. the Mover was to substitute a particular clause, and if that amendment is rescinded, naturally the old clause still remains. That is the point which the hon. Member representing Indian Commerce raised and that has not been cleared so far."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I beg the pardon of the hon. Leader of the Opposition. It is not that the amendment has been withdrawn or rescinded. The question that was put to the House was, that clause (f) be rescinded, and the Hon. Speaker made it perfectly clear then. That is why he said that if clause (f) went out, only clause (e) remained; and when clause 9-A comes up before the House for discussion the subject-matter of the latter part of the left-out clause (f) would be tacked on to it; with the result that there will be no clause (f) in the Bill hereafter."

MR. SPEAKER:—"The result is that amendment No. 85 should be so altered as to omit all reference to clause (f) altogether. Mr. Mahboob Ali Baig will see that his amendment does not contain any reference to clause (f) throughout, and make the necessary changes before moving it."

MR. MAHBOOB ALI BAIG:—"I would much rather move my amendment after the proviso to the clause is put to the House. The subject-matter of my amendment refers to a converse case. The proviso in the Bill refers to an assignment to the co-operative society or company, whereas my amendment refers to a converse case of assignment by the co-operative society or company to another. I should therefore like to move my amendment as a second proviso to this clause. My amendment may be taken up after the proviso is disposed of."

Clause 4.

Sub-clause (i).

MR. H. S. HUSSAIN:—"I move, Sir—

'that in clause 4, sub-clause (i), for the words "a woman," in line 1, the words "an individual" be substituted.'

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"I move this amendment because the expression 'an individual' will include not only a woman but also a minor or disabled person. My submission is that the benefit of this clause should be given to persons who are either minors or orphans or who are not in a position to earn their livelihood on account of some physical deformity or disease. It is but proper that such persons should be enabled, especially when they have no other property, to get the full return from any investment which they have made, which is not beyond the limit put down here. Therefore, I move the amendment."

* MR. T. T. KRISHNAMACHARIAR:—"Sir, in seconding this amendment of Mr. Hussain, I want to draw the attention of the House to a similar amendment which I have given notice of between which and this there is practically no difference at all. He is asking for 'an individual' to be substituted in the place of 'woman' while I am asking for substitution by the word 'person.' I shall leave it to the discretion of the Treasury Benches to choose whichever expression appears to them to be better. The actual point, however, which I wanted to stress is that it need not be confined to woman alone. The benefit may be extended to orphans, to the aged and the infirm. After all, the benefits extended are negligible. In supporting this amendment, I am withdrawing my own amendment which I have given notice of."

MR. BASHEER AHMED SAYEED:—"Sir, we must be thankful to the Hon. the Mover of the Bill that in response to the question raised by me at the time when the Bill was originally introduced, he admitted that widows particularly ought to be included. When I spoke then about women and widows, Sir, I only gave them as illustrations. It was not an exhaustive classification of the category of people which one would have had in mind at the time. Widows no doubt came uppermost when I made that speech, but there are several other persons who are similarly situated and whose sole property may be the debt which is due and payable to them. There are orphans also and there are also other individuals. There are minors again; and so it may be very necessary now that the principle which has been conceded should be extended not only to women but also to any 'person' or 'individual,' whichever may better suit for drafting purposes. I strongly urge that the Hon. the Prime Minister should accept this amendment."

* DIWAN BAHADUR A. APPADURAI PILLAI:—"Mr. Speaker, Sir, I have also given an amendment to this clause, suggesting that the word 'person' be substituted for the word 'woman.' My object is that the benefit of this Bill should be extended to incapacitated persons, orphans, minors and persons of that kind who are really dependent on the small amount that is included in the Bill. There are two conditions laid down here, viz., that the person concerned should not own any other property and that the principal amount of the debt should not exceed Rs. 3,000. If these two conditions are fulfilled, I see no objection why the concession should not be extended to any 'person'."

[Mr. A. Appadurai Pillai] [29th January 1938]

in general. The case of several persons is more helpless than the case of a woman. I am very thankful to the Hon. the Prime Minister for having conceded this point in the case of a woman, and I request him to go a step further and extend the concession to persons who fulfil the conditions laid down in the Bill."

MR. SPEAKER:—"Mr. Krishna Rao has given notice of another amendment, No. 92. Is he withdrawing it?"

MR. G. KRISHNA RAO:—"I am not withdrawing it, Sir. I support this amendment; if it is permissible, I shall move my amendment also."

MR. SPEAKER:—"The amendment need not be moved; the hon. Member may speak on this amendment."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Permit me, Sir, to come to your assistance. In the case of all amendments, it is safer to have the smaller ones separated from the larger. There is an amendment for a wider sweep and there is an amendment for a smaller sweep. In the idea that the bigger may be passed, if the smaller amendment also is given up, then perhaps both would have to be given up, if one is not passed. If hon. Members are earnest about their amendments—although the debates on all of these may be practically one and the same—I suggest that the smaller amendment may be taken up first, and if that is lost, the rest also may be treated as lost. But if the smaller is passed, then the bigger amendment may be taken for further debate."

11-15
a.m.

MR. R. M. PALAT:—"Mr. Speaker, Sir, I beg to move the amendment standing in my name, namely:—

'In clause 4, sub-clause (i), after the word "woman" in line 1, insert the words "or a minor or a person incapable of earning his livelihood."'

"I submit, Sir, that an old man, or a person incapable of doing any work or who may be physically fit but may be a minor, is in as bad a position as a widow. Therefore, if the Government refuse to accept the wider definition of 'person,' I suggest that they should at least accept the amendment that I have suggested here."

The motion was duly seconded.

MR. G. KRISHNA RAO:—"Sir, I move a similar amendment standing in my name, namely:—

'In line 1 of sub-clause (i) of clause 4, after the word "woman" add the words "a minor, an old infirm person and an orphan."'

"In doing so, I wish to restrict the benefits to persons who are minors, orphans and those who are infirm. If absolute helplessness is the criterion for giving protection—and that is a good principle—I am not able to understand, Sir, why those people who come under this category should not also be given protection. I therefore request the House to extend their consideration and kindness to these minors,

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orphans and old and infirm persons who are not able to eke out their livelihood. I am sure this amendment of mine will receive the consideration of the House."

The motion was duly seconded.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am sorry I am not able to accept these amendments made on behalf of very deserving persons. The woman for whose benefit this proviso was devised in the measure as it stands, belongs to a distinct class. The other persons referred to in the various amendments are somewhat difficult to define, except the minor. The reason why I am not able to accept these amendments is that it would lead, in respect of most of the proposals, to an enquiry whether a person is infirm enough, or old enough, to an enquiry whether a person is incapable of earning, or as to what kind of livelihood, and what standard of living and so on, so that if these amendments are passed as they have been proposed, we would be simply landing ourselves in a difficulty which cannot be solved at all. In the case of a woman, with regard to property it has been to a large extent a matter of tradition to extend the same difference with regard to tenure, with respect to life estate and various other matters. If we make a difference in the case of a minor, we will have to see as to when he should be treated as a minor, whether he is a minor at the time of the inception of the debt, or at the time of the trial and so on. And as regards orphans, it is somewhat difficult to say at what age a man may be deemed an orphan. There may be those who have no father or mother and it is difficult to say when a person is really an orphan and when he is not. More than all that, in joint Hindu families, a boy or a young gentleman who drives in a motor car and who has lost his father or mother is an orphan and has got his uncle or granduncle and brothers and so on. How can we deem them orphans or define them and put them in a different class altogether. Therefore, I submit, the House will be ill-advised in accepting these various amendments. I admit, at the same time, that while I have described the difficulties, there are many cases where absolutely deserving cases may be pointed out, but then we cannot provide for all these cases. Let us be content with providing for these women, which by reason of a great deal of literature that appeared in the press became a regular nightmare for me. But with regard to the other, we can get on and leave them to the care of society in general."

MR. R. M. PALAT:—"Sir, it is not more difficult to find out who is a widow than to find out who are incapacitated from earning their livelihood."

THE HON. MR. C. RAJAGOPALACHARIAR:—"It is not the case of a widow here, Sir."

MR. SPEAKER:—"This is a debate upon amendments and allowing Members to break the rule of speaking only once upon a motion, is rather taking up a large part of the time of the House. This is the

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consequence of adopting the procedure that is being followed at public meetings instead of the Parliamentary procedure in the House of Commons."

MR. BASHEER AHMED SAYEED:—" May I then crave your indulgence to speak on the amendment, not on the amendment of the 'woman' being changed into 'person,' but on the other amendment which has been moved by two other gentlemen. I think, Sir, I have a right to speak on both."

MR. SPEAKER:—" The hon. Member need not elaborate on his rights; he will be permitted to speak."

MR. BASHEER AHMED SAYEED:—" Thank you, Sir. The Hon. the Premier gave certain illustrations. The question of the minor driving in a motor car is certainly out of the question and out of the scope of the Bill, because the Mover has restricted the application of this proviso to persons whose debts do not exceed Rs. 3,000 in the aggregate. So, when that is kept in view, the minor driving in a motor car will not go to a court or a tribunal."

THE HON. MR. C. RAJAGOPALACHARIAR:—" On a point of personal explanation, Sir. With your leave, to cut it short, I think a minor need not drive in his own car. (Laughter.) "

MR. BASHEER AHMED SAYEED:—" Even otherwise, Sir, if he drives in a motor car, not necessarily in his own car and if people can afford a conveyance, whether by themselves, or borrowed or a hired conveyance, the fact remains that they cannot be debtors to that extent. It is only those debtors who are minors and whose property is limited to the extent of Rs. 3,000 that are sought to be brought under this Bill. I do not think any reasonable argument would be advanced against protecting those people whose property is limited to Rs. 3,000—the investment on which they could rely for maintenance and sustenance. I would therefore say that such minors also should get the benefit even as a widow. Of course there is much point in saying that there will be difficulty of describing or defining old or infirm persons. Certainly that is difficult, unless you are going to extend the definition and say that an old person will mean so and so, or an infirm person will be so and so and so far as the minor is concerned, the Hon. the Mover has conceded that the minor will be defined legally and in so far as that is possible, I would appeal to the Hon. the Mover to accept the amendment in so far as it relates to the minor at least."

* MR. MAHBOOB ALI BAIG:—" I submit, Sir, that the case of the minor must receive due consideration from us. You know, Sir, that in the case of a minor the Law of Limitation does not apply and that whatever a guardian has done adverse to his interests, except in certain circumstances, is void and he is placed in a favourable position on the ground that he is a minor. He therefore deserves special consideration at our hands as even a woman deserves consideration on

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account of her weaker sex. I submit that it will be a great injustice done by the society to minors if this is not conceded. In the circumstances, I appeal to the Hon. the Premier to allow this amendment of including the minor also along with women."

MR. R. M. PALAT:—" I merely wish to submit this. The Hon. the Premier said that it would be difficult to find out who is a minor. I do not think that it would be any more difficult than in the case of women, because there is the birth certificate to prove it."

" Again, Sir, with regard to the point made by the Hon. the Premier as to the minor riding in a motor car, I consider it is not relevant because it is quite possible that a woman also may ride in a car. In the case of people who are really disabled from doing any work, I submit it is only fair that they should be allowed this concession, because it should not be difficult to find out whether a person is disabled from doing work by asking him to produce a medical certificate from a doctor. I, therefore, submit that all these persons should be enabled to get the benefit of this Bill."

THE HON. MR. C. RAJAGOPALACHARIAR:—" Just this explanation, Sir, with your permission. It is difficult to accept a minor, not because of the age difficulty, but because in the case of every debt due to a Hindu joint family the minors in the house can all raise difficulties and there will be numerous other provisions necessary apart from that difficulty."

" Then, with regard to the other persons, the matter has been already explained by other speakers and I am sorry that I am not able to accept the amendment and I ask the House to reject this amendment."

MR. SPEAKER:—" I shall now put the question to the vote of the House:—

" The question is that in clause 4, sub-clause (i) for the words " a woman," the words " an individual " be substituted.

The amendment was put and declared lost.

Khan Bahadur P. Khalif-ul-lah Sahib Bahadur demanded a poll.

(The division bell was then rung.)

MR. SPEAKER:—" Under the rules, the Speaker shall determine the method of taking votes by division. If the Chair feels that the claiming of division is frivolous or vexatious, the division can be refused by the Chair. (A voice: ' No, Sir. ') Yes. No Bill can ever proceed to its end if divisions are claimed like this; probably it may take a whole year if all the amendments numbering about 250 have to be gone through. Of course I can even ask the House to go into division even if one Member gets up and wants a division, but there will be enormous waste of public time. But, in this particular case, since I feel that it is an important amendment, I allow the division."

(The first block was counted and the second block was about to be counted.)

[29th January 1938]

11-30 a.m. MR. SPEAKER:—"Gentlemen who are not Members of this House, even though they may be Ministers, cannot remain in the House when the poll is taken. They have only the right of taking part in the discussions of the House but cannot take part in voting."

The Hon. Dr. T. S. S. Rajan left the House.

The House divided thus:

Ayes.

11-40 a.m.	1 Kumararaja Muthiah Chettiyar of Chettinad.	12 Mr. A. K. Kader Kutty.
	2 Rao Bahadur Sir A. T. Pannirselvam.	13 " Muhammad Rahmatullah.
	3 Mr. Adimulam Jamedar.	14 " V. S. T. Shaik Mansoor Tharaganar.
	4 Diwan Bahadur A. Appadurai Pillai.	15 " D. Syed Ibrahim.
	5 Khan Bahadur P. M. Attakoya Thangal.	16 " Mahboob Ali Baig.
	6 Mr. B. Bhakthavatsalu Nayudu.	17 " G. L. Orchard.
	7 " Mir Akram Ali.	18 " J. Mackenzie Smith.
	8 " Abdul Hameed Khan.	19 " Basheer Ahmed Sayeed.
	9 Raja Arakal Sultan Abdur Rahman Ali.	20 Mrs. Khadija Yakub Hassan.
	10 Mr. K. Abdur Rahman Khan.	21 Khan Bahadur P. Khalif-ul-lah.
	11 " H. S. Hussain.	22 Mr. T. T. Krishnamachariar.
		23 " G. Krishna Rao.
		24 " R. M. Palat.
		25 " M. J. Samuel.

Noes.

1 The Hon. Mr. C. Rajagopalachariar.	35 Mr. N. Halasyam Ayyar.
2 " Mr. T. Prakasam.	36 " K. Ishwara.
3 " Mr. Yakub Hassan.	37 " D. Kadirappa.
4 " Dr. P. Subbarayan.	38 " Kala Venkata Rao.
5 Mr. A. Kaleswara Rao.	39 " K. Kamaraj Nadar.
6 " T. Viswanatham.	40 " E. Kannan.
7 " K. R. Karant.	41 The Hon. Mr. K. Raman Menon.
8 " C. J. Varkey.	42 " Mr. B. Gopala Reddi.
9 " P. M. Adikesavalu Nayakar.	43 Mr. Muhammad Mohideen Ahmed Thambi.
10 Srimati G. Ammanna Raja.	44 " M. Bhaktavatsalam.
11 Mr. B. Ananthachar.	45 " A. Karunakara Menon.
12 Srimathi Anjalai Ammal.	46 " K. Kolandavelu Nayanar.
13 Mr. N. Annamalai Pillai.	47 " K. Koti Reddi.
14 " Muthu Kr. Ar. Kr. Arunachalam Chettiyar.	48 " S. Krishnan.
15 " Y. V. A. Bhaskara Rao Mahasayo.	49 " G. Krishnamurti.
16 " V. Bhuvarahan.	50 " L. Krishnaswami Bharathi.
17 " P. Buchappa Nayudu.	51 " P. S. Kumaraswami Raja.
18 " K. Chandramouli.	52 " K. Kuppuswami Ayyar.
19 " G. Chelvapathi Chetti.	53 " V. Kurmayya.
20 " O. Chengam Pillai.	54 Srimati A. V. Kuttimalu Amma.
21 The Hon. Mr. V. I. Munuswami Pillai.	55 Mr. P. Lakshmanaswami.
22 " Mr. V. V. Giri.	56 Mrs. Lakshmi Sankara Ayyar.
23 " Mr. S. Ramanathan.	57 Srimati K. Lakshmi Ammal.
24 Mr. A. B. Shetty.	58 Dr. N. Lakshmi Devi.
25 " N. S. Varadachariar.	59 Mr. P. Madhavan.
26 " B. S. Murti.	60 " R. S. Manickam.
27 " M. Bapineedu.	61 Mrs. A. Rukmini Lakshmipathi.
28 " M. P. Damodaram.	62 Mr. M. Mariemuthu.
29 " M. Dorakannu.	63 " R. Maruthai.
30 " A. R. A. S. Doraiswami Nadar.	64 " K. S. Muhammad Abdul Kadir Ravuthar.
31 " Govinda Doss.	65 " Muhammad Abdur Rahman.
32 " C. K. Govindan Nayar.	66 " A. Pl. N. V. Nadimuthu Pillai.
33 " V. J. Gupta.	67 " S. Nagappa.
34 " S. Guruvulu.	68 " N. Nagaraja Ayyangar.
	69 " S. Nagiah.

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Noes—cont.

70 Mr. K. N. Nanjappa Gounder.	105 Mr. P. R. K. Sarma.
71 " D. L. Narasimha Raju.	106 " L. Sathanatha Karayalar.
72 " P. L. Narasimha Raj.	107 " K. Shanmugam.
73 " C. Narasimham.	108 " K. A. Shanmuga Mudaliyar.
74 " V. V. Narasimham.	109 " B. T. Seshadri Achariyar.
75 " D. Narayana Raju.	110 " H. Sitarama Reddi.
76 " K. V. Narayana Rao.	111 " K. Sitarama Reddiyar.
77 " M. G. Natesa Chettiyar.	112 " Sri Raja Vasireddi Durga Sadasivawara Prasad Bahadur Manne Sultan.
78 " P. Natesa Mudaliyar.	113 Mr. P. S. Srinivasa Ayyar.
79 " C. Obi Reddi.	114 " Kallur Subba Rao.
80 " V. C. Palaniswami Goundar.	115 " Karunakaram Subba Rao.
81 " V. K. Palaniswami Goundar.	116 " N. M. R. Subbarama Ayyar.
82 " M. Pallam Raju.	117 " P. Subbiah.
83 " P. Pedda Padalu.	118 " C. P. Subbiah Mudaliyar.
84 " K. S. Periyaswami Goundar.	119 " A. Subrahmanyam.
85 " K. Periyaswami Goundar.	120 " K. V. R. Swami.
86 " M. P. Periyaswami.	121 " V. S. R. M. Valliappa Chettiyar.
87 " V. R. Perumal Chettiyar.	122 " K. Varadachariar.
88 " B. Perumalla Nayudu.	123 " G. Venkanna.
89 " R. Ponnuswami Pillai.	124 " Gopavaram Venkata Reddi.
90 " R. Raghava Menon.	125 " B. Venkatachalam Pillai.
91 " B. Raja Rao.	126 " P. T. Venkatachari.
92 " A. K. A. Ramachandra Reddiyar.	127 " B. Venkatanarayana Reddi.
93 " R. B. Ramakrishna Raju.	128 " S. C. Venkatappa Chettiyar.
94 " T. N. Ramakrishna Reddi.	129 " R. Venkatappa Nayudu.
95 " D. Ramalinga Reddiyar.	130 " K. Venkatappayya.
96 " A. Ramalingam.	131 " P. Venkatarama Ayyar.
97 " D. V. Ramaswami.	132 " R. S. Venkataramiah.
98 " K. S. Ramaswami Goundar.	133 " B. Venkatarao Baliga.
99 " J. Sivashanmugam Pillai.	134 " R. Venkatasubba Reddiyar.
100 " V. M. Ramaswami Mudaliyar.	135 " V. Venkatasubbayya.
101 " N. Ranga Reddi.	136 " K. P. Yegneswara Sarma.
102 " G. Rangiah Nayudu.	137 " A. Jogi Nayudu.
103 " P. Ratnavelu Tevar.	138 " Grandhi Venkata Reddi.
104 " K. Sakthivadivelu Goundar.	139 " P. I. Kunhamed Kutty Hajee.

Ages 25. Noes 139.

The amendment was lost.

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, during the few days of this session, we have been compelled to make representations so many times and I am sorry I have to make one even now. We are thankful to you, Mr. Speaker, for having agreed to have a division. But in the light of your remarks to the effect that in future you reserve the right to determine whether there is to be a division or not, if you regard the claim as vexatious, I feel compelled to submit to you that it is the fundamental right of every Member to claim a division. Of course, it is open to the Government or to any Member of the House to criticize our action and call it vexatious or frivolous. They may say that we have been wasting the time of the House. Any Member, either of the Government or the Opposition, may accuse us of it and those criticisms we shall answer to the best of our lights. But if it comes from you, Mr. Speaker, it would be very difficult to answer it. I therefore humbly make a representation and appeal to you, that being the position to which we have been put, that the equanimity of the Chair ought not in any way to be disturbed by the views of Members regarding the demand for polls—if a Member

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is unruly the Chair can turn him out, and if a Member uses unparliamentary expressions, he can be called to order, but with reference to divisions we are only guided by Standing Order 55 which says—

‘Votes on a question may be taken by voices or division, and shall be taken by division if a member so desires’.

‘The wording here used is ‘shall be taken.’ There is no alternative. And until that is not rescinded, that right attaches to every Member to call for a division and have it. The only alternative is persuasion by other Members of the House and not from the Chair and I submit that the Chair ought to leave this matter to the good sense of the Members of the House. There may be such matters which in the opinion of particular Members may be important and they may call for a division, however much the Speaker or the Members of Government may not like it. We should be sorry to waste the time of the House. Already we have pointed out that a Bill of this magnitude ought not to have been brought before us for consideration with so short a time before us. The fact that the Upper House is meeting on a particular day is no reason why our rights and privileges should in any way be curtailed.’

MR. SPEAKER:—“I think the hon. Member is going into the details of the time-table of the House.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“I apologise to you, Sir. I would only say that we have not been in any way frivolous. It is all difference of view-points. And I, therefore, submit that, in future, if any Member or a representative of a party insists on calling for a division, it is legitimate and right that he should be allowed to have it and it should not be misconstrued in any other manner than that the Member has got a right, a primary right to ask for it in the discharge of his duty. I claim your indulgence when I request that you will kindly allow things to take their normal course. We have been accommodative to the Government and instead of two night sessions that the Government wanted, by which means we might have had five extra hours, we have agreed to give $4\frac{1}{2}$ hours, $2\frac{1}{2}$ hours up to yesterday and 2 hours to-day. This proves that we have not been obstructive.”

MR. SPEAKER:—“I am not a party to your agreement. I have already stated it clearly.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“As regards the right of demanding a poll, I submit, Sir, that it should be allowed for all time so long as the House is in existence.”

11-45. MR. SPEAKER:—“Due consideration will be given to the representation made by the Leader of the Opposition, but that does not take away the plenary rights of the Chair in dealing with abnormal conditions that arise in the House. And with regard to these divisions, if a particular mode of division takes away considerable time of the House, the Speaker has also a right of determining other modes of division. That does not mean that the Speaker has lost his equanimity. The Leader of the Opposition and every Member of this House should know

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[Mr. Speaker]

that the Speaker occupying the Chair is perfectly patient, perfectly calm under storms. (Laughter and cheers.)

“As amendments 91 and 92 moved by Mr. Palat and Mr. Krishna Rao are almost identical, I will put them in the language of amendment 92 to the vote of the House.

“The question is—

‘In line 1 of sub-clause (i) of clause 4, after the word “woman” add the words “a minor, an old infirm person and an orphan.”’

The amendment was put and was declared lost.

KHAN BAHADUR P. KHALIF-UL-LAH SAHIB BAHADUR:—“I want a poll to be taken.”

MR. SPEAKER:—“Those who are in favour of the amendment will please rise in their seats, in all blocks.”

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—“I suppose the names will be noted down.”

MR. SPEAKER:—“Yes, this time.”

MR. BASHEER AHMED SAYEED:—“The bell has not been rung, Sir.” (Cries of ‘order, order.’)

MR. SPEAKER:—“On a previous similar question the bell was rung . . .”

MR. BASHEER AHMED SAYEED:—“May I point out to you, Sir, with all respect, that three or four persons just left this block? It is necessary that every Member should have notice that a division is being taken.”

MR. SPEAKER:—“The point raised by Mr. Basheer Ahmed is duly considered. When a particular mode of division was adopted the bells were rung. It is another mode of division that is now being adopted. The bells need not be rung. That is my ruling.”

MR. BASHEER AHMED SAYEED:—“I want to make another representation.”

MR. SPEAKER:—“No. (After a pause.) Hereafter when a poll is being taken, the doors will be locked. Strangers will be asked to go out, and visitors also will have to walk out. This is the practice in other Parliaments. All this inconvenience will have to be put up by the House.”

The poll was then taken and the House divided thus:—

Ayes.	
1 Kumararaja Muthiah Chettiyar of Chettinad.	7 Mr. Abdul Hameed Khan.
2 Rao Bahadur Sir. A. T. Pannirselvam.	8 „ K. Abdur Rahman Khan.
3 Mr. Adimulam Jamedar.	9 „ H. S. Hussain.
4 Diwan Bahadur A. Appadurai Pillai.	10 „ A. K. Kader Kutty.
5 Mr. B. Bhakthavatsalu Nayudu.	11 „ Muhammad Rahmathullah.
6 „ Mir Akram Ali.	12 „ V. S. T. Shaik Mansoor Tharaganar.
	13 „ D. Syed Ibrahim.
	14 „ Mahboob Ali Baig.

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Ayes—cont.

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| 15 Mr. E. M. D'Mello. | 20 Khan Bahadur P. Khalif-ul-lah |
| 16 " G. L. Orchard. | Sahib Bahadur. |
| 17 " K. C. Saptharishi Reddiyar. | 21 Mr. T. T. Krishnamachariar. |
| 18 " Basheer Ahmed Sayeed. | 22 " G. Krishna Rao. |
| 19 Mrs. Khadija Yakub Hassan. | 23 " R. M. Palat. |
| | 24 " M. J. Samuel. |

Noes.

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|--------------------------------------|---------------------------------|
| 1 The Hon. Mr. C. Rajagopalachariar. | 53 Dr. N. Lakshmi Devi. |
| 2 " Mr. T. Prakasam. | 54 Mr. P. Madhavan. |
| 3 " Dr. P. Subbarayan. | 55 " R. S. Manickam. |
| 4 Mr. A. Kaleswara Rao. | 56 Mrs. Rukmini Lakshmipathi. |
| 5 " T. Viswanatham. | 57 Mr. M. Mariemuthu. |
| 6 " K. R. Karant. | 58 " R. Maruthai. |
| 7 " C. J. Varkey. | 59 " K. S. Muhammad Abdul |
| 8 " P. M. Adikesavalu Nayakar. | Kadir Ravuthar. |
| 9 Srimathi G. Ammanna Raja. | 60 " Muhammad Abdur Rahman. |
| 10 Mr. B. Ananthachar. | 61 " A. Pl. N. V. Nadimuthu |
| 11 Srimathi Anjalai Ammal. | Pillai. |
| 12 Mr. Muthu Kr. Ar. Kr. Aruna- | 62 " S. Nagappa. |
| chalam Chettiyar. | 63 " N. Nagaraja Ayyangar. |
| 13 " Y. V. A. Bhaskara Rao | 64 " S. Nagiah. |
| Mahasayo. | 65 " K. N. Nanjappa Gounder. |
| 14 " V. Bhuvanahan. | 66 " D. L. Narasimha Raju. |
| 15 " P. Buchappa Naidu. | 67 " P. L. Narasimha Raju. |
| 16 " K. Chandramouli. | 68 " C. Narasimham. |
| 17 " G. Chelvapathi Chetti. | 69 " V. V. Narasimham. |
| 18 " O. Chengam Pillai. | 70 " D. Narayana Raju. |
| 19 The Hon. Mr. V. I. Munuswami | 71 " P. Natesa Mudaliyar. |
| Pillai. | 72 " C. Obi Reddi. |
| 20 " V. V. Giri. | 73 " V. C. Palaniswami Gounder. |
| 21 " Mr. S. Ramanathan. | 74 " V. K. Palaniswami Gounder. |
| 22 Mr. A. B. Shetty. | 75 " M. Pallam Raju. |
| 23 " N. S. Varadachariar. | 76 " P. Pedda Padalu. |
| 24 " B. S. Murti. | 77 " K. S. Periyaswami Gounder. |
| 25 " M. Bapineedu. | 78 " K. Periaswami Gounder. |
| 26 " M. P. Damodaram. | 79 " M. P. Periyaswami. |
| 27 " M. Doraiannu. | 80 " V. R. Perumal Chettiyar. |
| 28 " Govinda Doss. | 81 " B. Perumalla Nayudu. |
| 29 " C. K. Govindan Nayar. | 82 " R. Ponnuswami Pillai. |
| 30 " V. J. Gupta. | 83 " R. Raghava Menon. |
| 31 " S. Guruvulu. | 84 " B. Raja Rao. |
| 32 " N. Halasyam Ayyar. | 85 " A. K. A. Ramachandra |
| 33 " K. Ishwara. | Reddiyar. |
| 34 " D. Kadirappa. | 86 " R. B. Ramakrishna Raju. |
| 35 " Kala Venkata Rao. | 87 " T. N. Ramakrishna Reddi. |
| 36 The Hon. Mr. K. Raman Menon. | 88 " D. Ramalinga Reddiyar. |
| 37 " Mr. B. Gopala Reddi. | 89 " A. Ramalingam. |
| 38 Mr. Muhammad Mohideen Ahmed | 90 " D. V. Ramaswami. |
| Thambi. | 91 " K. S. Ramaswami Gounder. |
| 39 " M. Bhaktavatsalam. | 92 " V. M. Ramaswami Mudali- |
| 40 " A. Karunakara Menon. | yar. |
| 41 " K. Kolandavelu Nayanar. | 93 " N. G. Ramaswami Nayudu. |
| 42 " K. Koti Reddi. | 94 " N. Ranga Reddi. |
| 43 " S. Krishnan. | 95 " P. Ratnavelu Tevar. |
| 44 " G. Krishnamurti. | 96 " K. Sakthivadivelu Gounder. |
| 45 " L. Krishnaswami Bharathi. | 97 " P. R. K. Sarma. |
| 46 " P. S. Kumaraswami Raja. | 98 " L. Sathanatha Karayalar. |
| 47 " K. Kuppuswami Ayyar. | 99 " K. A. Shanmuga Mudaliyar. |
| 48 " V. Kurmayya. | 100 " H. Sitarama Reddi. |
| 49 Srimathi A. V. Kuttimalu Amma. | 101 " K. Sitarama Reddiyar. |
| 50 Mr. P. Lakshmanaswami. | 102 " Sri Raja Vasireddi Durga |
| 51 Mrs. Lakshmi Sankara Ayyar. | Sadasiveswara Prasad Baha- |
| 52 Srimathi K. Lakshmi Ammal. | dur Manne Sultan. |
| | 103 " D. Srinivasa Ayyar. |

Noes—cont.

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| 104 Mr. P. S. Srinivasa Ayyar. | 117 Mr. B. Venkatanarayana Reddi. |
| 105 " Kallur Subba Rao. | 118 " S. C. Venkatappa Chettiyar. |
| 106 " Karunakaram Subba Rao. | 119 " R. Venkatappa Nayudu. |
| 107 " N. M. R. Subbarama Ayyar. | 120 " K. Venkatappayya. |
| 108 " P. Subbiah. | 121 " P. Venkatarama Ayyar. |
| 109 " A. Subrahmaniam. | 122 " R. S. Venkataramiah. |
| 110 " K. V. R. Swami. | 123 " B. Venkatarao Baliga. |
| 111 " V. S. R. M. Valliappa | 124 " R. Venkatasubba Reddiyar. |
| Chettiyar. | 125 " V. Venkatasubbayya. |
| 112 " K. Varadachariar. | 126 " K. P. Yegneswara Sarma. |
| 113 " G. Venkanna. | 127 " A. Jogi Nayudu. |
| 114 " Gopavaram Venkata Reddi. | 128 " P. I. Muhammad Kutti |
| 115 " B. Venkatachalam Pillai. | Hajee. |
| 116 " P. T. Venkatachariar. | 129 " Grandhi Venkata Reddi. |

Ayes 24. Noes 129.

The amendment was lost.

MR. R. M. PALAT:—"Sir, I move in sub-clause (i) of clause 4—

*"In lines 1 and 2, omit the words and figures "on the 1st October 1937" and**"In line 2, omit the words "on that date" and for the word "did" substitute the word "does"."*

"Sir, I am moving these amendments only to enable the woman to get the benefit at any moment."

The amendment was duly seconded.

MR. SPEAKER:—"Mr. Grandhi Venkata Reddi may now move his general amendment."

MR. GRANDHI VENKATA REDDI:—"I shall move it at a later stage, Sir. It is not concerned with this clause."

The amendment of Mr. Palat was then put and lost.

MR. T. T. KRISHNAMACHARIAR:—"Sir, I move in sub-clause (i) of clause 4—

"In line 5, for the word "three" after the word "rupees" substitute the word "five"."

"It means that the woman who is to benefit under this sub-clause will be benefited to the extent of Rs. 5,000. Sir, Rs. 3,000 will fetch an income of Rs. 15 per month and it is hardly enough for the maintenance of a person. If you substitute Rs. 5,000 she would get Rs. 25 per mensem for her maintenance and that will be assured for her. If one reads the proceedings of the Select Committee one will find that the Hon. Mover has been extremely chivalrous to the other sex and has suggested Rs. 10,000. It was only scaled down subsequently. I would appeal to the sense of chivalry of the other Members of the House and accept this motion to raise the limit to Rs. 5,000." (A voice: "The microphone is not working.")

MR. BASHEER AHMED SAYEED:—"I rise to second the amendment moved. It does not make any great claim and I hope the Hon. the Prime Minister will not consider it in a spirit of bargaining

[Mr. Basheer Ahmed Sayeed] [29th January 1938]

which has been referred to once before. It is not done in a spirit of bargaining at all. Rs. 5,000 will give a return of some Rs. 25 a month to a woman who is sought to be protected. I do not think it will be fair to give anything less than Rs. 25 a month. If we allow only Rs. 3,000 she would get only a sum less than Rs. 20 per month. It will not be sufficient for any woman. If it is the idea that widows should get the benefit of this provision, the limit should be increased to at least Rs. 5,000. So long as the limit is there and so long as it is going to be only in the case of women and not others, I do not think any great question of principle is involved in raising the limit from 3,000 to 5,000. I therefore strongly support the amendment."

The amendment was put and lost.

Clause 4.

New sub-clause after sub-clause (j).

MR. H. S. HUSSAIN:—"Sir, I move—

'After sub-clause (j) in clause 4, add the following as new sub-clause (k):—

"(k) Any liability in respect of any sum due to any public or religious or charitable trust."

"Sir, in moving this amendment I wish to say that these trusts exist for the benefit of the public or for the benefit of a community. The principle involved in these public trusts is service and charity, service of God and service of humanity. Therefore I submit that the activities of these charitable institutions which exist solely for the benefit of the public should not in any way be curtailed by a measure like this. These public or charitable trusts are created for various beneficial purposes, for the uplift of the people, for helping the poor, for relieving sickness in the land and so on. The purposes may be various. To quote only a few, the feeding of the poor, the grant of scholarships to poor students, the running of free schools and free dispensaries and the maintenance of public libraries are some of the objects for which such trusts are created. Large sums are endowed by individuals and these sums are entrusted to religious institutions like temples and churches and also associations like Anjuman, missionary societies and such other public bodies. These large sums are in many cases invested in land or advanced as loans on the security of landed properties. If these charitable and humanitarian objects are to be carried out with the income which is to be derived from these investments, and if such incomes from these investments are to be affected by a Bill like this, I am sure these humanitarian activities will have to be curtailed and, I am afraid, in many cases, they will have to be stopped altogether. Therefore I appeal to this Honourable House to accept this amendment in the interests of the suffering and sick humanity and also in the interests of the poor students who derive so much benefit from such public trusts which have earmarked large numbers

[Mr. H. S. Hussain] 29th January 1938]

of scholarships. If their income derived at a particular rate is to be reduced by this scaling down, naturally the number of scholarships they are granting will have to be reduced and perhaps in some cases the scholarships will have to be stopped altogether. Therefore, Sir, I move this amendment for the acceptance of the House."

MR. G. KRISHNA RAO:—"Sir, I have got great pleasure again to attempt and see if I may be able to succeed in persuading the House to consider this matter favourably. I do not know what particular difficulty this House has in giving its sympathetic consideration to an amendment of this kind which concerns religious and charitable institutions. They are not denominational bodies. They are non-sectarian and are intended to benefit all people alike without any distinction of class, creed or colour. When the income from the investments made for altruistic purposes are likely to be attenuated by the provisions of this Bill, naturally those altruistic objects are likely to suffer. They will even find themselves in deficit. That is not a thing for an Assembly like this to allow. It will be a bare act of justice on the part of this House if it gives its consideration to this amendment. I heartily second it."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. Speaker, I strongly oppose this amendment. Sir, it is not for want of respect for these institutions, but it is respect for individuals that makes me object to the amendment. For, individuals are also doing humanitarian and charitable and public work and the only distinction between an individual and a trust in this respect is only in the legal organization which permits bodies coming together and functioning as individuals.

"It is not to be presumed that, if they are institutions or trusts, 12-15
they are doing more charitable work than individuals. If there is reason P.M.
for scaling down the debts due by the agriculturists to private persons, such as young, weak, infirm and aged persons, there is equally good reason to scale down the debts due to charitable institutions, because they have invested their monies for the sake of safety with such miserable agriculturists instead of investing them in banks and so on. I submit that no substantial consideration should be shown in regard to charitable trusts, because they are merely recognized as legal persons. There is a fundamental mistake in assuming that these charitable institutions are doing better work than individuals conducting similar charitable work. There is no reason whatsoever for making such a distinction. On the contrary, it is a bane that these trusts are immobile and the objects for which they exist, cannot be achieved with the progress of ideas. So it is not desirable that we should add some more weight to these immobile bodies."

The amendment was put and declared lost.

MR. BASHEER AHMED SAYEED:—"I want a poll."

MR. SPEAKER:—"Members in the visitors' galleries will kindly go out, because there is a complaint that outsiders are coming into

[Mr. Speaker]

[29th January 1938]

the House when Members of the House are rising in their places. I do not want to give room for such a complaint. The doors will be closed when the division bell is rung and they will be opened only after the poll is over. Strangers admitted to all galleries will kindly go outside and after the division bell is rung again, they can come in. The members in the Press galleries also will vacate their seats."

MR. P. S. KUMARASWAMI RAJA:—"Can all the clerks, who are working here remain?"

MR. SPEAKER:—"Yes, it is allowed."

Poll was taken and the House divided as follows:—

Ayes.

- | | |
|--|---|
| 1 Kumararaja Muthiah Chettiyar of Chettinad. | 12 Mr. H. S. Hussain. |
| 2 Rao Bahadur Sir A. T. Pannirselvam. | 13 " A. K. Kader Kutty. |
| 3 Mr. Adimulam Jamedar. | 14 " Muhammad Rahmathullah. |
| 4 Khan Bahadur P. M. Attakoya Thangal. | 15 " V. S. T. Shaik Mansoor Tharaganar. |
| 5 Mr. B. Bhakthavatsalu Nayudu. | 16 " D. Syed Ibrahim. |
| 6 " Mir Akram Ali. | 17 " Mahboob Ali Baig. |
| 7 " J. Raja Rao. | 18 " Basheer Ahmed Sayeed. |
| 8 Dr. Muhammad Abdus Salam. | 19 Khan Bahadur P. Khalitullah Sahib Bahadur. |
| 9 Mr. Abdul Hameed Khan. | 20 Mr. G. Krishna Rao. |
| 10 Rajah Arakal Sultan Abdur Rahman Ali. | 21 " R. M. Palat. |
| 11 Mr. K. Abdur Rahman Khan. | 22 " M. J. Samuel. |
| | 23 Zamindar of Chemudu. |

Noes.

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| 1 The Hon. Mr. C. Rajagopalachariar. | 23 Mr. A. B. Shetty. |
| 2 " Mr. T. Prakasam. | 24 " N. S. Varadachariar. |
| 3 " Mr. Yakub Hasan. | 25 " B. S. Murti. |
| 4 " Dr. P. Subbarayan. | 26 " M. Bapineedu. |
| 5 Mr. A. Kaleswara Rao. | 27 " M. P. Damodaram. |
| 6 " T. Viswanatham. | 28 " M. Doraikannu. |
| 7 " K. R. Karant. | 29 " A. R. A. S. Doraiswami Nadar. |
| 8 " C. J. Varkey. | 30 " C. K. Govindan Nayar. |
| 9 " P. M. Adikesavalu Naicker. | 31 " S. Guruvulu. |
| 10 Srimathi G. Ammannaraja. | 32 " N. Halasyam Ayyar. |
| 11 Mr. B. Ananthachar. | 33 " K. Ishwara. |
| 12 Srimathi Anjalai Ammal. | 34 Mrs. Jabamoney Masillamoney. |
| 13 Mr. N. Annamalai Pillai. | 35 Mr. D. Kadirappa. |
| 14 " Y. V. A. Bhaskara Rao Mahasayo. | 36 " Kala Venkata Rao. |
| 15 " V. Bhuvarahan. | 37 " K. Kamaraj Nadar. |
| 16 " P. Buchappa Nayudu. | 38 " E. Kannan. |
| 17 " K. Chandramouli. | 39 The Hon. Mr. K. Raman Menon. |
| 18 " G. Chelvapathi Chetti. | 40 " B. Gopala Reddi. |
| 19 " O. Chengam Pillai. | 41 Mr. Muhammad Mohideen Ahmed Thambi Maracair. |
| 20 The Hon. Mr. V. I. Muniswami Pillai. | 42 " M. Bhaktavatsalam. |
| 21 " V. V. Giri. | 43 " A. Karunakara Menon. |
| 22 " S. Ramanathan. | 44 " K. Kolandavelu Nayanar. |
| | 45 " K. Koti Reddi. |

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Noes—cont.

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| 46 Mr. S. Krishnan. | 92 Mr. D. Ramalinga Reddiyar. |
| 47 " G. Krishnamurti. | 93 " A. Ramalingam. |
| 48 " L. Krishnaswami Bharathi. | 94 " D. V. Ramaswami. |
| 49 " P. S. Kumaraswami Raja. | 95 " K. S. Ramaswami Goundar. |
| 50 " K. Kuppuswami Ayyar. | 96 " N. G. Ramaswami Nayudu. |
| 51 " V. Kurmayya. | 97 " N. Ranga Reddi. |
| 52 Srimathi A. V. Kuttimalu Amma. | 98 " G. Rangiah Nayudu. |
| 53 Mr. P. Lakshmanaswami. | 99 " P. Ratnavelu Tevar. |
| 54 Mrs. Lakshmi Sankara Ayyar. | 100 " J. L. P. Roche Victoria. |
| 55 Srimathi K. Lakshmi Ammal. | 101 " K. Sakthivadivelu Goundar. |
| 56 Dr. N. Lakshmi Devi. | 102 " V. J. Samu Pillai. |
| 57 Mr. P. Madhavan. | 103 " P. R. K. Sarma. |
| 58 " R. S. Manickam. | 104 " L. Sathanatha Karayalar. |
| 59 Mrs. Rukmini Lakshmi pathi. | 105 " K. Shanmugam. |
| 60 Mr. M. Mariemuthu. | 106 " K. A. Shanmuga Mudaliyar. |
| 61 " R. Maruthai. | 107 " B. T. Seshadri Achariyar. |
| 62 " K. S. Muhammad Abdul Kadir Ravuthar. | 108 " H. Sitarama Reddi. |
| | 109 " K. Sitarama Reddiyar. |
| 63 " Muhammad Abdur Rahman. | 110 " Sri Raja Vasireddi Durga Sadasiveswara Prasad Bahadur Manne Sultan. |
| 64 " A. Pl. N. V. Nadimuthu Pillai. | 111 " D. Srinivasa Ayyar. |
| 65 " S. Nagappa. | 112 " P. S. Srinivasa Ayyar. |
| 66 " N. Nagaraja Ayyangar. | 113 " Kallur Subba Rao. |
| 67 " S. Nagiah. | 114 " Karunakaram Subba Rao. |
| 68 " D. L. Narasimha Raju. | 115 " N. M. R. Subbarama Ayyar. |
| 69 " P. L. Narasimha Raju. | 116 " P. Subbiah. |
| 70 " C. Narasimham. | 117 " C. P. Subbiah Mudaliyar. |
| 71 " V. V. Narasimham. | 118 " A. Subramaniam. |
| 72 " D. Narayana Raju. | 119 " K. V. R. Swami. |
| 73 " K. V. Narayana Rao. | 120 " V. S. R. M. Valliappa Chettiyar. |
| 74 " M. G. Natesa Chettiyar. | 121 " K. Varadachariar. |
| 75 " P. Natesa Mudaliyar. | 122 " G. Venkanna. |
| 76 " C. Obi Reddi. | 123 " Gopavaram Venkata Reddi. |
| 77 " V. C. Palaniswami Goundar. | 124 " B. Venkatachalam Pillai. |
| 78 " V. K. Palaniswami Goundar. | 125 " P. T. Venkatachariar. |
| 79 " M. Pallam Raju. | 126 " B. Venkatanarayana Reddi. |
| 80 " P. Pedda Padalu. | 127 " S. C. Venkatappa Chettiyar. |
| 81 " K. S. Periyaswami Goundar. | 128 " R. Venkatappa Nayudu. |
| 82 " K. Periyaswami Goundar. | 129 " K. Venkatappayya. |
| 83 " M. P. Periyaswami. | 130 " P. Venkatarama Ayyar. |
| 84 " V. R. Perumal Chettiyar. | 131 " R. S. Venkataramiah. |
| 85 " B. Perumalla Nayudu. | 132 " B. Venkatarao Baliga. |
| 86 " R. Ponnuswami Pillai. | 133 " R. Venkatasubba Reddiyar. |
| 87 " R. Raghava Menon. | 134 " V. Venkatasubbayya. |
| 88 " B. Raja Rao. | 135 " K. P. Yegneswara Sarma. |
| 89 " A. K. A. Ramachandra Reddiyar. | 136 " A. Jogi Nayudu. |
| 90 " R. B. Ramakrishna Raju. | 137 " Grandhi Venkata Reddi. |
| 91 " T. N. Ramakrishna Reddi. | |

Ayes 23. Noes 137.

The amendment was lost.

MR. R. M. PALAT:—"Sir, I move the following amendment:—

"Insert the following as new sub-clause (k) after sub-clause (j):—
'Arrears of rent accrued due in the case of lands in whole inam villages which were the subject-matter of suit prior to the coming into force of the Madras Estates Land (Amendment) Act XVIII of 1936, and where the failure of the landholder to collect the rent was due to the delay in the final

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p.m.

[Mr. R. M. Palat]

[29th January 1938]

judicial determination of the question of the forum competent to take cognizance of all claims of such measure or is due to dispute as to the janmi title of the land in question.' "

Sir, I have moved this amendment in order to give relief in such cases as have been pointed out by Mr. T. R. Venkatarama Sastriyar in the *Law Journal*. In zamindari areas there are disputes as to in which court—whether in the civil court or in the revenue court—a particular suit should be filed. Often-times the suit goes up to the High Court and even to the Privy Council and some of these cases drag on for a period of ten years or more. It is unfair, Sir, that persons who have taken advantage of the doubtful provisions of the Estates Land Act and gone to court and disputed the right of the landholders should have the benefits of this Act. For this reason, Sir, I would suggest that the Hon. the Premier may accept this amendment."

MR. G. KRISHNA RAO:—"Sir, I rise to second the amendment. It is an important fact, Sir, that the ryots have always the sympathy of this House, whereas the landholders do not get any sympathy from this House. The legislation now before us is a case in point. In many estates, the ryots join together and harass the landholder and make it impossible for him to collect his dues in time. They often set up a technical plea that a particular inam village is not an estate and that therefore the suit should not be filed in the revenue court and so on and this results in a protracted legal process and the harassed landholder is not able to recover his dues. Matters hang fire for more than ten years. It is but proper and just, Sir, that this state of affairs should be taken note of by the House and such cases exempted from the operation of this Act."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I just wish to say, Sir, that I have given notice of an amendment (No. 181), which will cover cases where a stay has been ordered. In this amendment there is a very vague description of the kind of cases and it will create difficulties if we accept this amendment. I submit, Sir, that the provision in Amendment No. 181 should be deemed enough to cover such cases as can possibly be covered. If the hon. the Mover will withdraw his amendment we may be saved the trouble of voting on it. I am sorry I am not able to accept it."

MR. R. M. PALAT:—"If Amendment No. 181 is going to be moved, I am prepared to withdraw this amendment."

The amendment was by leave withdrawn.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, before we proceed to deal with the explanation, since clause (f) is omitted, I formally move the consequential amendment—

'that sub-clauses (g), (h), (i) and (j) be re-lettered as sub-clauses (f), (g), (h) and (i), respectively' "

The amendment was put and carried.

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Clause 4—Proviso at the end.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, before we proceed to the next sub-clause (j), I submit that certain consequential changes may be made in the proviso dealing with sub-clauses (e) and (f). In this proviso, the words 'or company' occur in some places because the sub-clause related to companies also as it originally stood. But that sub-clause has now been removed and therefore the following consequential changes have become necessary:—

'In line 2 of the proviso, for the expression "clauses (e) and (f)" substitute the expression "clause (e)";

'in lines 3 and 6, omit the words "or company"; and

'in lines 7 and 8, omit all the words after the words "co-operative society".'

"I move the amendments."

The amendments were put and carried.

Clause 4 as amended was put and carried.

* MR. MAHBOOB ALI BAIG:—"What has become of the new explanation and the several other amendments to clause 4? They have not been disposed of."

MR. SPEAKER:—"The hon. Member might have drawn my attention to it when I put clause 4 to the vote of the House."

THE HON. MR. C. RAJAGOPALACHARIAR:—"The position seems to be this. Amendment No. 109 has been disposed of. Amendment Nos. 110 and 111 are not to be moved. No. 113 is rightly not put as it would not be in place at all in clause (e) as it now stands. The only question is about No. 114."

MR. MAHBOOB ALI BAIG:—"Also No. 85."

MR. SPEAKER:—"The hon. Member might have drawn my attention to this before. No. 85 might have been moved as an additional proviso. Is it necessary to have it now?"

MR. MAHBOOB ALI BAIG:—"I want to deal with Nos. 85 and 86."

THE HON. MR. C. RAJAGOPALACHARIAR:—"No. 86 does not arise as it relates to clause (f) which has been deleted."

MR. MAHBOOB ALI BAIG:—"It might deal with clause (e) alone then."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I should like to know whether the hon. Member wants Nos. 114 and 85 as distinct from one another or whether he does not think that the one will cover the other also."

MR. MAHBOOB ALI BAIG:—"If No. 114 is passed, I would not press No. 85."

Clause 4 was permitted by the House to be re-opened for discussion.

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MR. SPEAKER:—"The hon. Member may move amendment No. 114."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Yes, Sir, and the decision on that amendment will decide the hon. Member's attitude towards No. 85."

MR. SPEAKER:—"There are only two amendments, Nos. 85 and 114, which the hon. Member wants to move as provisos to clause 4 and if he moves No. 114 now, the fate of No. 114 will decide the fate of No. 85."

* MR. MAHBOOB ALI BAIG:—"That will help me to decide my attitude towards No. 85. I move—

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'Add the following new explanation at the end of clause 4:—

"Explanation.—This section will apply whether the debts and liabilities mentioned in clauses (a) to (i) are sought to be enforced by the original creditors or by others claiming through them."

"This amendment has become necessary, because the converse case has been provided for in the proviso. Reference has been made in the Bill for transfers in favour of co-operative societies. My amendment refers to cases of transfer by a co-operative society in favour of an individual. Co-operative societies and other institutions have been excluded from the operation of the Act. Such institutions transfer debts due to them to persons for valuable consideration; such cases have not been provided for in the Bill. The institutions that have been excluded have got the right of collecting the debts due to them; so also, the transferee must be entitled to collect the dues, especially when proper consideration has been paid. Hence the necessity for this amendment. There will be no departure from the principle of the Bill. Legally also, I suppose where the transferee is a co-operative society and has the right to collect its dues, the individual transferee also should have the right of collecting the debt.

"The word 'creditor' has been defined in the Bill. Creditor includes all legal representatives and assignees. When this Bill mentions the cases of transfers in favour of co-operative societies, the non-mention of transfers by co-operative societies in favour of individual persons might be misconstrued by the courts. That is the justification for my amendment. I have taken care to refer to only such persons who claim from the original creditors who are entitled to the benefit."

MR. BASHEER AHMED SAYEED:—"I second the amendment."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, the proviso already in the clause is in favour of co-operative societies. What the present amendment wants is that the transfer by a co-operative society to a private person should also have the same protection which the co-operative societies are given in this clause. I submit that this proposal does not take into account the fact that the proviso already in the clause fixes the time before the promulgation of this measure

[29th January 1938] [Mr. C. Rajagopalachariar]

as a protecting point. It is only the previous transactions that are to be taken. The exemption is made in favour of credit organization. But if the present amendment is accepted, it would maintain this kind of exemption for all time, and make it possible for individual persons to claim any debts due to them and all the benefits given to co-operative societies. The reason for giving an advantage to the co-operative society does not apply to a person who has taken over a private property as an individual person. For these reasons, only the converse is provided for and not the other one."

* MR. MAHBOOB ALI BAIG:—"Sir, I have no objection to the date being fixed. In amendment No. 85, I have fixed the date. If the Hon. Premier is opposed to this amendment, it becomes necessary that amendment No. 85 should be moved where I have fixed the date."

MR. BASHEER AHMED SAYEED:—"The figures and words, '1st October 1937' might be inserted, if it will be acceptable to the Hon. the Premier."

The amendment was put and lost.

* MR. MAHBOOB ALI BAIG:—"Sir, I beg to move the following amendment:—

'Add the following new proviso to sub-clause (e) of clause 4:—

"Provided also that where the said liabilities arise by reason of an assignment by the co-operative society or bank, such assignment has taken place before the 1st October 1937 if the said assignment be of a loan granted by a creditor other than a co-operative society or bank mentioned in clause (e) or is an assignment by a co-operative society or bank of a loan granted by a co-operative society or bank mentioned in clause (e)."

MR. SPEAKER:—"Wherever the word 'company' occurred in your original amendment, you have changed it into 'bank.'"

* MR. MAHBOOB ALI BAIG:—"Yes, Sir. "The converse of the proposition I have brought forward is already there in the proviso in the Bill. The objection that has been raised by the Hon. Premier to my amendment No. 113 has been met by this amendment. I hope he will accept this amendment. When the co-operative society itself has got the right to collect the debts, there is no reason why a private person who is the transferee should not do so. He has paid valuable consideration. Legally also my position, I think, is correct. It is better to accept this amendment, so that people may not construe the provision otherwise. You have mentioned the case of the transfer in favour of a bank; the non-mention of the case of the transfer by a bank in favour of an individual, might be misconstrued by courts. As I have stated, it is already implied in the definition of the word creditor, 'Creditor' includes his heirs, legal representatives and assignees. I take it that a transferee is also an assignee. The non-mention of the

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case may give room to much litigation. This amendment only elucidates the principle of the Bill. I think I am not unreasonable. I wish to avoid any litigation in the matter, or any divergence of legal opinion. The non-mention of this case may give room to many doubts."

MR. BASHEER AHMED SAYEED:—"I second the amendment, Sir; but I reserve my right of speech."

MR. SPEAKER:—"There is no such right; this is only an amendment. It is anomalous to consider amendments as main motions. The hon. Member may speak now."

MR. BASHEER AHMED SAYEED:—"Under rule 24, the seconder of a motion has the right to reserve his speech."

MR. SPEAKER:—"This is not a substantive motion."

MR. BASHEER AHMED SAYEED:—"I respectfully submit that every motion whether it is an amendment or not, is a main motion. After the Hon. Speaker has read out the motion that the clause do stand amended, members may speak on it in the order in which they are called. Every amendment is a motion."

MR. SPEAKER:—"I rule that seconders of amendments have no right of reply."

MR. BASHEER AHMED SAYEED:—"I reserve my right of speech and not of reply; that is what I want and I am entitled to it."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Are we to take it that the seconder of an amendment gets the most extraordinary right of reply, even after the mover of the Bill has spoken? If that is settled, I shall at once proceed to say a few words; otherwise I do not wish to speak; it seems it is the seconder of the amendment who should have the last say on the subject."

MR. SPEAKER:—"As I have already stated, all these points arise because of the manner in which we are dealing with main clauses and amendments in this House."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am sorry, Sir, I am unable to accept the amendment proposed by Mr. Mahboob Ali Baig, because it goes against the principles embodied in the Bill. Even in this amendment which he has moved, the hon. Member fails to see, unless I am greatly mistaken, that he has adopted 1st October 1937 in a very limited manner in the earlier part of the amendment and in the latter part of the same there is no such limiting date at all. I do not know whether it has been done deliberately or whether it is a slip. I am sorry it is impossible for me to accept the amendment as it stands, unless a lawyer is there to set it right. I am sorry, I cannot accept the amendment."

1 p.m. * MR. MAHBOOB ALI BAIG:—"May I invite the attention of the Hon. the Prime Minister to the first proviso? With regard to the latter part of it, 'or is an assignment to such society or company of a loan

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granted by a co-operative society or company mentioned in clause (e), there is no necessity for any date, because it is a loan from one bank to another and that bank again transfers. . . ."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I now see that I was quite right. Amendment No. 85 is not different from the principle which the mover of the amendment wanted to follow, and which was rejected in amendment No. 114. Even amendment No. 85 seeks to create for all time an exemption in favour of one who holds a particular debt by assignment, provided that originally it started with a co-operative society; and that amendment has been rejected by the House. The best thing seems to be to put the amendment to the vote. I am sorry I cannot accept it."

* MR. MAHBOOB ALI BAIG:—"There seems to be some misunderstanding in this matter, Sir. The original proviso contains two parts. As far as individuals' transfer to co-operative societies is concerned, a limit is fixed, i.e., 1st October 1937. But as far as loans due to co-operative societies that have been transferred again in favour of a co-operative society are concerned, no time-limit is fixed. That is the original proviso. Referring now to my present amendment, it also contains two parts. As far as the first part is concerned, where the society itself transfers its right to an individual, I have fixed a time-limit, that is, 1st October 1937. But the latter part, i.e., 'or is an assignment by a co-operative society or company of a loan granted by a co-operative society or company mentioned in clause (e)'—that does not require any limitation, because there is no limitation with regard to the second part of the original proviso. The reason is, as the hon. Mover himself has put it, the co-operative societies must be treated on a different footing from individual borrowers or debtors. So, there is no confusion at all. I have not put in words which would complicate the matter or go beyond the principles laid down in the first proviso or the principles laid down by the Hon. the Prime Minister himself with regard to this Bill. I suppose, Sir, I have made myself clear so far as this matter is concerned."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am sorry to delay the matter further, Sir. I am still unable to understand the amendment at all. I shall read it again:—

'Provided also that where the said liabilities arise by reason of an assignment by the co-operative society, or bank, such assignment has taken place before the 1st October 1937, if the said assignment be of a loan granted by a creditor other than a co-operative society or bank mentioned in clause (e).'

"I am sorry I cannot accept this even up to that much. My main difficulty is this: I am unable to see the meaning of the expression 'if the said assignment be of a loan granted by a creditor other than a co-operative society.'"

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MR. SPEAKER:—"Does Mr. Basheer Ahmed want to speak?"

MR. BASHEER AHMED SAYEED:—"Yes, Sir, having reserved my speech, I want to exercise that right. The Hon. the Prime Minister seems to have some technical objection to a lacuna there."

THE HON. MR. C. RAJAGOPALACHARIAR:—"That is not right, Sir. I have objection to any complicated thing like this which is still not understood by many of us."

MR. BASHEER AHMED SAYEED:—"If the Hon. the Prime Minister would kindly concede that the converse of the case contemplated in the present proviso has to be provided for, then we don't mind the amendment being drafted by him and placed before the House. I have not the least objection and my friend will not have any, to that course. All that I want now is that the converse of such a case as is now provided for in the present proviso requires some consideration and that a suitable provision should be put down in the Bill. If the Hon. the Prime Minister will say that he will examine the question and have such a proviso put in, we have the least objection."

MR. SPEAKER:—"But the Prime Minister says that the proviso is ununderstandable to him."

MR. BASHEER AHMED SAYEED:—"What I am submitting is that there is already a proviso in the Bill. The converse case to that will certainly arise. That is conceded. In such a case, a proviso must be inserted for it. If that is accepted now, then at a later stage, a suitable amendment may be put in. If only the Prime Minister can say that he will examine the point and bring in a suitable amendment later on, we will be satisfied."

MR. SPEAKER:—"But the Prime Minister does not accede to that request."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I am sorry, Sir, that even if I were willing, I would not have the physical ability to act as a draftsman for the Opposition." (Laughter.)

MR. SPEAKER:—"I shall now put the amendment to the vote. But before doing so, I wish to tell hon. Members that they should exhaust all their arguments in one speech. The rule that a member should speak only once is being offended against very largely. One Member should make only one speech on an amendment and exhaust all he has to say on it even then."

"I now put the question to the vote. The question is that the following new proviso be added to sub-clause (e) of clause 4:—

'Provided also that where the said liabilities arise by reason of an assignment by the co-operative society or bank, such assignment has taken place before the 1st October 1937, if the said assignment be of a loan granted by a creditor other than a

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co-operative society or bank mentioned in clause (e) or is an assignment by a co-operative society or bank of a loan granted by a co-operative society or bank mentioned in clause (e) '."

The amendment was put and lost.

Clause 4, as amended, was put and carried.

Clause 5.

MR. SPEAKER:—"The question is that clause 5 be taken into consideration. (After a pause.) There being no amendments, I shall put clause 5 to the vote."

Clause 5 was put and carried.

Clause 6.

DIWAN BAHADUR A. APPADURAI PILLAI:—"Mr. Speaker, Sir, I beg to move the amendment that stands in my name, viz.,—

'Insert the following proviso to clause 6 of the Bill:—

"Provided that nothing herein contained shall prevent a son or other descendant of a non-agriculturist becoming an agriculturist on his own responsibility, within the meaning of Section 3 (ii), notwithstanding the provision contained in section 9-A '."

"My reason is simply this: this clause seems to imply the dictum, 'once a non-agriculturist, always a non-agriculturist.' I should very much like that that disability on the descendant or son of a non-agriculturist is removed. The idea underlying the Bill is that as far as possible, *bona fide* agriculturists should stand to benefit by the provisions and that non-agriculturists should not come under the purview of the Bill. Sir, we have sufficient safeguards in the provisions of the Bill already passed by this hon. House to prevent non-agriculturists benefiting by this measure. For instance, we have the provisos (A), (B), (C) & (D), under clause 3; and we have also the foregoing section, section 5, which states that in the case of an undivided member of a Hindu family who comes under the disqualification laid down under the provisos (A), (B), (C) & (D) of clause 3, he ceases to have the benefit of debt relief. When sufficient safeguards have been thus provided, I see no reason why the son of a non-agriculturist should be excluded, if he ventures to take to an agriculturist's life. That question becomes very important in view of the fact that we have been advising the younger generation to go back to the land. The question of unemployment has been looming very large before our eyes and in season and out of season we have been advising our young men to go back to the country and to help in rural reconstruction, and if possible to take to agriculture. Sir, if the son of an agriculturist takes a profession in a town or city which makes him a non-agriculturist, his son or descendant ought not to be placed under a ban if he is in a position, or if he makes up his mind, to eke out his livelihood by agriculture. I am con-

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cious of the fact that a time-limit is prescribed under section 9-A. Section 9-A purports to say that in the case of an agriculturist who does not hold any interest in any land on 1st October 1937 or a lease or sub-lease, can never become entitled to the benefits of this Bill. There is that provision already. So, I would plead that this ban placed upon the son of a non-agriculturist for ever might be removed. It looks as if we are defeating the very good counsel that we are giving the younger generation. Granting that a father becomes a non-agriculturist and he comes under the disqualification prescribed in the Bill, why should the son be responsible for that? It is hard, Sir, to visit the sins of the father on the heads of the children. That is my contention. I would therefore like that this new proviso be added to clause 6 which would secure the objects I have in view. I have taken care to say, Sir, that 'notwithstanding anything contained in clause 9-A' a non-agriculturist, if he ventures, out of his own accord and on his own responsibility, to be an agriculturist, he might be allowed to do so."

Mr. B. Bakthavathsalu Nayudu seconded the motion.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"It is necessary for me to tell the hon. Mover of the amendment that he appears to have wholly misunderstood the section. There is no such difficulty or disability as is referred to. Let me just explain, in spite of time being precious. Clause 6 deals only with undivided Hindu families—that should be remembered. The only provision that it makes is this: that in applying the provisions of scaling down to undivided members, questions would arise whether when one is a professional who is excluded from the operations of the Bill, another member of the family who is not a professional but is an agriculturist should be included—such questions would have to be solved. In dealing with such questions, children are made to take the status of their fathers in an undivided Hindu family consisting of many brothers, each one of whom has children. When the father who is an income-tax payer is excluded from the benefits of the Bill, his sons cannot claim any benefit. It is only for that reason that clause 6 has been provided for here.

1-15 p.m. "All that is necessary; and I do not think the hon. the Mover of the amendment wants that to be changed. It does not provide any rule by which a son or a grandson of a non-agriculturist should not be prevented from purchasing land or settling as an agriculturist anywhere in the country. It does not. As regards reference to the benefits of the Bill, the benefits of this Bill cease with his status as on 1st October 1937. It is not intended that for all time the debts should be scaled down in this manner. It is only once that the debts are scaled down. There is therefore no grievance. I therefore submit that the amendment is really unnecessary."

DIWAN BAHADUR A. APPADURAI PILLAI:—"I beg to withdraw the amendment."

The amendment was withdrawn.

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* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I submit, Sir, that leave of the House has not been sought for withdrawing the motion."

MR. SPEAKER:—"Even if one member objects to the withdrawal of the amendment, the amendment will be put to vote."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Yesterday, it was specifically asked of the Leader of the Opposition in respect of an amendment of his, whether he had the leave of the House to withdraw his amendment."

MR. SPEAKER:—"At that time one member objected to the withdrawal of the motion and therefore it had to be put. That was the situation yesterday."

Clause 6 was then put and carried.

Clause 7 was then put and carried.

Clause 8.

* MR. R. M. PALAT:—"I move, Sir,—
'that clause 8 be omitted.'

"This is an extremely drastic and exproprietary measure, because persons who have actually collected interest and even those who have paid income-tax on such collections are made to reaccount and so refund the money they have received. I say that it is most unfair to re-open accounts. Sir, this principle of damdupat as laid down in the section is carried to a far greater extent than it was ever contemplated by the law in India. Even the provisions contained in the original Bill have been modified for the worse by the revised Bill. If usurious rates of interest are charged, there is always the Usurious Loans Act as remedy. It is also possible that many of these people have borrowed money in order to lend it to other agriculturists. So, Sir, the principle applied here cannot at all be defended and it will only impoverish these individuals for no fault of their own. I therefore commend my amendment for the acceptance of the House."

MR. G. KRISHNA RAO:—"I beg to second the amendment, Sir."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I do not think I can say anything more about the amendment now proposed, than that it is the one question before us. All that I have said in moving the Bill and all that I have said in supporting the principle of the Bill during the various amendments, have to be repeated by me on this omnibus and fundamental motion that clause 8 be deleted. If clause 8 is deleted, of course it will be seen that the whole Bill has to be struck out and there will be nothing left, so that I need not take up the time of the House except for saying that it is merely in opposition to the whole Bill that this amendment has been proposed. If it is intended only to make a distinction between clauses 8 and 9, perhaps I might add this, that it is necessary to deal with very old debts, more necessary to deal with older debts, than with new debts."

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* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, Sir, the object of some of us in urging upon the House to omit this section is not that we do not agree to any scaling down of the pre-depression debts, but we object to the manner in which the pre-depression debt is sought to be dealt with by these sections. This is the parliamentary way of the Opposition to tell the Government if they do not like any provision of this sort and if it is found difficult for the Government to accept the rejection of this clause, we expect the Government to come forward with a proper amendment of the same. It is with that view that we propose the entire rejection of the clause because it is absolutely bad in principle and it is not just either in law or equity and I shall not develop the legal points; I will be foolish if I attempt to do so in the presence of eminent lawyers present here including the hon. the Advocate-General. I would here only make a suggestion in this case, but I am not to be understood as making any plea on behalf of the pre-depression creditor that he should get interest; on the other hand, I would say that no interest be paid to him, at least the remaining principal should be paid to him and the law of damdupat in the proper sense of the term should be applied and not in the novel manner which is sought to be applied now. I would even go to this extent. I would say that the House should agree to give the pre-depression creditor at least the capital irrespective of the arrears of interest. It is in this view that I oppose this clause and suggest the rejection of it. If Government would accept this, I have no objection to their coming forward with a proper amendment of the same. I agree with the Hon. the Premier that this is the most vital point in the whole Bill and if this is interfered with, it might interfere with the entire structure of the Bill, but I may point out that it is the clamour of the public to-day that the structure of the Bill is bad and that it should be modified and that a new structure has to be brought in its place. I would only end by saying, it is never too late to mend."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I do not deny the right that the parliamentary machinery can be used in every possible manner in order to raise a protest against a measure and it is therefore quite right for the hon. the Leader of the Opposition to say that he has a legal right to make this amendment in order so to say, to pass a vote of censure on the whole measure. That is why I said I need not speak long. It is not as if I deny him the right. All that I say is, I am glad that the Leader of the Opposition—not only he is the Leader of the Opposition but I think he may be taken to be the representative of all those interests that are opposed to this Bill—has conceded that he would go to the extent of saying, that, with regard to pre-depression debts, he is strongly of the opinion that no interest need be demanded at all. I am so glad he has made this important concession, because I think it will set at rest much of the opposition that has been raised to the Bill. But, I want the Leader

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of the Opposition also to logically follow up his own concession; I do not want him to concede with one hand and to take it away with the other hand. I am not so illogical as to demand further concessions, but I only demand the logical corollary of the concession, that if in respect of pre-depression debts it is right that only principal should be given and no interest ought to be demanded, I claim, Sir, if a man has paid the principal and has also paid an equal amount of the principal by way of interest, it is not equitable now in respect of the same pre-depression debt to demand any further amount; and that is the only thing that this Bill seeks to lay down. If it is heartily conceded, if it is really conceded that the pre-depression debtor is in such a position, I think he ought to be asked to pay only the principal, and if that had been paid nothing more at all. The mere fact that he has already paid twice the amount of principal should not be a reason to demand from him any further exactions. I submit that it has pleased me so very much to hear the remarks that were offered by the hon. the Leader of the Opposition. It goes substantially to ease my legal conscience; it goes substantially to make me feel that I have not done wrong in placing this Bill before the House. I submit that on this fundamental amendment the House should give its verdict based on the strong lead that it has received from the hon. the Leader of the Opposition." (Loud laughter and cheers.)

The amendment was put and lost.

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Sir, recently there was an article in the *Madras Mail* from Dr. Thomas which fixed the slump period as 1932 and I bow to his expert opinion and do not move my amendment No. 120."

"Sir, I move—

'For sub-clause (1) of clause 8, substitute the following:—

"Interest shall be calculated up to the commencement of this Act at the rate applicable to the debt under the law, custom, contract or decree of court under which it arises or at 4 per cent per annum, simple interest, whichever is less, and only such amount as is found outstanding for principal or interest calculated at such rate shall be deemed payable".'

"I must confess by stating that the speech made by . . ."

MR. BASHEER AHMED SAYEED:—"May I rise to a point of order? My amendment which is No. 125 ought to precede the amendment of Mr. Pannirselvam because it relates to an earlier portion of the clause."

MR. SPEAKER:—"Mr. Pannirselvam wants the whole sub-clause to be omitted and another substituted instead. So I think Mr. Pannirselvam's amendment is in order."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"May I suggest that we rise now and re-assemble after lunch at 2-15?"

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MR. SPEAKER:—"Can we not adjourn at quarter to two and re-assemble at 2-30?"

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"It would be rather late. There are some Members who have not yet taken their mid-day meal. For them, two o'clock will be rather late."

The House rose to meet again at 2-15.

After Lunch (2-15 p.m.)

Discussion on the amendment of Rao Bahadur Sir A. T. Pannirselvam was resumed.

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Mr. Speaker, I have very little to say. Somehow, I am not able to reconcile myself to anybody being asked to completely forego what he has rightly been under the impression of being entitled to, and that, without even a notice that their interests are likely to suffer. You have let them advance money at a certain rate of interest, you have allowed them to enter into contracts on a certain basis and as such, non-interference would be the proper course to adopt, unless you find that the transaction is really unconscionable or usurious. If, under the particular circumstances that prevail now, interference is called for, let it be to as limited an extent as possible. I would not even lay stress on the four per cent. I should be perfectly satisfied if it is reduced to even three per cent; but let there be something given to them as a sort of solace for the larger sums they might have been reasonably expecting. On this main ground, I urge the acceptance of the amendment. I should also like to point out that distinction has been drawn between debts incurred before 1st October 1932 and those incurred after that date. Let us make some provision for interest at least subsequent to that date on amounts advanced prior to that date. Just because the debt was advanced before 1st October 1932, we put it in one category and deny to that category the little advantage that we allow to those that were advanced after 1st October 1932. There may be so many cases where the amounts were advanced much earlier than 1st October 1932 and interest allowed to accumulate for reasons which are not at all bad and which have been specified by other speakers times without number. I submit, Sir, that to deny interest to such cases would be unfair."

The amendment was duly seconded.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"This amendment also goes to the root of the matter by which the method adopted in the Bill is not approved and it has been suggested that instead of scaling down in the manner suggested in the Bill we have to calculate as if the money had been borrowed at the rate of 4 per cent and make the calculation now on every liability and only such amount as is outstanding on that basis should be deemed payable. The amendment does not provide that, where more amounts have been paid by the

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creditor, it should be given full credit or credit for interest. The amendments steers clear of the question of what should be done in case of over-payments, whether they should be given any credit at all, whether they should be credited to the principal, for interest or for both. The obvious intention seems to be that, calculated at this rate, if any amount is outstanding, it shall be recovered, if not, no refund or no credits on either side are allowed. I submit that this would not work to the advantage of either side in most cases, because it would leave a feeling that interest has been reduced but one has already paid much more and no credit is given. If an account were to be taken and credit is to be given, it would put the creditor in a worse position in most cases. Therefore, Sir, I am sorry that I am not in a position to accept the amendment."

The amendment was put and lost.

MR. T. T. KRISHNAMACHARIAR:—"Mr. Speaker, I would with your permission move items Nos. 124 and 126 which stand in my name, because they relate to the same sub-clause."

MR. SPEAKER:—"Mr. Basheer Ahmed may not move his amendment because the amendment which he has given notice of (item 125) is similar to Mr. Krishnamachari's amendment."

MR. BASHEER AHMED SAYEED: "They differ in some respects. The amount of interest is not the same."

MR. SPEAKER:—"They are similar amendments and Mr. Krishnamachari will move his two amendments."

MR. BASHEER AHMED SAYEED:—"I am sorry, Sir, I was thinking of item 127."

* MR. T. T. KRISHNAMACHARIAR:—"Sir, I move in clause 8, sub-clause (1)—

"In lines 1 and 2, for the words and figures "outstanding on the 1st October 1937" substitute the words and figures "payable in respect of the period prior to the 1st October 1932."

"In lines 7 to 10, omit the words beginning with the words "and only" and ending with the words "on that date."

"In line 7, for the comma after the words "deemed to be discharged" substitute a fullstop and add the following:—

"Interest payable from 1st October 1932 up to the commencement of this Act shall be calculated on the principal or such portion of it as may be outstanding, at the rate applicable to the debt under the law, custom, contract or decree of court under which it arises, or at 5 per cent per annum simple interest, whichever is less, and only such amount as is found outstanding for principal and interest calculated at such a rate shall be deemed payable, provided full credit shall be given to the debtor for the sum paid since 1st October 1932,

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and payments made for interest in excess of the amounts due as calculated at the above rate, shall be credited towards the principal."

"The principle of the amendment is just the same as in the subsequent clause; but with this distinction that interest is allowed on the debts from 1st October 1932 at the rate of five per cent per annum simple interest. According to the present form of the Bill, all arrears of interest on loans contracted prior to 1st October 1932 are wiped off. But the object of this amendment is to wipe off all arrears on 1st October 1932 and from that date calculate interest at five per cent per annum simple interest credit being given in respect of any amount paid in excess of this calculation. I am not exactly able to understand the significance of the date 1st October 1932 and why for debts incurred before that date, interest outstanding on 1st October 1937 should be wiped off. Probably, I am sure if an investigation is made, the balance of advantage would be in favour of my amendment for any amounts in excess paid during the last five years will be given credit to even as against the principal. I do not know if I have made myself clear to the party in power. My submission is that this will be more advantageous. If they give some consideration to this, they will see that the balance of advantage is in favour of treating all debts after 1st October 1932 on the same basis and give credit to any excess sum paid by way of interest towards the principal and interest."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, because of my reference to the fact that interest is not as serious a matter as the capital, I shall not refrain from supporting this amendment and I shall prove to the Hon. the Premier how I am able to make out a beautiful case for the amendment of my hon. Friend representing the Southern India Chamber of Commerce. If they want us to be properly understood, the best thing would have been for the Premier to have a few other Members along with himself to draft the Bill. But then they may retort that they know the art of Government and that they do not want our assistance. But I say that when my support is wanted my suggestions also should be taken together. There may be, of course, several good points in a Bill though one may be opposed to the general structure of the Bill. If it is an agreed measure there would be nothing here to fight about."

"The most important point that I wanted to mention is, that it is very unjust to completely wipe away the principal. I would illustrate the point. A villager whose total asset is Rs. 3,000 lent to five persons. If the transactions are all to be reopened as it is proposed in this Bill and if it transpires that all the loans were taken long before and represent renewals, he will not be in a position to recover any money. And you are not able at the same time to give any moratorium to enable such a person not to pay his creditors. That is why I say that this amendment is defective. It might have been righted in one way, that is, by removing the main objection to this Bill

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that no upper limit has been fixed. If it were done everything would be easy. Without it, it will only help the richer debtor as against the poorer creditor. So, I wish to second the amendment which has been moved by my hon. Friend.

"Sir, it has been agreed by the Select Committee that interest should be given for the period from 1932 up to now. If a loan that was advanced in 1932 could bear interest for five years, should not a loan prior to that date be given interest at least for a total period of five years even though the loan might have been in existence for 15 years? This is the minimum we are asking, and after all we are only asking the Premier to apply the same logic which he applied with regard to another clause."

MR. BASHEER AHMED SAYEED:—"Sir, I rise only to speak on amendment No. 125, of which I have given notice. No doubt, Sir, in the original Bill, as it was introduced in the Assembly . . ."

MR. SPEAKER:—"What is it you are moving?"

MR. BASHEER AHMED SAYEED:—"The scheme of my amendment No. 125 is identical with the amendment No. 124 just moved. So I would like to speak on my amendment No. 125."

MR. SPEAKER:—"Yes, go on please. You will speak on amendment No. 124. So amendment No. 125 goes."

MR. BASHEER AHMED SAYEED:—"Yes, Sir. The fundamental idea underlying amendments Nos. 124 and 125 is the same. In the Bill originally introduced, there was no distinction between pre-depression debts and post-depression debts. Now the Hon. Premier has sought to make this distinction, and this has caused a lot of discontent in the country; and I dare say the Premier would have received memorials, memoranda and leaflets on this score, and thus would be conversant with the agitation that has been going on, on account of the differentiation made between the two kinds of debts. Therefore, I say that we should do away with this distinction. After all they are also debts, and so no distinction should be made."

"Then, Sir, with regard to the date, there is a lot of trouble, there is a lot of difference of opinion, and one particular date should be fixed without any injustice to all creditors and debtors. This fixation of 1st October 1932 is only an arbitrary fixation of date. Government have changed their original proposal of 1st October 1937 to 1st October 1932 now. There is neither rhyme nor reason for this change. It is merely arbitrary; for there is a great deal of difference of opinion with regard to the exact time of the commencement of the depression period. I should not be construed in this amendment to plead the cause of creditors. My amendment is conceived in the interests of the debtors, so that all debtors might have the benefit of this clause. I therefore submit that this is a very reasonable amendment, and I commend it for the acceptance of the House."

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MR. T. T. KRISHNAMACHARIAR:—"Sir, I rise to move—
'that sub-clause (2) of clause 8 be omitted.'"

MR. BASHEER AHMED SAYEED:—"Sir, I have given notice of amendment No. 127, and I wish to move it."

MR. SPEAKER:—"It is almost the same as amendment No. 126 of Mr. T. T. Krishnamachariar."

MR. BASHEER AHMED SAYEED:—"No, Sir, there is some slight difference."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Let me explain the position. Amendments Nos. 124 and 125 are identical. And amendments Nos. 126 and 127 are almost the same except for this difference, that while Mr. T. T. Krishnamachariar's amendment begins with the year 1932, as the date from which interest is to be calculated at 5 per cent, Mr. Basheer Ahmed proposes on the same basis to give $6\frac{1}{4}$ per cent, following the principle of the post-depression plan in the present amendment. It is only a slight difference. It is that we should proceed as though this Bill had been passed in 1932 and then make calculation on that basis. If the amendment is to be moved then there will be only a formal discussion and the amendments would have to be voted upon."

MR. BASHEER AHMED SAYEED:—"The Premier, no doubt, is right, Sir, but it makes a difference all the same. After all, it is a matter . . ."

MR. T. T. KRISHNAMACHARIAR:—"For the information of the hon. Member I may say, when the head is actually lost, afterwards amendment No. 127 is meaningless." (Laughter.)

MR. BASHEER AHMED SAYEED:—"Sir, if this had been raised beforehand I would not have confined myself to amendment No. 125; I would have spoken also on amendment No. 126. Sir, if you would only permit me, I would show how my amendment is important, because this clause refers to two principles."

MR. SPEAKER:—"I do not want a speech on this. Both the amendments are substantially similar, and as such we cannot open the ground upon a similar amendment. So I would suggest to the hon. Member not to press his amendment."

MR. BASHEER AHMED SAYEED:—"Sir, I think I shall move it and then it can be voted down."

MR. SPEAKER:—"The claim is not upheld."

MR. BASHEER AHMED SAYEED:—"I submit."

MR. T. T. KRISHNAMACHARIAR:—"Sir, actually amendments Nos. 128, 129, 132 and 133, all the four, form part of the same subject;

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they refer to sub-clauses (2) and (3), which really deal with one and the same subject. So they can be taken together. For one wants to omit a sub-clause and the other wants to substitute another sub-clause."

MR. SPEAKER:—"May I take it that Mr. Palat does not wish to move his amendment?"

MR. R. M. PALAT:—"I do not move the motion."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I think it will be better for the hon. Member to confine himself to amendment No. 128."

THE HON. MR. C. RAJAGOPALACHARIAR:—"No, in order to minimise the debate so that a consolidated reply may be given, it is better to take all the amendments together."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I think it is not possible, because I have given notice of amendment No. 130."

MR. SPEAKER:—"Amendments Nos. 129 and 130 are identical."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Amendment No. 128 opposes the damdupat principle altogether, while amendment No. 130, of which I have given notice, accepts it and wants to substitute another clause."

MR. SPEAKER:—"Sir Pannirselvam may be given an opportunity to speak on the motion of Mr. T. T. Krishnamachariar."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I have no objection. It will take only a short time with regard to my amendment."

THE HON. MR. C. RAJAGOPALACHARIAR:—"May I submit, Sir, that surely the mover of amendment No. 132 may speak on it even now. But we cannot have the mover of another proposition beforehand."

MR. T. T. KRISHNAMACHARIAR:—"I beg to move, Sir, to omit sub-clause (2). I also move, Sir, that—

'for sub-clause (2), the following be substituted:—

"In cases where any debt of an agriculturist bore simple interest at a rate higher than 9 per cent per annum or compound interest and the agriculturist has paid to the creditor twice the amount of the principal of the loan whether by way of principal or interest or both before the 1st October 1937 all amounts outstanding in respect of such debt including the principal shall be deemed to be discharged."

"Sir, actually there is nothing new in this amendment. Sir, this principle of damdupat, or, as the Select Committee calls it, this principle 'compendiously described as the damdupat principle' contains nothing new, though the leading jurists of this province do not choose to call it by that name. The damdupat principle according to their contention is something altogether different. It is rather a

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serious thing if it is going to be applied irrespective of the rate of interest. The point is, there is no principle attached to it. As a matter of expediency, the Government may want to give relief to a certain type of debtors. They may say that, wherever interest has been charged at a very high rate the debtor should have benefit if he has paid twice the principal. I do not know if the Government will throw back their minds and ascertain why people have gone in to lend to the agriculturists. People are aware of what happened in 1907 after the failure of the Arbuthnots when banks became unsafe and when there were few other means of investment except perhaps on house property in cities. When the middle class families, lawyers, Government servants and their dependents chose this safe investment, they little knew that Government, coming to office later, in the year 1938, was going to wipe off the whole thing by a sledge hammer. And most of those people had lent money at 7 per cent, 8 per cent and 9 per cent. If really they had lent money at exorbitant rates of interest, there will be justification for treating them in a different manner. Quite a number of people—widows and orphans about whom there was mention this morning—quite a number of families are dependent on the income from such investments. If the Government will think of what has happened from 1907 onwards when the middle class people with Rs. 10, 20, or 30,000 rupees with them went to agriculturists and mirasidars and told them 'Will you have my money' they will not say it is the case of the creditor being harsh on the debtor and all that. It is a case of the creditor going with folded hands and saying 'Take my money and oblige me with a small interest.' He would often have stood at the door of the debtor and waited for one or two days to collect the interest due. Actually, at one time, when I was not an earning member, I was myself dependent on a small income derived from an investment with an agriculturist at $7\frac{1}{2}$ or $8\frac{1}{4}$ per cent. The investment in banks was at that time considered to be unsafe on account of the failure of the Arbuthnots and so every one began to invest in agriculture. There is undoubtedly justification, and expediency will justify the Government case, to wipe off the principal where usurious rates of interest prevailed up to the end of 1929, which according to my information and knowledge was the pre-depression period. It was the acknowledged reasonable rate of interest, however much it may be stated that agriculture cannot bear 9 per cent interest. It is a common rate of interest and people have felt that 9 per cent was reasonable. We have to put ourselves in the position of people in the pre-depression period to understand their mentality. You cannot now legislate for that period when you have advanced ideas of these obligations and more advanced ideas are coming into being, when the Socialist Governments all around us are telling us what sanctity of property is. I will also use a phrase employed by the hon. the Mover that there was sanctity for principal and no sanctity for interest. I say, Sir, that sanctity for principal has got to be maintained if there

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is going to be any sanctity at all and if it is not going to be merely a consolation to one using certain words. I think the Government's original idea was the best and reasonable. I am merely dropping the other amendment of mine asking the House to omit this sub-clause (2) altogether. I merely ask the Government, by means of this amendment, to restore what the Select Committee, without proper consideration, dropped."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Sir, I rise to second the amendment to omit sub-clause (2) and forego my right to move my amendment to substitute another sub-clause for this sub-clause.

"Sir, during the past few months, ever since the introduction and publication of this Bill, the word 'damdupat' has been dinned into our ears times without number. But what exactly the 'damdupat' is nobody seems really to understand. Eminent lawyers seem to think that it would be a misnomer to call what has been proposed by the Hon. the Premier as 'damdupat.' Anyway, Sir, when was it promulgated and by whom? Probably it existed at the time of Manu centuries and centuries ago for societies which then existed and for conditions which then prevailed. Now, Sir, after 3,000 years, we recall that word 'damdupat' and apply it to certain classes of transactions which probably were never contemplated by the law-giver Manu. It seems to me to be revolting to all principles of society that we should, by one stroke of the pen, deprive—it may be just one individual here or one individual there, even then—deprive, by one stroke of the pen, a man, of his belongings, and reduce him from comparatively comfortable circumstances to absolute penury, from probably a fairly well-to-do position to the court of insolvency. Hon. Members might remember the article that was contributed to the press by Mr. T. R. Venkatarama Sastri wherein he has cited one or two cases. These are but a few out of many.

"Times out of number, amendment after amendment, the Hon. Premier has got up and treated with one little word about his being in perfect sympathy with the people for whom the amendments plead and accepted in principle what we have been contending for, but he has concluded by saying that it will be difficult to suit all circumstances and that it will be very difficult to so word the section as to suit all these cases. But, Sir, it seems to me that it is our duty to do so. That is why we are suggesting that the Bill should again go to the Select Committee to meet all hard cases and to try and see that we do not do any positive injustice to people. It seems to me therefore, Sir, that this sub-clause (2) should not find a place in any piece of civilized legislation."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"The amendment that is just now under consideration is to omit the whole of sub-clause (2) though the other proposals of the hon. Member for Commerce have

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also been spoken about. I do not think that I need speak over again if I follow the path pursued by Mr. T. T. Krishnamachari in dealing with the whole thing together.

"I submit that the proposal to delete sub-clause (2) amounts to this, that we should not adopt any relief measures even though an agriculturist debtor has paid twice the amount of what may be called the principal which he borrowed from the creditor. Acting on the assumption that agriculturists do need this relief, it seems impossible to accept this suggestion that, even, if those men are in difficulties and have paid twice the amount which they have borrowed, all those payments should be ignored. I submit that it cannot on the face of it be a correct principle. It is one thing to refuse to set aside the law in any manner and it is another thing if you proceed to set it aside in favour of a man in distress. We should at least consider that the man who has paid twice the amount as I have already pointed out stands most in need of our help and relief. That he should still sell out his cattle or stock and try to pay what may still be legally due under the terms of the contract does not seem to be a proposal which is consistent with the principle with which we started.

"The principle of damdupat, which my hon. Friend says is not understood by anybody, is yet understood by everybody. It is true that anybody may not be able to enunciate what exactly the damdupat principle is which the old lawyers accepted and worked and which has not been worked for many years now. People may not be able to enunciate it, but at the same time let me take my friend to any village to a man who does not know to read and write and let me put the question to him in the presence of witnesses: 'Sir, if a man has borrowed money and if he has paid that much and also that much over again for interest is it right to excuse him from any further obligation.' I say and I claim that all of them will raise their hands and the reply will be 'Yes, it is right.' And what about the document? The document the man might have executed, but you should really help him out of the document. But of course, Sir, I only make an assertion. My hon. Friend can say that it is not so. People will say in the countryside, even if A has paid twice the amount which he borrowed from B he will be entitled under the old Act to get back whatever is due under the bond. That has been enacted in a drama in the Merchant of Venice. But it is not in the genius of our people to accept such a position. I claim that though it cannot be enunciated by the literates of our nation, it is a part of the culture of our nation and must be accepted now if you want to revive the nation. Those principles embodied in amendments 129, 130 and so on, go on this basis that if a document put forward a claim on the basis of 9 per cent or less it is to be considered as non-usurious or it is to be considered in a different way.

3 p.m. "Whereas in the other case, you may proceed in the manner contemplated in the Bill. I submit that my friends on the other side

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might perhaps consider that the amendments which have now been introduced by the Government have not been considered by us properly. On the other hand when the Bill was published, the various clauses of the Bill were canvassed, criticised and examined and these amendments which have been introduced in the Bill have been introduced as a result of the numerous objections which were raised either by the creditor or the debtor. It should not be thought that the amendments which the Government have introduced have not been subjected to a severe scrutiny or nobody has criticised them, to the extent to which the original Bill has been criticised. The real question is, to examine and see whether the amendments introduced by Members opposite really make a substitute superior to the Bill which has now been proposed. The position is this: under the present civilization, we are prone to think that the property which is owned in the shape of a debt which is due to the creditor is something very important, because it comes under the anvil just now. What happens to the property which the debtor owned and out of which he paid interest? I submit it will be seen that there is not after all so much difference between the proposals made by the Government and the proposals that are made in the amendments, and there is not, at any rate, so much difference as to render them superior to the regular measure. Again the principles that are involved in the proposals are themselves a matter which might be deemed to be objectionable. But on the whole, having taken all these things into account, the Select Committee approved of the clauses as they have been introduced and I take that as a sufficient justification for the Government to have introduced these clauses as they have been introduced.

"The hon. the Leader of the Opposition said that if we could sit together and forge a Bill after having come to an agreement with the Government, it would be better. Certainly it would be better. But I say I have done something short of it in that direction. Members of the Opposition and ourselves did sit together. The Members of the two Houses sat together and we did forge a Bill and I hope I have done nothing wrong so far as these points are concerned. We differed on some other matter. We discussed some other matters. I may claim that so far as Government proposals are concerned, the Joint Select Committee did not find at least enough reason to object as to even put down counter proposals. On these grounds I would request that the House should accept the clauses as they stand and reject the amendments."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, Sir, may I know whether you are going to put all the amendments together or one by one."

MR. SPEAKER:—"I am going to put amendments Nos. 128 and 129; amendment 130 goes."

* RAO BAHADUR SIR A. T. PANNIRSELVEM:—"I have my right to speak on amendment No. 130."

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* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I shall reserve my right of speaking when amendment No. 130 is taken up for consideration."

MR. SPEAKER:—"I hold that amendments Nos. 129 and 130 are one and the same."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Then I claim my right to move No. 130 and speak upon it."

MR. SPEAKER:—"Is it fair for the hon. Member to do so? The hon. Member will see that he has spoken on No. 129 and the Leader of the Opposition claims to speak on No. 130."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I have not spoken on No. 129. When I spoke on No. 128 I said that I reserved my right to speak on No. 130."

MR. SPEAKER:—"I hold that No. 129 and No. 130 are substantially similar amendments."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"When I said I reserve my right to speak on No. 130 the Hon. the Speaker did not say anything at all."

MR. SPEAKER:—"I allow you now to speak."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Sir, I am prepared to accept your ruling that amendment No. 130 is substantially the same as No. 129, though not identical. I would submit what I have already said when speaking on No. 128, viz., that amendment Nos. 128 and 129 run on diametrically opposite principles. No. 129 accepts the principle of damdupat. But how could it be applied to No. 130, though the latter also accepts the principle of damdupat in a slightly different form?

"Sir, we have been treated by the Hon. Premier to a considerable amount of what I may call—in no spirit of offence, in fact in a spirit of admiration—feats of verbal acrobatics. As far as No. 130 is concerned I shall confine myself to the arguments that have been placed before the House in support of the original proposals."

MR. SPEAKER:—"No. 130 is not before the House."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"All right, Sir, No. 129. I will confine myself wholly to the remarks made by the Hon. Premier with reference to the Bill as originally proposed, because amendment No. 129 seeks merely to resubstitute what is contained therein in place of sub-clause (2) of clause 8 of the original proposals. The Hon. the Premier speaking in the Congress House stated that the Bill was not going to affect wise and sound investments. He stated that only in cases where money was lent in what may be called speculative manner at usurious rates of interest that he was going to apply the principle of damdupat and in cases where it has been safely invested at 9 per cent simple or compound interest the Bill was not going to be applied."

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"I may state for the information of the hon. Members and the Premier that there are numerous instances of people having advanced their money years and years ago at a very low rate of interest—which to-day may not be considered very low, but in those days was considered as extraordinarily low—say, 6 per cent, 7 per cent and not more than that. These moneys have been invested with big mirasidars who took such loans for the purchase of lands, or for needs of their own or for luxuries of their own, and they were paying interest regularly year after year just like if you deposit money in a bank, you can promptly collect the interest on your deposit. Some people invested their moneys with big mirasidars being absolutely certain that at the 12th month of every year they could get their interest. I have known instances where moneys had been borrowed in 1911, 1912 and 1913 and yet the creditor did not think of recovering his money at all, nor did the debtor think of paying his debt, not because he could not pay, but because he would prefer to keep this debt instead of borrowing money at a higher rate of interest elsewhere, or he thought he was making good use of that money at such a cheap rate of interest. So in those circumstances if the Bill were to be passed in the form in which it at present stands, it would simply amount to going back on what the Hon. Premier said when he introduced the Bill. This is what he stated:—

'Genuine investments would not be affected by the new measure. If a transaction represented an investment and if money had been lent at a rate of interest less than 9 per cent, it would be treated as investment, and though twice the amount might have been paid up on the date of the coming into force of the measure, the amount would not be deemed repaid. That was a proviso to the clause relating to wiping out of debts where twice the principal lent had been repaid. If the rate of interest be less than 9 per cent, principal would be due in any case, but if it was, say, 12 per cent, 15 per cent, 50 per cent and so forth, the matter would be examined in the manner provided.'

"These are the words which the Hon. Premier used and I would request him to carry out his words."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, Sir, the Government themselves in their own manner made several exceptions to the rule and wiped out the entire interest on debts incurred before 1932. They have made a distinction between pre-depression and post-depression debts. They have also made several other distinctions with regard to agricultural debts. All the same you will see even in the original Bill the object was to take into consideration the nature of the transaction and not the entire amount. It stated definitely that all transactions in which more than 9 per cent interest was charged or which were usurious should be regulated by an enactment and scaled down. In the various amendments that have been sent to this House by the Government, you will find that Government have gone back upon the old principle which was embodied in the Bill, viz., that all 9 per cent transactions should be exempted from the operation of the Bill. I therefore want the Hon. Premier to stick to that principle at least and nothing more."

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* THE HON. MR. C. RAJAGOPALACHARIAR:—"Mr. Speaker, Sir, I wish to submit that in all these arguments one thing has been forgotten, viz., that we had to treat these very old debts in a different manner from which we treat more recent ones. It is for that reason in the Select Committee a distinction was drawn between old and more recent debts and in regard to older debts a more drastic step was adopted, whereas in regard to more recent debts a more liberal step was adopted towards the creditors. With regard to the older debts the proposal now put forward by hon. Members opposite is to make a distinction between debts which were incurred at a certain rate of interest and debts which were incurred at a higher rate of interest. But as far as we are concerned, when the Bill was in the Select Committee, we thought that whatever might have been the rate of interest fixed, all those older debts should be differently valued from what they are now. There is another reason for treating them differently from more recent debts. It must be remembered that in the case of older debts we thought they should be finished up once and for all and they should not be recalled. But in the case of more recent debts which remain still due we have to find out a way by which we can do justice between debtors and creditors in regard to such transactions, because we knew they must differ very substantially in the present day valuation of money. Therefore it is no use of talking that a man lent his money at a cheap rate of interest and that he is not a bad man, and so on. That does not answer our purpose. The question we have to consider at present is this: the amount is still due and he has to discharge his burden. The weights and measures that we have to adopt now totally differ from the weights and measures that were adopted in those days with reference to the value of the land. Therefore it is that we have proceeded in this drastic way with very old debts though it may appear that they are being treated contrary to the accepted principles of law with regard to contract. My hon. friends on the other side said that we are adopting the principle of damdupat in a different spirit which did not indicate much respect for that principle."

3-15 p.m. "But I wonder why that principle was adopted in the legislation which was accepted by the then legislature so recently as 1936, when, if I remember rightly, the hon. Member himself was responsible for even a part of that Government at that time. The Debt Conciliation Act which is on the statute book recognized this principle in express terms. The principle therefore is not so bad or so rotten or so understandable as the words of the hon. Member might seem to suggest."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"That was conciliation but not coercion."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"If the principle was good enough, understandable enough and workable enough for conciliation by voluntary methods, the question now is whether such a principle which has been laid down in express terms

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should not also be enforced by a different kind of sanction. Though I admit that there is some difference between this Bill and the Conciliation Bill, if it is said that the principle is ununderstandable now, it is certainly different from the position taken up by the hon. Member when the Debt Conciliation Bill was before the House. It may be difficult either for conciliation or for legislation in this manner. But it is not an abstruse or understandable thing. Let nobody in the House be under the impression that we have tried to bring in an ununderstandable, obscure and antediluvian principle into being. It was a principle which was accepted and acted upon in 1936 by this very legislature. There is not therefore much point in making fun of it. It is a principle which our ancients respected and worked also and which I claim, is understandable."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I never thought of making fun of it. I only said that I differed from that principle if it was a principle at all. They are two different things."

The amendments of Mr. Krishnamachariar to sub-clause (1) were put and lost.

The amendment of Mr. Krishnamachariar to omit sub-clause (2) was put and lost.

The second amendment of Mr. Krishnamachariar to substitute another sub-clause for sub-clause (2) was put and lost.

* MR. T. T. KRISHNAMACHARIAR:—"Sir, I move that sub-clause (3) be omitted."

"I want to save those people who have not paid twice the amount of the principal by way of interest whom this clause deals with. This also gives me an opportunity of having my say after hearing the hon. Members who have spoken before me. The hon. Member, Sir Pannirselvam, spoke something about the principal of damdupat, about the Government view of the principal of damdupat as represented by the Hon. the Leader of the House both inside and outside the House. The Hon. the Premier said that the principle had been acknowledged in the Debt Conciliation Bill that was passed as late as 1936. Sir, people in this House cannot remember what happened here one month back. The very principle of sanctity of contract so far as the principal amount was concerned which was emphasised here, is not to be found now. How then do you expect Sir Pannirselvam who has been ailing for some time and is still convalescent to remember what happened in 1936 if the Hon. the Mover does not remember the brief words he uttered scarcely a month back. The memory of politicians is very short indeed and this is one of the grossest instances of such short memory that I have come across. It is said, Sir, that the Select Committee considered this and after exhaustive consideration decided to omit the provision which was found in the original bill. I am afraid, Sir, I am not convinced that there has been sufficiently weighty opposition in the Select Committee unless it be in the literary sense. I really cannot conceive how the

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opposition has committed itself to this principle when all of its representatives on the Select Committee voted for the bill to be referred back to the Select Committee.

"Sir, whatever might have been the motive for bringing forward this new principle of damdupat I cannot acknowledge that principle is right. That principle might have been sanctioned by Hindu law; it might have been more ancient than Manu, but it has not been put into practice in my experience and in the experience of those with whom I have discussed the matter. It has not been put into operation in villages. It might have been put into operation in villages in Salem but certainly not within my experience in the Chingleput district. There is no use of my stressing further this point. I merely say this: if you are going to accept the principle of damdupat where twice the amount of principal has been paid, by all means do it. But do not start reopening transactions where twice the amount of the principal has not been received. Do not extend the concession further. I say: drop this clause."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I second it."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I think that it was possible to move for the deletion of sub-clause (3) without some of the remarks that were made by the last speaker. But it is his right, hedged inside parliamentarianism, to give expression to what I consider to be not very courteous ideas. He seems to suggest by what he said, that this principle of damdupat is really too bad and I am trying to bolster it up and the only thing that a man of Chingleput could say was that a man of Salem might perhaps understand it but not a man of Chingleput. But, Sir, I think that that is not the level of debate that we should reach. This principle of damdupat is not taken from Salem. In Salem people are not so well read as in Chingleput. It is taken from the laws of Manu. It is not taken from South India at all. Manu was an All-India gentleman. This was not taken from one particular district in South India. I submit, Sir, once again that we should try to maintain a higher level of debate. I am sorry that I have had to say this, but I hope, Sir, that I have your permission to say this which it is not my inclination at all to say on occasions of this kind. The question really is this, Sir, and this point was raised subsequently and repeated, whether my observations on any occasion with regard to the sanctity of contract have been disregarded by me now in the present proposal. It has been urged, or at any rate insinuated, that I have broken my promise that principal would be respected. I never said that interest would be respected. I say it clearly once again. I said it even at the time when I referred to the question of the sanctity of contract. I said that we shall note and respect the sanctity of contract and that we would not note and we would not respect the sanctity of interest. That, I hope, will be remembered by hon. Members even though they seem to accuse me of want of memory in some regard. What shall we do with the principle of sanctity of contract and the

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principle that interest is not so much the same as contract that it should stand in the way of relief measures? What shall we do with a man who has paid twice the amount of what he took? In the very same connexion that I referred to the sanctity of contract, I said that in the case of a man who says he has paid twice the amount in front of a man who says 'You still owe me money according to the bond', there was no sanctity of contract which should be respected. And I say so again as a Hindu, as an Indian, and as an ordinary man not particularly attached to the traditions of any particular district.

"I submit, Sir, that the amendment should be rejected and it is not worth while to pursue further those amendments which are opposed to the general plan adopted in the measure."

The amendment was put and lost.

MR. R. M. PALAT:—"I beg to move the following amendment:—
'In line 7 of sub-clause (3), omit the words "whichever is smaller".'

"The reason for the amendment is that unless words are omitted it would cause great hardship to the creditor and it is only fair that the creditor should be able to recover at least the principal amount if he can do so."

THE ZAMINDAR OF CHEMUDU:—"I second it."

The amendment was put and lost.

Clause 8.

Explanation.

MR. T. T. KRISHNAMACHARIAR:—"Sir, I beg to move the 3-30 p.m.
amendment standing in my name:—

'Add the following new proviso to the explanation to clause 8:—

"Provided that no renewals before 1st October 1928 shall be re-opened under this explanation and in the case of any such renewal, the principal shall be the principal due on the last document of renewal prior to 1st October 1928."

"The moving of the amendment at this stage, notwithstanding the caution of the Hon. the Mover of the Bill is not advisable perhaps. But I want to raise the question of how far the re-opening of old debts is to go on. It cannot go on till the lifetime of the party concerned or of their immediate predecessors. I am quite willing to accept any date; but the date should be specified; on that principle I have proposed this amendment. Personally I should be satisfied if any date is fixed, even 1922. I think the date should be mentioned before which accounts should not be re-opened."

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MR. B. BHAKTHAVATHSALU NAYUDU:—"I second it."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, the object of this amendment is very very laudable. It should not be misconstrued in the sense that the amendment seeks to restrict the scope of the Bill. As a matter of fact, the amendment seeks to help the smooth working of the Act, if the Bill is actually passed by the Legislature. It has been brought to the notice of the House that this Bill is very complex. If it was simpler in character, there would be greater chances of its success in actual working. The Hon. the Mover of the Bill stated that he was not particular about the year. The Government may fix any year prior to the year suggested in the amendment, and the House would accept it. I still remember an earlier speech of the Hon. the Premier introducing this Bill where he stated that he did not want to increase the work of the courts. He wants a separate enactment. Quite true. The re-opening of old transactions is the weakest point of this Bill. If he could suggest a simple method by which he can help the agriculturist and achieve the object it would be the best. It is in that light that I want him to consider this amendment. If the year 1928 is not a proper period, let him suggest the year 1922 or 1920, any year which he thinks is reasonable. I would ask him to think of a particular year and then add to it a few years as grace, so that there may not be any measure of doubt. Let him think of a dividing line and let him add to it a few years as grace period. This is an amendment by which he can show his sympathy to the courts which he is going to set up, by lessening their work and for ensuring greater success to the measure."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I entirely appreciate the approach made by the hon. Member, the Leader of the Opposition towards this amendment. In spite of his having differed in regard to the main methods of approach to this Bill, he has been very helpful in dealing with this particular amendment. It is not a shylockian approach. I appreciate it particularly. I wish to submit this. It is just the kind of thing that should be left to the court that is deciding the case. It is a matter of evidence in most cases, as to what is the principal and what is renewal. It will be very difficult for the courts if we put a date down like this. With some experience of courts I submit that this should be left to the court to its discretion without limitation of date. They will be able to find out the value of oral evidence, correct evidence, false evidence and the like and deal with the case. After all, the courts have to go into written evidence and set aside oral evidence. That would be easier; it is wrong to fetter their discretion by putting an artificial year barrier; the clearest document, the clearest evidence which goes a few years behind, would be at a disadvantage. Later evidence about the so-called event without such clarity will be at an advantage. It is absolutely wrong, therefore, to take over what really belongs to the

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courts, by the Legislature. Fully appreciating the aim and the motive, I only submit that those with experience of courts will see the meaning of what I say. Just this sort of thing should be left to the courts. As a practical man I submit in 50 cases out of 100 it would be possible for the courts to bring the parties to an agreement under this Bill as to what is the principal, if they are given a free hand in regard to fixing the actual principal rather than fixing it according to the shylockian method. We must of course examine every improvement suggested. It is not in a spirit of opposition or stubbornness that I refuse to accept the amendment but for these reasons."

The amendment was put and lost.

Clause 8 was put and carried.

Clause 9.

Sub-clause (1).

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I beg to move—

that for the first sub-clause, the following be substituted:—

"(1) Interest shall be calculated up to the commencement of this Act at the rate applicable to the debt under the law, custom, contract or decree of Court under which it arises or at five per cent per annum simple interest whichever is less and credit shall be given for all sums paid towards interest, and only such amount as is found outstanding, if any, for interest thus calculated shall be deemed payable together with the principal amount or such portion of it as is due."

"The clause as it stood, meant to give credit to all payments not only towards interest calculated at 5 per cent but also towards principal, if the actual payment exceeded the amount even at 5 per cent. The present proposal which I make goes to make the position of the creditor better in saving the principal under any circumstances. The principal plus interest whatever the terms of the document may be, may amount—let us say—to Rs. 180. According to the proposal, 5 per cent interest only would be calculated and let us say that the amount due would be Rs. 120. If the debtor has paid Rs. 140 or Rs. 80, all these payments would be calculated not towards the principal and the interest taken together, leaving possibly less than the principal but only reaching up to the maximum of wiping off the interest. The principal would always remain due. That is to say, in regard to transactions after 1932, the present proposal seeks to maintain the principal that is due, apart from whatever amount was paid. This is a change worse for the debtor and better for the creditor. It is intended to save the principal under any circumstances.

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"The only other reason behind this change is that the circumstances with regard to borrowings after the year 1932 are different from the circumstances with regard to the borrowings before the year 1932 which are still pending. It also serves to remove certain anomalies between the contracts that were made near the margin of both sides of the year 1932; whereas under the provision as it originally stood, the person who borrowed before 1932 or in 1928 would have to pay the principal the person who borrowed after 1932 can, by extra payment, relieve himself of a portion of the principal itself. With reference to the recent contracts, the present proposal is more equitable and therefore I beg to move this amendment."

MR. T. T. KRISHNAMACHARIAR:—"Will the Hon. the Premier make it clear whether proviso (a) still stands?"

THE HON. MR. C. RAJAGOPALACHARIAR:—"I have given notice that proviso (a) will have to be omitted, in order to give effect to the proposal that I am now making. That is why I have recast the whole clause and read it."

MR. T. T. KRISHNAMACHARIAR:—"In matters like this, if both the amendments are moved together, it will be clearer to us."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"If this amendment as drafted and read by me just now, is accepted, then proviso (a) will have to be omitted. I beg to move the other amendment also—

'Omit:

(i) proviso (a); and (ii) the letter and brackets "(b)" in proviso (b).'

"There will be only one proviso."

3-45 p.m. MR. T. T. KRISHNAMACHARIAR:—"Mr. Speaker, Sir, I am in the very happy position of having to oppose this proposition of the Government. In doing so, I may say that I am consistent in my attitude towards the principle underlying this Bill. The idea of this amendment seems to be—of course it is inferential, and I am subject to correction—to give some benefit to institutional credit. Actually, it is something like giving away the substance for the shadow. Institutional credit—perhaps I would be better able to prove it if I had the figures with me, but the figures are perhaps in the hands of the Government—will probably cover about ten per cent of the total amount of agricultural indebtedness. This has been done in order not to exclude the institutions though they clamoured for exclusion. It would have been far better to exclude them completely instead of giving them some sop here and there. Actually what happens is ; the unfortunate debtor who had the misfortune to borrow after the 1st of October 1932 at 18 per cent, if he had paid all arrears even up to Rs. 90, on every Rs. 100 he borrowed he gets no benefit and he does not get anything to his credit in respect of the principal. This seems actually to be against

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the very principles of the Bill; and in trying to shut up a small sluice in one place, we see that the flood gates have been opened on the other side. So much so, I am sure that people who borrowed, say at 24 per cent, after 1932 will be losing much, unless they are in arrears. I am only pointing out to the Government the glaring inconsistency of an amendment such as this. I feel it ought to show to the people outside that actually this amendment is nullifying the benefits of the measure, to people who borrowed money during the depression period. I think, Sir, there is a fair case for the Government dropping out this amendment; and if the Government do not want that benefit should be extended to institutional credit there are certainly better ways of doing it than through this amendment."

* MR. MAHABOOB ALI BAIG:—"I submit, Sir, there seems to be some confusion in what Mr. Krishnamachariar says. In the amendment of course, it is very clear that interest should be calculated at the rate applicable to the debt under law, custom, contract or decree of court, or at 5 per cent simple interest, whichever is less. So that, the question of the borrower subsequent to 1932 being made to pay 24 per cent or 30 per cent after he has actually paid it, does not arise now, if, in calculating the interest from that date, whichever rate is fixed, is to be the rate at which he will be compelled to pay. If he has already paid it actually, that interest will be brought down and only the reduced amount will be taken. I suppose that is the idea behind this amendment, 'and credit shall be given for all sums paid towards interest'—whatever the rate of interest may be. My friend Mr. Krishnamachariar's idea seems to be that if the interest is 24 per cent from the year 1932 and the debtor had actually paid that amount as interest, although it was more than 5 per cent, the debtor will not have the benefit of getting credit for the principal amount. I do not know whether that is the intention of the Government. In that case, I think this provision certainly will work a great hardship."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"There is nothing to say in answer to any point; but, Sir, there seems to be some question put, since the matter is not clear, and I just wish to make that point clear. The proposal under the amendment I moved is, that, if a man has borrowed after 1932, his principal remains due if it has not been paid as principal paid up. The contract interest rate is scaled down to five per cent, but not only that: if overpayment has been made, it shall be credited towards interest which has not been paid. If a man has paid for one year interest at 18 per cent, it will go towards, say three and a half years' interest at 5 per cent. If a man has paid 18 per cent promptly for one year, and it is due for two and a half years, he will not still have to pay further interest for those two and a half years, because he will have paid at 5 per cent for another two and a half years. That is the meaning of this amendment. But that process of spreading out actual payment on a legal fiction of five per cent interest will not go to the point of reducing the principal which is due. Of course it

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may be said that we deny him the advantage of the payment up to the point where it reaches the principal. It should not be thought that the original Bill has become an Act and has become an asset to the debtor and that we are now taking it away by an amendment moved by me now. The original Bill and the amendments are all on the anvil now, and now that the amendment is moved, it is the final proposal. It should not be judged as if we are taking away anything which we have already given to the debtor. I submit, Sir, there is no reason why we should deny the principal to the creditor which he lent at a time when he did not know that these changes were going to be made in favour of a man who has paid actually more than twice the principal. That is why, Sir, I submit the principal is retained intact in this case."

The amendments were put and carried.

Clause 9 as amended was put and carried.

Clause 9-A.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Before we proceed to the substance of this clause, I beg to move, Sir, that clauses 9-A to 27 be re-numbered as clauses 10 to 28 and that all the consequential changes be made, wherever necessary. I have a list of the consequential changes and I shall read them formally. They are all simple consequential changes. They are—

Clause 5.

For the expression 'section 12' in the last line, substitute 'section 13.'

Clause 6.

For the expression 'sections 7 to 11 and 18 to 26' in the last two lines, substitute 'sections 7 to 12 and 19 to 27.'

Clause 8 (4).

For the expression 'sections 21 to 24' in lines 1 and 2, substitute 'sections 22 to 25.'

Clause 9 (2).

For the expression 'sections 21 to 24' in line 1, substitute 'sections 22 to 25.'

Clause 16 (17 as re-numbered).

In line 3 of the proviso, for the expression 'sub-section (3) of section 14,' substitute 'sub-section (4) of section 15.'

Clause 19 (20 as re-numbered).

For the expression 'section 18' in both the places where it occurs, substitute 'section 19.'

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Clause 21 (22 as re-numbered).

For the expression 'sections 10 and 11' in line 6, substitute 'sections 11 and 12.'

Clause 24 (25 as re-numbered).

For the expression 'section 22' in line 4, substitute 'section 23.' "

MR. SPEAKER:—"Hon. Members have these consequential changes before them. I shall put the consequential changes one by one as separate questions, so that they may be incorporated in different places in the Bill.

"The question is that in clause 5, for the expression 'section 12' in the last line, the expression 'section 13' be substituted."

The amendment was put and carried.

MR. SPEAKER:—"The question is that in clause 6, for the expression 'sections 7 to 11 and 18 to 26' in the last two lines, the expression 'sections 7 to 12 and 19 to 27' be substituted."

The amendment was put and carried.

MR. SPEAKER:—"The question is that in clause 8 (4) for the expression 'sections 21 to 24' in lines 1 and 2, the expression 'sections 22 to 25' be substituted."

The amendment was put and carried.

MR. SPEAKER:—"The question is that in clause 9 (2), for the expression 'sections 21 to 24' in line 1, the expression 'sections 22 to 25' be substituted."

The amendment was put and carried.

MR. SPEAKER:—"The question is that in clause 16 (17 as re-numbered), in line 3 of the proviso, for the expression 'sub-section (3) of section 14,' the expression 'sub-section (4) of section 15' be substituted."

The amendment was put and carried.

MR. SPEAKER:—"The question is that in clause 19 (20 as re-numbered), for the expression 'section 18' in both the places where it occurs, the expression 'section 19' be substituted."

The amendment was put and carried.

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"On a point of order, Sir, I am afraid that the procedure that is being adopted is not regular. We have not considered the other clauses, that is, beyond clause 9-A. I think it is premature to put all these amendments. In my opinion, the safest procedure will be to take up these things later, say, after we finish all the clauses. Even from the point of view of convenience, that course will be better, because, as we have got the

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printed copy, we are accustomed to the numbering of these clauses as printed, and it will be really inconvenient for us to follow the clauses if these changes are to be carried out now."

MR. SPEAKER:—"You want these amendments to be taken up at the end?"

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Yes, Sir."

MR. SPEAKER:—"In that case, all right. There are only two more such amendments. I shall put them to the House afterwards."

Clause 9-A.

Sub-clause (2) (i).

4 p.m. MR. BASHEER AHMED SAYEED:—"Mr. Speaker, Sir, with your leave I would like to split my amendment into two parts: one is 'delete sub-clause (2) (i)'—that is one part. The other will be, if the first part fails, then to transpose it as sub-clause (5) of clause 8.' For the time being, I shall move for the omission of sub-clause (2) (i) of clause 9-A."

Clause 9-A (2) as it stands in the Bill reads as follows:—

'Nothing contained in sections 8 and 9 shall affect—

(i) any mortgage by virtue of which the mortgagee is in possession of the property mortgaged, where no rate of interest is stipulated as due to the mortgagee.'"

"Sir, I have searched in vain for any reason in the proceedings of the Select Committee for the insertion of this new clause. The new clause seeks to make a distinction between usufructuary mortgages themselves, that is, between those usufructuary mortgages in which there is mention of interest and in those there is no mention of interest. Now under the new clause there is no protection afforded to mortgages where the rate of interest is mentioned. But in this clause protection is sought to be given to those cases where no rate of interest is mentioned. I fail to see what is the actual difference between possessory mortgages wherein the rate of interest is mentioned and in those cases where no rate of interest is mentioned. Either the rate of interest is mentioned in some cases and property is handed over to the mortgagee for enjoying rent, profit and the proceeds thereof; where there is no rate of interest mentioned and even in those cases where property is handed over to the mortgagee for enjoyment of the proceeds and rent, wherein there is a distinction between the two, I fail to understand. It is really in the interests of the debtor that these mortgages, where there is interest mentioned that they should be brought into the benefits of this Bill; I would say that even in those cases where no rate of interest is mentioned, they should also be subject to the scaling down of debts."

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"I ask, Sir, why this distinction in the matter of scaling down of debts between mortgages in which there is by mere accident or by deliberation, mention of rate of interest made and those cases where there is no mention of any rate of interest. I would therefore say that there is no logic in this, nor is it conceived in the interests of the debtor. If the debtor has not mentioned the rate of interest, why should his debts not be scaled down and I fail to see why his debts should not be brought under sections 8 and 9."

"On the other hand, if you take the scheme of the Transfer of Property Act, you will find that there is no distinction made between mortgages of a usufructuary nature where interest is mentioned and where interest is not mentioned. In order to ascertain the claim for interest, whether the rate of interest is mentioned or not, whatever the interest, whether the rate of interest is mentioned or not, whatever the proceeds, in whatever shape or form, have to be taken into account. On the other hand, the Transfer of Property Act goes a step further and says that those mortgagees whether the rate of interest is mentioned or not, are bound to keep and render accounts if they really are to claim anything by way of arrears due in respect of debt. So, I submit that this clause is really not in the interests of the agriculturist debtors. When one class of usufructuary mortgages, where the rate of interest is mentioned, can be scaled down, it is also but reasonable, or it applies with equal force if not more, that mortgages where the rate of interest is not mentioned should also be subject to the scaling down. I therefore move this amendment."

MR. T. T. KRISHNAMACHARIAR:—"I second it, Sir."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"First of all, Sir, I may point out to the hon. the Mover of the amendment that it is not a new provision that is sought to be introduced. I think the hon. Member has been misled by the type that has been used in printing. The bigger type has been used because of the changes made. Even in the original Bill this was there in its entirety. Therefore, there is no argument to be based upon its being a fresh proposal. It is as old as the original Bill itself; but that is only a matter of detail."

"Sir, it is necessary to have this for this reason. In regard to cases where the whole of the property has been handed over in return for the debt taken, in return for the loan given, it is not possible to estimate the amount of principal or the amount of interest and it would be simply the case of a man being in possession of property, instead of the other man not in possession of property and it is therefore not easy to proceed on the basis adopted in this Bill for adjustment. In order to give effect to clause 8 or clause 9, we will have to take into account, for instance, the value of the crops, the amount of the crop yield from time to time, and year after year, and we have to find out how much was paid or whether double the interest was paid, and this process is not considered possible or easy or practicable; at any rate, it does not fit in with the scheme here. We are not intending in this Bill, either to ask people to return the moneys paid or to disturb the sales made,

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for instance, where a property has been handed over, to pay the debt. There is not much distinction practically between handing over the entire interest on a usufructuary mortgage, either stipulated or estimated or whatever it may be and that of a sale outright. Of course, according to law, one is redeemable and the other not. But, so far as the scaling down of debts goes, both are taken together. That is the reason why sub-clause (1) is inserted in clause 9-A; and it is not therefore easy to accept the amendment which the hon. Member proposes."

The amendment was put and lost.

Clause 9-A.

Sub-clause (2) (ii).

* THE HON. MR. C. RAJAGOPALACHARIAR:—" For clause 9-A, sub-clause (2) (ii), substitute the following:—

' (ii) any liability for which a charge is provided under section 55, clause 4, sub-clause (b) of the Transfer of Property Act.'

" The reason for the amendment is this. At present the clause stands thus:—

' Nothing contained in sections 8 and 9 shall affect the liability of a purchaser of immovable property who is in possession of such property to pay the amount of any unpaid purchase money due by him.'

" The object is only to cover the charge recognized in the Transfer of Property Act for any unpaid purchase amount. Instead of this re-definition, it has been thought better from the point of view of interpretation by Courts to change the language thus: ' any liability for which a charge is provided under section 55, clause 4, sub-clause (b) of the Transfer of Property Act.' This would cover cases where, with notice, for instance, a man transfers the property without having paid the purchase amount; he does not keep it himself but transfers it to another; he has taken notice of the law under the Transfer of Property Act for a charge. It covers all those cases. The Transfer of Property Act however gives only a charge but not the actual liability. Therefore, it has to be described as I have moved in my amendment. This I submit to the House is a better enunciation of the position than the present words. Therefore I commend it to the House."

The amendment was put and carried.

MR. T. T. KRISHNAMACHARIAR:—" Mr. Speaker, Sir, I have submitted this morning that I would like to omit the first sentence in the amendment which I gave notice in view of the notice given by Government."

MR. SPEAKER:—" You wanted to omit certain words."

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* MR. T. T. KRISHNAMACHARIAR:—" Yes, Sir. These are the words that I want to be omitted from my amendment—

' to the vendor or to the person to whom it has been directed to be paid.'

" I want the following words to be added to clause 9-A (2) (ii):—

' Where an alienee of an immovable property belonging to an agriculturist debtor, undertakes to discharge debts payable by the latter the benefits arising under the Act shall enure only to the debtor and not to the alienee.'

Explanation.—Such person shall be entitled to sue and recover the amount so directed to be paid as if on a promise to pay to himself and as a charge on the property sold.'

" Considering that the Government amendment covers quite a number of cases, I don't think it would do any harm to tack on my amendment to this clause. The object is to make it quite clear that the alienee should not by his own default profit by it; and to transfer the benefit of this Act to the original debtor who has sold his property because of distress is proper. The position might be a little complicated; not being a lawyer myself. I hope Government's advisers will fix the amendment in the most suitable place to fit in with the theme of the Bill, because it will not really affect any principle of the Bill if this amendment is accepted."

Mr. Basheer Ahmed Sayeed seconded the motion.

* THE HON. MR. C. RAJAGOPALACHARIAR:—" With regard to this, Sir, the position will be complicated. It is not so simple as put forward by the mover. Under the Act it is only certain debtors that are entitled to benefit and they are the persons who are described here so compendiously by the term ' agriculturist ' and he would not be an agriculturist who fails to come under the several provisos. If the alienee of an immovable property belonging to an agriculturist debtor undertakes to discharge debts payable by the latter and if the alienee is also an agriculturist who is described under the provisions of this Bill, if this amendment is not accepted, he would not be entitled to the benefit and if this is accepted even though he is an agriculturist as defined under this Bill, he would not be entitled to the benefits of this Bill. In any case, taking all these things into consideration, I do not think there is any need for this amendment, but if there is, I oppose it. I am sorry, if there is need in the hon. Member's opinion, I oppose it."

The amendment was put and lost.

Clause 9-A.

New sub-clause after sub-clause (2) (ii).

* THE HON. MR. C. RAJAGOPALACHARIAR:—" In sub-clause (2), add the following at the end as a new paragraph:—
' (iii) any liability in respect of any sum due to any public company as defined in the Indian Companies Act, 1913, or to

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any scheduled bank as defined by section 2 (e) of the Reserve Bank of India Act, 1934, if the interest payable in respect of the liability is not more than nine per cent per annum.

"This is the first part of what the House accepted last night. As the House is aware, it was agreed to divide it into two parts and the second part has already been tacked on to clause 4 (e) and the first part remains to be tacked on to its proper place. I submit that this transaction, excepted from the operation of sections 8 and 9, should be completed by what we decided yesterday to exempt from the provisions of this Act. As the scaling down provisions affect them this would be the proper place to bring them down as distinguished from those that enjoy absolute immunity from the Act which we have tacked on to clause 4. It is only a transposition motion. But of course members may have a distinct legal right to debate upon it again. I believe that they may perhaps not exercise it. I submit that this amendment may be accepted."

MR. T. T. KRISHNAMACHARIAR:—"Consistent with my stand yesterday when this matter was discussed and as I am not convinced of the arguments of the Hon. Premier, I oppose the motion before the House."

The amendment was put and carried.

Clause 9-A as amended was put and carried.

Clause 10 was put and carried.

Clause 11.

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I move—

'For "6½ per cent." substitute "9 per cent."'

"The reason why I seek to move the amendment is that the rate of interest fixed is not in line with the rate in vogue in the country. As a matter of fact 6 per cent is considered a fair and reasonable rate of interest even for Government dues. You will see from the Revenue Recovery Act and such other Acts that this is the amount that Government expect as interest. But then the Government has got a machinery for the collection of its dues and there are facilities for early collection of moneys owing to it. There is the summary procedure. Secondly, till recently, if remunerative works were to be undertaken by Government, the return which was considered passable for the capital invested in the schemes was 6 per cent. It would be a hardship to put that figure as the rate to be charged by private creditors. Circumstances in their case vary. They take considerable risk and the process of collection is not so easy as it is for the Government. Then it ought to be remembered that till very recently the rate of interest charged by the co-operative societies was 9 per cent and a little over 6 per cent is the rate charged by the Land Mortgage Bank also. The facilities for the collection of amounts owing to these bodies are almost the same as those of Government. We know that in the country 9 per cent to 12

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per cent has for long been considered as a reasonable rate of interest, the latter being the rate charged for small amounts and it was considered to be neither unconscionable nor usurious. Under these circumstances, I think that the fixing of a maximum rate of interest of 9 per cent per annum would be perfectly fair for otherwise the maximum prescribed under the Bill is sure to interfere with the course of credit of the country and disturb our rural economy."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, in seconding the motion, I only say, that since the Government have not provided the finance for the agriculturists, they are not ordinarily entitled to prevent credit to them. As a matter of fact, I shall be only too glad if a reasonable rate of interest could possibly be fixed. But what I feel is that all this will be merely on paper and that what we mean to do may be only our pious wish. It may be taken for granted that money-lenders will seek methods by which these may be circumvented and with a needy debtor, they can easily make suitable arrangements in that direction. Every member of the House knows that far from helping the agriculturists which is our intention, he will be made a party, even a willing party to a transaction which circumvents this provision. There is no use fixing this rate without grasping the practicality of the situation and I feel that we should not be stultifying ourselves by our attitude towards this matter."

"There has been an attempt at regulation of interest in the Debtors Protection Act and the rates of interest have been fixed at 9 per cent for secured debts and 12 per cent for unsecured debts. It is a workable proposition about which nobody can complain and it took note of prevailing conditions. I wish to say in conclusion that any rate of interest which is not workable will be nothing more than what it is in print."

MR. ABDUL HAMEED KHAN:—"Mr. Speaker, I oppose this amendment. When I do so, I am not oblivious to the fact that by reducing the rate of interest to 6½ per cent, we would be opening the flood-gates for money-lenders to resort to undesirable methods. I ask the Government whether they have thought over the matter and whether they are providing against such an eventuality, and if so, what machinery they are going to set in order to prevent it. This is the trouble and I think these were the considerations that prompted the hon. Member to move the amendment. I hope the Government will come forward with an explanation as to the provision they are making against the possibility of the money-lenders resorting to methods rendering the provision nugatory."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"The question is not as to the rate of interest on new documents but only as to the interest on liabilities scaled down according to the provisions of the Bill. The only question to be considered is whether it ought to be 6 per cent, 6½ per cent or 9 per cent as is suggested in the amendment. Various reasons might be given for whatever rate is proposed; but I submit that

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this is a good arrangement. It is better than many other proposals though it might be worse than one or two other proposals. The reason is that the rate fixed is one which every one in the country parts will accept as preferable. In the country parts many people do not know how to calculate interest and the danger in all interest provisions is that people do not know what they promise. Therefore it is put down as $6\frac{1}{4}$ per cent. One can see the meaning of it, namely, one pie per rupee per month; even an illiterate person can well understand it. We cannot expect to understand what it is to possess a crore of rupees; but possibly one may know what it is to possess a five-rupee note. The other way in which the slightly higher classes may understand it is like this: one anna per rupee per year. So that the ordinary coinage that is understood by everybody, one pie and one anna, could run very smoothly alongside the month and the year with reference to interest. This is not a small matter at all as it may seem at first sight.

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"Six and one-fourth per cent is also provided for future interest on future borrowings, as was referred to by the hon. Mover, so that people may be told that $6\frac{1}{4}$ per cent is the interest recognized by Government. Perhaps it may be that in some cases $6\frac{1}{4}$ per cent may be put down in the document as the rate of interest, but actually a small sum may be given and a larger amount may be demanded. All that is understood. All that is contemplated by this amendment is that the peasant should be made to understand that Government recognize only $6\frac{1}{4}$ per cent. These are instructions which would help the working of the machinery. Apart from this, $6\frac{1}{4}$ per cent is a good enough interest in these days."

The amendment was put and lost.

MR. BASHEER AHMED SAYEED:—"I beg to move—

"Add at the end of clause 11, the following words:—
"in the case of secured debts and $7\frac{1}{2}$ per cent in the case of unsecured debts."

"This amendment, I submit, stands on a different footing. I accept $6\frac{1}{4}$ per cent in the case of secured debts. Government have always made a distinction between secured and unsecured debts. But here they do not do so. The clause, as it stands, wants to give the same uniform rate of $6\frac{1}{4}$ per cent interest in the case of secured and unsecured debts. I want the debtor who has parted with his property as security, or has shown his property as security, should stand on a different footing from a debtor who has no security to offer. Wherever a debtor offers security, the rate of interest should be less; so I propose $6\frac{1}{4}$ per cent as interest in the case of secured debts and $7\frac{1}{2}$ per cent interest in the case of unsecured debts. Wherever the debtor offers security, the rate of interest should be less. My amendment is thus both in the interest of the debtor and creditor. It does not violate any principle at all. So I commend this amendment for the acceptance of the House."

The amendment was duly seconded.

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* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am sorry, I do not accept the amendment."

The amendment was put and lost.

Clause 11 was then put and carried.

Clause 12.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I move—
'For the word "No" at the commencement of the clause, substitute the following:—

"In any proceeding for recovery of a debt, the court shall scale down all interest due on any"; and

'for the words "shall bear interest at a rate higher than," substitute the following:—

"so as not to exceed a sum calculated at".

"Sir, there is a verbal alteration here and nothing more. There is no change in the substance of the clause but merely an alteration of the form in which the House has to accept the substance of the clause. The change is also of much advantage. The clause as amended reads thus—

'In any proceeding for recovery of a debt, the court shall scale down all interest due on any debt incurred by an agriculturist after the commencement of this Act, so as not to exceed a sum calculated at $6\frac{1}{4}$ per cent per annum simple interest, that is to say, one pie per rupee per mensem simple interest, or one anna per rupee per annum simple interest.'

"Now the amendment that I have proposed is that for the word 'no' at the commencement of the clause the words 'in any proceeding for recovery of a debt, the court shall scale down all interest due on any' be substituted and for the words 'shall bear interest at a rate higher than' the words 'so as not to exceed a sum calculated at be substituted'."

The amendment was put and carried.

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Sir, I have given notice of an amendment which I now move,

to substitute '9 per cent' for ' $6\frac{1}{4}$ per cent.'

"In addition to what I have said about the rate of interest in the last amendment I have to point out to the Hon. the Premier that in the Bill proposed in Bombay, they have fixed nine per cent for secured debts and twelve per cent for unsecured debts. On a previous occasion the Premier was pleased to say that Madras will set an example for others to follow."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I did not say that at all. Sir, if my language is repeated in this manner by the hon. Member, it is likely to lead to serious misconstruction. I never said it

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at all. I hope, Sir, you will direct your reporters to correct it if they have reported in that way. What I said was, 'compulsion here will help conciliation there.' I never said 'we set the fashion for others to follow'."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Anyway, Sir, the effect is all the same. For what other provinces will say is, 'Look here, Madras they have done this, why not we copy them.' That is why I say the effect is all the same. I submit, Sir, that as far as this Bill is concerned, Bombay has set a very good example, and in this Bill they have shown very much legal acumen. I feel the fashion is set there, and it would be wrong for us not to follow it here. For there is not the danger of compelling people to enter in the document a small sum and later on trying to correct it."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, in seconding the motion I wish to draw the attention of the Premier with reference to one point. His amendment is with reference to the rate of interest with regard to scaled-down debts. But with reference to fresh loans things will take a different course. All this kind of legislation will only help the unscrupulous creditors and unscrupulous debtors, which latter class cannot get on without borrowing. So, I would suggest fixing a workable rate of interest. In the last twenty years it has been possible to gradually reduce the rate of interest. In this connexion I would point for reducing the rate of interest. In this connexion I would point out to the Premier the report of the Reserve Bank, which says that they expect a Bill market for agriculturists very soon. And the way in which they suggest the rate of interest is very interesting. They evidently mean that they would give the money to the scheduled bank at bank rate, and the scheduled bank will add to it a certain percentage when they advance the money to the local banks, who in their turn in advancing money to the agriculturists are also to add a certain percentage. Let us assume that in this process, each will add at least two per cent interest over the rate of interest at which it takes money, and ultimately it will be impossible for the money to reach the agriculturists at anything less than 7 per cent or 8 per cent and I wonder whether the banks will take the risk for this small margin of profit. Hence it is I say the rate of interest fixed by Government is unworkable."

"I only want to say another thing in this connexion. I am glad the Premier is also the Finance Minister of this province, and as Finance Minister he will have to devote himself to the financing of the schemes, apart from being a mere politician. He should besides being an idealist also see to the success of any scheme he puts forward. When you fix the rate of interest at $6\frac{1}{2}$ per cent, you will not be able practically to give effect to it however much you may be serious."

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* THE HON. MR. C. RAJAGOPALACHARIAR:—"I quite see the difficulties pointed out by the Leader of the Opposition and also by the previous speakers. It may be that the line proposed elsewhere may

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be more workable. It may be the House in Bombay may or may not accept that and pass legislation on different terms altogether. I am not quite sure. I would leave it to the House entirely to decide this question."

The amendment was put and lost.

Clause 12—Proviso.

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Sir, I beg to move that the proviso to clause 12 be removed."

"It seems to me we would be setting up a dangerous principle if we leave it in the hands of the executive to vary from time to time the rate of interest for the province. It is bad enough for the Legislature to take this power to interfere in transactions between individuals and I say it would be much more dangerous to invest the executive with an autocratic power of this sort. There would be more uncertainty in the money market and there would be considerable difficulties. I would therefore very strongly oppose the executive being given the power to prescribe from time to time the rate of interest which is to prevail. Further whether they will prescribe it for any debt that may be incurred after a particular date, the proviso does not mention. I therefore submit that this proviso ought not to be there."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I second the amendment. I only say that this Government need not take this extraordinary power, and deny the Legislature an opportunity of expressing its views on a matter like this. There may be two points of view in a matter of this kind. I may say that the rate of interest may be lowered by Rules and the Government may answer me by saying that if the prevailing rate of interest goes up they would like to put up the rate. The rate should depend on the rate prevailing in the money market and the Government may have merely the right to substitute some other rate of interest to $6\frac{1}{4}$ per cent and nothing more. Then difficulties will arise in explaining the full implications. Then they will have to specify for what period the old rate of interest should be charged and for what period the new rate. They will have to come forward with an amending Bill then. It would then be possible to have the rate of interest also charged if necessary. It is absolutely unnecessary to give this power to Government. I would suggest that since the Assembly sits four times in a year and since monetary conditions would not seriously change within these intervals the Government would have plenty of opportunity to put forward an amending Bill in the Legislature. I do not think this proviso is necessary or warranted."

MR. T. T. KRISHNAMACHARIAR:—"Sir, in supporting the amendment moved by Sir Pannirselvam, I should like to mention this. I am alive to the difficulty of a Government arbitrarily fixing a particular rate of interest and not being able to change it as and when occasions arise. But the fact is while it is open to the Government to bring to the Legislature an amending Bill it is rather a cumbrous

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procedure. But at the same time, I should like to have an assurance from the Government that while using their discretion in this matter the rate of interest will have some relation to some Reserve Bank rate or some principle to which it can be tacked on; they may say that it is to be $2\frac{1}{2}$ times the bank rate. It must have some kind of relation to the Reserve Bank rate. After all they are the authority for the Government in money matters. They are professional people, who are in charge of the banking and other interests of the province. They may be consulted and a notification made making an alteration. I do not want to fetter the hands of any Government that may be in power, in this matter. It may be the Congress Party are there in power to-day and to-morrow the people of the Opposition may be in power and they should not be handicapped by having to go to the Legislature every third or fourth month for this purpose. I hope the Government will give an assurance that the rates that will be fixed will bear some relation to the existing bank rate."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am glad, Sir, that no point has been made or sought to be made that this is a part of the plan of 'the new despotism' referred to so often whenever rule-making power has been sought for. But the objection taken is that it is better on the merits to have it brought before the House. But I am bound to say, Sir, that I feel that the reasons which were given on this very matter some time before led to the conclusion that it should become necessary for the Government to alter the rate if and when they see how things worked. It was stated that this $6\frac{1}{4}\%$ will not work well. It was stated that the people will soon see it. That is the very reason why the Government should be given power to see how things worked and to be able to relate it, as was said by my hon. Friend Mr. T. T. Krishnamachariar, to the bank rate which would change from time to time, so that it is a matter which cannot possibly be brought in in the shape of an amending Bill but really should be dealt with by the Government in their Executive capacity. It is true that generally it would be more convenient to bring up matters for decision before the House but the question of prescribing a rate of interest which would be changing should certainly be a matter for more easy handling than an amending Bill. That is the reason why this proviso has been put in."

"As regards the assurance asked for, I may say that I see no reason why anyone should have any fear that the Government will not relate it to the existing bank rates. I hereby give the assurance that it will be so done and that it will not be used as an engine of oppression against any creditor whatsoever, because it will be apparent to any Government that is functioning that anything that is not related to the actualities would not work. Therefore there is no need for the fear that it will not be related to the bank rate."

The amendment was put and lost.

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Clause 12—Explanation.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I move—

'For the explanation, substitute the following:—

"Explanation.—For the purposes of this section, the definition of 'agriculturist' in section 3 (ii) shall be read as if—

(i) in proviso (A) to that section, for the expression 'the two financial years ending 31st March 1938,' the expression 'the two financial years ending on the 31st March immediately preceding the date on which the debt is incurred' were substituted; and

(ii) in provisos (B) and (C) to that section, for the expression 'the two years immediately preceding the 1st October 1937,' the expression 'the two years ending on the 31st March or the 30th September (whichever is later) immediately preceding the date on which the debt is incurred' were substituted."

"The simpler form in which the clause now stands is, however, open to the objection that it does not exactly suit the dates given in clause 3 (ii) and this amendment is only made to suit that. There is absolutely no change in substance whatsoever. It only makes the grammar more correct."

The amendment was put and carried.

Clause 12 as amended was put and carried.

Clause 13.

* MR. T. T. KRISHNAMACHARIAR:—"Sir, I move—

'In lines 3 and 4 of clause 13 for the words "whether divided or undivided," substitute the words "if divided."'

"It really relates to an amendment that we had before. I should like that this Bill should deal with joint Hindu families when there is a division in one way and when there is no division in a different way. It really raises a point which a layman like me cannot properly come out with, but yet I shall attempt to deal with it. I do not know if the full implications of this clause are properly appreciated by the framers of the Bill. I shall be very brief. The point is that this section seeks to divide the liability due to a creditor without any reference to himself. Actually, when properties are divided, one member takes a particular liability. It is always open to the creditor to sue any one he likes in the family; he may proceed against a non-agriculturist or an agriculturist. Here is an attempt to restrict the freedom of the creditor to do so. It seems to be rather a novel principle so far as jurisprudence is concerned in regard to a complex thing like a Hindu joint family. My amendment in regard to this clause and the subsequent amendment really remedy the position. We should not split the liability and make it impossible for the creditor to proceed

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against the non-agriculturist if he so chooses. The point to be remembered in this connection is that the debts in a joint Hindu family are generally incurred by the managing member of the family.

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“And one or two or more members of the family stay in towns earning a livelihood and not depending on the family property. In certain instances the earning members who are non-agriculturists and who are residing in towns pay kists due on the joint family property. In such cases, members who are non-agriculturists should not be made liable when the debt is as is often the case incurred by the agriculturist member. It is only fair that we should limit the liability to the joint Hindu family property. Supposing there is debt of Rs. 100 owing by two members of a joint family of whom one is an agriculturist and the other is not, the creditor can proceed against them individually or jointly. If he were to proceed against the non-agriculturist member separately, then according to the Bill as it stands the creditor will be entitled to get the full amount that will fall to his share, which is iniquitous as he had no benefit from the transaction. But, if my amendment is accepted, the share of his debt will become less as it will be scaled down and the remedy will only be sought against the joint family property. I hope I have made myself clear.

“May I, Mr. Speaker, in this connection ask whether I can move my amendment No. 170? It is a new clause. If this amendment is accepted, the other has to be moved. If this is not accepted, the other automatically falls.”

MR. SPEAKER:—“You can formally move it.”

MR. T. T. KRISHNAMACHARIAR:—“Yes, Sir, I formally move it.

“The amendment runs thus:—

“Insert after clause 13 the following as new clause 13-A:—

“Where a Hindu joint family is an agriculturist within the meaning of this Act, a creditor thereof shall be entitled to proceed against the joint family property, only to the extent of debts as scaled down under the Act notwithstanding that one or more of the members thereof are non-agriculturists.”

The amendments were duly seconded.

* THE HON. MR. C. RAJAGOPALACHARIAR:—“Sir, this clause is very necessary to make the thing workable. I think the mover of the amendment has understood very well the object of that clause and there will be no difficulty in making it clear to him, but so far as the rest of the members are concerned, I think it is necessary that I should explain the position in a few words. The definition of ‘Agriculturists’ being such as it is in the Bill and since most of the debtor families will be Hindu joint families, some of whom following agricultural occupations and some other different occupations, the liabilities will have to be differently treated with reference to different members of

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the family. Supposing there are two brothers of whom one is an agriculturist and the other is not following that profession, or himself disqualified from the benefits of this Bill on account of other causes, this clause, as it stands, says that a debt of Rs. 200 owing by the two brothers, of whom one is entitled to the benefits of this Bill and the other not entitled to them, shall be deemed to be severally payable by them according to the share of each. In the case of one who is an agriculturist his share of debt of Rs. 100 shall be scaled down according to this Bill, while the other will not be entitled to the benefits of this Bill. This is quite simple and understandable. Only members of an undivided family will derive the benefits of this Bill, while members of a divided family who are not agriculturists will not derive the benefits of this Bill.”

MR. T. T. KRISHNAMACHARIAR:—“Amendment No. 170 makes a difference.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“Of course, amendment No. 170 makes a difference, but not the kind of difference I want. Amendment 170 merely suggests a method of procedure as to what properties may be proceeded against and it is no easy matter at all. As the clause stands at present, it does not matter what properties are that are proceeded against. Each member of the family will stand on his own status. I submit that the clause as it stands is more just and is more in consonance with the present-day conditions. I would therefore ask the House to reject the amendments.”

The amendments were put and lost.

MR. ABDUL HAMEED KHAN:—“May I know at this stage how long we are going to sit?”

* THE HON. MR. C. RAJAGOPALACHARIAR:—“I would submit, Sir, to you that the House may sit at least till 6 p.m. to-day. If we do so, we shall be able to make very great progress with regard to this Bill. If there is night sitting, I do not want to go on with this Bill. If hon. Members find it convenient to have a night sitting, I am prepared to go on with any of the other business on the agenda, viz., one of the Municipal Bills. I understand that one important group, viz., the European Group will not be able to attend to-night. So I say that one of the Municipal Bills might be taken up this night and proceeded with. That procedure would also give us time on Monday to consider the Debt Relief Bill, when the Upper House will be engaged in considering the Municipal Bill which we may pass and send to them. If hon. Members of the House are not agreeable to this procedure, then we shall have to go on with the Bill now under consideration as far as we can, and take up the other Bill on Monday. I know I am putting the House to a great strain. So I leave it to you, Mr. Speaker, to decide. That is my proposal.”

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* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"The Hon. Premier was referring to the convenience of the European Group which I am also prepared to take into account. I will only remind him that he will also take into consideration the convenience of all the other members of the House. That is the most important thing for which all of us here should try. I would only say that we have given very careful consideration to the question of fixation of time and I think there should be 'give and take' on both sides. I would only say that there are two Bills besides the Bill we are now considering. If the European Group is not able to attend to-night, to consider the Municipal Bill, it may be taken up on Monday and we are not going to raise any serious objections to the Bills to be moved by the Hon. Minister for the Local Self-Government."

MR. SPEAKER:—"Is there any objection to finish both the Municipal Bills?"

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"It is already represented that we are to sit till 6 p.m. to-day. So, if we are asked afterwards to go home and come back it will be very inconvenient for members. If we are asked to sit till 6 p.m. and if it is proposed to stop with this Bill today, and thereby save the attendance at a night session, we are prepared to sit till 6 p.m. Eleven to five is the time fixed and I hope there will be no necessity for asking us to sit beyond 5 p.m. every day."

MR. SPEAKER:—"Eleven to five is not the permanent time."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Of course it is easy for the Hon. the Leader of the House and the Leader of the Opposition to say we can sit late and finish these Bills. But I may say that we are absolutely worn out."

MR. SPEAKER:—"You are a convalescent and I sympathize with you."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Sir, we come here at 10 o'clock and begin our work and we go on with our work and are asked to rush through it like a hurricane. We are given 45 minutes interval and again we are asked to sit till 6 p.m. Of course if our physical presence is all that you want, it is alright. But, if really you want us to do some useful work and make some useful contribution to the deliberations of this Assembly, I think it is hardly worth while asking us to go on like this."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Let hon. Members proceed to sit as long as they can, so far as this Bill is concerned. So far as one of the Municipal Bills is concerned, the reason why I said that one of them might be taken up this night was that the European Group, though they would be absent, would not mind it much, as the principle of the measure was already conceded at a previous sitting of this House when we passed a measure granting

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extension of time for the Municipal Councils. That Bill is really not a contentious measure and it will consist of only two clauses and that would be enough work for the House if the House sits to-night.

"With regard to the Bill under discussion, if hon. Members will not sit a second time, I do not want them to press. I would ask them to dispose of as much amendments as they can. If they think that the Municipal measure is not a contested measure and they can sit to-night and pass it, let them do so. The only ground on which I proposed was that the Upper House would have work on Monday when we will be going on here with the Debt Relief Bill. If it is impossible for hon. Members I do not want to put them to inconvenience."

MR. ABDUL HAMEED KHAN:—"I thought it was agreed that there would not be night session under any circumstances." -16 p.m.

MR. SPEAKER:—"I am not at all a party to that."

MR. ABDUL HAMEED KHAN:—"Quite apart from the powers which the Speaker possesses, I was only referring to the agreement or understanding arrived at between the Hon. the Leader of the House and the party opposite."

MR. SPEAKER:—"The Chair is deaf to any such agreement."

MR. ABDUL HAMEED KHAN:—"You are free to decide as you like, Mr. Speaker and I am sure you will not decide without consulting the convenience of the members of the House. I am quite confident of that. But, it will certainly be impossible for hon. Members of the Opposition to come here in the night. The Hon. the Leader of the House was certainly quite right in consulting the convenience of the European Group consisting of as many as seven or eight members and I hope that he will extend the same consideration to larger parties in this House and give up his idea of having a night session. We are prepared to sit till 6 or 6-15 in the evening and immediately the Municipal Bill may be taken up. That will mean creating work for the other House."

MR. SPEAKER:—"Do you suggest that the Municipal Bill may be taken up at 6-15?"

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I would suggest that we go on with the present Bill as long as hon. gentlemen will agree to sit. We need not lose this time in favour of another measure. The other measure might perhaps wait; it is only for the purpose of giving work to the other House about which I shall manage somehow. I shall prefer that the present Bill be proceeded with as far as possible to-day."

MR. SPEAKER:—"As a sort of compromise I would suggest that we finish Chapter III just now and then take up the Municipal Bill and finish it in an hour and a half by sitting till 7 o'clock. That will give work for the other House also."

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* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, many Members find it inconvenient to sit till 7 o'clock. I have consulted many Members, practically a very large number and they all say that it would not be possible to sit till 7 o'clock. I hope, Sir, you will sympathize with us."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Whatever be the time up to which we sit, I would prefer that we proceed with the present Bill. We can find some other work for the Upper Chamber. If we took the Municipal Bill now, it will become a truncated affair."

MR. SPEAKER:—"The younger Members of the House want to have time; I really sympathize with them." (Laughter.)

Clause 13.

Sub-clause (a).

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I beg to move the following amendment:—

'For the words "to the extent only of his or their proportionate share of the debt" substitute the words "as if this Act had not been passed".'

"Sir, this clause unless it is amended in the manner I propose would also extend relief to non-agriculturists. In the case of debts due by members of joint families the liability of each one of them for the whole debt is joint and in several cases monies have been advanced relying mainly on the paying capacity of the earning member, who according to the definition in this Bill will be a non-agriculturist. A non-agriculturist at present is liable with his agriculturist brothers for the whole debt. If you think that the agriculturist should be given relief, by all means give it, but do not deny on that score a chance to the creditor to recover his full debt if he can from the agriculturist member. On the other hand, if this provision is allowed to remain as it is, I would point out that equity and justice require that you should bring in another amendment with regard to another type of case which I will mention. Take the case of a joint liability for one debt by two or three persons of whom one is an agriculturist and the other is a non-agriculturist but is not his brother. The creditor has advanced the amount to the agriculturist on the guarantee or the security of the non-agriculturist who also has signed the pro-note though probably he has not derived any benefit at all. If you are going to extend the benefit of being liable for only a portion of the debt to the non-agriculturist brother, why should you not extend the same benefit to the non-agriculturist joint debtor in regard to the debt contracted by him together with an agriculturist? But, I believe that it might introduce complications. The Hon. Premier might say that it would widen the scope of the measure very much. If so, I would say, 'restrict the scope to the case of the agriculturist brother alone.'

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Let the non-agriculturist brother of the joint family be liable as if this Act had not been passed, because it is not our aim to afford relief to non-agriculturists in any shape whatsoever."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I second the amendment."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"The procedure prescribed is that where a family is bound to repay a debt, in a case where though it is undivided some are agriculturists as defined in the Act while some are not, the liability is split up so to say in accordance with the ordinary notion of separate and several liability. If an ordinary non-agriculturist member of the family is indebted his liability is not affected by this. But the liability here is the liability that follows by reason of the status of being a member of the family. It therefore arises out of legal liability so to say, more than by contract. And in this case it is but fair and just that we should scale down one half of it and clearly isolate the other half. Otherwise it will become too complicated. I quite understand that certain considerations might be urged in favour of keeping the debt in entirety as under ordinary Hindu law as against the non-agriculturist and scale it down only against the agriculturist. Such mutual adjustments will be impossible to work.

"The provision laid down in sub-clause (a) only deals with the situation which would arise on account of the application of the Hindu Law rule. The Hindu Law rule is good enough as it stands, but when we introduce this Bill it becomes necessary to interfere to this extent. After all, I think that the possible harm that might arise out of it, will be less than the advantages that would accrue by the working of the Bill. In any case the creditor will have the sum total of his dues between the two and he is not hit to any extent. Only it is not scaled down in respect of the share which was the liability of the non-agriculturist of the undivided family."

The amendment was put and lost.

Clause 13 was put and carried.

Clause 14.

MR. G. KRISHNA RAO:—"Sir, I move the following amendment:—

'Omit Chapter III consisting of clauses 14 to 16 (both inclusive).'

"Sir, my principal objection is that the question of rent is not at all relevant to the topics of legislation of the present Bill. Before the Government introduce a Bill of this kind of a far reaching effect they must have complete statistics and an exhaustive report based on a thorough investigation. With regard to the ryotwari tenants the Government have enough statistics and facts and figures; they have also got the very valuable report of Mr. Sathianathan. But the same thing cannot be said with regard to zamindari areas. No such investigation has taken place and there is no exhaustive report with facts

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and figures. There is the further fact, Sir, that a Parliamentary Committee is now enquiring into the conditions in zamindari areas and gathering statistics and it will be but proper that we leave the matter into its hands. Furthermore, Sir, the kind of radical legislation that is attempted in the Bill with regard to rents is highly expropriatory and it is better that the Government are in possession of facts and figures before they embarked on such legislation."

MR. V. S. T. SHEIK MANSOOR THARAGANAR:—"I second it."

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p.m.

* THE ZAMINDAR OF MIRZAPURAM:—"Mr. Speaker, Sir, I rise to support the amendment of my hon. Friend, Mr. Krishna Rao. If chapter III with clauses 14 to 16 are allowed to remain in the Bill, it will be a great hardship to the landholders. The Bill has caused genuine apprehension that it would lead to demoralization of the relationship between the landholders and the tenants; the landholders are convinced that it would result in complete breakdown in the matter of collection of rent in the estates. The measure is illegal, inequitable and unjust, illegal because it violates the spirit and the letter of the permanent settlement. Rent is not debt. It is in the nature of Government revenues, because substantial portions of rents are collected by the landholders and are paid to the Government as peshkash and local classes. Rent cannot, therefore, be treated as debt at all. Even assuming it as debt, it is meting discriminatory treatment to the landholders who are denied not only interest but also the principal amount. Relief is sought to be given irrespective of the capacity to pay. Accumulation of arrears is mostly due to other causes than incapacity. Two main reasons for accumulation of arrears are the defective machinery for collection provided under the Madras Estates Land Act and the utter lack of control over the village officers. There is no data before the Government which can justify this revolutionary and expropriatory measure. They can establish Debt Conciliation Boards with sufficient power to investigate individual cases and provide for payment of remission according to circumstances of the case."

"Landholders have spent large amounts over the realization of their arrears, for obtaining decrees and for execution charges. They have also paid cesses and peshkash to the Government. Whatever may be their absolute legal rights, the landholders are willing to make their contribution for the public good, provided the sacrifices they are asked to make are reasonable and just. The Government have not been pleased to comply with any of the reasonable requests of the landholders except a provision for the payment of the cost of decrees. Even here, the cost of execution proceedings is denied. The Government can very well provide for the relief of the landholders by the rent being paid in instalments instead of being wiped out. Fasli 1344 might be fixed as the limit for the recovery of arrears. Lenient landholders should not be made to suffer, because they treated their tenants leniently. The measure in its present form is altogether unacceptable to the landholders and it is definitely expropriatory of their vested rights and interests."

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"It should not be understood when I rise to oppose this measure that the landholders are not for giving any relief to their tenants. The landholders are prepared to give relief to their tenants, if they really deserve it. I know many cases of big tenants who are worth lakhs and lakhs of rupees; but they do not pay the landholder all the same. This Bill, if passed into an Act, will benefit such tenants also. Landholders are even now giving remissions and relief to their tenants in deserving cases. I can assure the Hon. the Premier that if there are really deserving cases, the landholders are prepared to give sufficient relief to their tenants. After the introduction of this Bill, I may inform this hon. House that the tenants are not paying even their current dues to the landholders and the landholders are forced to apply to the Government to extend the time for payment of their kist. So, I request the Hon. the Premier to consider over this matter and try to give some relief to the landholders also. The creditor gets all the principal and some interest, whereas the landholder does not get anything at all. I think that is rather unfair and unjust. I would request the Hon. the Premier to see his way to allow the landholders to collect arrears of rent for some more faslis and cost of execution of decrees. If these are allowed, I am sure most of the zamindars might be satisfied and would co-operate with the Government. With these few words I support the amendment."

* MR. R. M. PALAT:—"The hon. Members who preceded me, have pointed out the difficulties under which zamindars in zamindari lands would suffer if this chapter is retained. I wish to ask the Hon. the Premier whether he has noted a certain paragraph in the memorandum submitted to him by the landholders; it is stated there that many zamindars are in a position to prove by their accounts that 70 per cent of the tenants are in a position to pay not only the arrears of rent but that they would also have a considerable margin left after liquidating their debts. I wish to point out particularly that there is a great deal of difference and confusion between the Malabar agricultural year and the fasli year, so that rent which is due in Malabar cannot easily be recovered. About 40 per cent of the rent would be due about 11th February. The clause in the Bill gives time for payment of rent till 30th September, seven months after the rent becomes payable."

"This grant of time to the verumpattam tenant would result in a complete loss of rent. There is no good providing that the verumpattam tenant will have to pay the rent; the remedy given is only a paper remedy."

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p.m.

"Again, Sir, as I have already pointed out, there is no reason whatever why the Malabar ryotwari-holders should be treated on a different footing from the other ryotwari-holders in the province, who also have tenants under them. If this is to apply to the Malabar landholders, it may equally apply to the other ryotwari landholders who come in largely for the benefits of this measure."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, not only myself, but I believe the Government also are very pleased over the conciliatory manner in which the official representatives of

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the landholders of this Presidency have spoken on this question and on the attitude they have taken towards this measure on the floor of this House. The Hon. the Prime Minister suggests that the amendment is for the deletion of the entire clause. As I have already pointed out once before, such amendments are to be considered from the view point that these are parliamentary methods of raising debates. And if the Hon. the Prime Minister should come forward with a proper solution, I shall here and now declare that the zamindars and the landholders of this province will be very very happy to have a settlement of this problem, and they would themselves support any compromise measure which the Government may bring forward. I quite see the manner in which this chapter has been dealt with in the Bill. I may even say that the Government may be thinking that they have gone to the utmost limit possible in regard to this matter. I only wish to point out the position that the landholders of this province occupy in society to-day. They are not any longer the affluent or the great rich or the persons who could always afford to forego anything; they are not in that happy position to-day as people imagine. There are several landholders who are as much in penury as their tenants and as much in debt as anybody else. I am glad to have the tip from the Hon. the Revenue Minister that their number is more. Sir, that is not a happy feature. If tenants have suffered during the depression period, I entirely agree that they have; but these people also have suffered. And if the question of giving relief to the tenants is receiving the anxious consideration of this House—as it ought to—I should not for a moment stand against such relief being given to the tenants. At the same time, Sir, we have to realise how far the landholders will be affected and whether they are in a position to bear the loss to which they are to be put. I shall only give one or two illustrations. In several cases, landholders have had to borrow money for the purpose of paying their kist to the Government, for the purpose of improving their lands and for other reasonable purposes. Again, during the depression period, they have not had any concessions from the Government. May I remind the House that to-day there are several landholders and big zamindars who have already handed over their estates to the Court of Wards, and that there are several more who are very very anxious to hand over their estates if only the Hon. the Revenue Minister could make the necessary arrangements for their proper administration? I know it is very difficult to persuade the Government to agree to the taking over of these estates, because it is difficult to persuade an I.C.S. officer or a Deputy Collector after so many years of service to take up this responsibility because he feels that he cannot put in that amount of work which he is expected to put in in that post, especially because, he does not want to risk his reputation for ability. The difficulties of the zamindar have not been realized by the Government themselves fully. Why I am painting this picture is only with a view to show that the poor zamindars are after all not in a very good position, as is imagined; they are in great difficulties as the tenants themselves. While the landholders are prepared and are anxious to help the tenants, they expect that they should themselves

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be treated justly and equitably. I am emboldened to speak in this manner because of the very conciliatory manner in which the landholders themselves have taken to this measure. I may also add, Sir, that the landholders of this province have not been inconsiderate to the tenants all these years. If only we remember the trend of legislation that was undertaken against the zamindars and in favour of the tenants during the last ten years—I am being reminded of the inamdars also and I agree they have also been hard hit—and the fact is that the Justice Party passed the inam legislation in the teeth of great opposition and against heavy odds, rightly or wrongly the Justice Party had taken drastic steps against the interests of the inamdars (Rao Bahadur Sir A. T. Pannirselvam:—Rightly; the Justice Party never did anything wrong)—rightly, comes the instruction from my friend here—we can easily realize that the landholders and the inamdars have never been averse to take into consideration the difficult circumstances under which the tenants have been living all these years. As I said, the House will certainly be right in affording every relief to the tenant. But I crave the indulgence of the House to consider the case of the landholders also equitably. We all know that the payment of rent for faslis 1346 and 1347 is provided for; it is not a great thing if the provision is for fasli 1347, because by this method I think the Hon. Minister is probably saving some energy. We already know that in the United Provinces there has been a no-rent campaign and the Ministers have been compelled to go and appeal to the tenants to pay the rent to enable the zamindars to pay the peshkash. I, therefore, think that by providing for the payment of rent for fasli 1347, our Ministers are only saving their time—it is no doubt a nice method of ensuring the payment of peshkash this year. What I want to point out is that the concession for fasli 1347 is no concession technically, but the concession is only with regard to fasli 1346. This Bill shows that the creditors' position has been safeguarded with reference to his new debts, i.e., incurred after the year 1932. It is assumed that post 1932 debt should be protected. In the same manner, should not some consideration be shown in respect of the arrears of rent due for the last few years, though not from 1932? My hon. Friend, the official representative of the landholders has only put forward a very mild request for two years—of course, he has not moved an amendment to that effect in so many words, he only said it in the course of his speech; I want the Government to consider that proposition.

“I would only conclude by saying that the landholders of this province are quite alive—they have been alive during the last ten years particularly—to the necessity to give as much as they can to the tenants. We should take both the groups together hand in hand—it is not impossible to do so. We should not discard the one or the other; we should take them together and see that the tenant and the landholder both live amicably and peacefully. If such an attempt is made, I think, it will be for the well-being of this country as a whole.”

* THE HON. MR. C. RAJAGOPALACHARIAR:—“Sir, it may seem to be an exaggeration, but I say it sincerely, that this chapter is really for the benefit of the landholders, and not for the benefit of the

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tenants. (Hear, hear.) For some years past, there has been a rift, as everybody knows, in the feelings as between the landholders and the tenants, such a rift that most people, whether they are landholders or tenants, or whether they are independent observers of the trend of affairs in our country, appear to have given up all faith and hope in respect of the matter and are only either awaiting a crash or have lost interest in the future and simply live from hour to hour. Nobody hopes that zamindars will find friends among the tenants, that the tenants will be prompt bearers of their obligations year after year and partners in the common object of producing the wealth of the country from solid Mother Earth. I submit, Sir, and claim that this provision, expropriatory as it may appear in the eyes of those who do not want this Bill, drastic as it may appear in the eyes of those who count their wealth by figures shown on paper and not in the labour and the help and energy of the tenantry or in the coin that is in their pockets or in their treasuries, but are merely content with seeing the figures amount up to lakhs year after year in the shape of arrears to be recovered—may seem expropriatory in the eyes of such people; but I submit that this provision—I hope and I promise to the landholders who oppose this Bill now and who want the deletion of the whole chapter—will bring a new life to the people and a new life to the landholders in these various estates which are affected by this chapter. Examine it coolly and logically; do not be carried away by any ideas or even emotions of any kind. Examine it, I say. The Bill is passed, let us take it; how is it going to affect anybody?

“ ‘It is going to ruin me’ says the landholder, ‘if the arrears that I have in my paper books are wiped out.’ Yes, but when is it going to be? If there is any doubt, read the words twice or even thrice if you like. That thing can take place only if the man pays off the arrears for fasli 1347 and the arrears for fasli 1346. Just visualize the condition of your estate and the estate office and the beaming smiles of the clerks working in those offices when they find all arrears for the first time for faslis 1347 and 1346 recovered without anybody going about and worrying the tenants and without any suit being filed. For some time past, it has been the practice and the order of the day in all estates for the estate-holders to run to courts and get a decree for the collection of arrears and thereby earn the abuse of the women and children when they go with the decree in their hands to sell away the crops. I submit, Sir, it is not merely as an exaggeration or with a view to get the vote of the House that I am saying, that this chapter is really going to bring a new order of affairs in the estates, if it is properly worked. If this chapter is passed and yet if people do not co-operate and it is not worked well, I do not promise at all that a new day will dawn, but if the landholders will take up this measure as soon as it is passed and say: ‘here, you are going to have a write off according to law; but I write it off here and now; give me the rent for faslis 1347 and 1346; here is the receipt for all your arrears,’ then I say it will work out well and bring the promise that I declare here. If, on the other hand, there is non-co-operation, the Bill by itself cannot do anything, the Bill by itself only gives a legal remedy, and it

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will be worse than the disease itself. What I submit, therefore, is that the landholders' representatives here, far from asking for the deletion of the whole chapter, should welcome this as an accidental God-send for bringing about a new state of affairs in their estates. I do not claim that there is any great skill in this thing. It is a very simple thing; it is what every landholder has been doing up to now without any Bill being passed into law. I quite agree that is the case, and I build my promise upon that. If the landholder has found, even in the ordinary course of things, that it is necessary to say ‘I will write off if you pay this amount or that amount’ that is the normal state of affairs that we should bring about; and that is what the law, in the shape of this measure, will help and strengthen. And if so strengthening, a clean, orderly tenantry will be created, even if for the first time, I submit it will be a joy for us all.

“If it is already there, it will not oppress anybody much, but ^{6 p.m.} most people feel they have accumulated arrears so badly that this will hurt them much. Why is it so? I claim that both sides have become untidy—the landlord too has become untidy. He is satisfied with the finances of the debtor and does not proceed to see that his tenantry are in a position to pay. Considered from different points of view what does this clause do? Three years' arrears or more than two years' arrears are to be written off; that is to say, here is a tenant who is from all account taxed a little more heavily than the ryotwari tenant, and he has to pay from where? From out of the crop only of that year; he has not accumulated anything, he has not saved anything. I am not speaking of a particular case but I am speaking of the generality of tenants, because we can only make laws for all of them and not for some of them. If the man has to pay from his crop the dues of two previous years, how much more can he pay? A ryotwari tenant is not able to pay even the dues of one year, because Government have not allowed him to go into arrears as the landholders have done. Now under the circumstances how is it possible for anybody to imagine that accumulation year after year is wealth and that this Bill is going to ruin them. I promise once again that if this chapter is accepted in the spirit in which it is to be accepted if it is accepted by all the landholders, if they work along with the Government side by side and they all put their shoulders together, this Bill will produce a better fate for all and I say in future, it will be as far as I can see a good day for both sides in this province of ours. I, therefore, plead not only with the whole House to give their vote for this chapter but with particularly the Opposition to give their vote for this chapter so that a new life may spring up as between the landholders and the tenantry within the next few years.”

* MR. T. T. KRISHNAMACHARIAR:—“Mr. Speaker, Sir, when I was approached by a few people interested to make my contribution in any debate that may arise over this question, I little thought that my position was going to be so easy. And I little thought that anything the Government spokesman will say, anything to explain the measure, will be to show it up as a measure giving real benefit to the landholder, rather than being expropriatory one or one taking away

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money which is legally his, from him. Hearing him as I did very closely all the time, it reminded me rather forcibly of the exact similarity of the language used with words of those spokesman in White Hall and the House of Parliament. They say "We the trustees of your great country have given you a wonderful Act, have done what is best possible for you, it is all for your good and you are going to be hereafter a great nation from being a comparatively small entity in the world, but the only thing you have to do is to co-operate with us and then all will be well." Similarly, when the landholder is asking for bread, when he asks you not to wipe off the arrears due to him you are giving him stone. I may also tell you it is something like saying, I am taking your money and you will live more carefully and be a wiser man. That is the argument of the Government if I understand the Government spokesman aright. It is certainly a poor consolation for anybody, particularly for those people who pay very nearly five-ninths of their total income to Government as peshkush. Those people have their commitments too and what will become of them if you ask that arrears of certain faslis should be wiped out. There has been no examination at all of each estate to find out if really those arrears are recoverable. If by such wiping out, some good service has been done, one can understand it. But, what is happening is, a third party is interfering between the landlord and the tenant. He says you cannot go and collect the rent due to you. Do the Government seriously admit that the zamindars are going to be in a position to collect the rent peacefully in future? Because hereafter the tenant will say, the Government will come to his help and there will always be many recalcitrant persons who will not take advantage of the amiable provisions of the Bill and pay off the arrears for the last two faslis to get their debts wiped out. The man who has always been regular in payment will be screwed up to pay. Actually if it is to be called a concession in such cases, it is nothing at all. There is really a case for considering the zamindars' plight favourably, not because of right and wrong considerations of their position as landholders not because they deserve any special consideration, but because they have a liability to pay to you and it is not small liability, as they pay you nearly five-ninths or half of what they collect. In fact, the zamindar can be compared in his relation to the Government as a milch-cow and if you do not want the milch-cow, you had better destroy it; on the other hand, if you want to keep it, you will have to keep it in an yielding condition. . . ."

MR. SPEAKER:—"Does Mr. Krishnamachariyar want any observation from the Government or any reply from Government?"

MR. T. T. KRISHNAMACHARIAR:—"I cannot ask for a reply, Sir."

MR. SPEAKER:—"You have been asking the Hon. Premier to reply to some of your observations hitherto."

MR. T. T. KRISHNAMACHARIAR:—"I have no right to ask. Sir. The Government may reject the amendment or approve of it; it is not within my province to ask for a reply."

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MR. SPEAKER:—"It is rather peculiar that the procedure in this House has been giving an opportunity for Members of the House to comment and criticise without Government being able to explain the case. As a matter of fact, Government must be able to explain all the points raised by Members in the course of the debate and so, Members of the House who are expected to speak or who desire to speak on an amendment, are expected to rise and speak before the Premier is called upon to reply. That would be the proper order and hereafter Members who desire to speak on an amendment may kindly rise up and they will be permitted to speak and then the Premier will give a complete view of the Government on all the points that are raised by Members. That is the correct position."

MR. G. KRISHNA RAO:—"Have I a right to speak, Sir?"

MR. SPEAKER:—"I do not want to deny anybody's right to speak. The procedure that has been adopted is not good. Any Member who rises may speak and I won't curtail anybody's right to speak. This is exactly what I have pointed out. The Government has been asked to reply by Members on certain aspects of the question; the Government having replied, the other Members rising and trying to criticise the action of the Government, makes the Premier comment again. Again Members rise. There should be a limit to this sort of debate."

KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"He is the mover of an amendment."

MR. SPEAKER:—"The mover of an amendment has no right of reply at any time. So, I have already given general instructions that all that has to be said should be stated so exhaustively by the Members at one stretch, that Government's view may be given on it."

MR. G. KRISHNA RAO:—"On a point of information, Sir; I want to say a few words. I raised a question with regard to the fact that this Government have not got statistics with regard to the zamindari areas without which they cannot properly legislate in the matter. But no reply has been given with regard to the point raised by me, by the Hon. the Premier."

THE HON. MR. C. RAJAGOPALACHARIAR:—"It would be proper for me, Sir, on this occasion to give for instance the verdict of the Board of Revenue in regard to this Bill, who have not only got statistics but also direct experience of the management of the Court of Wards estates. I thought I would be taking undue advantage of the Members of the House if I gave the opinion which the Board has given. It would not be right and I do not want the support of the Board to be put before the House at all. That is why I refrain from taking any reference to such information."

MR. SPEAKER:—"I will now put the question to the vote of the House."

"The question is that Chapter III consisting of clauses 14 to 16 be omitted."

The amendment was put and lost.

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Clause 14.

Sub-clause (1).

Mr. R. M. PALAT:—"I move the following amendment standing in my name, namely:—

"In clause 14, sub-clause (1), for the words and figures "fasli year 1345," substitute the words and figures "fasli year 1340"."

"Sir, I had originally moved for the complete omission of clause 13, but as that has not been passed I hope at least this concession may be given as regards rent from fasli 1340. The points raised by the Hon. the Premier as regards inability to recover arrears from tenants do not apply to the rent due from what are called the kanamdars of Malabar. I say that rent is practically a nominal rent and is only a small proportion of what the kanamdars get from his tenant and there will be hardly any difficulty in collecting it and the difficulty raised by the Hon. the Premier will not be valid so far as Malabar is concerned and I think there is every reason to allow this year at least as regards the West Coast."

Mr. G. KRISHNA RAO:—"I second it, Sir."

The amendment was put and lost.

THE ZAMINDAR OF BODINAYAKANUR:—"I move, Sir,—

"In line 5, for the figures "1345", substitute the figures "1343".

"கனம் தலைவர் அவர்களே. நான் கொண்டு வந்திருக்கும் திருத்தப் பிரேரணையின்மேல் சில வார்த்தைகள் பேசவேண்டியதாயிருக்கிறது. கிஸ்தி பாக்கியானது ஏறக்குறைய நூற்றுக்கு எண்பது ஜமீன்களில் ஏராளமாயிருக்கின்றது. இது தீர்வை அதிகமென்ற வரிப்பளுவினால் மட்டுமல்லவென்று நான் நினைக்கிறேன். ஏனெனில் ரயத்வாரி வரியாக்களிலுள்ள தீர்வையெக்காட்டிலும் குறைச்சலாயிருக்கும் எஸ்டேட்டுகளில் ஏராளமாய் பாக்கிகளிருக்கின்றது. இந்தப் பாக்கிகள் நூற்றுக்கு எழுபத்தைந்து கொடுக்கக்கூடிய லாயகுள்ள புள்ளிகளிடமே இருக்கிறது. ஆகையினால் அப்பேற்பட்டதைத் தள்ளிவிடும்படி சொல்லுவதானது கொஞ்சமும் நியாயமில்லை என நான் அபிப்பிராயப்படுகிறேன். இன்னும் சில பயிர்வாரித் தீர்வையுள்ள ஜமீன்களில் ஒவ்வொரு பசலியிலும் பின்னால் வருவதற்குரியிருக்கிறது. மற்றுமுள்ள எஸ்டேட்டுகளில் 1347-ம் பசலி இப்பொழுது அமுலிலிருக்கும்போது இந்தமாதிரியுள்ள எஸ்டேட்டுகளில் இந்தப் பயிர்வாரி எஸ்டேட்டுகளில் 1346-ம் பசலிதான் வருவிக்கப்படுகிறது. இப்பேற்பட்ட எஸ்டேட்டுகளில் 1345-ம் பசலியையும் தள்ளிவிட்டுச் சொல்லிவிட்டால் யாதொரு பாக்கியும் கிடைக்க இயலாவிடும். ஆகையினால் கவர்ன்மெண்டார் அவர்கள் ஜமீந்தாரர்களையே எங்கனிடத்தில் கருணை காட்டி, குறைந்தபட்சம் 1345-ம் பசலியையாவது கொடுக்கவேண்டிய கொள்கை என்ன. இப்பொழுது எல்லாருக்கும் கொடுக்கமுடியாத பொறிதும் இந்தமாதிரி பயிர்வாரித் தீர்வையுள்ள எஸ்டேட்டுகளுக்காவது கொடுக்கவேண்டிய நான் கவர்ன்மெண்டார் அவர்களைக் கேட்டுக்கொள்கிறேன்."

6.15 p.m. MR. SPEAKER:—"With regard to the time, I have arrived at a decision and I shall, in a minute, explain how I have arrived at that decision. In the House of Commons, the House commences its sittings at quarter to three of the clock and it finishes its sittings at

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[Mr. Speaker]

11-30, that is 8 hours and forty-five minutes. The House sits continuously for this period and like this, they sit for 125 days in a year. Ours is a very poor country; we hardly sit for 60 to 70 days in a year at the most. (Mr. Hameed Khan: 'The temperature there is 90 degrees). Of course this is a hot country and our timings are unfortunately in the hottest part of the day; this ought to be changed; we may not be able to work like that for 8 hours and 45 minutes. So, I shall put it down on extraordinary occasions to 8 hours. We have already sat from 10 to 1-30, namely, 3½ hours and to make up for the balance of 4½ hours we shall sit till 6-45 and I shall adjourn the House punctually at 6-45."

THE ZAMINDAR OF MIRZAPURAM:—"Mr. Speaker, I rise to second the amendment moved by my friend the Zamindar of Bodinayakkanur. The zamindars will be put to very great difficulty if the arrears for 1344 and 1345 are also to be written off. Zamindars have spent large amounts in obtaining decrees and now if all this is to be wiped off, the zamindars would be very hard hit. The arrears are due not because of the inability of the tenants to pay but because of the utter lack of control over the village servants and the defect in the Estates Land Act. I may point out to the House that there are many cases where arrears have accrued pending litigation. The zamindars have already paid cesses and peshkush on the arrears outstanding. Whatever the legal rights of the zamindars may be, I am confident most of them would be perfectly satisfied if they are allowed arrears for faslis 1344 and 1345 and this will enable them to co-operate in the successful working of the Act. I, therefore, request the Premier to consider the amendment sympathetically."

DIWAN BAHADUR A. APPADURAI PILLAI:—"I rise, Mr. Speaker to support this very modest amendment of the Zamindar of Bodinayakkanur. The object of this clause is to assure the rent of zamindars for faslis 1346 and 1347, so that they may not very much mind about collections of rent for either 1345 or previous faslis. I would like to point out that the argument with regard to the rent for 1347 is not convincing for the simple reason that the rent due for that fasli would not fall due until 30th June 1938. The demand has not yet arisen with reference to that fasli. So far as we are now concerned, it is inoperative. Really the assurance provided with reference to fasli 1346 is welcome to the landholders; but the collection of rent due for that single fasli may not meet their requirements. The rent for 1345 has not been fully collected for various reasons. There have been reports in the press and the platforms about the loss that the landholders stand to incur on account of the wiping off of past rents. It may be contended that the non-collection of arrears in due time is due to negligence on the part of the landholders and that they have no reason to complain about it. But I submit, Sir, that it is not lack of vigilance on their part that is responsible for the non-collection. The arrears have accumulated for a variety of reasons.

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It may be due to vicissitudes of season, fall in prices, litigation or other disturbing causes. It would be better not to ignore that fact altogether. In the amendment that is proposed to be carried out to this clause which would be coming up shortly, we find that provision has been made enabling the landholders to collect rent for fasli 1345 also when by any process of law or causes due to litigation, the proprietors are prevented from actually collecting the arrears.

6-30
p.m.

"That would be inserted as sub-clause (2) under clause 15 as renumbered. It will apply practically to inamdars, landholders, the new set of landholders that have been brought under the provisions of the Estates Land Act. In the case of these inamdars who were engaged in litigation either between zamindars and inamdars or between inamdars and their tenants, as to the proper forum in which they should litigate, the concession proposed now is to collect the arrears of rent for fasli 1345. What the zamindars now ask Government is to extend that concession only to cases where collection of rent has been stayed for causes beyond their control. As has been already observed by my hon. Friend, Kumararaja of Chettinad, the zamindars and other landed proprietors have been hard-hit in the last few years. Their whole tenure has been unsettled. The question was taken up on the floor of the Legislature under the previous Government from time to time, and the position of zamindars became considerably unsettled. Every legislation was calculated to hit the landlords. It was the aim of the previous Government to secure as many privileges as possible to the tenants, and the landholders had to yield to them. Having passed that stage, they are coming under the control of the present Government, where arrears of rent are proposed to be washed out at a single stroke of the pen. It does not become me as a member of the select committee to say all these things on behalf of the landed proprietors, but all the same, I consider it my duty to do so seeing that I have raised the same issue at the time of the general discussion of the Bill. Then, Sir, I raised the constitutional question whether this House can proceed to legislate on this matter. It does so now under clause 21 of List II at page 305 of the Government of India Act. That clause, Sir, authorises local Legislature to legislate with regard to land, that is to say, rights in and over land, land tenures, including the relation of landlord and tenant and the collection of rent. Sir, it was my contention, and I make bold to reiterate it that collection of rent may not mean repudiation of former rent. That would be repugnant to the interpretation of rent law. Having regard to that interpretation, having regard to the clause quoted, which clearly indicates that collection of rent alone could be legislated by the local Legislature, under that provision it is a question whether it would lie for this Government . . ."

MR. SPEAKER:—"With which part of the Government of India Act are you now dealing please?"

DIWAN BAHADUR A. APPADURAI PILLAI:—"Page 305 of the Government of India Act, clause 21 of List II."

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MR. SPEAKER:—"Am I to understand that the hon. Member is raising a point of order now?"

DIWAN BAHADUR A. APPADURAI PILLAI:—"No, Sir."

MR. SPEAKER:—"The hon. Member may proceed with his speech."

DIWAN BAHADUR A. APPADURAI PILLAI:—"With that provision in our view, it behoves this House and also the hon. Mover of this Bill to consider sympathetically the small request made by the Zamindar of Bodinayakkanur in the amendment he has just now moved, namely, provision for arrears of rent for fasli 1345. After all, Sir, the concession, if given, may not be great; because with regard to the collection of rent for fasli 1345, some portion of it has already been collected; and whatever remains uncollected will be collected in a few months. So I would request the hon. Mover to include fasli 1345 in the Bill to meet the legitimate demands of the landholders."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I have said what has to be said mostly on the previous amendment. At present we are concerned only with the question whether some more years of arrears of rent should be kept alive than what the Bill does. On that point, Sir, I wish to say this, that it is merely an illusory attachment to property that can explain this persistent demand for doubling and trebling the burden of unpaid arrears of rent which remains on the shoulders of the tenant. It is impossible for any average tenant to pay two or three or four years rent even though these arrears may be due to the leniency or neglect of the landlord. At present, it is impossible for the tenant to pay even one year's arrears of rent. That is the actual state of affairs. Of course it may be possible for the tenant to pay the arrears by the sale of jewellery or cattle; but that is not what the landlord or the tenant or Government would want the agriculturist to do. What we want is that the agriculturist should be able to eke out his livelihood with a sense of security of his property and tenure."

"போடிநாயக்கனார் ஜமீன்தார் அவர்கள் தமிழில் பேசினதற்காக சந்தோஷப்படுகிறேன். ஆனால் விஷயத்தில் ஒன்றும் மாற்றவேண்டுமென்பது அவசியமில்லை என்பதற்காக வருத்தத்தைத் தெரிவித்துக்கொள்கிறேன்."

The amendment was put and lost.

* MR. G. KRISHNA RAO:—"Sir, I beg to move the amendment standing against my name, that is—

'In line 5 of sub-clause (1) of clause 14 for the figures "1345" substitute the figures "1342".'

"Sir, in doing so I want to impress on the Premier that the zamindar should be treated on the same analogy as creditor. I know he will immediately come round and say that he should not be treated on the same lines because he has been explaining this in a peculiar way, which is a sort of sophistry, which is difficult to swallow as far as the zamindar is concerned. He says, that rent is not debt. When he says about sanctity of principal, with regard to dealings with

[Mr. G. Krishna Rao] [29th January 1938]

creditors, why not I say extend that sanctity to rent also? What is there particularly nauseating to the Premier in extending that sanctity to rent also? His plea is the inability of the tenant to pay the dues. Accepted. We are bound to bow to his decision provided he holds a board of enquiry and finds out who really are unable to pay arrears and who are able. And after this enquiry if the Premier asks us to wipe out the arrears of those who are really unable to pay, then we have no objection. But with regard to those who have been refusing to pay, out of mischief, cursedness or defiance and recalcitrancy in not paying arrears, which is the present day tendency of ryots, because of the irresponsible agitators bent upon fomenting trouble a feeling of defiance has been caused in the minds of these people. Does the Premier want these people to go scot-free by this Bill? I know the Premier is not going to be impressed by any argument, and that is why I say, 'let us have an inquiry'. I also want to point out to the Premier that the zamindars have paid their peishkush to the Government, and when they have paid the peshkush, what right have the Government now in power to take away the money due to them? This is expropriation without compensation. I once again say, Sir, it is a matter of expropriation without compensation. Should not the Congress Government feel ashamed to pass this legislation? I am sorry I have to use very strong language, because I know the Premier will act in his own way, as he knows the Opposition is very weak. I am sorry this is a very iniquitous, very false piece of legislation. If it is passed, I can say without any hesitation that it will be a blundering and plundering legislation. With these words I move my amendment."

MR. SPEAKER:—"The hon. Member has moved only the first part of his amendment. Am I to take it, he is not moving the second part?"

MR. G. KRISHNA RAO:—"I move only the first part of my amendment."

MR. R. M. PALAT:—"I second it."

DIWAN BAHADUR A. APPADURAI PILLAI:—"Sir, I rise to support the amendment of Mr. Krishna Rao; but since I have dealt with at some length the previous amendment moved by my hon. Friend, the Zamindar of Bodinayakkanur which is also on the same lines as the present one, I refrain from saying much. I commend this amendment to the sympathetic consideration of the Premier. I express regret for the very strong language which my Friend, Mr. Krishna Rao in his indignation has ventured to use. I feel that he regrets the slip of his tongue. (Several voices from Government block: 'Slip of the tongue'.)"

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, while appreciating the spirit behind the remarks of the last speaker, Mr. Appadurai Pillai, I do not want to be understood to resent all the strong remarks of Mr. Krishna Rao, who spoke before him. I very

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much appreciate the pain which prompts Mr. Appadurai Pillai to apologize for Mr. Krishna Rao. But I think we should have a sense of humour and should see that the strong language used by Mr. Krishna Rao represents the capacity in which he speaks, and not either the courtesy or concern of the speaker himself.

"I know the hon. Member too well to imagine that his heart was in the words that he used. I believe that he could not properly function as Secretary of the Landholders' Association without hurling even stronger language than he used just now (laughter). I submit that the issue is not whether we are blundering or whether we are plundering. But the issue is whether it is safe for the country, whether it is good for the landholders, whether it is proper for the tenants to go on in this manner. Of what earthly use it is to go on accumulating the arrears of 1340, 1341, 1342, 1343 and even 1344 if you are not able to collect it, if these gentlemen who call themselves landholders and who remain on the spot and are men of the same race and blood as the tenants, are not able to collect these dues which they have been commissioned to collect? If the Government appointed a tahsildar or a collector who did not collect the arrears for so long, he would get dismissed at once. But if a collector or a tahsildar while not collecting the dues to the Government submits money from his own pocket and leaves the arrears to stand due, would he be excused? I submit not Sir. He would receive double punishment, if he did not do his duty but paid the money from his own pocket in order to cover up his failure to discharge his duties. I maintain that the landholders are public servants and are not owners of property at all. (Applause.) I maintain that they have been commissioned under a solemn document and under a solemn oath that they should collect those dues which have been specified and fixed, that they should collect them in time and without harassing the tenants, and remit out of them a fraction (to the Government) which has been very liberally fixed so long ago as 1800 and so on on a very liberal scale when prices were lowest, when lands had not been assigned. Now they have been assigned and they collect more in money from more tenants and altogether they collect much more than they pay to the very liberal Government, which has fixed their commission on a scale much better than what is given as salary to either a collector, or a tahsildar of taluk. Why should these people fail to perform their duties and why should they blame us when we complain that they have not performed their duties, and why should they not suffer for it? I have nothing more to add."

The amendment was put and lost.

MR. SPEAKER:—"If Mr. Palat is moving his next amendment, we will adjourn and if he is not moving it, we will continue."

MR. R. M. PALAT:—"I wish to move my amendment, Sir."

MR. SPEAKER:—"In that case we will adjourn now and meet again on Monday at 11 a.m."

The House accordingly adjourned.

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APPENDIX I.

[Vide answer to starred question No. 174 asked by Mr. T. T. Krishnamachariar at the meeting of the Legislative Assembly held on the 29th January 1938, at page 420 supra.]

Statement showing the names of Municipal Engineers, the Municipalities wherein they are employed at present, the date of their first appointment as Municipal Engineers and the date of their admission to the Madras Municipal Engineering Service.

Number and name.	Municipality.	Date of first appointment as Municipal Engineer.	Date of admission to the service.
(1)	(2)	(3)	(4)
1 Mr. S. H. Dhana- rajan.	Coimbatore	24th June 1929.	25th February 1936.
2 Mr. S. Jesudasan.	Salem	10th December 1935.	Do.
3 Mr. M. Eapen ..	Bazwada	24th January 1935.	Do.
4 Mr. M. R. Dorai- swami Ayyan- gar.	Kumbakonam (under orders of transfer to Ootacamund.)	17th April 1929.	Do.
5 Mr. K. M. Ninan.	Ootacamund (under orders of transfer to Calicut.)	4th June 1924.	Do.
6 Mr. D. Kodanda- rami Reddi.	Nellore	28th September 1928.	Do.
7 Mr. S. L. Nara- simhamurthi.	(On other duty as Personal Assistant to the Sanitary Engineer.)	1st March 1929.	Do.
8 Mr. M. P. Cheri- an.	Tuticorin	27th October 1933.	Do.
9 Mr. K. Subba Rao.	Rajahmundry	12th August 1932.	Do.
10 Mr. G. M. Panch- ratnam.	Tanjore	1st April 1932.	Do.
11 Mr. G. S. Rama- swami.	Bellary	15th April 1929.	Do.
12 Mr. S. Ramalinga Mudaliyar.	(On leave from 2nd October 1937.)	15th April 1921.	Do.
13 Mr. R. G. Shenoy.	Calicut (under orders of transfer to Kumbakonam).	1st July 1929.	Do.
14 Mr. J. Jaganna- dham.	Cocanada	30th October 1915.	Do.
15 Mr. R. Subra- mania Ayyar (probationer).	Madura	8th April 1935.	Do.
16 Mr. M. Yogesh Rao (proba- tioner).	Trichinopoly	26th June 1936.	26th June 1936.

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APPENDIX II.

[Vide answer to unstarred question No. 98 asked by Mr. K. V. R. Swami at the meeting of the Legislative Assembly held on the 29th January 1938, page 428 supra.]

Statement.

	1936-37.	1935-36.	1934-35.	1933-34.	1932-33.
1 In-patients treated	163	199	173	172	145
2 Out-patients treated	1,780	1,573	1,590	1,663	1,410
3 Castrations	380	318	309	253	239
4 Cases supplied with medicine ..	132	94	296	115	286

APPENDIX III.

[Vide answer to unstarred question No. 101 asked by Mr. K. P. Yegneswara Sarma at the meeting of the Legislative Assembly held on the 29th January 1938, page 430 supra.]

*Report from the Chief Engineer for Irrigation,
No. 2778/35-B-4, dated 6th April 1936.*

[Projects—Tinnevely—Ghiriar Irrigation Scheme.]

The scheme is the same as that which was investigated in the past, and consists in the building of a diversion weir with a tunnel to lead the water to the eastern slopes of the ghats. The Executive Engineer has prepared a tracing from the later Government of India maps, of the locality which shows that the catchment area of the river at the point of diversion cannot exceed 4 square miles. Even taking the most optimistic view, the water diverted will not suffice for the irrigation of more than 1,000 acres.

The approximate cost and the probable return from it work out as shown below:—

	RS.
Cost of a tunnel 8' x 7'	4,41,000
Cost of diversion dams, etc.	40,000
Roads, etc., to the mouth of the tunnel	1,00,000

Total for 'Works' ... 5,81,000

or including direct and indirect charges, the scheme will cost at least Rs. 7.50 lakhs. The additional area that can be irrigated cannot exceed 1,000 acres and if the (extra) assessment be taken at Rs. 9 (maximum) per acre, the return, even ignoring maintenance charges, will be only

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Rs. 9,000 or 1·2 per cent. Apart from the anticipated poor return, there may also be the objection on account of possible interference with the flow to existing tanks on the eastern side.

Government Memorandum No. 81-D/35-6, Public Works (Irrigation), dated 29th May 1936.

[Ghiriar Irrigation Scheme—Tinnevelly district.]

READ—the following—

From the Secretary, Taluk Congress Committee, Sankarankoil,
dated 4th January 1935.

From the Secretary, Tinnevelly Mahajana Sangham,
dated 3rd January 1935.

From the Secretary, Landholders' Association, Koilpatti Division,
Kokkirakulam, Tinnevelly district, dated 4th March 1936.

The petitioners are informed that the Government have again gone carefully into the question of utilizing the waters of the Ghiriar for irrigation purposes and have decided to drop the proposal as the expenditure involved is out of all proportion to any possible benefits.

W. SCOTT BROWN,
Secretary to Government.

To the Secretary, Taluk Congress Committee, Sankarankoil.

„ Secretary, Tinnevelly Mahajana Sangham.

„ Secretary, Landholders' Association, Koilpatti Division, Kokkirakulam,
Tinnevelly.

THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, the 31st January 1938.

The House met in the Assembly Building, Chepauk, Madras, at eleven of the clock, Mr. Speaker (THE HON. MR. B. SAMBAMURTI) in the Chair.

Prayer.

Mr. Speaker called for prayer.

MR. ABDUL HAMEED KHAN:—“ On a point of order, Sir.”

* MR. SPEAKER:—“ Not now.”

MR. ABDUL HAMEED KHAN:—“ We want to protest against the singing of this song in spite of our protests.”

* MR. SPEAKER:—“ The hon. Member must be aware that he should not disturb the solemnity of the prayer hereafter. It would be disorderly conduct.”

MR. ABDUL HAMEED KHAN:—“ The prayer has not yet begun.”

* MR. SPEAKER:—“ It has already been announced and it will be begun. Hereafter the Member will not be allowed to disturb the prayer like that.”

Mr. Abdul Hameed Khan followed by some Muslim Members and Rao Bahadur Sir A. T. Pannirselvam then left the Chamber.

MRS. LAKSHMI SANKARA AYYAR sang the ‘ Vaude Mataram ’ song, all Members standing.

Mr. Speaker then led the following prayer, all Members standing:—

‘ O Eternal and Almighty God ’

‘ We, the representatives of the people of the Madras Presidency, assembled here in Parliament, fervently pray that our hearts may be so enlightened that we may be freed from all passions and prejudices and that our minds be so constituted that in our deliberations, we may not purpose or decide otherwise than in the best interests and welfare of the people.

‘ We heartily pray that we may possess wisdom and understanding to pass laws and resolutions for the maintenance of truth and justice, wealth, health and happiness of the people, and that we may also possess strength and determination to devote ourselves to the service of our motherland and harness all energies and resources for the attainment of freedom and peace.

‘ Om, Santih. Santih. Santih ! ’

All Members then resumed their seats.

* MR. SPEAKER:—“ Hon. Members are aware that it has been repeatedly pointed out that Members may absent themselves from prayer if they choose. Immediately the division bells are rung, Members who want to participate in prayers will come into the House. If Members want to disturb the solemnity of the prayer, their conduct

[Mr. Speaker] [31st January 1939]

will be treated as grossly disorderly and the Chair will be compelled to lock the doors and exclude the visitors at the time of the prayer. Therefore, this warning is given to such Members as do not know the consequences of their conduct."

MR. ABDUL HAMEED KHAN:—"We are prepared for all consequences, Mr. Speaker."

* MR. SPEAKER:—"But hereafter no discussion will be permitted by hon. Members in this fashion. Only such Members as are prepared to participate in prayers will be allowed into the House. Others will not be allowed to come into the House until the division bell is rung for a second time. This is the rule of all Parliaments. Those that are not willing to participate in the prayers are at perfect liberty not to come into the House until the second bell is rung."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Would it not be better, Mr. Speaker, to first alter the existing standing orders saying that the proceedings of the House shall commence every day with prayers and then enforce the rule?"

* MR. SPEAKER:—"The matter will be considered afterwards. Now we proceed to the business before the House."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Till then?"

* MR. SPEAKER:—"The suggestion made by Mr. Pannirselvam will be duly considered."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Till then Mr. Speaker, the bell may be rung and the doors closed as was done at the time of the division yesterday, visitors being excluded and then prayers may begin, so that those of us who do not want to partake in the prayers may not come in and people may be effectively prevented from walking out also."

* MR. SPEAKER:—"From to-morrow, after the first division bells are rung, only members of the House who want to participate in the prayers will be admitted into the House and after prayers the doors will be opened. The doors will be closed after the first division bells are rung and the visitors and others may come in afterwards, that is after the second bell."

MR. S. M. LALJAN:—"We are prepared for the worst."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"The arrangement, Mr. Speaker, is now clear as far as I can see: That we meet, those of us who wish to offer prayers, before the commencement of the business of the House, a little beforehand, and we offer our prayers. The bell is to be rung for the business of the House thereafter, so that every one who wishes to participate in the business of the House may, without being compelled even by his presence to participate the prayer, be at perfect liberty to wait outside and to come in just when the bell is rung for the business of the House. There can be no grievance and I only want to suggest this further amendment of the arrangement

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that it may not be necessary to close the doors beforehand, because men can lock themselves out by a determination not to come in and express their disagreement with it by staying it out. It should not be necessary physically to prevent any one from coming in, any more than it would be necessary to close the doors of the House against all the people going on the road coming in without passes. I do not think it is necessary to close the doors against gentlemen who do not like that part of the business; they may as well stand outside. There is a slight confusion, that the business of the House is supposed to begin with the prayer and some members feel that they should not be prevented from coming in, when they ought to be here. Let it now be once for all clearly stated that the business of the House commences only after the prayer is finished by those who wish for it and that business will not be deemed to have commenced beforehand. Can we not, with such an understanding, agree to have an unobstructed ventilation while we offer our prayers?"

* MR. SPEAKER:—"We now take up the business of the House."

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Arrears of monthly salaries and payment of travelling allowance to the elementary school teachers in the employ of the panchayat and district boards.

* 177 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether the attention of Government has been drawn to the fact that the elementary school teachers in the employ of the panchayat and district boards are not regularly paid their monthly salaries in many parts of the Province of Madras;

(b) if so, the reasons for such a state of affairs;

(c) what steps the Government propose to regularize the payment of monthly salaries to such teachers;

(d) whether the teachers in those schools are paid travelling allowances on their transfer; and

(e) if not, why not?

THE HON. DR. P. SUBBARAYAN:—" (a) The Government are aware that some district boards do not disburse salaries to teachers regularly. No complaints have been received in respect of schools under Panchayats.

" (b) Exact reasons are not known to the Government. The irregular payment of teachers may be due to the inefficient administration of the local bodies concerned.

" (c) The Government are impressing upon presidents of local bodies the necessity for the prompt payment of salaries to teachers.

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“(d) & (e) Complaints have been received that travelling allowances are not granted in certain cases. Instructions have been issued to the effect that the allowance should be granted in all cases.”

MR. V. M. RAMASWAMI MUDALIYAR:—“ May I ask, Sir, what steps the Government have taken or propose to take to enable district boards which are fundamentally unsound in finance to meet the bill for arrears of salary due to teachers? ”

THE HON. DR. P. SUBBARAYAN:—“ It only shows that the budgeting on the part of the district board concerned was bad. It is an expenditure which is incumbent upon the respective district boards to provide for. Such district boards cannot expect the Government to come to their help in the matter of payment of salaries to teachers of local bodies.”

MR. V. M. RAMASWAMI MUDALIYAR:—“ I submit, Sir, that the answer to my question has not been given. I asked, Sir, what steps are proposed to be taken to make the district boards pay the salaries due to their teachers especially when it is known that the budget of the district board does not enable it to pay the arrears of salary.”

THE HON. DR. P. SUBBARAYAN:—“ In such a case, I hope to take into my confidence my Hon. Colleague the Minister for Local Administration to find out in what way their expenditure can be cut in order to pay these elementary school teachers who are badly hit by such non-payment.”

MR. P. S. KUMARASWAMI RAJA:—“ Will the Hon. the Minister kindly state the names of the district boards which are not disbursing pay to their school teachers regularly? ”

THE HON. DR. P. SUBBARAYAN:—“ I am afraid this is a question which I cannot answer offhand; but if the hon. Member wishes an answer, I would advise him to put down a separate question on this point.”

MR. T. N. RAMAKRISHNA REDDI:—“ Is it not a fact, Sir, that the delay in the disbursement of salaries to the teachers is due to the delay of the Government in advising the Treasury Deputy Collectors to allow the Presidents of District Boards to draw the monies which have been allotted for elementary education? As a matter of fact, the District Board President could not pay, because he had not received any advice from the Government; and the Treasury Deputy Collector did not permit him to draw any money.”

THE HON. DR. P. SUBBARAYAN:—“ If the case is as represented by the hon. Member representing Madanapalle, I shall consider the question of the issue of orders to the Treasury Deputy Collectors concerned that money, as soon as it is made available, should also be made available for payment to Presidents of District Boards.”

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MR. G. RANGAYYA NAYUDU:—“ May I know, Sir, whether the fact has been brought to the notice of the Government that the Hindi teacher who was appointed ten months ago in the Secondary School at Tirur has not been paid his pay for the last ten months? ”

THE HON. DR. P. SUBBARAYAN:—“ I have had this matter under consideration. An order was recently issued that the salary of this teacher should be disbursed.”

MR. BASHEER AHMED SAYEED:—“ In reply to clause (b), the Government have stated that they are not aware of the reasons. May I know, Sir, whether by the ‘ Government ’ he means the present Government or their predecessors and whether there is nothing in the file to indicate the reasons for this non-payment and delay in the disbursement of salaries? ”

THE HON. DR. P. SUBBARAYAN:—“ I would like the hon. Member to understand that by ‘ Government,’ I mean all Governments including the present and the past. There is nothing in the files to indicate the reasons and it is on a complaint made by the teachers concerned that action has been taken recently asking the Presidents of District Boards to disburse salaries without undue delay.”

Areas affected by illicit distillation in 1935-36, and the expenditure on the staff employed therefor.

* 178 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

- (a) the areas classed as worst affected by illicit distillation in 1935-36;
- (b) the districts in which they are situated;
- (c) the strength of the extra staff employed from 1st April 1935;
- (d) the expenditure incurred for the same;
- (e) whether the abovementioned extra staff is still continued; and
- (f) to what extent the illicit distillation has been checked?

THE HON. MR. V. I. MUNISWAMI PILLAI:—“ A statement * containing the information asked for is attached.”

Prisoners given hard labour in jails last year.

* 179 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

- (a) the number of prisoners in jails who were given hard labour during last year;
- (b) the average number of hours per day that such prisoners worked; and
- (c) the average wages each prisoner earned during last year?

* Printed as Appendix on page 609 infra.

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THE HON. MR. K. RAMAN MENON:—“(a) Figures for 1937 are not yet available. For the figures for 1936 the hon. Member is referred to column (3) of Statement XII-A (Financial) appended to the Jail Administration Report for 1936.

“(b) About eight hours—the hon. Member is also referred to rules 257 to 269 of the rules in the Madras Jail Manual, Part II, and to section 35 (1) of the Prisons Act, 1894.

“(c) Prisoners are not paid any ‘wages’ for their labour in jails. But they are allowed gratuities for good conduct and extra labour. The scales of gratuities earned by prisoners are given in rules 335, 335-A, 337, 338, 342, 385-A and 589 of the Madras Jail Manual, Part II.”

11-15 a.m. MR. S. NAGAPPA:—“Will the Hon. Minister be pleased to reduce the number of working hours?”

THE HON. MR. K. RAMAN MENON:—“The question will be considered.”

MR. G. RANGAYYA NAYUDU:—“May I know what the amount of remission given to prisoners for hard labour per month is?”

HON. MR. K. RAMAN MENON:—“I would refer the hon. Member to the rules contained in the Jail Manual.”

THE HON. MR. C. RAJAGOPALACHARIAR:—“Mr. Speaker, Sir, if you would permit me, I wish to point out to you that questions numbers 178 and 179 and many other questions are all merely requests for information in the nature of statistics. I wonder whether the hon. Members who have put these questions are preparing any books. But I suggest that these questions should not be starred really.”

* MR. SPEAKER:—“It is a suggestion that has been made to the Members of the House already that questions requiring statistics and long answers may not be answered orally, and hereafter I think the members will take the suggestion more seriously than before.”

MR. BASHEER AHMED SAYEED:—“Sir, if questions really require very long answers, there must also be some time given to hon. Members who want to acquaint themselves with the statistics and facts and figures so that they may elicit further information. For such people the present practice is very unhelpful. You will be pleased therefore to supply the answers at least the previous evening so that people may know what exactly are the answers and have the supplementary questions ready. That will be only fair to the members.”

* MR. SPEAKER:—“The answers to the starred questions will not be supplied to members. That was already held so, because that would take away the life of the question hour. Starred questions requiring long statistics will be treated as unstarred questions.”

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UNSTARRED QUESTIONS

Number and working of the cotton, jute, paper and woollen mills in the province.

109 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the number of cotton, jute, paper and woollen mills in the province;

(b) the quantity of goods annually manufactured by them and the value thereof; and

(c) the total number of persons employed by them?

A.—(a) & (c) There are 47 cotton spinning and weaving mills, four jute mills, three woollen mills, and one paper mill in the Madras Presidency coming under the operations of the Indian Factories Act. The total number of persons employed daily in these mills during 1936 was * 57,332, 5,970, 728 and † 80, respectively.

(b) According to the statistics published by the Director-General of Commercial Intelligence and Statistics, 129,886,202 lb. of cotton yarn were spun and 76,887,938 yards and 409,415 dozens of knitted goods were produced in the several cotton mills in the Presidency. No information is at present available in regard to the value of the goods detailed above. The value of the mill-woven cloth alone may, however, be taken *roughly* at Rs. 192 lakhs (at 4 annas per yard) and that of the mill yarn at Rs. 650 lakhs (at 8 annas per lb.).

120,400 square yards of material and 28,671 lb. of wool and 4,859 blankets and cumblies valued at Rs. 2,70,680-10-1 were produced in the three woollen mills. There is no information in regard to the quantity and value of jute produced in the several mills as statistics of these are not available.

* For 45 mills only, figures for two not being available.

† The paper mill is not working but the employees mentioned are engaged on the erection of the new machinery and the maintenance of the plant.

Proposal for the appointment of diploma holders of the Muslim and other minority communities as Junior Engineers in the Electricity Department.

110 Q.—MR. S. M. LALJAN: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that till 1935 direct recruitment to the Assistant Engineer's cadre in the Electricity department was made from outside the department staff, and that this practice has since been discontinued;

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(b) whether it is a fact that as late as 1935, diploma holders of the Engineering College, Guindy, in Electrical Engineering, and even those without any academical qualifications whatsoever were appointed as Junior Engineers in this department;

(c) whether the authorities now insist on a degree; and

(d) whether the Hon. Minister will consider the desirability of admitting even diploma holders of the Muslim and other minority communities into this department as Junior Engineers?

A.—(a) The answer is in the negative. Of the thirteen Assistant Engineers appointed till 1935, only two were recruited direct; ten were appointed by transfer from the subordinate ranks of the department and one from the work-charged establishment. The practice of appointing Assistant Engineers by direct recruitment as well as by transfer is still in force.

(b) Diploma holders of the Engineering College, Guindy, were selected for appointment as junior engineers in the Electricity department in 1933 and 1934. The Madras Electrical Subordinate Service Rules were issued in 1935 and since then the above qualification is recognized only for recruitment by transfer to the posts of junior engineers. For direct recruitment to the posts, the qualification required according to the rules is a degree. So far, no persons without academical qualifications have been appointed as junior engineers.

(c) The qualification of a degree is required only for direct recruitment to the posts of junior engineers and not for recruitment by transfer.

(d) Diploma holders of the Engineering College, Guindy, are eligible for appointment as junior engineers by transfer from the posts of supervisors (Electrical). The Government consider it inexpedient to lower the qualification prescribed for direct recruitment to the posts of junior engineers in respect of members of the Muslim and other minority communities.

Number of appointments made by the Government to non-menial posts.

111 Q.—MR. K. V. R. SWAMI: Will the Hon. the Prime Minister be pleased to state—

(a) how many persons were newly employed by the Government in the last five years under the following heads: viz., S.S.L.C., Intermediate, B.A., Law Graduates; and

(b) the total number of appointments made by the Government during that period to offices not being menial?

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A.—(a) & (b) The Government have no such tabulated information ready. The collection and compilation of the tabulated information asked for would involve an amount of time, labour and expense which, in the opinion of the Government, would be quite disproportionate to any useful purpose which might be served.

Amount spent on the purchase of Swadeshi stationery articles during the last ten years.

112 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state how much of the amount spent on stationery during the last ten years was spent in the purchase of Swadeshi articles?

A.—The amount spent on purchasing Swadeshi articles during the last ten years is shown below:—

	RS.
1927-28	3,92,293
1928-29	2,52,137
1929-30	3,58,992
1930-31	3,92,869
1931-32	3,84,259
1932-33	57,113
1933-34	1,95,805
1934-35	1,34,514
1935-36	1,53,677
1936-37	2,03,549

Education of boys between 6 and 12 years of age in this Province.

113 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) the percentage of population last year between 6 and 12 years of age in this Province;

(b) the percentage of these between the ages 6 and 12 that do attend any school; and

(c) the cost of educating these boys?

A.—(a) The latest year for which population figures are available is 1931 in which a census was taken. It is not, therefore, possible to give figures for last year.

(b) The hon. Member is referred to statement 11 in Volume II of the Report on Public Instruction which gives the number of scholars classified according to age.

(c) Separate figures of cost of educating boys between the age of 6 and 12 are not available.

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

II.—ELECTION TO THE MADRAS UNIVERSITY SENATE.

* MR. SPEAKER:—"I have to announce to the House that the following candidates have been nominated for election of eight Members to the Senate of the University of Madras:—

- (1) Mr. S. C. Venkatappa Chettiyar.
- (2) „ R. Raghava Menon.
- (3) „ P. K. Moideen Kutty.
- (4) Dr. (Mrs.) N. Lakshmi Devi.
- (5) Mr. B. Bhakthavathsalu Nayudu.
- (6) „ K. Ishwara.
- (7) „ A. Pl. N. V. Nadimuthu Pillai.
- (8) „ Abdul Hameed Khan.

"As the number of candidates nominated is equal to the number of vacancies to be filled, namely, eight, I hereby declare them to have been duly elected to the Senate of the University of Madras."

* MR. SPEAKER:—"We will now proceed to the next item of the business of the House."

III.—THE MADRAS AGRICULTURISTS RELIEF BILL (L. A. BILL NO. 10 OF 1937)—cont.

MR. BASHEER AHMED SAYEED:—"Sir, I want to know

* MR. SPEAKER:—"No Member shall hereafter rise to speak unless called by the Chair. It is not consistent with the dignity of the House that he should start his speech and finish half of it before he is called."

MR. BASHEER AHMED SAYEED:—"In keeping with the Parliamentary procedure may we know from the Government, how long the House will sit to-day?"

* MR. SPEAKER:—"It is unnecessary to know it now. We will proceed with the discussion of the Bill."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I want to have a word, Sir."

* MR. SPEAKER:—"On the Bill?"

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"No, Sir. I want to make a very small representation. As we have not been accustomed to regular hours of sitting, I think Members of the House are entitled to know how long they have to sit, so that they may make arrangements in respect of their other work. I hope Government will be pleased to inform the House. It is only fair that such questions should be treated very considerably."

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* MR. SPEAKER:—"I never expected that the Leader of the Opposition will again make a speech on this point, which has been settled. I said the hour would be announced by the Chair. We will proceed with the business and I will consider the matter and announce the hour."

MR. ABDUL HAMEED KHAN:—"That will be better."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I am very sorry, Sir, that such remarks should fall from Members. I think we are getting into a bad mood. I am not trying to make any remarks on any particular thing."

MR. ABDUL HAMEED KHAN:—"Co-operation is necessary."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I think, if we will go on, we will recover. That is so far as I am able to understand. It is for the House to deal with the business of the House or not and it is reasonable to ask the Speaker in advance as to how long we are going to sit unless we are going through a routine business. We are already at the end of a Bill and that is why we, either the Government or the Speaker, will be unable to say till what time we will have to sit unless we are interested in the hour of the day. Since we are interested in the work, it is difficult to say now and I think nobody will misunderstand the Government or the Speaker. With these remarks I hope we will resume with the even temper with which we have been going on with the business till now."

Clause 14.

Sub-clause (1).

* MR. SPEAKER:—"The discussion on the Bill will now be resumed."

* MR. G. KRISHNA RAO:—"Mr. Speaker, Sir, I move the amendment that stands in my name. Only the first part of amendment No. 175 was moved the day before yesterday night. I have not moved the other portion of the amendment. Am I at liberty to move it now?"

MR. SPEAKER:—"Does the hon. Member mean No. 175? When he was asked, 'Does he want either this or that?' he chose to move the first part. Does he claim to move the second part?"

* MR. G. KRISHNA RAO:—"We generally give these amendments as alternatives and not substitutes. It is unfortunately a mistake done by the office."

* MR. SPEAKER:—"The hon. Member distinctly stated that he rose to move amendment No. 175 and that out of the two parts he would prefer to move the first and the second part was practically dropped by him and not reserved."

* MR. G. KRISHNA RAO:—"It may be a mistake on my part. I wanted it to be an alternative amendment. I do not think I committed myself to the effect that I have no right to move the amendment."

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* MR. SPEAKER:—"The hon. Member would kindly recollect what took place the day before yesterday. Amendment No. 175 was finished. Mr. Palat rose to move amendment No. 176 and while Mr. Palat was beginning to move it, the House was adjourned."

MR. R. M. PALAT:—"I wished to move amendment No. 176 and I stood up to do so before the adjournment."

* MR. G. KRISHNA RAO:—"May I submit this information? We are not able to bring back to our mind the exact situation as the House was sitting very late and there was something like an excitement as some of the Members of the Opposition walked out and there was some little disturbance. That was the cause of the misunderstanding. At any rate, if it is your ruling that I lose my right to move this amendment, I submit."

* MR. SPEAKER:—"I do not say the right is lost. I say the right was given up. If he wants to move it, I will permit him to do so, without further observations."

* MR. G. KRISHNA RAO:—"It is a very modest amendment compared to the previous amendment. When the loaves are taken away, I only want to have a small crumb and in the inclusion of arrears of fasli 1345 I want to make some amends to help the poor landlords who were called upon to lose very heavy sums from 1345 and backwards. The Premier's explanation is that, it is all paper debt and therefore not at all recoverable. We have to differ from him in that matter. All ryots are not insolvents and such of those who can afford to pay may be allowed to pay the rents. There is another consideration. The landlord has got debts to pay and commitments to discharge. In that way it will help the landlord to some extent and ease him from the situation in which he is placed, if all arrears are wiped out."

11-30 a.m. "This is my submission to this House. I believe the House will consider this amendment more favourably than the other amendments. With these words, I move my amendment, namely:—

'In line 5 of sub-clause (1) of clause 14, for the figures and words "1345 and prior faslis" substitute the figures and words "1344 and prior faslis."

MR. R. M. PALAT:—"I second it."

* THE ZAMINDAR OF MIRZAPURAM:—"Mr. Speaker, Sir, it is rather unfortunate that my hon. Friend, Mr. Krishna Rao, in the heat of the moment used harsh language. So also the Hon. Premier made the astounding statement on Saturday evening about the position of landholders, a statement not supported by any law, history or public conscience. The question as to who is the proprietor of the soil is before the Parliamentary Committee which has been asked to go into the question. In my opinion it is not fair that the Hon. Premier should make that statement before the Committee has come to a decision on that particular point."

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[Zamindar of Mirzapuram]

"Sir, I support the amendment moved by my hon. Friend, Mr. Krishna Rao. The amendment moved by him is very fair and just; as he has already stated, there are ryots who are able to pay and rich enough to pay their dues; this Bill prevents them from paying any sum due from them. As I have already stated, the landholders have paid peshkash and cesses in the hope of collecting the outstanding amounts from the ryots. I might also state for the information of this House that some zamindars might have borrowed moneys for the payment of their peshkash relying on the amount of arrears they can collect from their tenants. I appeal to the Hon. Premier to consider this amendment favourably and allow at least faslis 1344 and 1345."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am sorry, Sir, that the repeated request to add another year does not make much impression upon me. If I were convinced that it was possible to put a burden of three years' rent upon the crop of one year, I would have gladly agreed. It is because I am convinced that it is not possible to go beyond two years' rent to be placed as a charge upon the crops that can be raised in one year, that I do not agree. It is possible that some men may have assets and some men may not have any assets. In dealing with rent or revenue, we cannot make a distinction on that ground. This is my explanation for my being unable to accept the amendment, while appreciating the courteous way in which the Opposition supported it."

The amendment was put and lost.

MR. R. M. PALAT:—"Sir, I beg to move the amendment standing against my name:—

'In line 8 of sub-clause (1) of clause 14, for the words "or whether" substitute the words "except where" and after the word "decree" insert the words "or band".'

"I want that in all cases where decrees have been obtained for any arrears, such decree amounts should be allowed to be realized. It is only fair that, when a man has gone to the extent of incurring expenditure for obtaining the decree, he should be allowed to have the benefit of that decree. I should submit it is immoral that decrees of courts should not be given effect to and the amount due collected. I would also say that in the case where a person has obtained a bond for any rent, it should be treated as debt and it should be recovered."

MR. G. KRISHNA RAO:—"I second it."

The amendment was put and lost.

* MR. G. KRISHNA RAO:—"On a point of information, Sir! Some amendments which pertain to this clause and which ought to be dealt with now as we go on with this clause were given notice of and they do not find a place in the printed list. I would like to know how those amendments are going to be dealt with."

* MR. SPEAKER:—"All the amendments that have been received by the office, have been placed on the table of the House."

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* MR. G. KRISHNA RAO:—"Mr. Palat has moved his amendment No. 176. I do not find my amendment to this clause. The amendment is a roneed amendment and it has not been given any number."

MR. SPEAKER:—"That amendment also has been circulated to hon. Members. It will be taken up later on in proper time."

MR. BASHEER AHMED SAYEED:—"Sir, I move the following amendment:—

'In line 1 of the first proviso to sub-clause (1) of clause 14 after the word "person" insert the words "primarily or statutorily".'

"This has been put in by way of abundant caution. It is possible that persons who borrowed escape their liabilities; other persons might have come in their place; still the old persons who were once liable should be called upon to pay. The person who becomes liable to pay under the contract entered into, must be called upon to pay the dues. The tenant, who has to pay the rent, might have mortgaged or sold his right in the property. Any person who has made himself responsible primarily or under statute, should be made to pay the amount. With these words, I move the amendment."

MR. SPEAKER:—"The amendment falls through for want of a seconder."

MR. R. M. PALAT:—"Sir, amendment No. 179 is in the printed list before hon. Members and I beg to move it, that is,—

'Add the following further provisos before the explanation to clause 14:—

"Provided further that any intermediary under the Malabar Tenancy Act, 1929, who has recovered from his tenant his rent or any portion thereof in any year, shall pay his superior landlord his rent or his share in the same proportion."

"Provided further that all rents or michavarams payable by a tenant under the Malabar Tenancy Act, 1929, and accrued for fasli 1345 and prior faslis shall be given full credit to in granting the value of improvements, if any, found due to him if his landlord sues for redemption".'

"It is only fair that the intermediate tenant who has actually collected his rent from his under-tenant, should pay his share to the superior landlord. The intermediary has actually collected his rent; the superior landlord should not be denied the benefit of getting his share."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I second the amendment."

The amendment was put and lost.

11-45
a.m.

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* MR. G. KRISHNA RAO:—"I move the following amendment standing in my name, namely:—

'Add the following as the last proviso to sub-clause (1) of clause 14:—

"Provided that nothing in this section shall be deemed to affect the arrears of rent for fasli 1345 for which distraint proceedings and proceedings by way of sale of holding under the provisions of the Estates Land Act have been taken, but the amounts in respect of which such proceedings were instituted, have not yet been realized".'

"Sir, my amendment restricts the demand to a small number of instances. I say, that where the zamindar has taken distraint proceedings—it may be that it was not owing to his neglect that the rent was not collected, but it may be due to the delay of the Revenue department—those items of collection should be exempted from the operation of this clause. I think, Sir, that this is a just request."

MR. R. M. PALAT:—"I second the amendment, Sir."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am extremely sorry to have to say that this amendment is really a violent departure from the principle of the Bill, as it proposes that where a landholder has even to-day taken, or is going to take to-morrow, distraint proceedings against tenants, the rent which it is sought to remove from recoverability by this clause, namely, that for fasli 1345, should become recoverable. That is to say, that if hereafter steps should be taken as a consequence of this proposal, such proceedings should by themselves be a reason for rents to be recovered. I put it this way, because, if the amendment is accepted, it would mean, that the mere fact that distraint proceedings have been taken with reference to the rent for fasli 1345, would save it from being written off under the provisions of this Bill. It would, I submit, be a premium on harsh proceedings and coercive measures which have been taken since the Bill has been published. For this reason, I hope the House will reject this amendment."

The amendment was put and lost.

MR. T. T. KRISHNAMACHARIAR:—"May I make a submission, Sir? I have an amendment in my name which is No. 187 on the list, which I think should more appropriately come under clause 14 and not under clause 15, because my amendment and that of the Government are identical, though the scope of the relief sought to be afforded by the Government amendment is much restricted. May I therefore move my amendment before the Hon. the Premier moves his amendment?"

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* MR. SPEAKER:—"The hon. Member has given notice that he will move his amendment at the end of clause 15; there it stands."

MR. T. T. KRISHNAMACHARIAR:—"That is why I seek your permission to move it now because the subject relates to this clause. My amendment seeks to give more and extended relief than the Government amendments seeks to. I asked the Hon. the Premier and I do not think he objects to my moving it now."

MR. SPEAKER:—"If the hon. Member feels that his amendment will drop down if the Government amendment is carried, he is entitled to oppose the Government amendment and get it defeated."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"The amendment I wish to move is this:

'that sub-clause (1) of clause 14 be followed by a new sub-clause which I shall read presently and then sub-clauses (2) and (3) be renumbered as sub-clauses (3) and (4) if that sub-clause I am going to move is accepted. It is this:

"(2) Nothing contained in sub-section (1) shall be deemed to effect a discharge of arrears of rent which accrued due for fasli 1345, if proceedings for the recovery of such arrears stood stayed by an Act of the Legislature or by an order of a court or if such proceedings, if instituted, would have stood so stayed. But the arrears of rent for fasli 1345 shall not be recoverable until the 30th September 1938, or if the rent for fasli 1347 is paid before that date, until the 30th September 1939."

"If you will permit me, Sir, I might mention that the request made by Mr. Krishnamachari just now is that what he had notified as an amendment to clause 15 as it originally stood is germane to the subject-matter here. As to whether he intended to bring it in as a sub-clause to clause 15 or to clause 14, it makes no difference because the matter deals with the same subject-matter. The question is, according to him, that even apart from a stay or an Act of the Legislature preventing a suit to be filed or already filed from being proceeded with, he wants to add, a more comprehensive condition, namely, that where there was a certain amount of litigation over the matter, there should be a general extension of time, apart from the question of an actual stay order or a provision to that effect by an Act of the Legislature. It may not be inconvenient if his wider provision is dealt with first, so that if that is accepted this would become unnecessary and if that is rejected, this would be relevant. Whereas, if this is to be treated as opposition, we would still have to go through the other amendment once again. So, I suggest that his amendment may be given precedence and disposed of and then my amendment may be taken."

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* MR. SPEAKER:—"If that is defeated, as that covers the whole of the subject-matter of these amendments how can two amendments relating to the same subject-matter be taken up by the House?"

* THE HON. MR. C. RAJAGOPALACHARIAR:—"If the amendment the hon. Member proposes is lost, it would mean that the amendment he proposes to the clause is lost, and nothing more. However, I leave it to the Chair to decide. But I do not think that if this amendment is lost, my amendment is barred."

MR. T. T. KRISHNAMACHARIAR:—"May I move my amendment, Sir."

MR. SPEAKER:—"Yes."

* MR. T. T. KRISHNAMACHARIAR:—"I am extremely obliged to the Hon. the Premier for showing me this concession and for helping me in making clear the position. My amendment is as follows:—

'Add the following at the end of the clause:—

"Nothing in this section shall affect the rights to recover rent of a landholder whose rents remain unrecovered by reason of a litigation to determine whether his lands were or were not an estate within the meaning of the Madras Estates Land Act of 1908, or by reason of a stay of suit under an Act of Legislature."

"Sir, the question of litigation in regard to determination of an estate where it is an estate under the Madras Estates Land Act, I think, is very well known to all lawyers in this House. There have been a number of suits and some of them have even gone up to the Privy Council and as hon. Members are aware it takes time to get a decision in such cases. Some suits have been decided only during 1934 or 1935 and by the time the landholder started collecting arrears, the Inam Legislation came in and the proceedings were stayed by an Act of the Legislature. Actually the framers of the amendment contemplated have not taken note of certain contingencies. I can mention a number of cases which will not be covered by the amendment contemplated by Government. In fact, it has been brought to my notice only this morning of a case in Bezwada where a charitable endowment comprising of 300 acres went before the Privy Council and relief was obtained by the inam estate by about the end of 1934 or early in 1935 only to find that an Act of the Legislature prevented the estate from getting the benefit of the relief. In that case, a lot of expenditure was incurred, I am told, and in that particular case the inamdar had to incur a debt of over thirty thousand rupees. It is not difficult to understand the point, and I am sure the hon. the Mover of the Bill is cognizant of this point and it only remains for him to determine whether he is going to extend relief to such cases."

MR. BASHEER AHMED SAYEED:—"I second it, Sir."

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* THE HON. MR. C. RAJAGOPALACHARIAR:—"I just wish to point out exactly where this amendment differs from the amendment which I have just read and of which I have given notice and which I shall move immediately after this is disposed of, if it is not accepted. The proposal of the hon. Member Mr. Krishnamachari is that the protection should cover not only fasli 1345 but any fasli however old it might be. Secondly, the protection should be given not only if there is a stay either by an Act of the Legislature or a suit but also if there is litigation about a tenure. The third thing is that whereas my amendment has specified the extended time within which a tenant should be allowed to pay, the hon. Member's amendment does not give any such protection. All these things apart, I submit, Sir, that the most important thing is that the mere fact of litigation should not be deemed sufficient reason for keeping up these old arrears as a burden, in spite of the measures we are taking in this Bill. For these reasons, Sir, I am not able to accept the short and more comprehensive amendment which has been moved by Mr. Krishnamachariar."

12 noon
MR. T. T. KRISHNAMACHARIAR:—"In view of the explanation of the Hon. the Premier, I beg leave of the House to withdraw my amendment."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I oppose it."

The amendment was put and lost.

Clause 14.

New sub-clause after sub-clause (1).

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I beg to move amendment No. 181 (A), that is—

'Re-number sub-clauses (2) and (3) as sub-clauses (3) and (4) respectively, and insert the following as sub-clause (2), namely:—

"(2) Nothing contained in sub-section (1) shall be deemed to effect a discharge of arrears of rent which accrued due for fasli 1345 if proceedings for the recovery of such arrears stood stayed by an Act of the Legislature or by an order of a Court or if such proceedings, if instituted, would have stood so stayed. But the arrears of rent for fasli 1345, shall not be recoverable until the 30th September 1938 or if the rent for fasli 1347 is paid before that date, until the 30th September 1939."

"I have already explained it. Sir, in connexion with the other amendment, and I have nothing to add now."

The amendment was put and carried.

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Clause 14.

Sub-clauses (2) and (3).

* THE HON. MR. C. RAJAGOPALACHARIAR:—"There are no amendments with regard to the explanation and the illustrations. Now the amendment I am going to move is with regard to sub-clause (3) in the printed Bill, which has been re-numbered as sub-clause (4). I move—

'in sub-clause (4) as re-numbered, for the words "and in the latter case also the extent of the remaining liability of the tenant," substitute the words "and also the extent of the remaining liability, if any, of the tenant".'

* MR. G. KRISHNA RAO:—"Sir, the House is moving very rapidly. There is an amendment given notice of by me under sub-clause (2) of clause 14, and it is contained in the typewritten sheet circulated. It is not numbered in the printed agenda. I should like to know where I come in."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"If there is any typed amendment, which covers the previous sub-clause, it shall certainly be taken up after mine is over. I only suggest in my amendment a mere grammatical change. There is absolutely no change in the substance. It is thought by the draftsmen that the words I now move are better."

The amendment was put and carried.

* MR. G. KRISHNA RAO:—"Mr. Speaker, Sir, I rise to move the amendment that stands in my name, namely, to add the following after sub-clause (2):—

'Provided that in cases where moneys due for fasli 1346 have been credited towards dues for the fasli 1347, the summary remedies available under sections 77 and 112 of the Madras Estates Land Act shall be enforceable in respect of such amounts during the period available for the enforcement of such remedies in respect of the dues of fasli 1347.'

"Sir, it is clear enough from the amendment that I have moved that these summary remedies are for the recovery of the arrears of rent so that the landlord may not have the necessity of going to the court and undertake the trouble and all the expense involved in securing the arrears. This is my suggestion."

DIWAN BAHADUR A. APPADURAI PILLAI:—"I second it."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I wish the hon. Member had explained his amendment. I only want to know whether sections 77 and 112 he refers to, include distraint of crops."

MR. G. KRISHNA RAO:—"They include distraint of crops, as it is understood in the Madras Estates Land Act."

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* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am sorry I cannot accept the amendment."

The amendment was put and lost.

MR. BASHEER AHMED SAYEED:—"Sir, I move to add the following proviso to sub-clause (3) of clause 14:—

'Provided that in cases where on 1st October 1937, or on the coming into force of this Act, there is a dispute between the landholder on the one hand and the ryot or tenant on the other pending before any court of competent jurisdiction concerning the correct amount of rent lawfully due and payable by such ryot or tenant aforesaid, it shall be lawful for such deposit as mentioned above to be made under protest to abide the final decision of the question regarding the correct amount of rent; and the court receiving such deposit shall proceed to deal with the same under the provisions of this Act, but only in the light of and conformably to the final decision so rendered.'

"Sir, the present clause would seem to be superfluous after the provisions of sections 68 and 69 of the Estates Land Act. Already there is liberty for the tenant to deposit the amount and then claim such remedies as he thinks he is entitled to, under sections 68 and 69 of the Madras Estates Land Act. Considered in that light, sub-clause 3 would be superfluous. I do not quarrel with that. I really want to provide for other cases which have not been provided for in this measure. There may be a real case of greater hardship arising out of some dispute between the landlord and the tenant in regard to the amount that has to be paid by way of rent to the landlord. In those cases, some provision has to be made so as to enable the ryot to deposit the amount pending the decision of any competent court. As it is, the provisions of sub-clause (3) do not make any provision for such exigency. In case where there is a dispute, it may be quite possible that the parties come to some understanding with a view to provide for the security of the rent being paid. For that, unless there is a clause under this measure it will not be possible for him to claim any benefit under the Act. So I say, in cases where in the absence of such agreement between the landlord and the tenant as to the security that is claimed from the tenant, or even in the absence of such exigency arising, it will be necessary to have a provision of this kind, so as to enable the ryot to deposit the arrears of rent under protest.

12-15 p.m. "That is why I say, it must be deposited under protest, and when once it is so deposited, it could not become actually due to the landholder. I have suggested this amendment only to enable the ryot to deposit the amount under protest, where there is a genuine dispute between the ryot and the landlord as to the exact amount that is payable. And also I want to provide for the final decision to be awaited in regard to the amount deposited under such protest. Otherwise, if

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the lower court merely decides and if the landlord takes away the rent, then there will be no remedy open to the man who has paid the amount into court. I submit that it is essentially necessary that the amounts should be deposited in the courts pending the decision on the dispute between the ryot and the landlord, the ultimate decision only governing the rights between the two parties and not the intermediate decision of the court before whom the deposit is made. I submit it should be made clear by a provision of this kind that the court in which a deposit has been made should await the final decision and should proceed to a determination only in the light of such final determination as to how far, under the provisions of this Bill, the amount of rent deposited goes to discharge the outstandings payable by the tenant to the landlord with regard to the faslis in question. I therefore submit that a proviso of this kind will be of advantage to the tenant. I do not think it is to the advantage of the landlord. I submit that it is therefore reasonable and may be accepted by the Government."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I second it."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, though I am not opposed to the principle of the amendment, I am not able to understand the need for it. It appears to me it would be a redundancy and if I am wrong, I would beg the hon. Member to point out the same to me. The clause as it stands says—

'Explanation.—For the purposes of this sub-section, "Court" shall mean the Collector referred to in section 209 (1) of the Madras Estates Land Act, 1908, or the court referred to in section 3 (b) of the Malabar Tenancy Act, 1929, as the case may be.'

So that in all these cases, the court that receives the deposit is the court that can try the issue itself. As sub-clause (3) says: '... thereupon the court shall, after notice to the landholder, under-tenure holder, janmi or intermediary, as the case may be, apply the provisions of this Act and determine whether the whole or only a portion of the rent for the faslis aforesaid has been paid by the tenant, and in the latter case, also the extent of the remaining liability of the tenant for rent under the provisions of this Act.' It does not exclude the court from going into the Estates Land Act or the Malabar Tenancy Act for determining what rent is and then only this Act can apply. So, the caution that hon. Member in this amendment wants to urge has already been taken notice of and apprehended in the clause. It would be a redundancy to have this suggested proviso."

* DIWAN BAHADUR A. APPADURAI PILLAI:—"I just wish to say one word. Sub-clause 3 as it stands refers to the depositing of the rent due in court by any tenant against whom a landholder proceeds. It is stated here in the first sentence 'every tenant shall be at liberty to pay into court any amount towards the rent due by him for faslis 1347 or 1346'. Sir, the rent due by him may not be rent in respect of which there is a dispute as to the exact amount to be paid.

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The sub-clause contemplates cases where there is no dispute as to the correct amount of rent due, but it does not make provision for cases where there is a dispute as to the amount to be paid. 'Rent due' may be rent accrued. But in cases where there is a dispute as regards the amount actually due, what is the procedure to be followed? The amendment suggests the procedure that should be followed, that is, if the amount of rent that is in dispute is paid by a tenant when the dispute is pending before the court and it is paid under protest, it would not be for the landholder to take it away. It would be open to the court in the light of any decision that the court may arrive at with reference to the disputed amount to decide how the amount should be disbursed. That is the position. The amendment refers to the payment of rent with regard to which there is a dispute. The amendment is intended only to prevent the landholder from taking advantage of the deposit made by the tenant under protest and to prevent the landholder from taking shelter under sub-clause (3) as it now stands. 'Rent due' may mean anything. It may not refer to the exact amount of the rent."

Mr. BASHEER AHMED SAYEED:—"There are three points which I want to emphasize in this amendment. Sir, the Hon. the Premier said that this amendment is redundant and I want with your permission to explain the position. There is a change with regard to date involved in my amendment. Wherever there is a reference to 1st October 1937 in this sub-clause, I want that it should be 'on the 1st October 1937 or on the coming into force of this Act there is a dispute.' I am providing against a bona fide dispute between the landholder and the tenant with regard to the amount that is payable or the exact liability a man is called upon to meet."

"The other point is that it must be possible for him to deposit the amount under protest. Unless there is provision enabling him to do so, the courts will not accept it."

"The third point is that any deposit should only be governed by the final decision after appeal. As it is, it is just possible that the ryot will not be entitled to that remedy. Sir, the determination of the liability or the amount deposited in court should be subject to the final decision of the appellate authority. It is only with regard to that I want this amendment."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I submit that it would not be necessary to bring in appeals and all that under this section. The only point that is sought to be provided for—and it is important,—is that the tenant should be able to deposit whatever amount he likes when there is any uncertainty in the matter and nobody should lose his rights on account of any error in that action. Now, the language of the sub-clause is 'Every tenant shall be at liberty to pay into court any amount towards the rent due by him for faslis 1347 or 1346 or both and thereupon the court shall, after notice to the landholder, under-tenure holder, janmi or intermediary as the case may be,

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apply the provisions of this Act and determine whether the whole or only a portion of the rent for the faslis aforesaid has been paid . . . If it is not enough, the court will declare that it is not enough and nobody loses anything.

"As regards the protest, it is unnecessary to say it, because the clause says 'every tenant shall be at liberty to pay any amount towards the rent due.' It appears to me that there is no lacuna in this which needs to be filled up by the amendment. If necessary, the only words that may be added would be this: 'towards the rent due by him or claimed to be due by him.' That is all. If the hon. Member thinks that that would satisfy him, I submit that you, Sir, might give him leave to add these words 'rent due or claimed to be due by him.'"

The amendment of Mr. BASHEER AHMED was by leave withdrawn.

Mr. BASHEER AHMED SAYEED:—"I now move, Sir—

'in sub-clause (3), after the words "the rent due" in line 2, the words "or claimed to be due" be added.'"

The amendment was duly seconded.

The amendment was put and carried.

Clause 14.

New Proviso.

* Mr. R. M. PALAT:—"Sir, I move—

'Add the following new proviso to clause 14:—

'Provided that nothing in this section shall affect the liability of verumpattam tenant who has to pay in fasli 1345 or later his rent in two instalments.'"

"I am moving this amendment because the Malabar agricultural year has not been taken into account. It clashes with the fasli year. The fasli year ends with 30th June while the agricultural year ends with 30th September. Therefore, if it is left as it is, the real intention of the Hon. the Premier will not be carried out."

"Therefore I would say that, so far as Malabar under-tenure holders or tenants-at-will or verumpattamdars are concerned, the clause may be amended as I have suggested."

The amendment was duly seconded.

The amendment was put and lost.

Clause 14.

New sub-clause (4).

Mr. BASHEER AHMED SAYEED:—"I beg to move that the following be added as new sub-clause (4) to clause 14:—

"(4) Nothing contained in this section shall be deemed to affect the competency of the parties aforesaid to provide for the relief or reliefs made available to the ryot or tenant under this section by such other means or measures as they may in writing registered agree upon amongst themselves."

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"Sir, this again is an enabling clause. I think in the interests of the landholders and the ryots it may be desirable that an enabling provision like this should be inserted. After all, we do hope for full co-operation between the ryots and the landholders. Notwithstanding that this Bill becomes law, I submit that the ryot and the landholder should get on as amicably as possible. There have been appeals issued from high authorities to every section and community that it is very desirable that there should be no hostility or want of co-operation on the part of tenants or the landlords. In order that this Bill may not stand in the way of promoting that sort of amity which is essential between the tenants and the landholders, I say that this amendment may be accepted and included in the Bill."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I second it."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, the proposal is to give permission to parties to enter into contract in spite of this Bill. If English language is properly understood, that would be the result of accepting this amendment. Nobody is prevented from entering into a compromise or a contract or obligations. About this there can be no legal doubt whatsoever. If it is intended that this amendment should open loop-holes in the Bill for landlords to plead that some other arrangement has been entered into and that the provisions of this Bill will not affect particular cases, I submit that it is undesirable to open such loop-holes as between landlords and tenants. It has been customary to expect a certain amount of pressure in regard to agreements between the tenants and landholders and section 177 of the present Madras Estates Land Act makes a very large and comprehensive provision preventing such claims arising as a result of agreement entered into between the landholders and tenants. So I do not think it would be wise to introduce in this Bill a provision by which it would be open to either party to plead that other contracts have been entered into in respect of the very same matter. I regret I cannot accept the amendment."

MR. BASHEER AHMED SAYEED:—"I want to explain a little."

* MR. SPEAKER:—"The only difficulty is this: if every hon. Member were to speak twice or thrice by way of explanation or representation or reply and all sorts of things, on every amendment, I think it would be repugnant to the rules of debate. Unless the situation requires it, no Member should speak twice."

The amendment was put and lost.

Clause 14 as amended was put and carried.

Clause 15.

THE ZAMINDAR OF MIRZAPURAM:—"Mr. Speaker, Sir, I have given notice of amendments to clause 15. I thought I might move them before the Hon. the Premier moves his amendment."

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* MR. SPEAKER:—"There is an order prescribed in which the amendments should be moved and that order will be followed. The amendment of the Hon. the Premier is more comprehensive and as such it ought to be moved first."

THE ZAMINDAR OF MIRZAPURAM:—"If the amendment of the Hon. the Premier is carried, I will not be able to move my amendment."

MR. SPEAKER:—"It does not matter."

THE ZAMINDAR OF MIRZAPURAM:—"It does matter to me."

* MR. SPEAKER:—"There is an order followed with regard to the arrangement of amendments, and it has been adopted here. The Hon. the Premier's amendment is more comprehensive and consequently it ought to be moved first."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I will try to make myself clear. As my amendment changes the whole clause and re-casts it, it has to be considered first. But if the amendments already notified by hon. Members relate to subject-matters as they originally stood in the Bill, they will naturally be new clauses and they can be moved as amendments to my amendment. So I will just move my amendment and other amendments of hon. Members may be considered as amendments to my amendment later. I will formally move my amendment, which is printed as No. 186 on the printed list of amendments, that it be accepted as a substitute for the clause as it now stands in the Bill, and if it is necessary for hon. Members afterwards to press their amendments, they may be considered."

MR. SPEAKER:—"I think it is better that I clarify matters with regard to this amendment. . ."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I think I would be facilitating matters if I add in sub-clause (b) of my proposed amendment after the words 'land revenue' in line 1, the words 'and water-cess.' The amendment that I now formally move is this—

'For this clause 15 (16 as re-numbered), substitute the following clause, namely:—

"16. Notwithstanding anything contained in this chapter, a landholder or an under-tenure holder under the Madras Estates Land Act, 1908, or a janmi or intermediary under the Malabar Tenancy Act, 1929, shall be entitled to recover, in addition to any sum recoverable by him under section 15—

(a) the land-cess, if any, paid by him and recoverable under section 88 of the Madras Local Boards Act, 1920;

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(b) *the land revenue and water-cess, if any, paid by him to the Provincial Government, which the tenant was bound to pay by virtue of any law, custom, contract or decree of court governing the tenancy; and*

(c) *the costs awarded to him in any decree for rent obtained by him.* ” ” ”

THE ZAMINDAR OF MIRZAPURAM:—“ I have sent an amendment to the whole clause that the words ‘ water-tax ’ might also be added after the words ‘ land revenue.’ If water-cess covers ‘ water-tax,’ I think I need not move my amendment.”

The amendment of the Zamindar of Mirzapuram was not moved.

The amendment moved by the Hon. Mr. C. Rajagopalachariar was put and carried.

12-45 p.m. MR. G. KRISHNA RAO:—“ Mr. Speaker, Sir, I should like to know whether I may intimate to the Hon. the Premier any other costs which have to be incorporated in this clause. If it is permissible, I shall mention them.”

* MR. SPEAKER:—“ Amendments to amendment? ”

MR. G. KRISHNA RAO:—“ Yes.”

* MR. SPEAKER:—“ What is it? ”

* MR. G. KRISHNA RAO:—“ I have given notice of an amendment, No. 188, which wants that certain costs legitimately incurred should be included as recoverable from the tenants. They are analogous to decree costs and when the costs of decree are given it is but reasonable that these other costs also should be given. The landholder is asked to forego his rent under this Bill, and I submit that he should not be asked to forego the sums he has spent from out of his pocket. That is my plea, Sir. If the Hon. the Premier can make his amendment more comprehensive by including my amendment also, it will be better.”

MR. SPEAKER:—“ Is not the hon. Member going to move his amendment? ”

MR. G. KRISHNA RAO:—“ I am making a suggestion to the Hon. the Premier and if he accepts my suggestion, I will not move my amendment. Otherwise I have got the right of moving my amendment, which I shall exercise in due time.”

* THE HON. MR. C. RAJAGOPALACHARIAR:—“ If it will save time, I will rise up and speak now; but if the hon. Member wants to have the right of moving his amendment in case I do not accept his suggestion I shall wait for the amendment to be moved.”

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MR. G. KRISHNA RAO:—“ If the Hon. the Premier will consider the suggestion in the amendment . . . ”

* THE HON. MR. C. RAJAGOPALACHARIAR:—“ Without any further debate on the point, I wish to explain that I am not inclined to accept the suggestion to include expenses such as are referred to in the amendment of Mr. Krishna Rao. I am prepared to accept land-cess, land-revenue, water-tax and the decree costs. But as regards costs of distraint and other proceedings to get the land sold and so on, I do not feel inclined to allow those costs to be a continuing burden when I am hard-hearted enough to take away the rent itself.”

MR. G. KRISHNA RAO:—“ I have got one more point to say, Sir. Without any disrespect to the Hon. the Premier, I think that . . . ”

* MR. SPEAKER:—“ Why not the hon. Member move his amendment if he wants to speak on it? ”

MR. G. KRISHNA RAO:—“ I shall move my amendment if that is the only course open to me.”

* MR. SPEAKER:—“ I suggest that it is the only proper course in a debate.”

THE ZAMINDAR OF MIRZAPURAM:—“ May I move my amendment first? ”

* MR. SPEAKER:—“ Yes.”

THE ZAMINDAR OF MIRZAPURAM:—“ Sir, I rise to move the amendment, which stands in my name:—

‘ Add the following at the end:—
“ and the costs in execution of any decree for rent incurred by him.” ’

“ Sir, my point is that as the Bill allows all the costs of court, so also the costs of execution also should be allowed to be collected by the landholders, because these amounts have already been spent by the landholders and it is only fair that they should be allowed to collect the sums they have spent by way of execution charges. I request the Hon. the Premier to accept the amendment.”

MR. B. BHAKTAVATSULU NAYUDU:—“ I second the amendment.”

* MR. G. KRISHNA RAO:—“ Sir, I think it is fair that the money that has been spent by the landholder on gazette notifications and so on with regard to the distraint proceedings ought to be given back to him. These execution costs are analogous to the decree costs which have been allowed to be collected. It is only fair, Sir, that these costs also

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should be allowed to the landholders, and I am sure, if the Hon. the Premier bestows proper consideration to the matter, he will not be so unjust as to think that this is a very exorbitant demand on our part. This is only a legitimate demand on behalf of the landholders and I request the House to consider this favourably."

MR. R. M. PALAT:—" May I say a few words on this amendment? "

* MR. SPEAKER:—" Does not the hon. Member want to move his amendment? "

MR. R. M. PALAT:—" Not if I am allowed to speak on this amendment. "

* MR. SPEAKER:—" Yes. "

* MR. R. M. PALAT:—" I submit, Sir, that the costs incurred by the landholder should be recovered by him from the tenants. If not, it would amount to robbing him of the money or taking away the purse of a man. The landholder has actually spent the money under certain provisions of the law and I would submit therefore that such costs also should be included in this clause."

THE HON. MR. C. RAJAGOPALACHARIAR:—" Sir, the question is whether in addition to the costs of decree for rent we should add the execution costs, costs in revenue courts for sale proceedings and the like. These subsequent costs are in each case trifling, but the main cost incurred in the proceedings would be for the decree. If there is a case for excluding from the liability of the tenant the rent for fasli 1345 and prior faslis, there is no case for adding the execution costs to the liability. It is not a question whether they are not justly due. They are as justly due as rent for fasli 1345 and rents for 1344 and 1343 if they were due. But it is only an assessment of the ability of the tenant to pay and the desirability of excluding these costs on that ground. It is from that point of view that I would request the hon. Member to withdraw his amendment. It is a small matter, these execution costs, when the decree costs are included already. If pressed, I am sorry I will not be able to accept the amendment."

MR. G. KRISHNA RAO:—" Why should not this small thing be given, Sir? "

* THE HON. MR. C. RAJAGOPALACHARIAR:—" It is not a matter in which I can give anything as a matter of grace. I must ask the tenants to give."

* MR. SPEAKER:—" Does the hon. Member the Zamindar of Mirzapuram withdraw his amendment? "

THE ZAMINDAR OF MIRZAPURAM:—" No, Sir."

The amendment was put and lost.

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MR. G. KRISHNA RAO:—" I formally move my amendment, Sir. It is this—

' Add the following at the end of clause 15:—

" the cost incurred in connexion with proceedings taken under sections 112 to 120 of the Madras Estates Land Act, 1908, which have not ripened into sale of ryots' holdings " ' "

MR. R. M. PALAT:—" I second it."

The amendment was put and lost.

Clause 15 (renumbered as clause 16) as amended by the Hon. the Premier's amendment was put and carried.

Clause 16 (17 as renumbered).

MR. G. KRISHNA RAO:—" Sir, my amendment seeks to extend the time of limitation not from the commencement of the Act but from the 1st October 1937. The reason is this. Owing to the contemplated Moratorium Bill and the subsequent bringing up of the Agriculturists Relief Bill some of the landholders did not take proceedings for the recovery of rent from the 1st October 1937, because they did not want to spend money unnecessarily and thereafter lose it. Now all those instances which come between the 1st October 1937 and the commencement of this Act might get barred. These cases also must have the consideration of the Government and I say that an extension of time-limit must be given from the 1st October 1937 and not from the commencement of this Act as it is proposed in the Bill. That is my suggestion, Sir, in the amendment. I therefore move my amendment which runs thus:—

' (i) After the words " arrears of rent accrued for fasli 1345 or any prior fasli which under the existing law would become barred," for the words " between the commencement of this Act " substitute the words " between the 1st October 1937."

(ii) After the words " the recovery of any arrears of rent which, under the existing law, would become barred," for the words " between the commencement of this Act," substitute the words " between the 1st October 1937." ' "

MR. R. M. PALAT:—" I second it."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" I just wish to 1 p.m. understand where the second part of the amendment comes in."

MR. G. KRISHNA RAO:—" In line 17, the clause reads ' between the commencement of this Act.' I want to substitute that by the words ' between 1st October 1937 '—just the same thing as we have had elsewhere."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" I accept the amendment, Sir." (Applause.)

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Mr. G. KRISHNA RAO:—"It is indeed a rare honour done to me."

The amendment was put and carried.

Clause 16, as amended, was put and carried.

Clause 17.

Mr. H. S. HUSSAIN:—"As the principle underlying the amendments, Nos. 193 and 194, seems to have been accepted, I do not propose to move them."

Clause 17 was put and carried.

Clause 18.

Mr. R. M. PALAT:—"Mr. Speaker, Sir, I move for the deletion of the whole of this clause, on the same grounds as those that I gave in regard to several other amendments, viz., that if once a decree is passed, the decree-holder should not be deprived of the benefits of that decree. We should pay more regard, I think, to the sanctity of decrees than what would appear from the Bill. I therefore move that the whole of this clause be deleted."

The motion was duly seconded.

The amendment was put and lost.

Mr. T. T. KRISHNAMACHARIAR:—"Mr. Speaker, Sir, I move the following amendment to clause 18 of the Bill:—

"In lines 3 and 4, after the words 'judgment-debtor' insert the words 'or in respect of a Hindu joint family debt on the application of any member of the family whether or not he is the judgment-debtor'."

"Sir, there is no principle involved in this amendment. It is more or less the addition of a few words in order to clarify the section. It may be said that there is implied meaning in the words 'on the application of any judgment-debtor who is an agriculturist.' But it does happen very often that the judgment-debtor in the case of an agriculturist family may not be an agriculturist himself, or he may not be interested in reopening the matter. So, the benefit of this Bill to any other member of the family may be denied. It may also be added that the wording here is not quite happy. In one section the words used are 'on application by an agriculturist.' In this section, it is stated 'on the application of any judgment-debtor who is an agriculturist.' In the following section again, it is merely stated 'on an application made or to be made.' As there is this ambiguity, I think it is better to see that the people who are to be given benefits under this Bill are not denied them. I therefore commend this amendment to the acceptance of the House."

Mr. Basheer Ahmed Sayeed seconded the motion.

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* THE HON. MR. C. RAJAGOPALACHARIAR:—"Before saying anything on the amendment, I would like to know from the hon. Mover of the amendment whether it would make much difference if the words proposed in his amendment are inserted after the word 'agriculturist' instead of after the word 'judgment-debtor'."

MR. T. T. KRISHNAMACHARIAR:—"It won't make any difference."

THE HON. MR. C. RAJAGOPALACHARIAR:—"The clause would then read like this:—

'Where before the commencement of this Act, a court has passed a decree for the repayment of a debt, it shall, on the application of any judgment-debtor who is an agriculturist or in respect of a Hindu joint family debt, on the application of any member of the family whether or not he is the judgment-debtor. . . .'

MR. T. T. KRISHNAMACHARIAR:—"I am quite agreeable to the provision as read out."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Very well. With that slight change, Sir, I accept the amendment moved by the hon. Member. I therefore move—

'that in the amendment of Mr. Krishnamachariar, for the words "after the words 'judgment-debtor'", the words "after the word 'agriculturist'" be substituted.'

"I also move, Sir, in order to save time, another amendment, that is, in the amendment of Mr. Krishnamachariar—

'after the words "he is the judgment-debtor" insert the words "or on the application of the decree-holder".'

"The clause as amended, will read thus:—

'Where before the commencement of this Act a court has passed a decree for the repayment of a debt, it shall, on the application of any judgment-debtor who is an agriculturist or in respect of a Hindu joint family debt, on the application of any member of the family whether or not he is the judgment-debtor or on the application of the decree-holder, apply the provisions of this Act to such decree and shall, notwithstanding anything contained in the Code of Civil Procedure, 1908, amend the decree accordingly or enter satisfaction, as the case may be.'

The amendment of Mr. T. T. Krishnamachariar as further amended by the amendment of the Hon. Mr. C. Rajagopalachariar was then put and carried.

Clause 18 as amended was put and carried.

Clause 19 was put and carried.

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Clause 20.

* THE HON. MR. C. RAJAGOPALACHARIAR:—" Sir, with your permission, I move the amendment of which I have given notice (No. 202). It is to add the following sentence at the end of the clause:—

'If a dividend has not been so declared, this Act shall apply to the debts payable by such person if he would have been an agriculturist within the meaning of this Act but for his adjudication in insolvency.'

"The reason for this change is this. As per the clause as it now stands, the proviso would cover only cases of adjudication where a dividend has been declared. The amendment suggested proposes to extend the benefit of this Bill to cases where a dividend has not been declared."

* MR. T. T. KRISHNAMACHARIAR:—" Sir, I move:—

'In lines 3 to 5, delete the words "if prior to the coming into force of this Act a dividend has been declared out of his assets".'

"Sir, the main objection to the Bill, as it emerged from the Select Committee, is with regard to the words that I have sought to delete with the permission of the House. The principle underlying this clause is to afford relief to agriculturists who, as a consequence of the panic created among creditors by reason of the proposed Moratorium Bill in September last and then withdrawn, have been put to the harassing and coercive process of law. I can understand that relief is needed in such cases; and this relief can apply only for insolvents adjudicated after 1st October 1937. There is no justification for opening up old sores, there is no justification for opening up of cases in which estates have vested in the Official Assignee or the Official Receiver prior to the date. Sir, the section, as it stands, seems to presume that the declaration of dividend is the first act after the insolvency proceedings are instituted. In fact it is the last act. Immediately after the institution of the insolvency proceedings, the creditors are given notice, then the Official Receiver or the Official Assignee proceeds to set aside all fraudulent alienations, and then he proceeds to recover all the assets and finally the dividend is declared. In such cases it is quite possible that because of the slump in the price of land during the depression period he would have had to wait for some time till the price of land rose. I know there are several cases even to-day dating as far back as 1927 in which no dividend has been declared. Now, do Government contemplate by the inclusion of this clause to open up all such cases? To do so would be doing a wrong thing. If the principle underlying this clause is only to give relief in cases where action was precipitated as a result of the proposed Moratorium Bill, then I submit, there is

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no case at all for the Government including this new clause. I would like to know from the Premier, what considerations impelled him to extend the scope of this clause. It seems it has been suggested in a haphazard manner without understanding all the implications arising out of its inclusion. I have nothing further to add, Sir."

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

MR. BASHEER AHMED SAYEED:—" Sir, in the original Bill, that is, the Bill as it originally went to the select committee, the benefit was given to all agriculturists as a rule, including those agriculturists who have been declared insolvents. Now a restriction is sought to be imposed; the benefit of this Bill shall not apply where a dividend has been declared. As pointed out, Sir, I was of the opinion that the Bill as it stood was more to the advantage of a certain section. Now a restriction has been brought to be put. The question of declaring a dividend is not material in so far as the agriculturist has become insolvent already. Whether a declaration takes place or not, it makes very little difference to the agriculturist. The Bill is conceived for the benefit of the agriculturist; so a uniform benefit should be given to all agriculturists. But now a distinction is sought to be made between those agriculturists in whose cases there has been a dividend declared and those cases in which a dividend has not been declared. I would suggest that the entire clause should be omitted; I think that will be proper. Otherwise there will be a lot of confusion so far as insolvency proceedings are concerned, whether they be in the mufassal or in the City. So I would suggest that it will be better if the entire clause is omitted rather than make this distinction. I do not think this clause will be in the interests of either the creditor or the agriculturist, whom this Bill is sought to benefit."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" Sir, the clause, if omitted altogether, would result in the benefit of the Act not being available to a person who is adjudicated an insolvent. The present clause, as it stands, i.e., the Bill as emerged from the select committee, extends the benefit of this Bill to agriculturists who were adjudicated but on whose estate a dividend has not yet been declared, so that as the last speaker said it is not restricting the scope of the Bill, but it is really an extension of the benefit. The omission of the words moved by Mr. Krishnamachariar would mean that once again the benefits of the Bill are denied to those who have been adjudicated insolvents but out of whose estates a dividend has not been declared. I submit that it would be just to take the benefit to the point of declaration of dividend; and that is what the select committee has now done. If the dividend has not been declared, scaling down would materially affect the creditors *inter se*, and so there is no reason why this safety should not be given to the creditors, which is thus as much beneficial to them as to the agriculturists themselves. This is the main consideration

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of the select committee in introducing this clause. I submit it is a good reason, and I therefore stand for the clause as amended by the select committee. I oppose the amendment of the hon. Member."

The amendment of Mr. T. T. Krishnamachariar was put and lost.

The amendment of the Hon. Mr. C. Rajagopalachariar was put and carried.

MR. ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, I beg to move the amendment that stands in my name, that is,

"Add the following proviso to clause 20:—

"Provided where a dividend has not been declared or insolvency proceedings are pending at the commencement of this Act, the judgment debtor shall not be deprived of implements of husbandry, cattle, seed grain, his dwelling house and such extent of land, if any, which in the opinion of the Court is necessary for purposes of cultivation to maintain himself and his family."

1-30 p.m. "Sir, I am sure the Hon. the Premier who is very much in favour of giving all the possible facilities to the agriculturists will agree with this very simple amendment. For, by this amendment I seek to protect the agriculturists from the creditors, after proceedings are over, distraining their implements which are certainly necessary for them to carry on their profession. I hope the Hon. Premier will accept this amendment."

MR. H. S. HUSSAIN:—"I second it."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am constrained, Sir, to oppose this amendment, because a provision like that cannot come in as a proviso. It is a definite, distinct and substantial proposal to amend the Insolvency Act and the Civil Procedure Code. It might perhaps be a substantial provision in this Bill. But it cannot possibly be a proviso to what has been put down in the measure under clause 20. Clause 20 says: Nothing contained in this Act shall apply to certain debts provided certain things happen. We cannot say, 'Provided Agriculturists' implements are not to be distrained and so on.' Really it would be bad altogether from the point of view of legislative principle and procedure. So I am constrained to oppose it. We do not know the very difficult legal consequences that may follow from enacting a measure like this in a proviso. As a proviso, the Courts will be hard put to it to consider whether it should be given effect to or not."

The amendment was put and lost.

Clause 20 as amended was then put and carried.

The House then adjourned for lunch to meet again at half past two.

31st January 1938] After lunch (2-30 p.m.).

Clause 21 (renumbered 22).

* MR. R. M. PALAT:—"I move—

'In line 1 of clause 21, after the words "in execution of any decree," insert the words and figures "passed after the 1st December 1937."

'In line 3, for the words and figures "1st October 1937" substitute the words and figures "1st December 1937."

My object in doing so is to secure for the landholders an extension of time for collection and to save a few more decrees which have been passed. At least it may be said that they had some notice that such a Bill was coming."

MR. G. KRISHNA RAO:—"I second the amendment."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Only a word, Sir. October is related to the time when the Government published the first Bill on the subject and shortly thereafter considerable agitation prevailed throughout the Province over the merits of the Bill. The present measure is only in continuation of the same efforts and is therefore mixed up with the same agitation and the provision is made in order to avoid any oppression due to any action taken in execution in the interval. This clause has been devised to help the judgment-debtor against my execution proceedings in the interval. Therefore it should be 1st October 1937 rather than 1st December 1937."

The amendment was put and lost.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I move the consequential amendment relating to this clause 21 which is renumbered 22, viz.:—

'For the expression "sections 10 and 11" in line 6, substitute "sections 11 and 12".'

The amendment was put and carried.

Clause 21 (renumbered 22), as amended, was then put and carried.

Clause 22 (renumbered 23).

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, in this clause, before any other amendment is proposed, I beg to move:—

'In line 3, after the words "has been sold," insert the words "or foreclosed."'

'In the fourth line from the bottom of the first paragraph, after the words "the sale," insert the words "or foreclosure."'

'In the last line of the same first paragraph, after the words "order the sale," insert the words "or foreclosure."'

'In the second paragraph (proviso), in line 3, after the words "in such sale," insert the words "or foreclosure."'

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This amendment is merely to provide for decrees where, without a sale, property is foreclosed under the mortgage proceedings. I also move, Sir, that clause 22 be renumbered as clause 23."

The amendment was put and carried.

* MR. T. T. KRISHNAMACHARIAR:—"Sir, I move—

'In line 3, after the words "after the 1st October 1937," insert the words "and purchased by the decree-holder."'

"Sir, my reasons for limiting this relief to cases where properties have been purchased by a decree-holder are these: if in an auction where a property is purchased by a decree-holder the sale is set aside the remedy is simple. The *status quo* is restored and the equities are not affected. But if the purchaser at the auction is a stranger, the clause will work a great hardship. It may be said that even at present there are cases where sales are set aside even when strangers purchase. But I may say that in those cases the stranger purchases the land with all the risks attendant on such purchase; he does not pay the full amount until the sale is confirmed and there is no trouble for him in getting back his deposit paid. Here, however, the sale has been confirmed; he has paid the full amount. The sale is set aside, and he gets an order for payment with all the doubts and difficulties arising in respect of the collection of the money so paid by him. The difficulty now arises on account of this section superseding the rights of parties who have purchased, irrespective of whether they are decree-holders or not, because the relationship is different. Actually, the publication of the Moratorium Bill cannot be said to be a sufficient indication for strangers not to purchase properties. As the warning was not really sufficient and as it is really difficult for people to get back the money, I am moving my amendment to protect the interests of strangers who have purchased the property in auction sale."

The amendment was duly seconded.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"The reason given for this amendment is that a purchaser at a Court auction or otherwise should have the advantage of the sale even though it took place after 1st October 1937 for a recovery which is not to be permitted under this clause. It is well known that this measure is before the legislature. It is certainly well known to those who buy in courts. If, in spite of that, it is thought that there may be a bona fide purchaser who had no notice of these things, I submit, Sir, it is a well-established fact that persons who go to courts and buy properties in court auctions are aware that there may be numerous rights raised with reference to their claims and that they buy them subject to these difficulties and they get compensation by paying very little for such sales. In fact there is no reason whatever for so much consideration for such persons. I submit, therefore, that the amendment need not be accepted by the House.

The amendment was put and lost.

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MR. BASHEER AHMED SAYEED:—"I move, Sir—

'In line 7, after the words "has been confirmed" insert the following:—

"or has been sold prior to that date but the said sale has not been confirmed on the 1st October 1937."'

"This amendment is intended to remove certain anomalies which are likely to arise if the clause, as it stands now, becomes law. The clause says: 'Where in execution of any decree any immovable property, in which an agriculturist had an interest, has been sold on or after the 1st October 1937, then, notwithstanding anything contained in the Indian Limitation Act, 1908 . . . ' Sir, it only refers to cases where the sale has taken place on or after 1st October 1937."

"Now, Sir, when a sale takes place, the property, either the land or the house sold does not pass to the purchaser immediately thereof. In a court sale what happens is this: the sale takes place on a particular date; after the sale takes place money has to be paid within 15 days; and after the money has been paid, the sale is confirmed. So, there are two stages after the sale has taken place. Supposing the sale has taken place before the date mentioned in this Bill and the sale stands unconfirmed after the commencement of this Act, a person against whom a decree has been executed and his property has been sold in court auction will not be able to get the benefits of this clause. In such cases the clause as it stands does not give any relief; whereas in case of sales after 1st October 1937 a person against whom a decree is executed may apply to the court for the scaling down of debts; it might probably happen that in certain cases either the whole debt might have been wiped out or a portion of the debt has been wiped out; notwithstanding the fact that the decree has been obtained in such cases, and notwithstanding the fact that the properties have been sold, and notwithstanding the fact that the sale money has been deposited in courts, the clause, as it stands, enables the judgment-debtor, in such cases, to apply to the court for his debts being scaled down. Whereas in the case of those persons against whom the decree-holders brought their properties to sale before 1st October 1937, the although such sales remain unconfirmed on the 1st October 1937, the clause as it stands says that such judgment-debtors will not be entitled to the benefits of their debts being scaled down, and although they might have discharged their decree debts partially or wholly they will get nothing. That is the position as the clause stands at present. There is another reason as to why I want this amendment to go in. Take a case where a co-operative society happens to be the purchaser of the sale property in court auction; and supposing the judgment-debtor after the sale has taken place, i.e., prior to 1st October 1937 but not confirmed on or before that date, applies to the court for the scaling down of his debts, then according to the provision as it stands now, the court will not be able to scale down his debts. The decree,

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even if it had been partially or wholly discharged prior, will remain unsatisfied, and the judgment-debtor will not get back his property which might otherwise come back to him, if the clause were to be applied to sale which had taken place prior to 1st October 1937. Therefore, in the interests of the judgment-debtor, when once the decree gets satisfied, wholly or partially, in order that the benefits of this clause in such cases might enure to him, I want that the scope of this clause should be extended."

The motion was duly seconded.

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, the amendment proposed now will lead to this result, if it is accepted: that, in the interval between sale and confirmation, a considerable amount of time may elapse, is well known; in fact, the whole case may be going on in an appellate court. Therefore it is possible that sometimes even as long as a year may elapse between the sale and confirmation. The amendment would affect even a creditor who might have filed a suit somewhere in 1934 and had the property of the judgment-debtor sold but which had been stayed on account of appeals by the judgment-debtor and so the confirmation of sale not yet affected, i.e., until 1st October 1937. If the amendment of the hon. Member were accepted, it would mean that although the sale had been effected long before 1st October 1937, if the confirmation of such a sale had not been made on or before 1st October 1937, such sales also should be set aside, because the debts in such cases also have to be scaled down—a position which would not be proper for the Government to accept. I submit that it is not merely quantitative benefit that will be conferred on the debtors that will have to be considered, but there are other principles which will have to be observed. That a sale, which takes place after the bill was on the horizon, should be set aside, is all right. But before any such Bill was even contemplated, if a sale had been effected but not confirmed till 1st October 1937 on account of various reasons, to say that such a sale should be set aside does not appear proper to the movers of the Bill. I therefore submit that this amendment should be rejected."

The amendment was put and lost.

Mr. BASHEER AHMED SAYEED:—"I beg to move:—

"In the last line, after the words "to be set aside" add the following:

"and thereupon the sale shall be deemed not to have taken place at all."

"Sir, the idea is a very simple one. It is only by way of abundant caution that I want to introduce this amendment. You are aware that in insolvency proceedings a person is adjudicated as an insolvent involuntarily, and not due to any act of his own. I want that in the case of a person who has been adjudicated as insolvent without any

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collusion of his or without any sinister action on his part if the sale is set aside, it should not still be considered that the man has got to be declared an insolvent and adjudicated as such. In order to prevent the involuntary action being taken advantage of at a later stage, I suggest that it must be specifically mentioned that when a sale is set aside under this clause, it should not be considered that such an act has taken place in relation to insolvency proceedings and therefore it should not be considered valid. The involuntary act of insolvency might have taken place in spite of himself and somebody may have done the mischief and as a result of it the property might have been allowed to be sold. So what I say is that as long as the sale is set aside, the legal effect of it should also not cause any detriment to any judgment-debtor. Under the ordinary law it would be deemed that this man has gone into insolvency because the sale has taken place. The idea of this Bill is to scale down the debts of the agriculturists and save their properties. So, in the case of insolvent people who have gone into insolvency, not because of their own act, I want that such sales should be deemed not to have taken place at all. I therefore move my amendment."

MR. T. T. KRISHNAMACHARIAR:—"I second it."

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I am not prepared to go beyond the depths of this Bill. If this amendment should be accepted, it would amount to our amending the provisions of the Insolvency Act. I submit it is not reasonable to expect us to import into this Bill amendments of the Insolvency Law. It is necessary that the protection afforded under the Bill should not be excluded in cases where there has been no declaration of dividends. But to go further and say that we have to find out whether there has been fraudulent transfers in these cases or not, and if there are no such transfers, then such cases also should be protected under this clause, would be outside the purview of this Bill."

MR. BASHEER AHMED SAYEED:—"The Hon. Premier has not understood or has misunderstood my position. The position is this: I want the judgment-debtor to be saved and his properties returned to him. Otherwise, you would be driving him to the necessity of going to a court of law to get a decision in his favour. To say that the sale was done against the will of a particular man does not amount to our amending the Insolvency Act. After all, Sir, we are not only amending the Insolvency Act, but we are also amending the Estates Land Act, and various other Acts. So this kind of argument on the part of the Hon. Premier is hardly fair."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I do not accept the implications of the *post script* which the hon. Member, Mr. Basheer Ahmed added to his proposition, if I accept his amendment. I accept his amendment."

The amendment was put and carried.

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* MR. T. T. KRISHNAMACHARIAR:—"The amendment that stands in my name runs as follows:—

'Add the following at the end of the proviso:—

"and unless within the time fixed the decree-holder or judgment-debtor or both together shall have paid the amount due to the auction purchaser".'

"Sir, the idea really is to ensure that the purchaser of the property in auction, has the purchase money paid by him paid back into Court. The principle involved is the same as was mentioned in a previous amendment. It is just to ensure that where the auction purchaser is a different person from the decree-holder, his money is to be returned to him without any difficulty that this proviso is intended. In this connexion I am unable to accept the Hon. the Premier's statement that because in all these auctions, the purchasers make themselves open to risks when they make the purchases no safeguards need be provided. Of course they are aware that such properties may have a defective title and so on. But they do not contemplate that Government by a legislation would add further complications to an already complicated matter. If this is conceded, the present amendment that I am moving will not seriously detract from the merits of the Bill."

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

* THE HON. MR. C. RAJAGOPALACHARIAR:—"I am sorry I cannot accept this amendment for this reason, which I consider a fairly good reason, and I think it would be accepted as such by the mover of the amendment also. The clause is intended to cover cases where sales had been brought about in courts long ago and there had been a long interval and where the auction purchasers might have themselves purchased the properties or might have done so at the instances of the decree-holders; or the properties might have passed to other hands also. So it would be very difficult in such cases for judgment-debtors to recover possession of their properties. More difficulties should not be placed in the way of their recovering possession of their properties, than what is absolutely necessary under the law. The result of the present amendment, if it is accepted, would be this: if a decree-holder had induced another man to purchase the property in his name, i.e., in the latter's name, the burden would fall solely on the judgment-debtor to pay the money into the court. If the judgment-debtor has no money, he will not be able to pay the purchase money into the court himself; and as between the judgment-debtor and the decree-holder, the latter would certainly refuse to help the judgment-debtor. Thus if the amendment is added it will act as a sort of barrier to the judgment-debtor. That is not the intention of the clause as it stands at present. I cannot therefore accept the amendment."

The amendment was put and lost.

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* MR. T. T. KRISHNAMACHARIAR:—"I move the following 3 p.m. amendment:—

'Add the following new proviso to clause 22:—

"Provided further that no such order shall be made where the purchase money realized at such sale does not exceed the amount of the debt as scaled down under the provisions of the Act and costs including the cost of the sale".'

"Sir, reopening of sales in instances like these benefits nobody. If the amount realized in a sale is less than the scaled down amount it is not going to benefit the debtor. If the scaled-down amount is a little over the amount realized, there is no need to reopen transactions like this."

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

THE HON. MR. C. RAJAGOPALACHARIAR:—"This is a very innocent looking amendment, but I am sorry I cannot accept it. I shall explain why. It is a most dangerous proposal as such small amendments sometimes happen to be. The amendment if passed would lead to this result. If a debt without being scaled down was Rs. 1,000 and property worth, say, Rs. 3,000 was sold for Rs. 5 and the debt as now scaled down amounts to Rs. 5 only, since the sale amount is Rs. 5 and the debt as scaled down is Rs. 5, the sale shall stand good. That is a contingency to avoid which the whole measure is proposed."

The amendment was put and lost.

Clause 22 (re-numbered as 23) as amended was put and carried.

Clause 23 (re-numbered as 24) was put and carried.

Clause 24 (re-numbered 25).

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I beg to move the following amendment:—

'After the words "sale in execution" insert the words "or foreclosure decree."

'For the expression "section 22" substitute the expression "section 23".'

The amendment was put and carried.

Clause 24 (re-numbered as clause 25) as amended was put and carried.

New clause after clause 24.

MR. BASHEER AHMED SAYEED:—"Sir, I move the following amendment:—

'Insert the following new clause after clause 24:—

"In cases where vendees or mortgagees of immovable property belonging to an agriculturist debtor have undertaken

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to discharge obligations due by the vendor or mortgagor, such benefits as arise out of this Act in regard to such obligations (either by way of scaling down or wiping out) shall enure only to the profit of the vendor or mortgagor as the case may be."

"This amendment is intended in the interests of the agriculturists. An agriculturist mortgages or sells away his property. If there is scaling down of his debts thereafter, the benefit arising out of the orders of the court regarding the scaling down of his debt must go, not to the mortgagee or the vendee but to the mortgagor, the debtor or the vendor. The amendment speaks for itself. I want to make the position clear so that there may not be any dispute in a court of law as to who is to have the benefit arising out of the scaling down. I want to avoid further litigation and I hope the amendment will be accepted."

MR. T. T. KRISHNAMACHARIAR:—"I second it."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I understand the amendment to mean that even where an agriculturist disposes of his property, the benefits that have been conferred by this Bill on the agriculturist should become rights *in rem* whoever it may be who buys the property. I am sorry I cannot accept this amendment."

The amendment was put and lost.

Clause 25 (re-numbered as 26) was put and carried.

Clause 26 (re-numbered as 27) was put and carried.

New clause.

3-15 p.m. * MR. T. T. KRISHNAMACHARIAR:—"Mr. Speaker, Sir, I move that the following new clause be inserted as clause 27-A:—

'27-A. Orders of court under Chapters III and IV of this Act shall be deemed to arise in execution.'

"The idea behind this amendment is to make relief cheap. Under this law, all litigation is likely to arise out of the powers given to courts and relief afforded to debtors in Chapters III and IV. Under the existing laws, the costs of such litigation will be very great, particularly when making appeals. It also happens in cases where an amendment to a decree is refused, that the only relief left open to the parties concerned is by means of a revision. It is really a precarious position for anybody who wants to take it up to a revising authority, and it largely depends on the personnel of the court. In order to make the process more simple, I am proposing this amendment, so that the fees to be paid will be small and there will be a regular appeal which would provide relief in cases of the kind referred to."

MR. BASHEER AHMED SAYEED:—"In seconding this amendment, I would like to invite your attention to a similar amendment which I have given notice of, which is almost at the end of the printed list of amendments. That amendment also seeks to achieve the same

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object as this, viz., that 'all orders passed under any of the provisions of Chapter III or IV of this Act shall be subject to appeal and second appeal, as if they are orders passed under Section 47, Civil Procedure Code.'

MR. SPEAKER:—"You are speaking on this amendment; you will not move your amendment which comes later."

MR. BASHEER AHMED SAYEED:—"If you will allow me, Sir, I shall move it. But I do not think, as I am seconding this amendment, I need move that later."

"Sir, the object is the same in both the cases. The agriculturist debtor should not be left in an indifferent or vague position as to what he should do in case his legitimate claims under this law are not allowed by the courts. It is very reasonable that, when we are legislating, we should say what the benefit is that he derives, how it is enforceable and by what process of law he should get those benefits, especially in cases where there has been a rejection of his claims and there has been no remedy provided. In such cases it is but right and just that he should be given the privilege of seeking, by litigation, the rights that have been refused to him by the process which is contemplated here, under section 47 of the Civil Procedure Code. I do not think, Sir, there will be any difficulty for the Government to accept this amendment. After all, this is merely establishing the procedure under which he should seek his remedy in cases where he does not get the legitimate relief which he is entitled to get under this measure. The position is left vague and indefinite, and nobody can say what he has to do beyond a general provision for revision. I do not think in revision, unless it be a question of law or of jurisdiction, the affected party gets anywhere near getting his relief in the manner that he desires. So, I say, this is but a legal provision for the purpose of enabling a judgment-debtor to establish his right in a proper manner by having a right of appeal. That will not be costly and it will not also lead to a multiplicity of procedure or any prolonged litigation, when it is conceded that it should be deemed to arise in execution. The procedure is simple, less costly and at the same time it will give him the opportunity of establishing his right by this process of law. I, therefore, have strong reasons to second this amendment, Sir."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I strongly oppose this amendment. The orders under Chapters III and IV are intended for the purpose of simplifying and quickening the decisions and the liabilities to be ascertained as quickly as possible; but if this amendment is to be accepted, it would mean that while a little bit of relief is given by this measure to the agriculturist, it will be subjected to a series of litigation under the peculiar interpretational law that has been built up over the Civil Procedure Code with regard to execution, which will take away with one hand more than what the other hand gives."

The amendment was put and lost.

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Clause 27 (28 as renumbered).

MR. T. T. KRISHNAMACHARIAR:—" Mr. Speaker, Sir, I move that at the end of sub-clause (2) (c) of clause 27, the following be added:—

" for a period of six months from the date on which the Act comes into force."

" Sir, it is hardly necessary for me at this late stage particularly when everybody is tired, to go over the whole question of the Government's rule-making powers and the Legislature's objection to it. I have, on a previous occasion, stated my case here, and such of those people as were present in the House then will certainly remember what I have said. The object of this amendment is really to put a check on the rule-making powers of the Government. If the Government find out defects in the working of the Act and have to use their powers under the rule-making clause to overcome them, let them come back to the Legislature at the end of six months. It is a point that has been conceded in Parliamentary practice; the report of the Committee on Ministers' Powers submitted to the House of Commons recognizes this principle. There must be a limitation in regard to such powers; if there is no precise specification of the powers required by the Government, at least there must be a limitation, either by means of an order in Council or a resolution brought up before the Legislature. I, however, only request that the powers be limited to a period with an opportunity for this House to consider the question. I think the principle involved is not very difficult to understand; it is not a tall order really, and I hope the Government will concede the point asked for."

MR. BASHEER AHMED SAYEED:—" Sir, I second this amendment. There has always been a tendency, not only now, but in the previous Legislature also, to assume large powers under the rule-making clause. Sir, it is not really in conformity with any representative form of Government to make rules for all time. That is merely what is called subverting the powers which are sometimes denied to them or which are sometimes not given to them expressly. In the old Legislature there has been such an attempt time and again and we succeeded on very many occasions to circumscribe such rule-making powers. But here, it might be argued that with a view to give effect to this new measure, the Government require certain powers which they must exercise more or less themselves, under this clause, without reference to the Legislature at all. Sir, it may be conceded at once that there will certainly be some difficulties in the way of the administration of this new Act. No one need deny it; but even then, there must be some limit to the assumption of powers which the Government want. We cannot really give them a *carte blanche*. If they really want powers, there must be a certain period within which they must exercise those powers and within which they must set up the

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necessary machinery, the procedure and all that is relevant with a view to set this measure in motion. I do not think that it is in the interests of a Legislature like this which can meet as often as the Government please and which is ready and only too ready and willing, without any the least obstruction or unwillingness, to give any amount of power to them, that the Government should, under this rule-making clause, come by the backdoor and exercise powers which they ought not to exercise. I concede that there should be this rule-making power, but not in each and every case and to this extent. My friend is right in moving this amendment that it should be restricted in respect of its duration. There must be a duration within which the Government should exercise such power, to enable them to set the measure into operation. But if the Government want to exercise these powers for all time, then the best method would be to introduce another Bill, they can take the House into their confidence and have the measure passed, by which the rules to be made by the Government under the rule-making powers, will have nothing to do with the Legislature. As it is, Sir, I see these rules are merely to be published in the Gazette. Formerly, we used to have such rules under many Acts made by the Provincial Legislature, but we specifically provided in those Acts that the rules made under them should be placed on the table for a certain time, say six weeks or so, and after that period, should take effect. Even such a provision is omitted here. If that at least were done, it would be showing that there is confidence required from the Legislature before the rules are given effect to. Even that is not provided for, and it is merely stated that the rules will be published in the Gazette. We all know how many people really look into the Gazette, in fact, how many Members of this House look into these gazettes, or have the time to do so. And even if they had the time to look into the Gazette, they won't be in a position to do anything effectively to see that the rules were not framed against the interests of the agriculturists or were framed in the interests of the creditors who would be affected by those rules. I submit, Sir, that these rule-making powers are always dangerous. I have always stood against powers being vested at all in the Executive Government. If they are required for a specific time or for a definite and specific purpose, then perhaps we can allow them; but as it is, I am afraid, Sir, it is not in the interests of a representative House like this that the Government should be allowed to enjoy unlimited powers for rule-making and for an unlimited period of time. I, therefore, strongly support this amendment."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" Sir, the rule-making powers that I have asked for on behalf of the Government read as follow:—

(1) The Provincial Government may make rules for carrying into effect the purposes of this Act.

[Mr. C. Rajagopalachariar] [31st January 1938]

(2) In particular and without prejudice to the generality of the foregoing power, the Provincial Government may make rules—

- (a) in regard to any matter which is required to be prescribed by this Act;
- (b) prescribing the form of, and the fees to be paid in respect of, applications under this Act; and
- (c) for removing any difficulty in giving effect to the provisions of this Act.

(3) All rules made under this section shall be consistent with the provisions of this Act. They shall be published in the Official Gazette and upon such publication shall have effect as if enacted in this Act.

"It is true, Sir, that to a certain extent we are seeking for a delegation of powers from the House in respect of matters that are covered by what I have just now read. But legislation and the forms of legislation must progress with the times and with the complications of modern life and also with the preoccupations of modern life. It is not possible to forecast all the difficulties and details in respect of the execution of any measure. All laws are complicated and difficulties may arise at any stage, and therefore it is that every caution has to be observed and that rule-making powers are asked for. It is not intended to usurp any substantial powers of the legislature. I may assure hon. Members who think that any such despotism is intended, that the rules are not going to be given effect to without due notice and without a great deal of agitation which is likely to bring the whole matter immediately before the House.

"As regards the question of placing the rules on the table of the House, if the House is sitting, I give the assurance that such rules may be placed on the table; but if the House is not sitting, I submit that fact alone should not be allowed to hold up the difficulties facing us till a session is held. Therefore, I submit, this clause may be accepted by the House as it stands, without the proposed amendment. If the amendment were accepted, it would come to this, that the whole power of framing rules is exhausted within six months, which means, quite possibly, that the whole Bill will become unworkable after the six months, which I submit should not exactly be the result of all our labours these few days, which are terminating just now."

The amendment was put and lost.

Clause 27 (renumbered 28).

Sub-clause (3).

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Sir, I beg to

3-30
p.m. move—

'For the last sentence, substitute the following:—

"They shall be laid on the tables of the Assembly and the Council and at the expiry of six weeks thereafter, shall,

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subject to such resolutions, if any, as may have been passed thereon by the Legislature, have effect as if enacted in this Act."

"Sir, these words I suggest in the place of the following words in the Bill:—

'They shall be published in the Official Gazette and upon such publication shall have effect as if enacted in this Act.'

"At the outset I must express my satisfaction with the Premier for the statement he has made, that if the Legislature was in session, he will be pleased to lay the rules on the table of the House, before giving effect to them. All the same, I submit that whether the Legislature is in session or not should not be the main consideration in this matter. For the provision, as it stands in the Bill, would come to this. The first time the public would come to know about the rule which Government might frame, will be from the publication in the Gazette; and the rules are to come into force, immediately they are published in the Gazette. Thus the public are not given an opportunity to have a say in the matter. I submit that it is but fair and just that Government should take the public into its confidence in any matter which is going to have the force of law. Of course, the Premier in reply to the previous amendment referred to the very innocent phraseology of clauses 1 and 2; but I would like to point out to him that there are some provisions in the Act, the rules, if framed under them, will financially affect the people, e.g., the powers, which Government are taking upon themselves to fix the rate of interest that may obtain from time to time. As I said, I am opposed to the principle of Government taking power to fix the rate of interest. But, now since it has become law, it seems to me that it is right that they should publish the draft rules and invite criticism thereon before bringing them to force. In the Bill, I only see that they will be published in the Gazette and, therefore, it is, I have tabled my amendment. I submit all the rules need not necessarily be brought up for discussion; because some of them would be formal and would need no discussion. But with regard to others, on which there may be some difference of opinion, it should be open to the Legislature to discuss them, and let Government abide by the decision of the Legislature on those matters. It is therefore, I submit that instead of Government adopting a very short and summary procedure of making up their minds themselves and straightaway publishing them in the Gazette, necessary that they publish draft rules in advance, give an opportunity to the Legislature to express their views thereon, and then bring them to force. For these reasons, Sir, I move my amendment."

* KUMARARAJA MUTHIAHH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, Sir, in seconding the motion of my friend, I only wish to say that this practice of adopting an omnibus clause at the end of a Bill has unfortunately become the practice of this Government;

[Kumararaja Muthiah Chettiyar of Chettinad] [31st January 1938]

as also of the previous Government. (The Hon. Mr. C. Rajagopalachariar: Hear, hear.) I only want to say that the insertion of such a clause in one Act does not justify the repetition of that in the other Acts; and so I only urge Government not to repeat this in this Act, or in the future enactments of this Legislature. I may also add, that it will not be difficult for Government even at this stage to insert the necessary clauses, and they may later on, if necessary, bring forward amendments. The suggestion of Mr. Pannirselvam is a very modest one. It is practically conceding the point of Government and at the same time asking that the rights and privileges of the Members of this Legislature should not be curtailed, so that they may be given an opportunity to discuss those rules."

* MR. W. K. M. LANGLEY:—"Mr. Speaker, Sir, I propose to oppose this motion, because it is a matter on which my group feel very strongly, as may be recollected from the speech delivered by the Leader of our Group, Sir William Wright, during the last budget session. We do feel that it is essential to any democratic system that this rule-making power should be carefully circumscribed, and that, at any rate, an opportunity should be given to the Members of the Legislature to discuss them, before such rules are brought into force. Therefore, we support very strongly this amendment which has been brought forward by Sir A. T. Pannirselvam; and I sincerely hope, in view of its importance, he will press it to a division. (Cheers from Opposition Benches.) It is merely in accordance with the regular practice of constitutional Government, which is very jealous of such matters. I need not go at this moment into all the details and methods adopted in the House of Commons. There are, I believe, three different systems, two of which are extremely stringent in their effect and provide for considerable formalities before any such rules can be brought into force; the ordinary simple rule, even where there is tacit assent, requires that such rules should be laid on the table of the House for at least forty days during a session of Parliament before they are brought into effect, and it seems to me that this proposal of Sir A. T. Pannirselvam would bring us into line with that very sound practice adopted by Parliament. Even in the Government of India Act itself, where Orders in Council are effected, I see very careful provisions are required. I refer the House to section 309 of the Government of India Act, which prescribes that before any power conferred by this Act on His Majesty's Government in Council can be exercised, it is ordained that such rules cannot be brought into force except after provision for adequate notice to legislators and the legislature and the public generally. In view of the practice in such matters, I strongly support this amendment."

MR. BASHEER AHMED SAYEED:—"Sir, it is exactly what I had in mind when I seconded the amendment. But the Premier thought it fit to dispose of it as a side issue. He said that the rules proposed

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would be placed on the table of the House, when the House is in session; otherwise it would be published in the official gazette. That was not what I wanted him to do. I wanted that the Members of this House should be given sufficient time to consider these rules, and then after the lapse of six weeks or eight weeks, let them take effect. It is not the mere publication of the rules that we require. Whether they are published or not, it does not matter from our point of view. On a resolution of this House they should become law. If there is no resolution after the lapse of time fixed, then the rules may become law. After all, this is a very modest request, and Government will lose nothing by placing them before the House. I do not think any encroachment will be made on the rights and privileges of this House. After all, the rules are framed by virtue of the section of the Government of India Act which requires the approval of this House, so that this House may see whether the rules are conceived in the best interests of the administration. It is a very elementary principle as Mr. Langley pointed out, and I expect and hope that the Premier will accede to the request."

* MR. ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, I am sure every Member of this House is certainly anxious to protect his right so far as making of law is concerned. But I am afraid, so far as this amendment is concerned, if this is accepted, there will be some difficulty with regard to the rule-making being expedited. The amendment suggests that the rules 'should be laid on the table of the Assembly and the Council and at the expiry of six weeks thereafter shall, subject to such resolutions, if any, as may have been passed thereon by the Legislature, etc.' This presupposes that the Legislature will meet and it is only at the time when the Legislature meet that the rules will be laid on the table of the House. But if the Legislature do not meet and if any urgency arises at such a time the Government will be handicapped. I, therefore, hope that the Premier will come up with a solution for this difficulty by making it possible to refer the rules to the parties. For Legislatures are controlled by various parties, and if the rules are referred to the parties in cases where the Legislature do not meet, then the parties will meet and suggest amendments, if any, to these rules, and this, I think, will obviate the difficulty. That is only in cases where the Legislature do not meet, but if the Legislature meet, the suggestions made in the amendment may be necessarily carried out."

MR. R. M. PALAT:—"I should like to say a few words in support of this amendment, Sir. Apart from the revolutionary changes put forward already, it is only fair that any rule made under this Bill should be placed before the House. This particular aspect also should be considered. This Bill has been so controversial that it is perfectly easy for anyone to make a *bona fide* mistake. It may be extremely distasteful to many of the Members here. Therefore it is only fair that any rule made under the Bill should be placed before the House."

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* **THE HON. MR. C. RAJAGOPALACHARIAR**:—"Sir, many of the observations that were made in order to raise this old objection to the claim of the executive to make rules under a piece of legislation carefully examined and passed by the Legislature are based on the assumption that there is somebody who is trying to make use of the powers of the executive without giving to the Legislature their due share in shaping policies and laws. The position, speaking theoretically, is correct, but its application in this particular case shows an entire absence of a sense of proportion. The objections raised are really sound ones on a proper occasion, but in this present matter where we are feeling the urgency of giving relief and where we have brought out a certain measure and the last clause merely asks for powers in particular with reference to prescribing what is required by the Act to be prescribed, with reference to prescribing the form of the application and the fees—and for removing any difficulty in giving effect to the provisions of this Act and nothing more, not even a general power to appoint tribunals and the like which I have withdrawn with reference specially to this kind of argument—I say, in this present matter, I have reasons to complain that the general juridical objection to rule-making powers should not have been raised. It is well known that this popular objection, popular some time ago, has somewhat lost its popularity more recently and that Legislative doctors have come round to the view—the better part of them at any rate—that even procedure, Legislative, constitutional, organizational procedure, should also run along with the times. In a matter of this kind particularly we are used in this very Legislature to take powers. I would ask hon. Members to refer to the Debt Conciliation Bill and the various other Bills that were passed in connexion with this same problem of debt without the advantage of so much debating power and knowledge of the latest forms of Legislative activity in foreign countries. I know that one fault does not justify another. I am glad that we are improving the general standards of the propriety of Legislative forms and rules and procedure. At the same time I submit that there is no reason for the application of that objection to the present matter.

"Sir, reference was made to the very important power that was taken for instance to actually prescribe the rate of interest. It was said: 'How can you say, it is merely formal'? That is why it has been framed as a definite clause of the Bill and that clause was passed independently of this rule-making power.

"It is not intended that under section 27, the executive Government should have authority to prescribe interest at all. The great care with which the framers of this measure have separated substance from form must really create a certain amount of confidence instead of suspicion and objection. Read the provisions of clause 12 which is now clause 13? We have not relegated it to the rule-making power and hidden it away. It is definitely put there and, even if this amendment

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is passed, let me tell the hon. Mover of this amendment, that section 13 will steer clear of this amendment. That rule stands as it does and the executive has the power to make that change. But that was deliberately given, expressly and in particular form and definitely and specifically by the Legislature. Here we are not asking for anything in order to do something terrific. There is no such power asked for.

"Then, with regard to the propriety of placing rules before the House in the form of a resolution, if this executive Government is still the executive Government, the procedure to be adopted for getting rules placed on the table, etc., will make no difference in the matter; it is only a question of time—I submit that some matters ought to be canvassed in one way and some others in some other way. With regard to the prescribing of forms and the dates and removing of difficulties, the procedure that is proposed would be too cumbersome and it would be really administration by the Legislature instead of by the executive.

"Then, with regard to the reference made to Parliament and the Government of India Act, I do hope that we shall not copy all that has been done in the Government of India Act. Even if that should be a reason alone, it should be enough for us to reject the parallel. But supposing we even take the Government of India Act as a fine model for us to proceed upon, let us go to the reality of the matter. The executive of Great Britain's Government at the time when the Government of India Act was passed was supposed to be too liberal towards the aspirations of India and the Parliament was a greater and more conservative block and a more die-hard block and they wanted to put obstructions and safeguards against the too hasty pace of the executive Government that might be forced into action by the clamours of Indian agitators a little too quickly. Therefore, it was that that cumbersome rule that was read out was passed. But let me request a reference to be made to the next cumbersome clause in that Act under which nothing will be placed on the table of the House at all. Whatever is required to be done has only to be passed across the cable. Apart from that, Sir, it is good and wise that we follow the old House of Commons procedure wherever we can. It is neither good nor wise that we follow the latest Parliamentary suspicions in regard to the aspirations of India and the rules laid down thereunder.

"As regards this clause, Sir, I can give this assurance that the Executive of this Government is responsible to this Legislature and is not going to cheat this Legislature of any of its powers. It will act and intends to act only when genuinely urgent difficulties arise in connexion with the fixing of forms, prescribing of fees and such other petty matters. We have taken enough care of this Bill and we have enough ideas for the working of this Bill. I believe that there will not be any of these difficulties except such as are actually stated, but if there should be any such and the executive makes a rule about it,

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all I can say is that the better safeguard than all that has been proposed by the Mover and supporters of the amendment is there and that is that the Executive is prepared to be censured by the Legislature at the earliest possible date and thereafter to receive its behests to be carried out."

The amendment was put and declared lost.

4 p.m. RAO BAHADUR SIR A. T. PANNIRSELVAM demanded a poll and the House divided thus:—

Ayes.

- | | |
|--|------------------------------|
| 1 Kumararaja Muthiah Chettiyar of Chettinad. | 11 Mr. K. Abdur Rahman Khan. |
| 2 Rao Bahadur Sir A. T. Pannirselvam. | 12 " H. S. Hussain. |
| 3 Mr. Adimulam Jamedar. | 13 " A. K. Kader Kutty. |
| 4 Diwan Bahadur A. Appadurai Pillai. | 14 " Muhammad Rahmatullah. |
| 5 Mr. B. Bhakthavatsalu Nayudu. | 15 " D. Syed Ibrahim. |
| 6 " J. Raja Rao. | 16 " G. L. Orchard. |
| 7 Zamindar of Mirzapuram. | 17 " G. E. Walker. |
| 8 Zamindar of Bodinayakkanur. | 18 " W. K. M. Langley. |
| 9 Mr. Abdul Hameed Khan. | 19 " J. Nuttall. |
| 10 Rajah Arakal Sultan Abdur Rahman Ali. | 20 " Basheer Ahmed Sayeed. |
| | 21 " T. T. Krishnamachariar. |
| | 22 " G. Krishna Rao. |
| | 23 " R. M. Palat. |
| | 24 " M. J. Samuel. |

Noes.

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|---|---|
| 1 The Hon. Mr. C. Rajagopalachariar. | 28 Mr. Govinda Doss. |
| 2 " T. Prakasam. | 29 " C. K. Govindan Nayar. |
| 3 Mr. A. Kaleswara Rao. | 30 " V. J. Gupta. |
| 4 " T. Viswanatham. | 31 " S. Guruvulu. |
| 5 " K. R. Karant. | 32 " K. Ishwara. |
| 6 " C. J. Varkey. | 33 Mrs. Jabamoney Masillamoney. |
| 7 " P. M. Adikesavalu Nayakar. | 34 Mr. D. Kadirappa. |
| 8 Srimathi G. Ammannaraja. | 35 " K. Venkata Rao. |
| 9 " Anjalai Ammal. | 36 " E. Kannan. |
| 10 Mr. N. Annamalai Pillai. | 37 The Hon. Mr. K. Raman Menon. |
| 11 Muthu Kr. Ar. Kr. Arunachalam Chettiyar. | 38 " B. Gopala Reddi. |
| 12 Mr. Y. V. A. Bhaskara Rao Mahasayo. | 39 Muhammad Mohideen Ahmed Thambi Maracair. |
| 13 " V. Bhuvanarahan. | 40 Mr. M. Bhaktavatsalam. |
| 14 " K. Chandramouli. | 41 " A. Karunakara Menon. |
| 15 " G. Chelvapathi Chetti. | 42 " K. Kolandavelu Nayanar. |
| 16 " O. Chengam Pillai. | 43 " K. Koti Reddi. |
| 17 The Hon. Mr. V. I. Muniswami Pillai. | 44 " S. Krishnan. |
| 18 " V. V. Giri. | 45 " G. Krishnamurti. |
| 19 " S. Ramanathan. | 46 " L. Krishnaswami Bharathi. |
| 20 Mr. A. B. Shetty. | 47 " K. Kulasekaran. |
| 21 " N. S. Varadachari. | 48 " P. S. Kumaraswami Raja. |
| 22 " B. S. Murti. | 49 " K. Kuppuswami Ayyar. |
| 23 " M. Bapineedu. | 50 " V. Kurmayya. |
| 24 " T. S. Chockalingam Pillai. | 51 Srimathi A. V. Kuttimalu Amma. |
| 25 " M. P. Damodaram. | 52 Mr. P. Lakshmanaswami. |
| 26 " M. Doraikannu. | 53 Mrs. Lakshmi Sankara Ayyar. |
| 27 " A. R. A. S. Doraiswami Nadar. | 54 Srimathi K. Lakshmi Ammal. |
| | 55 Dr. N. Lakshmi Devi. |
| | 56 Mr. P. Madhavan. |
| | 57 " R. S. Manikkam. |

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Noes—cont.

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| 58 Mrs. Rukmini Lakshmiipathi. | 93 Mr. K. Sakthivadivelu Goundar. |
| 59 Mr. M. Marimuthu. | 94 " P. R. K. Sarma. |
| 60 " S. T. P. Marimuthu Pillai. | 95 " L. Sattanatha Karayalar. |
| 61 " Muhammad Abdur Rahman. | 96 " K. Shanmugam. |
| 62 " S. Nagappa. | 97 " B. T. Seshadri Achariyar. |
| 63 " N. Nagaraja Ayyangar. | 98 " H. Sitarama Reddi. |
| 64 " S. Nagayya. | 99 Sri Raja Vasireddi Durga Sadasiveswara Prasad Bahadur Manne Sultan. |
| 65 " D. L. Narasimha Raju. | 100 Mr. P. S. Srinivasa Ayyar. |
| 66 " P. L. Narasimha Raju. | 101 " Kallur Subba Rao. |
| 67 " C. Narasimham. | 102 " Karunakaram Subba Rao. |
| 68 " D. Narayana Raju. | 103 " N. M. R. Subbarama Ayyar. |
| 69 " K. V. Narayana Rao. | 104 " P. Subbayya. |
| 70 " M. G. Natesa Chettiyar. | 105 " C. P. Subbayya Mudaliyar. |
| 71 " P. Natesa Mudaliyar. | 106 " A. Subramaniam. |
| 72 " C. Obi Reddi. | 107 " K. V. R. Swami. |
| 73 " M. Pallam Raju. | 108 " P. Syamasundara Rao. |
| 74 " P. Pedda Padalu. | 109 " V. S. R. M. Valliappa Chettiyar. |
| 75 " K. S. Periyaswami Goundar. | 110 " K. Varadachari. |
| 76 " K. Periyaswami Goundar. | 111 " G. Venkanna. |
| 77 " M. P. Periyaswami. | 112 " Gopavaram Venkata Reddi. |
| 78 " V. R. Perumal Chettiyar. | 113 " K. Venkata Reddi. |
| 79 " B. Perumalla Nayudu. | 114 " B. Venkatachalam Pillai. |
| 80 " R. Ponnuswami Pillai. | 115 " B. Venkatanarayana Reddi. |
| 81 " R. Raghava Menon. | 116 " S. C. Venkatappa Chettiyar. |
| 82 " A. K. A. Ramachandra Reddiyar. | 117 " R. Venkatappa Nayudu. |
| 83 " R. B. Ramakrishna Raju. | 118 " K. Venkatappayya. |
| 84 " T. N. Ramakrishna Reddi. | 119 " P. Venkatarama Ayyar. |
| 85 " D. Ramalinga Reddiyar. | 120 " R. S. Venkataramayya. |
| 86 " A. Ramalingam. | 121 " R. Venkatasubba Reddiyar. |
| 87 " D. V. Ramaswami. | 122 " V. Venkatasubbayya. |
| 88 " K. S. Ramaswami Goundar. | 123 " K. P. Yegneswara Sarma. |
| 89 " J. Sivashanmugam Pillai. | 124 " A. Jogi Nayudu. |
| 90 " N. G. Ramaswami Nayudu. | 125 " P. K. Mohideen Kutty. |
| 91 " N. Ranga Reddi. | |
| 92 " G. Rangayya Nayudu. | |

Ayes 24. Noes 125.

The amendment was lost.

Then clause 27 (renumbered as 28) was put and carried.

Clause 1 was put and carried.

Then the preamble was put and carried.

* THE HON. MR. C. RAJAGOPALACHARIAR:—" I beg to move—
' that the Bill, as amended by this House, be passed into law '."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—" Mr. Speaker, Sir, before the Hon. the Premier proceeds, I raise an objection to this question being taken up at this stage. I refer to rule 93, sub-rule (1) of the rules of the Assembly which reads thus:—

(1) If when a Bill is considered in the Assembly no amendment is made, the Member in charge of it may, at the conclusion of such consideration, move that the Bill be passed.'

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"Then sub-rule (2) reads thus:—

(2) If when a Bill is considered, any amendment is made, any Member may, at the conclusion of the consideration of the Bill, object to a motion being made at the same sitting for its being passed. Thereupon the Speaker, shall, unless he considers that the request is frivolous or unreasonable, not allow a motion that the Bill be passed into law to be moved at the same sitting, but the Bill be brought up for further consideration at a subsequent sitting."

"So, under this sub-rule, it is open to any Member to object to the question of the Bill being passed into law, being taken up at the same sitting at which the deliberations at a second reading have been concluded. There is no question of the sense of the House being taken upon. It is a matter entirely in your discretion to uphold or reject the objection raised by the Member. But in rejecting the objection raised by any Member of the House, the consideration and the sole consideration that is to prevail with you is whether such an objection is frivolous or unreasonable. I would submit that the objection raised would be frivolous or unreasonable if the amendment were merely of a verbal character not affecting the principles of the Bill. In this case I would submit that there have been very few verbal amendments. All the amendments that have been moved on behalf of the Government are amendments which were moved in view of the strong public feeling and criticisms made by the public. I would contend that the amendments which have been moved by the Government are amendments of an important character affecting some of the principles of the Bill and amendments which have apparently received a considerable amount of thought and consideration at the hands of the Hon. the Premier. I refer particularly to the amendment that has been moved in the matter affecting companies. We know how one kind of provision with regard to companies was put in the original Bill, how it was altered during the deliberations of the Select Committee and how after the report of the Select Committee was placed before us the Government gave notice of one set of amendments once and later on reconsidered their own amendments and sent in fresh amendments again. I would submit, that is, as is obvious, the history of these amendments, amendments which it is not easy for one to understand or comprehend and the implications of which cannot be comprehended at one glance or except after deep study.

4-15 p. m. "In view of amendments of that sort which have been made, in view of the amendment regarding landholders, I submit that objection raised under rule 93 (2) cannot be considered frivolous or vexatious. It might be thought that no useful purpose might be served by postponing the consideration of the Bill till tomorrow. Constituted as we are, we know what the decision on the Bill will be. The decision of the House will be the decision of the Hon. the Premier (Hear,

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hear). Quite true, Sir, we are aware of it. And if today he is not prepared to alter his mind, we know what we can expect tomorrow. But that is not the point to be considered."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I do not want to raise any point of order with reference to the observations made by the hon. Member. But I wish only to draw your attention to the fact that the trend of his arguments may be considered to be not quite correct. With reference to the . . ."

* MR. SPEAKER:—"The Hon. the Premier will have an opportunity of speaking after the hon. Member has finished."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I have it, but I just wish to represent to you with regard to the nature of the observations made just now and to request you to draw the attention of the hon. Member to the fact that though such observations may not offend me they may offend the rest of the House."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Sir, I mean absolutely no offence. I can only say that I wish I could occupy in any deliberative assembly the position which the Hon. the Premier occupies, a position where he has an absolutely docile and willing following."

MR. K. R. KARANT:—"It is a reflection on the Legislature, Sir."

ANOTHER HON. MEMBER:—"Docile?"

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"A willing following of which any leader can be proud."

* MR. SPEAKER:—"I take it the hon. Member withdraws the previous word 'docile'?"

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"If you think, Sir, that there is anything offensive in the word, I have not the least objection to withdraw that word. I can only say that 'docile' is a very good term."

* MR. SPEAKER:—"You have substituted 'willing' for 'docile'?"

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I have combined both."

* MR. SPEAKER:—"You have not withdrawn 'docile' even now?"

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I will withdraw it if it is considered to be offensive and objection taken. I only say I mean no offence whatever."

"From what I have said, Sir, it would be clear that whether the Bill is put to vote today, tomorrow or the day after, the result is going to be the same. On that basis, it might be asked: why put off till tomorrow what can be done today? On that same basis, the objection might be considered to be frivolous. But I would put it on another

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ground, a higher ground, and that is this. It is the privilege and right of this House given in black and white under certain rules which have been framed as the result of experience of deliberative bodies where democratic forms of Government obtain. Such rights and privileges should be safeguarded. Mr. Speaker, Sir, you are the custodian of the rights and privileges of this House and it is necessary to safeguard the rights and privileges of this House all the more constituted as it is at present. Complaints have been made, not without foundation, that the Opposition in the House is weak, is disunited and disorganized. The Hon. the Premier himself is reported to have said that the Opposition is weak."

THE HON. MR. C. RAJAGOPALACHARIAR:—"No, Sir."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Anyway, Sir, the weaker the Opposition, the more disorganized it is, . . ."

* MR. SPEAKER:—"Does the hon. Member think that these observations are relevant to the point under discussion?"

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I should not have uttered them unless I thought they were absolutely relevant."

"Sir, the weaker the Opposition, the greater is the responsibility of the Speaker to safeguard the rights and privileges of the House. Sir, you may be perfectly justified in thinking that the result is going to be the same whether the Bill is put to vote today or tomorrow or the day after. Even if it is true, I think that it is the right of the House to have the Bill considered at a later date. It might be that after all the adjournment may not be fruitless. The Hon. the Premier himself may go through the Bill tonight or tomorrow and fresh suggestions might occur to him by which he might shape the Bill in a better manner. If he reads the Bill as amended by the Select Committee and considers amendment after amendment which have been given notice of by various Members—there are 230 of them—and which have been brushed aside, it might be that some improvements might occur to him which he might introduce in the third reading stage. Would it not be right on the part of the House to try and gain this advantage? It is on these grounds, Sir, that I justify the objection to taking up the third reading of the Bill now."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, it is not necessary strictly speaking for more than one hon. Member to speak on this point of order, but since you have been very indulgent towards me I wish to make a representation to you on behalf of the hon. Members of this House, at least on this side. The objection that has been raised is not only one of principle, but it relates to the fundamental rights of the House as a whole. It should not be taken, Sir, that the hon. Member who objects to the procedure does so in his personal capacity, but he is doing it only to safeguard the best interest of the House as a whole. We are met here under certain circumstances. We are

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governed by the Government of India Act, 1935, and the forms of procedure laid down under that Act. It is but right, Sir, that we should undergo the formalities laid down therein. Of course the result may be the same whether we have the motion today or tomorrow, but I submit to you, Mr. Speaker, that this is an essential matter and if the time asked for is granted, it will be not only in the interests of the Members on the Opposition but will be helpful to the enactment of good laws. We do not object to sit longer hours for the consideration of the Bill, but the question of the third reading of the Bill should be considered independently of the procedure that we have been adopting all this time. I do not want to repeat the observations of the previous speaker with regard to the great responsibilities of the Speaker in this matter. But we on this side in particular look to you to safeguard our rights and we have implicit confidence in you. I will end by saying that justice should be done in order to safeguard the rights and privileges of the Members of the House."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, objection has been taken by the Hon. the Leader of the Opposition and his colleague. It is not a point of order that has been raised, but it is an objection under sub-clause (2) of rule 93, which runs as follows:—

'If when a Bill is considered any amendment is made, any member may, at the conclusion of the consideration of the Bill, object to a motion being made at the same sitting for its being passed.....'

"Under this provision it is claimed that it is the high privilege of the House, represented by any Member therein, to retard the progress of legislation to that extent, and so, the Speaker should offer every facility for having that retardation put into effect. Sir, it is true that in regard to legislation, the procedure prescribes that even one Member may ask for a poll, one Member may object to leave being given to withdraw a motion and one Member may raise an objection and say that the motion that the Bill be passed into law may be taken up at a later date. But at the same time we should not imagine that we are here dealing with the fundamental rights of citizens and civil liberties and lose our sense of proportion. It is a good thing to ask for postponement, but it is also a good thing to consider whether it is asked for a good reason or merely in order to find out whether any and every right that is given under the rules is being given or not being given when asked for. I would request hon. Members to read clause (3) of the same rule in this connexion. It says:—

'(3) when the Bill is so brought up for further consideration at a subsequent sitting, no amendments not being of a verbal or consequential nature shall be made by the Assembly.'

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"So we must read these two things together to understand the purport of this provision. It means that if amendments are made and thereby the Bill is thrown out of shape, the mover of the Bill should have an opportunity to think whether it is worthwhile having the Bill or not. It is not for re-amending it or for making any more changes. No amendments except those of a verbal or consequential nature can be brought forward according to this rule on the next day. What is the meaning of this? It means that the Bill must be accepted or rejected. So the object of this provision is this: something has been done to the Bill; we should say what is to happen to it. It is not as if, sitting overnight, the mover of the Bill or someone else may think of improving the Bill by changing it. It is not for that purpose that it is provided that the thing may be considered tomorrow. It is not for the purpose of improving the Bill that this rule is contemplated. Therefore in interpreting the words 'frivolous' and 'vexatious' in clause (2) we should examine the question from this point of view. The rule says further:

" * * * Thereupon the Speaker shall, unless he considers that the request is frivolous or unreasonable, not allow a motion that the Bill be passed into law to be moved at the same sitting * * * ' Sir, what is frivolity and what is unreasonableness can be seen in view of what can be done if the request is granted. If it is granted, verbal and consequential changes can be made, or the Bill may be accepted or rejected. Sir, the object put forward that in view of the changes made in the Bill, something may strike somebody overnight and we may improve the Bill tomorrow, does not at all appear to be a reasonable object that can be expected to be attained. The only question is whether in these circumstances it is a reasonable request or not.

4-30 p.m. "Sir, in this connexion I should like to draw your attention to the rather ill-considered statement of the hon. Member opposite that we are a very docile party here. I wish my friend had been at the head of this party. He would have seen what docility was like. He would have seen whether the same persons who are quite docile in front of him on the other side of the table were really such docile people as he imagines them to be. I wish that he had even a day's experience of the party to which I belong (Applause). Then he would not wish that he was anywhere near here, this side (Laughter). Therefore, Sir, there is no meaning in saying that that point should be put aside now or that no consideration of probabilities should be taken into account and that simply the law should be given effect to. The law is to the effect that it is not a matter of debate, that this objection can be raised by even a single person and that this is not a matter for argument or for voting, but that the Speaker shall exercise his discretion and decide. Decide what? Not that so and so is a frivolous person or that so and so is a reasonable person, but that the request he has made is unreasonable or reasonable. I submit, Sir,

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it is most unreasonable to detain this legislation at this stage. Sometimes we sit together and work hard and we have an idea that we rush through. As a matter of fact, I claim on behalf of both sides of the House that we have given more consideration to this Bill in these four days than we would have done if we had had fifteen days. We work harder when we are most pressed for time and are most busy and therefore we do more work. It is not when we have plenty of time that we do more work. I claim, Sir, for both sides of the House, that we have done generally harder and more work now than others have done in respect of many Bills in the history of this Legislature. I claim also that nothing has been hastily done; I do say that everybody has been alert and everybody has been working hard.

"Then, as regards the reason why we should object. A measure of this kind should not be held up any longer. We have introduced clauses in this measure which deal with sales after 1st October 1937, and somebody wanted them to deal even with earlier ones. Why? Because the subject-matter we are dealing with is one in which anything that is pronounced or stated has immediate reaction and a Bill which has been finished and brought up to this stage and kept over will be most dangerous in the consequences that it may produce. I therefore desire to express the view on behalf of Government that this Bill should not be delayed any further. The other Chamber should also have an opportunity of dealing with it as quickly as possible; and even if this is held up till tomorrow, it will not be simply a question of holding it up for a few hours—it will mean in its consequences much more delay. In fact I should say that I cannot understand the motion except for that consequence. If it were merely a question of a few hours, I do not think there would have been this motion at all. I am sure any postponement will have a little more substantial consequence by way of delay than what is suggested. Sir, I therefore object to this motion, if you give me the opportunity to do so. I claim that the Speaker has the right and the duty to decide whether it is a reasonable request or not. I urge that this single member's right should not be given effect to."

* MR. SPEAKER:—"The Bill before the House is a very important Bill and it is intended for the relief of indebted agriculturists in the province of Madras. It was considered by a Joint Select Committee of both the Houses, and this House has given the most anxious and best consideration to every clause and word of the Bill. All the verbal and consequential amendments that arose have been very carefully attended to and put to the vote of the House and decided. The objection that this Bill should not be passed at this sitting generally may be upheld to be reasonable if there was even a little rushing in the consideration of the Bill or a little neglect in the verbal or consequential changes. The amendments were no doubt very important, but they were all thoroughly considered and it cannot be said that either the Ministerialist party is docile or that the Opposition is weak. The Opposition has

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put up a most strenuous and consistent fight over every phrase and clause of the Bill (Laughter); and the House gave the utmost consideration to every aspect of the provisions of the Bill. The Government also considered the arguments advanced by the Opposition Members on every matter, and the Government gave replies to such arguments, wherever necessary. All the objections raised were appreciated on the floor of the House, and they were decided by the House; and such decisions included verbal amendments also. Numerical amendments also were carefully gone through and put to vote and decided. What can be contemplated as necessary at a subsequent sitting, viz., 'verbal and consequential amendments', also has been exhausted at this second reading. I do not hold that Sir Pannirselvam's objection is frivolous; it is not at all frivolous. It was taken with the best of motives; but having regard to the time and the attention which this House has given to every detail of the Bill including every word and figure, I do not think that the request of the hon. Member is reasonable. I therefore hold that the third reading of the Bill may be taken up now and the Hon. the Prime Minister may move that the Bill be passed into law."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I beg to move—

'that the Bill as amended by this House be passed into law.'

"Sir, I ought really to be taken to have said all that I wished to say on this occasion. As regards the Bill itself and as regards the measures comprehended in the Bill, and the principles and the reasons on which the Bill is based, I think I have already sufficiently spoken about them and repeated them at every stage when the amendments came up, bringing up the issues involved in the measures. I have only to say now a word, and that is: to those who have helped in building up this measure on the floor of the House, my thanks are due. I am saying exactly what I feel, and nothing more and nothing less, when I say that all the amendments that were proposed and all the objections that were raised, served to help the building up of this Bill, and did not form mere obstruction. I offer, therefore, my very cordial thanks to the Opposition which helped to thrash this measure out on the floor of this House so thoroughly.

"Reference was made, Sir, to some reported remark of mine as to the weakness of the Opposition. You will permit me, Sir, to say that that is not an accurate report of what I said. I must have said what I did, only with reference to the numbers; I never could have possibly imagined that this Opposition was weak in any other sense than that, and that explains the reason why the second part of the reported story appears there. The Opposition is not in numbers big; but how can I help it? I cannot go and get members elected for the other side in greater numbers. That is the real position. If it were

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meant in any other sense, my statement that I could not help it, has no meaning at all. The Opposition is few in number, but strong in spirit. I cannot help the number being like that, because it is not my business to go and canvass votes and get people elected for the Opposition. But the few that they are, they have been very strong, and I dread them. Let it not be imagined that I am indifferent to the strength of the Opposition. Otherwise why should I have accepted so many amendments (Laughter). Sir, the hilarity of the House is based on a misconception. I have not accepted amendments only here, on the floor of the House. I have accepted amendments in the Select Committee. I have accepted amendments even outside the Select Committee, and even after the Select Committee was over, some amendments were moved by me instead of by the Opposition. I have accepted numerous amendments, and it is not right to imagine that I said it only as a joke. I do mean what I said, that I have accepted substantial changes in the measure that were proposed, and they have all come in either as amendments made by the Select Committee, or as amendments moved by others or by myself, as I have pointed out, when unnecessary. It is because I consider the Opposition strong and important and it is because I respect the Opposition, Sir, that I have done all this. Therefore, let nobody imagine that I simply ask that the Bill be passed into law now, because my party is strong on the floor of this House or that the other side consists of only a few people. I am sure individually nobody would demand this explanation from me; for every one of the members sitting opposite know the appreciation and the consideration that I have in my mind, even though it may not be expressed, for them. But somehow, when people speak in a group, they rather forget what they feel in their individual capacity and they say what is not generally in consonance with their own individual feelings. But that may be allowed in Party Government. I know that nobody would doubt it when I say that I am grateful to the Opposition. Let us hope that we may all pass it.

"Let me repeat again, Sir, that this Bill which deals with creditors and debtors, which deals with agriculturists and landholders and tenants, is not merely a piece of law. It is a time-table, it is a programme for actual work on behalf of society; and if the creditors and the debtors, the agriculturists and the tenants and the landholders, if all of them combine together and co-operate to work this Bill, I am sure that life will be different from what it has been till now in our country. That is why, Sir, I once more appeal to the Opposition, after all the strenuous opposition that they have put up, to pass this motion, if possible with us, and agree to this Bill being passed without opposition. At any rate, even if there should be a vote, I want them to give their votes in the spirit in which a co-operating organization, all parts co-operating all round, should pass a measure. It may be that votes are cast this side or that side, but we have both to join together to work this Bill. Especially with regard to the landlords and the tenants, I say it once again. I said the other day that landlords

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were not owners of property but were public servants. I say so again now; but let me be understood properly. It is a glory to be a public servant. It is not a great thing to be the owner of a piece of property. It is a glory to be a public servant, and I have given a compliment to them when I stated that landlords were public servants. That glory carries with it responsibility. The glory of being a Collector is to see that the district is properly administered; the glory of being a landlord is to see that the estate is properly administered, including the tenants, the accounts, the treasury and the estate office. It is in that sense that I pointed attention to their responsibility. It was not in any carping spirit or in a confiscatory spirit that I said it. I say that if landlords today are to be recognized as public servants, their tenure is more permanent than the *Sanadi Milkat Istimrar* recognizes. It is only when the landlord recognizes that he is a public servant that he becomes the holder of a *Sanadi Milkat Istimrar*, and will continue to be a public servant for all time. But if he fails, the tenure will not be permanent. Because society cannot afford to stand still. Society will change if people will not do their work. Let me not be understood as offering a threat or anything of the kind. I want to explain myself, when I said that owners of property are public servants, be they owners of one acre of land or forty acres. Even a tenant in possession of a piece of land is in the position of a public servant. So also landlords having the ownership of an estate are in the status of public servants. Why do I repeat this? I repeat this, because I want the landlords to accept this Bill, to accept this measure of wiping off arrears. If they work it out as their own, landlords will see that the measure is not confiscatory, but really reformatory. I beg this Bill be given an opportunity to work, and if in this spirit some votes are cast against it, it does not matter. But I crave the right spirit should prevail in casting the vote so that the Bill may be worked. I move, Sir, the Bill be passed into law."

Mr. ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, it has been the convention to pass the Bill in the third reading stage without a division, though the Opposition, during the pendency of the Bill, pressed for division sometimes. Although when the Bill was actually in the anvil, when it was considered clause by clause, the Opposition moved amendments after amendments, some accepted and some not accepted by Government, all the same, it has become the convention for the Opposition also, in the third reading stage to join in the hope and prayer that the Bill so ably sponsored and piloted by the Hon. Premier would result in giving the relief that the mover of the Bill sincerely intends that it should. I wish to congratulate the hon. Mover of the Bill on the successful way in which he has got this measure through the Select Committee first, and then through this House. I hope, Sir, this Bill will really benefit the people for whom it is intended. Of course, we cannot be oblivious of the fact that in doing good to one class of people, some other class will be adversely

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affected. But as the Premier has said, as we all belong to one homogeneous society (Laughter), the ills of one section thereof should be considered the ills of the other section also. It is in that spirit that we hope that this Bill will be taken as a measure which is intended to do good to the people who deserve the benefit that is to be given to them. I know there are many difficulties in the smooth working of this Bill. Of course, it is left to Government and to the agencies that Government have at their command to see through, that this Bill is given effect to in the best manner possible. Government have taken powers to make rules in order that the provisions of this Bill, when it is passed into law, be given effect to in their proper and just manner. I hope, Sir, that the Government in making the rules will do so in such a way as to give this Bill its best passports. Once again, I wish to congratulate the Hon. Premier on the successful manner in which he has piloted this Bill through this House."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Mr. Speaker, Sir, I must first of all express my sincere thanks to the Premier for the fulsome manner in which he has appreciated our endeavours in the last four days. But at the same time I feel I will be failing in my duty if I do not express my feeling, as well as the feeling of the Opposition on this side of the House, that we have not received the proper consideration at the hands of the Government during the course of this Bill. I say this, Sir, for more reasons than one. To begin with, I think, Sir, that if His Excellency the Governor acting in his discretion had given his previous sanction to the Bill, the House is entitled to know that such consent has already been given. And till you informed us, we did not know that such sanction had already been given."

"Again, during the course of the debate of the Bill, we felt that the amendments which we moved were being treated with scant courtesy at the hands of the Premier. The only explanation forthcoming for this attitude was that if the Premier were to rise in his seat for each and every amendment, it would be a terrible strain on him which might ultimately end in his physical breakdown, a calamity which all of us would deplore. I only wish he had relieved himself of much work, by sharing his burden with his nine colleagues, and asked some of them to reply to at least some of the amendments of minor importance. Again he has got his able Parliamentary Secretary ready to assist him when he was feeling wearied. And I believe, there are some members on the Ministerial Benches already chafing under the restraint imposed on them, who, but for that restraint would be quite willing to take part in the deliberations of this measure. (Cries of 'No,' 'No,' from the Ministerial Benches). Sir, when member after member from the Opposition was rising in his seat and moving amendment after amendment, the hon. the Premier chose to reply to a few only, and for the rest there was no reply at all. Sir, is this not showing discourtesy to the Opposition?"

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"Then, Sir, there are one or two amendments, on which our action requires some explanation. I know there is a feeling among some members, or rather in certain sections of the House, who consider that the division which we called for was actuated by dilatory motives. I may say at the outset that when we called for a division, it was not in the hope and belief that the result of the division was going to be in any way different from what you had announced; nor did we take that step with any dilatory motive. To entertain any such idea would be wrong. It was taken merely to emphasize our point of view. There are amendments and amendments. Some of them important, some of them less important and some of them more important. On all of them we had to say what we had to say. Some of the more important amendments, we thought, if negatived, would be damaging to the people, and knowing as we do that the result of the vote will not be different from that already announced by the Hon. the Speaker, if we had pressed them to a division, we did so, not because of any dilatory motives; but because we wished to emphasize the more important nature of the particular question. Now, Sir, as you will see, there are 252 amendments tabled, and of these, only for five or six, division was pressed. In the various amendments which we moved and on which the vote of the House was taken, we were only actuated by a desire to make our point of view felt. If again we were not willing to sit late in the evening or in the night as the Premier would have liked us to, it was not because we did not want the Bill to be passed as early as possible, but only by a mere desire to make the best and useful contribution to the measure we can. We felt that we were not capable of doing any good work after a continuous sitting for eight hours, and we felt both physically and mentally exhausted at the end of the day. I confess I have not the tenacity and energy of the Premier, who, though looking lean and feeble is able to carry on sustained strenuous work. I know he is older than me, and yet he is very energetic. I really envy him. (Laughter). For myself, after 6 o'clock in the evening I am done up. And so, if on future occasions, if we make any objection to sitting late or at night except to meet very very extraordinary circumstances, it will be solely on the ground of physical impossibility, and, may I add, intellectual also.

"Sir, I have done. The Bill is now to become law. I can only hope the fears entertained by us in regard to this Bill will prove unreal; and the dangers that we apprehend will prove unfounded. Finally, Sir, I wish the Premier and his measure all success and I hope he will be conferring a real boon thereby on the public."

5 p.m.

MR. BASHEER AHMED SAYEED:—"Sir, even when I spoke for the first time on this Bill, it was my idea that it should become law (Laughter) and I made no secret of it. I am glad that it is going to become law. Sir, my attempts has always been to make the Bill a just and equitable measure which will not cause undue hardship to anybody. With that one object, Sir, I have fought hard on the floor of this

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Assembly to put in as many amendments as possible to remove whatever difficulties that might be experienced by parties who would be affected by it. You will have noticed, Sir, that several of my amendments were conceived in the interests of removing unnecessary and uncalled for hardships to the creditors. Now I claim that I have done my best to improve upon the Bill. I am thankful, Sir, to the Hon. the Premier for the few verbal amendments he has been pleased to accept. But that does not detract my sense of appreciation of the great task he has undertaken and triumphed. This achievement of his is a big triumph. This Bill, when it is put on the statute book, will be remembered for ever. I consider it as a unique measure and unique law which nobody has ever conceived of before and probably it will be impossible to conceive of a similar measure in the future.

"Now, Sir, with regard to the Bill itself, I must admire the patience with which the Hon. the Premier went through this ordeal and, though there might have been lapses, there has not been much want of courtesy on his part, I am free to admit. (Laughter.) But one thing, even if there have been certain lapses, I put them down to this cause, namely, that he has been himself shouldering the entire responsibility in spite of his having 160 followers. It would have been eminently desirable if he had shared this responsibility with some of his Honourable Colleagues, with some of his trusted lieutenants who are prepared and are willing to come to his rescue. Probably that would have added to the quality of our endeavours. Now, Sir, I think it will be possible only for one such Premier to be able to entirely shoulder this responsibility for four days. If you look into the entire proceedings of the last few days, you will find nothing but the speeches of the Hon. the Premier on the Treasury side though there are several there, at a least a dozen who would have spoken on various occasions. But from the Treasury Benches, the Premier alone had the privilege of speaking throughout the debates on this Bill.

"Now, Sir, with regard to the merits of the Bill itself. I must confess, Sir, I am not very sanguine about the results and about the effect of the Bill on the country and on society. I know, Sir, and I have a little suspicion that the Hon. the Premier himself is not very sanguine about its effects. We have to wait and see how exactly the various clauses of this measure work in practice. It is too early to predict the way in which this Bill will work and what exactly will be the degree of utility of the measure. Sir, it was the main aim of the Bill that it should save the agriculturist debtor from the clutches of the lawyer. But, I must be pardoned, Sir, in confessing that that object has failed in its achievement to a very large extent. I may be mistaken, but that is my honest feeling. It is too much to expect that the agriculturist debtor has been saved from the need for prolonged litigation.

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"Sir, with regard to the attempt at making the position of the agriculturist better than what it is, there also, Sir, I am sceptic. You can legislate and legislate for all time and it will be very difficult to legislate against the ingenuity of the human intellect. It is also very difficult, Sir, to legislate against the inventive genius of the human being. I submit, Sir, that this measure, considered from that aspect, may or may not succeed, but I must offer my hearty felicitations to the Hon. the Premier for the great success he is about to achieve, nay, he has already achieved and, to you, Sir, for the patience (laughter) and for all the latitude and for all the kindness and courtesy you have shown I am very grateful." (Laughter.)

* MR. T. T. KRISHNAMACHARIAR:—"Mr. Speaker, in this atmosphere of friendliness, in this calm atmosphere when everybody is throwing bouquets at everybody else, I am afraid I am not very happy (laughter). The reason for it, Sir, is this: I was one of the earliest to welcome this measure, because as one who, twenty years ago, had done a little work among the agriculturists just to find out their economic condition, I really felt that this is a case which a popular Government ought to handle. But what has been done? The Government is playing the blind man's buff and the Opposition has been following suit. We are congratulating ourselves and the Government. Did the Government, I would like to know, before commencing work on a measure of this sort, collect statistics? Reference was made from time to time of the Satyanadhan Report which itself is perfunctory. There are no statistics. The Government, therefore, could not know how many are going to be benefited and how many are going to be affected prejudicially by this Bill. It is just a blind man's buff. Of course, the measure will be passed and it remains to be seen what the outcome of this is going to be. I wish the Government well, I wish the agriculturists, whom the Government is trying to help, well. But I am very doubtful of the result. The principles that are embodied in the Bill, quite a number of them are controversial. Nobody can object to relief being given to the agriculturists. Personally in very many respects, I would go even further. Many important provisions of the Bill ought not to be there for instance the question of inclusion of the banks, the absence of an upper limit and this misapplied principle of damdupat are all there. I may repeat this warning once again, notwithstanding the Hon. Premier's justification of it on the floor of the House. I have since read the Debt Conciliation Act of 1936, and I understand damdupat really applies only to cases where when the award is made the interest allowed should not exceed the amount of the principal. That is my understanding of it. This misapplied principle of damdupat, the haphazard scaling down of debts in one manner for debts incurred after 1932 and in a different manner in the case of pre-1932 debts—these things are there. Sir, if 1932 is to be the commencement of the depression period, it has got to be ante-dated to 1930. Then there is the alteration effected to

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clause 9 (1) in order to give some benefit to banks which really take away whatever benefit was originally conceded to debts incurred after 1932. All these are principles nobody can accept. I am for giving relief to the agriculturists, but it would have been better if the few points raised on the floor of the House had been conceded and something radical done for the agriculturists.

"Another point on which I wish to say something refers to the question raised by the Hon. the Leader of the House yesterday. I am not trying to defend myself and I am not trying to plead for myself on this question of the level of our debates here. Parliamentary practice and procedure everywhere allows a weak and numerically small opposition to take every advantage of the rules of the House and this is what we have been attempting to do. But, Sir, the level of the debate can only remain high, if the Government realize their responsibility and treat the opposition with respect, that is, meet them at every point and not merely give vague answers saying that our points are absurd or that they are counter to the main principle of the Bill. But that is how we have been treated. That is how every one of our carefully worded and well-thought out amendments have been merely brushed aside without the least consideration and with the few words 'We are unable to agree'. That is not meeting an argument. If the level of the debate is low, the responsibility is that of the Government. The Hon. Mover of the Bill had to bear a very heavy burden, but that is not a matter concerning the House as such. Individually we may have considerable respect for each other, but that cannot affect the issue that the opposition has not been given the respect that they deserve. Our amendments have not been treated with full consideration and no proper replies have been given. Take for instance, the question of the upper limit. What was the point that was really conceded? Nothing. The argument was that there is the same load of debt on the big and the small landowners. I have figures to show that in the case of the big landholder the debt he has got is only 25 per cent of that of the small man in proportion to the acreage he possessed. Really, therefore, no answers were given to our points. And there has been no proper examination of facts and that is why they have not been able to give any answers.

"Sir, I am sorry to have struck something which is really a discordant note in an atmosphere of harmony and friendliness. I, therefore, apologize to the House as a whole for having done so."

* KUMARARAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, Sir, I very much appreciate the cordial sentiments which the Hon. the Leader of the House expressed about the hard work and strain to all the Members of this House. I wish only to say, Sir, that the first person who deserves or applause and credit is yourself. You have felt the strain more than all of us, and it is no easy matter to go through a Bill of this nature with 300 amendments, without missing

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any one of them and without any confusion. It must have been a great strain to you, Sir. We all of us join in showing our appreciation of the hard work that you have put in on behalf of all of us. (Applause.) (Mr. SPEAKER:—'I have only helped you.') Sir, with regard to hard work and strain on the part of the Members, nobody ordinarily grudges. If, on this occasion, Members sitting on this side of the House had to remain in the House for longer hours, it is because the importance of the measure demanded it and because of the fact that we sympathized with the Hon. Mover of the Bill, who was himself put to too great a strain. We, however, felt that if more time had been allowed it would have been helpful to Members sitting on this side of the House and it would have helped to make the Hon. the Premier more calm and considerate and more easygoing. We wanted to make him more easy-going, but he would not be led into the trap that we laid for him.

5.15 p.m. "If he had agreed to our proposal for a recommittal of the Bill to the Select Committee, or accepted our suggestion for convening a special conference, or for the consideration of this Bill between 11 a.m. and 5 p.m. only, probably public opinion would have prevailed on him in this matter. For the last three months eminent public men who have given their opinions in the press, but who are unfortunately not here to-day might have been enabled to meet the Hon. Premier and put forward their arguments in private. Sir, it is mainly for the purpose of getting some relief so that we may come afresh the next day, or, if we had to put forward amendments, we might not look foolish in the eyes of the Hon. Minister in putting forward some amendments which would not fit in in the Bill that we wanted the House to sit between 11 a.m. and 5 p.m. It is because we thought that if we were to sit late after 6 p.m. and move amendments which might not probably fit in in the Bill and which would look lawful that we were anxious to suggest the consideration of this Bill in a show manner. However, we have gone through the ordeal of 250 amendments and I would have certainly agreed with the Hon. Premier that as much attention as is necessary has been given to these amendments, but for the fact that some Members including myself feel that greater attention and consideration has not been shown to them because of the determined decision of the Government on the points raised by the amendments. That is the only reason which I should imagine the Hon. Prime Minister had, because at every time we said we required some more time, he definitely said that he required no further time to consider the measure. We are sorry about this. This measure might have been modified to such an extent that it should have been made acceptable not only to the parties in this House, but to the general public who have taken a very keen interest in this matter. I shall not go into the merits of this Bill just now. General principles underlying the Bill as well as the principles underlying the amendments have been discussed already both here and outside. As my hon. Friend representing the South Indian Chamber of Commerce has complained

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that the answers of the Government have not been convincing, I also share the same view with reference to some of the answers of the Government. I am generous enough not to complain about it at this stage for the simple reason that the Hon. Premier has evidently considered that he was not in a position to concede any point. That is the only way in which I have to take it.

"Sir, this Bill is intended to give relief to the tenants and debtors. In the case of tenants it is slightly different and better. I believe from the conciliatory speech made by the official representative of the landholders' association, who I am sure has had the backing, support and advice of the landholders' association, that the landholders' association is able to realize the great fall in prices and is willing to show that amount of feeling for adjustment. That is a continuation of the policy that they have adopted during the last few years. It may be that if Government had conceded for the recovery of arrears for a few more years they (the landholders) would have been more satisfied. But the question of debtors is far too great. In the case of tenants there are clauses in the operative portion of the Bill which state payment of money to some extent as a necessary condition to get other reliefs whereas in the case of debtors, there is no such thing. As soon as this Bill is assented to by His Excellency the Governor and His Excellency the Viceroy and published in the *Fort St. George Gazette* the various provisions become operative, the debts will immediately get reduced and thus the mischief will be done. The Hon. the Premier, who is an enthusiastic supporter of this measure will feel a year afterwards that some of the provisions of the Bill are very drastic and they have really done harm instead of good and might be willing to make some amendments. I dare say that the provisions of this Bill are such that he will not be enabled to remedy the position at a future date. When the debts have been wound up or reduced the position would be entirely different. The legal position would have very much changed in favour of the debtor and the Hon. Premier would not be able to remedy the situation. It is in that respect that I feel that the Bill is very defective in the operative portions of the Bill. With regard to the ultimate good that will reach the agriculturists, however much one may agree with the ideal that this Bill is going to serve the agriculturists, I am afraid that a large number of agriculturists are not going to be benefited, though some may be benefited. On the other hand they are going to be harmed. It is that feeling that was responsible for this great volume of criticisms against this measure. If only the Government had conceded one point, viz., of fixing an upper limit between Rs. 300 and Rs. 500, without affecting at the same time the main principle of the Bill, that would certainly have disarmed the great opposition to this measure, and this measure would not have had to face so much opposition during the last four days in this House, but the proceedings would have entirely changed and the public criticism would have been very much different. I want

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those who are enthusiastic about this measure to wait and see what good is going to be conferred on the small agriculturists. With regard to the success of some of the amendments or otherwise I do not wish to repeat what other Members have already said except to say that Government have not shown any consideration to the arguments advanced in support of the amendments moved by several honourable members.

"Sir, I shall not deal with the legal interpretations of the old and the new law of damdupat that is going to come into existence when this Bill is going to become law except to say that this Bill is going to ruin many agriculturists whose all is a small investment which may be traced as an old old interest. I shall not go into other details except to say that, but for the defects that have been pointed out in the Bill during the many stages through which it has passed, every one is entirely agreed on the general question of giving relief to the agriculturist—I mean the real agriculturist—and in this nobody can doubt the sincerity of this Government or that of the Hon. the Premier, who has taken such a keen interest. I would only wind up by saying that I shall be only too happy if the fears that have been expressed by me and by several other speakers and the public do not prove to be true and if the expectations of the Government and the Hon. the Premier come to be true."

* MR. R. M. PALAT:—"Sir, most of the deficiencies that I pointed out remain as they are. I am sorry to say that although the Premier has made two very important concessions namely, to banks and landholders, still there are a number of invidious distinctions which remain in the Bill. I would mention for instance the distinction made between the same class of persons who pay property-tax or municipal-tax abroad and in India. A person who pays municipal-tax or property-tax either in the Punjab or Orissa or Pudukotta is not allowed to have the benefits of this Bill, whereas persons living outside India in Ceylon or South Africa are given the benefits of this Bill. The reason that the Hon. the Premier adduced, for allowing people who live outside India and who may be paying municipal-tax or property-tax there, was that there would be great difficulty in finding out if people paid such taxes. If it is not difficult to find out, if such people pay income-tax in those places, it is equally not difficult to find out if they pay municipal-tax or property-tax. Therefore this Bill is defective in making that distinction in favour of the foreigner."

"Sir, the ryotwari tenants throughout the Presidency are allowed to have the benefits of this Bill, but the ryots in Malabar have not been allowed the benefits of this Bill. I am very sorry to see the attitude of hon. Members from Malabar who did not defend the rights of Malabar ryotwari tenants."

"Again, the case of the agricultural labourer has not been taken into account. All that the Government said was that it would be very difficult to define who an agricultural labourer is. I would say nothing

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is difficult for conscientious people. The Hon. Minister says that this Bill would not completely solve the difficulties of the agriculturists, but that it is too difficult to include him. Nothing is too difficult for a conscientious Government. Is it because he has very rarely the vote, and so he is too insignificant for troubles to be taken about him? Anyway practically agricultural credit will come to a standstill.

"I do not now say anything about what the Premier said, whether the landlord or the zamindar is the owner of the land. So far as Malabar is concerned, it is an undisputed fact from ancient times that the jenmi is the absolute owner of the land. It is undoubtedly a fact that everybody is a sort of public servant, whether he is a landowner or a village official and it is an honour to be so. But that kind of analogy does not affect the rights of a landholder or a creditor. Even in the case of village servants it is usual to warn them and this has not been done here. In the case of Malabar the jenmis have owned their properties from ancient times and it must be acknowledged that they have absolute ownership in the lands. In this connexion may I ask why the right of collecting the arrears is conceded to the East Coast ryotwari landholders for a number of years, and why the same concession is not given either to the zamindars or to the jenmis for collecting their rents. This cannot be justified by saying that the ryotwari landholder cultivates the land himself, whereas in the case of jenmis and zamindars they do not cultivate the lands. As many jenmis cultivate their lands as do large ryotwari landholders in the east. Then again the kanamdars have been denied this right. I may again say that the Members representing Malabar have not taken that amount of interest which they should take even in defence of the kanamdar who is treated worse than an east coast ryotwari tenant. The Government cannot say that a non-cultivating ryotwari landholder is 'the producer of the people's food' and as such they must relieve him of his burden of debt as is stated in the Statement of Objects and Reasons. I do not accept this proposition, because the large ryotwari landholder is much less a producer of food than the kanamdar or the jenmi of Malabar. The Bill is still very defective. The whole attitude of the Premier, the way in which he has turned down amendment after amendment while at the last moment he has himself brought forward amendments to the Bill, shows that if further consideration is given to the Bill more alterations can possibly be made to improve it and remove the many complications there are in it. It also shows that he has not fully studied the implications of the Bill."

"Sir, dues to Government and co-operative societies have been exempted from the operation of the Bill and the reason given for it is that they are usually prompt in the collection of their demands and do not allow their dues to fall into arrears. Sir, it is their very promptness and inhumanity in collecting their dues which the people resent so much."

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"Sir, in Orissa a similar Bill for the relief of agriculturists has justly been turned down. With regard to what is being done in other Congress provinces, the Hon. the Premier said that we need not copy them and that we are quite right in doing what we consider to be the best for us. But I have been under the impression that Congress Governments in other provinces also are actuated by the same motives and it is only proper and right that we should consult them and see what they do in this direction without rushing headlong with this legislation which, I am sure, will kill agricultural credit. That is the very reason, Sir, that was assigned by the Orissa Government for refusing to pass a Bill similar to ours. There is no reason to think that we alone are infallible.

"Then, Sir, there is another discrepancy. A healthy woman is given the benefit of having her money safe, whereas a cripple is prevented from having that. Without raising any communal issue, I may say, Sir, that women who usually have these deposits are Brahman women.

"Then, Sir, the Hon. the Premier said: 'Why keep the Bill hanging over us as a threat? We may decide it now. Why should there be this torture?' I ask, Sir, to whom is this torture. I submit, Sir, that the more we think about this Bill the more we shall be able to amend it suitably and it is a mistake to rush it through."

* THE HON. MR. T. PRAKASAM:—"Sir, I have risen because it has been said by more than one hon. Member that the Hon. the Leader of the House, the Prime Minister, took the whole burden upon himself and that he did not allow any one of his colleagues or any other Member of his party to share in the labours on this Bill. I would like to point out to those hon. Members the mistake under which they have been labouring. They would not have made such a statement if only they had known how many meetings of the Ministers had taken place with regard to the various provisions of the Bill. If they had known also how many meetings of the executive of the party had taken place and how many meetings of the ordinary Members of the party had taken place, if they had known anything of the number of amendments proposed by the Members of the executive of the party and by the ordinary Members and all the discussions thereon, they would not have made that mistake. They are labouring under a serious mistake with regard to the various matters. This one result is all due to the fact that the party is a disciplined party, that the Government is a disciplined one, the nation has been a disciplined nation and such a disciplined nation has sent this majority party to this House."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"We are also here representing a part of the nation, Sir."

* THE HON. MR. T. PRAKASAM:—"Perfectly right. I agree that they are not only a part, but an integral part of the nation. A minority party that functions strongly and puts up a strong defence with

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a view to correct the majority forms an integral part of the nation. It is not with a view to slight the Opposition that I have referred to this. I have been forced to make this observation, because Sir Pannirselvam was one of those who referred to all the trouble that devolved upon the Leader of the House. Sir, I am a jealous man; the Members of the Cabinet are jealous men; the Members of the party also are very jealous men. But having come under iron discipline we have learnt how to allow matters to be conducted. Those who have seen the British House of Commons would have known what discipline is maintained there and how the Leader is allowed to carry on the business of the Government. When a Bill is propounded by the Leader, it is his duty to carry it through unless he is physically unable to do so, as has been claimed by Sir Pannirselvam. There is no physical weakness in our Leader and there is no mental weakness in him. (Hear, hear.) He can carry through not only this Bill, but some other Bills also successfully. So it is, you find that other hon. Members on this side have not been taking part in the discussions here. If other hon. Members had taken part and put forth their views, perhaps the Leader would have been compelled to complain in the same manner in which Sir Pannirselvam spoke about the divided nature of the Opposition. On this side, no such thing would be allowed. That is what we have seen to. You have to learn it. The opposition should become consolidated hereafter. (Laughter.) Sir, our Leader has been able to bear the brunt of the whole thing. He has shown what sort of party he has been leading and what ordeal it would have been for any one of you.

"Sir, I do not wish to be long as this late hour, but I certainly join the Leader of the House in congratulating this House on the manner in which this Bill has been taken through to this stage. Complaints have been made that some provisions of the Bill have cut away the rights of certain persons and certain other provisions have reduced the rate of interest on loans. I would like to tell hon. Members something about this rate of interest business in this Presidency and in this country of ours. Just to-day the rate of interest which the Imperial Bank of India charges for loans on gold is a maximum of 7 per cent and a minimum of 3½ per cent. (Mr. M. A. Muthiah Chettiar: 'No, not on gold.') Have patience. For loans on Government securities the maximum is 6 per cent and the minimum is 4 per cent. The minimum and the maximum for the last five years have been 5 per cent and 7 per cent respectively. But look at the rate of interest allowed by the banks on fixed deposits. The rate is about 1½ per cent. Some of the hon. Members here, who are men of wealth may consider what rate of interest they are earning on their fixed deposits. One and a half per cent! And what is the rate of interest that we have provided in this Bill for loans to agriculturists? Six and one-fourth per cent. Sir, there must be some judgment in us, some sense of proportion in assessing the value of

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this measure. What is it after all that we have done for the agriculturists? Six and one-fourth per cent interest is very high when we compare it with the $1\frac{1}{2}$ per cent rate of interest that is obtained by rich men who have fixed deposits in banks. Then why should they complain about the reduction of the rate of interest with regard to previous debts which the debtors have not been able to pay till now?

"Sir, the second point is about banks. One hon. Member, speaking as if he is an expert in matters of finance, said that on account of this Bill there would be a run on the banks. What is there in this measure to cause a run on the banks? It is beyond my comprehension. There is absolutely nothing. There are 429 banks in this Presidency excluding the scheduled banks and the total amount of fixed deposits in these banks is only rupees fifteen crores. The private fixed deposits in the Imperial Bank nine years ago (in 1928) was about rupees seventy-one crores. On account of various representations made to the Government they have altered the rate of interest with regard to the scaling down of debts. That was done with a purpose. When the debts are scaled down as a result of the action of the Government and the Legislature as a whole (not only the majority party, but also the opposition) it becomes the duty now to see that these debts that have been scaled down are also discharged by some means or other.

5-45 p.m. "These banks which have got only about Rs. 15 crores the Government have taken good care to consider their position. They have considered the representations that were made, to allow them 9 per cent. The object is that these banks should serve hereafter, not in the way in which some of them have been serving hitherto but in the way in which the direction has been given.

"Again, Sir, the question of *ultra vires* was raised. We are not legislating here on the banking business of this province. In the Federal list, we find banking, that is, the conduct of banking business alone; it is not stated anywhere there that interest will not be within the sphere of the Provincial Government. I ask, what is this provincial autonomy worth if the Provincial Government are not able to control the rate of interest within the limits of this province? It will be the duty of the people and of the Government to see that State banks are established when circumstances and conditions permit, with a view to give relief to agriculturists, not at the rate of interest that is provided in the Bill, i.e., $6\frac{1}{4}$ per cent, but even at the rate of 2 per cent which the Imperial Bank allows to-day. What is it then that the Provincial Government is expected to do if it has not got the power to control the rate of interest? Sir, we are perfectly within our rights and limits in doing that. Those who have no knowledge of the previous state of affairs in the country alone can advance such arguments. So long back as 1879, the Deccan Agriculturist Relief Act was placed on the Statute Book and you find there how there was scaling down, how old accounts were reopened, how adjustments were made

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and how relief was given, and how all that was within the rights of the legislature even under those conditions. Now, at this stage, forgetting what we are about and the constitution under which we are working, to raise a point like that, I cannot understand. Two years back, before this Act came into operation, in the United Provinces, the Agriculturists Relief Bill was passed. There the question was taken up, a regular Act was passed and it received the assent of the Governor and of the Governor-General, and it came into force. Now, after Provincial Autonomy has been established and the full power of controlling the destinies of the people of the province has been given to the representatives of the people, that these questions have been raised with a view to create a scare, only points to the fact that we have not been able to post ourselves well up in these matters before we get up and argue before the legislature that the Government are wrong in bringing forward this Bill.

"Now, Sir, I must thank all those who helped in bringing this measure to this last stage and in passing it into law, and it will be the duty of every one of us to see that the money of the country is properly invested and that proper institutions are brought into existence with a view to give the fullest measure of relief to the agriculturist. With these words, I support the motion before the House."

* THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, only a few words in reply. At first it looked as if we were going to finish off with bouquets thrown at one another. but it finally became a little more exciting and it has not entirely become quite as satisfactory from the point of view of the representative of the Indian Chambers of Commerce who wished to carry on the fight to the bitter end, so that even the third reading should be a resumé of all the amendments. Sir, from that point of view, the hon. Member representing landholders from Malabar, has entirely revised the whole proceedings from beginning to end. He has put forward all the amendments once again and has referred to all the considered replies given in regard to many of the matters. Sir, nobody can now complain that we have been hurrying through this Bill.

"Sir, the principal point, taken in a general manner, which alone should be the business of the House at this stage of the Bill from our point of view are few, but important. One was referred to by the Leader of the Opposition and a few others also, and that is, that it is not so safe to have this measure now, that there are a number of risks involved, that we might be producing one set of consequences when we wish to produce quite another set of consequences, and therefore, he said, beware. Sir, it is correct to say so on all important questions. There is nothing in this world which we can do, where there is not that kind of risk involved; and the very importance and the very urgency of the measure are the measure of the risk also that is involved in all such matters. It is necessary, in all such important cases, that we do take some risks. Courage is to be displayed not alone in other fields of work, but even in legislation there must be some

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amount of courage. Even in these modern days, the much despised representative of the people who goes and catches votes and comes to the Legislative Assembly has to put forward some courage and take risks in ordering the affairs of the people. That risk alone it is that we have now taken. It is not any risk that we have taken in a foolhardy manner. There is a disease to cure, and we have to take risks. It may be that the drug is not good enough, but the patient is dying and we have to take risks if we are to save him, and we cannot be simply evading the drug and leaving the patient to himself on the ground that this drug is not good or another is better.

"Another important consideration urged was: you are not doing justice. The man who has paid entirely is not helped by your Bill; the man who has not paid, him you are helping more than the other; the man who has been kind and has not collected, him you are punishing; the man who has been harsh and who has collected already, you are leaving scot-free. Sir, I plead guilty to that charge—that I am not able to reconstruct society now, the society of fifty years ago. I am not able to revise the date, that 1931 or 1932 should be 1937 or 1938, or as the date from which we started in office. I cannot reassemble forces in that way; I plead guilty there. But I do plead, in extenuation, that it is an impossible task if anybody attempts to reconstruct society or justice in that manner. Supposing a man has collected; but he did not know that a measure like this would be passed. Perhaps he also spent lavishly, when he arranged his affairs on the old regulations and the old standards. If now we pass new laws and put the date back say to 1920 and say: 'you have collected all, therefore give back', then what is to happen to all the other affairs that he constructed on the old basis? We will not be doing justice in that manner. That is why I plead guilty and I do not attempt to reassemble old affairs; we only want to cure the disease as we see it now.

"Then, Sir, another point also was taken: that is, you have not taken statistics or collected facts. You are simply driving along with a measure, thinking that you have done everything, whereas you should appoint a committee to enquire into all these things, to go from village to village and find out the actual state of affairs, you must get experts to advise you, you must consider and compare both these and you must again get an umpire or third set of advisers because it is said that generally two doctors do not agree and then bring forward the measure, make the amendments and pass them. But, Sir, in the meanwhile, nothing can be done in the interval, and what we wish to do will not be done.

"Again, is there anything doubtful for clearing which we have to collect statistics? In Madras, suppose I go and buy a mosquito curtain; I have not taken statistics about mosquitoes in Madras! I have no figures even as to the distribution of mosquitoes between Mylapore and Triplicane or some other divisions of the city; nor have I taken into account the size of the holes in the curtain, or the size of the mosquitoes which may enter through such holes in the curtain.

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No doubt, some mosquitoes may go through even now and some others probably cannot. What I say, Sir, is that it is always better, if a mosquito curtain has to be bought, to buy it quickly before the surveyor or the statistician finishes his business. (Laughter.)

"Sir, I commend the Bill to the vote of the House." (Loud applause.)

* MR. SPEAKER:—"Before putting the question to the vote of the Assembly, I should say that the Opposition has not only put up a brave fight in the first reading and the second reading, but in this third reading also the Opposition has done it, and it has the right to do it. If the Opposition can convince the House into rejecting this measure, it has got the right to have a vote against the Bill. So, instead of this third reading becoming a function of mutual adulation between the right and the left, it has taken the shape of a resume of all the arguments for and against the Bill. Therefore, the House will consider the whole matter before giving a vote on the Bill. I now put the Bill to the vote of the House.

"The question is that the Madras Agriculturists Relief Bill (L.A. Bill No. 10 of 1937) as amended by the House, be passed into law."

The motion was put and carried and the Bill passed into law. (Loud applause).

IV.—RESOLUTION RE FEDERATION.

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, I crave your leave to take up item No. 4 on the agenda now, namely, the resolution regarding Federation."

MR. SPEAKER:—"With the leave of the House, the Hon. the Prime Minister will move it."

The leave was granted.

THE HON. MR. C. RAJAGOPALACHARIAR:—"Sir, on behalf of the Government, I move that this Assembly do adopt the following resolution:—

'This Assembly recommends to the Madras Government that the opinion of this House be communicated to His Majesty's Government of Great Britain that it is politically and morally impossible for the people and Government of this province to tolerate the imposition of the scheme of Federation as laid down in the Government of India Act of 1935, and that the said scheme would, far from bringing about all-India unity, provoke forces of conflict in the provinces and the Indian States, and that this Assembly hopes that the Government of Great Britain will respect the wishes of the people of India and immediately devise means, even for transitional purposes, to set up a Central Government free from the objectionable features of the Federal scheme of the Government of India Act to be evolved in consultation with the responsible provincial Governments and national leaders.'

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6 p.m. "I move, Sir, as I said, this resolution on behalf of Government that has taken the responsibility of the administration of this province under the Government of India Act, 1935, whatever their objects might be. It may be that the objects which underlie the activities of this Government in carrying on provincial rule under the Government of India Act may be different from others who might have been prompted to take similar responsibility. But they have taken the responsibility. Having taken the responsibility, it may be thought that they have changed their views with regard to Federation. Therefore it is, the Government wish to make it clear, that even now, after full consideration and after going through the practice and art of administration of the province, even after undertaking the responsibility of the grave kind that is involved in that administration, they hold firmly the view that the federal scheme contained in the Government of India Act cannot be worked; and it is not possible to tolerate it, if forced without the consent of the people of this province. We have expressed our views before, as members of the party to which we belong; we have expressed our views as individual citizens; we have expressed our views as units in a national organization; but this is the opportunity when we can express our views again with a sense of responsibility that attaches to a Provincial Government as a whole. I submit, Sir, that it is necessary that the Government of Great Britain should understand how many Provincial Governments in India, who have been working the Act for the last few months, are clearly and emphatically of this opinion. It is necessary that not only the Government of Great Britain should know it; it is necessary that the Princes and rulers of Indian States as well should know it; because they are to be partners in this Federation, I mean, in this scheme of Federation. It is all right for these Indian States, even without the consent of their people, even against the wishes of their own people, to sign the Treaty of Accession and to give up their rights of sovereignty and join in the Federation, if they knew that the people of India as a whole welcome it, or if they felt that the people of India do not oppose it and are passive in regard to it. But it is a different thing; and so, it is but fair that the Indian States and rulers should know that the people of India and Provincial Governments now functioning in India will fight hard to resist this Federation. If the Indian States become partners, they are entering not on a peaceful ground; they are entering on a battle ground. It is therefore fair that they should know it, and we should give reiterated notice of it to the rulers of Indian States as well as to the British Government.

"Signs are not wanting to show—and here I am taking an optimistic view—that the Government of Great Britain is realizing the difficulties of the situation. It is understanding the objections that we are raising. And therefore it becomes our duty to express our view in a clear and precise manner, and so I move this resolution. It is not a mere reiteration of Congress dogma; it is an expression of our present feeling in the matter, which is of great practical importance in the government of the day as well as in the day-to-day administration of the future Government. We are interested in it, because we are

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interested in preventing this very difficult situation from arising, and therefore it is in that practical sense that I wish this House to pass this resolution. It is not a mere formal matter which is repeated under the command of Congress headquarters. Let nobody imagine this to be the only thing we are doing. I want this to be understood as a great and important matter to the Provincial Governments themselves concerned. Therefore we are interested in this. And it is our duty to put this clearly on behalf of the people, before the Government of Great Britain and the rulers of Indian States that this system is an impossible system that is proposed. For so many years the various Indian States have been functioning with their own Government under a system which is called Paramountcy. Suddenly now, we want not only to retain that Paramountcy, but it is stated that it is absolutely necessary that these Indian States should mix up in the day-to-day administration of the Government of all-India.

"Apart from the constitutional objections to the scheme of Federation which is proposed, and which have been emphasized times without number and to which reference was made when the resolution on the Constituent Assembly was moved and adopted by this Assembly and in many other Provincial Assemblies—apart from all that—the aspect which I would like to emphasize is this, that this mixture of the authority of Indian States with the authority of the British provinces of India in making up the Federation is an objectionable feature. We should emphasize this point at this stage. If the Indian States cannot come up to the level of the provinces with regard to provincial autonomy, if the Indian Princes cannot establish representative institutions in their own realms, it is wrong to expect that the representatives of those rulers can take part alongside the representatives of the various democratic institutions in the provinces and govern the whole of India and function in the Central Legislative Assembly in a proper manner. No doubt, I admit, life is one and indivisible between provinces and States. India is one and united. I even go further than the argument that is advanced in favour of Federation—the argument that we should have all-India unity and therefore we want this Federation. I admit that and something more. All India is united. All India is one. But what we want now is a workable political institution. Nobody objects to all-India unity, but what we object to is this wrong thing that is called all-India unity. This is not all-India unity. If the Federal Government is to be formed on a working basis, on a practical basis, the Indian States should be asked to wait until they have representative institutions alongside of the provinces. It is not enough to say that things are as good there, as here, and therefore there is no difficulty. But to have a common political institution for purposes of modern democratic Government, we should have something more. It may be that we can work together in the matter of defence, even as Russia may combine with Britain in order to defend Europe. But Russia and Britain cannot fix tariffs and customs. Russia, France and Germany cannot combine to carry on the affairs of internal Government. It is possible to have treaties of self-defence for all Europe; so also

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Mysore, Hyderabad, the Nizam's Dominions, Bengal, Bombay and the Central Provinces, and even Madras may all combine to defend India. But they cannot unite to put or levy a tax on cloth or income-tax and so on. Internal Government is difficult unless it is homogeneous. That is why we want the provinces should not be compelled to be put under the heels of undemocratic Indian States, which is the greatest objection on which we have to emphasize now with regard to the Federal Legislative Assembly in the structure that is proposed. Sir, some may say, it is possible that we can get on with this for some time. Let us wait for the ideal, and till then let us work this. To them I say, this getting on for some time is difficult; even for this, we should have something workable, and we feel strongly that the proposal is not workable. Even for transitional purposes something more workable should be devised, and that is the gist of this resolution. I should not think of detaining the House any longer on this matter. I have given the resolution to the House and it is for the House to pass it or to reject it. All sections of the House may well unite on it, whatever their individual arguments may be. I know—and I say this for what it is worth—that they feel that this is a difficult situation. I know that they feel that this is not workable, that this is unjust, and not only not workable, but it is a mixture of constitutions. What was devised as a safeguard against too much democratization cannot be defended so wholeheartedly, as all-India unity in theoretical form may be defended. The two cannot be mixed. Let there be no deception. Let nobody make the mistake that in a fit of enthusiasm for all-India unity Great Britain devised this Federation. A fit of enthusiasm for all-India unity might have been the motive for some of our people to accept the Federation. But the one and most important reason why this mixture of Indian States with Indian provinces was devised was, that it may serve as a safeguard against too much democratization. Sir, how can this Assembly—any section of this Assembly—accept that as a good reason? And therefore it is that I press all sections of this House to accept this resolution. I know there are some members who may say that if you are not given the ideal that you asked for, at least why not try to work what you have been given; we shall wait for some time for the ideal; till then let us try to work what has been given. I agree that that view may be taken, because it is a question of temperament. But what they lose sight of is, the class of affairs that this Federation will be asked to tackle. We know that the Indian States do not place their budgets before their people. The people of the Indian States have no voice in determining what amount of money shall be spent on what items. In the Indian States there is no such thing as representative system of Government. Such being the case, how can you expect to work Federation? Therefore, it is up to us to join together and declare in no unmistakable terms that Federal Government based upon a mixture, by compulsion, of the Indian States and the provinces is not a workable and just thing if we have the true spirit of democracy in us, though we happen to belong to different sections of the House. Let me again repeat, it is not a question of all-India unity we object to. We want all-India unity. But this is counterfeit

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unity; this is 'safeguard' going about in the garb of all-India unity, to which we should object for all we are worth. I commend this resolution to the House."

* MR. W. K. M. LANGLEY:—"Mr. Speaker, I wish most sincerely that I could have responded to the desire and hope expressed by the Hon. the Premier that the whole House should be united in supporting this resolution. But I have no doubt that except probably the group that I represent, the Opposition generally will see no difficulty about joining his forces. (Voices: 'No.') I stand corrected if that is the case. Nevertheless, whatever happens about other parties and groups, I feel that I must express the views of the European Group to the best of my ability. 6-15 p.m.

"Now, it seems to me that after hearing the Hon. the Premier I feel that we are happily getting on as far as constitution-making is concerned, because I construe the Prime Minister's speech as one in favour of Provincial Autonomy as it now exists. He has distinctly stated that the view given by the Provincial Governments on this particular resolution would be a more responsible view and carry greater weight therefore, than any possible resolution passed by any Party, even the Congress Party."

THE HON. MR. C. RAJAGOPALACHARIAR:—"I did not say so. I said it would add weight, I did not say greater."

* MR. W. K. M. LANGLEY:—"Admittedly, the parts cannot be greater than the whole. But I think that nevertheless he will admit that in his speech he was definitely bidding for the support of many of the Members on the Opposition side. So to that extent we may note once again the curious paradox, that the parts may in this case be greater than the whole. Whether that is the case or not, the actual reason for this resolution is really rather obscure to me. We know that the Prime Minister, as an important leader of his Party, has been to Juhu and spent a 24 hours' holiday in company with his fidus Achates. Whether this resolution is the outcome of that holiday or not, it is difficult for me to say. Naturally, I do not know. But it is noticeable that there have been alarms and excursions going on recently, in connexion with Federation. I do not know if I will be in order when I say that one exalted personage has recently visited another very exalted personage and similarly we have had that stormy petrel of politics, Lord Lothian, moving about the country, in a rather sinister way. We know something of his methods of approach to others and attempts to solve difficult problems by rather subtle means. (Laughter.) The suggestion made by the Prime Minister in his speech seems to favour that suggestion. Speaking subject to correction, I think he said that signs are not wanting that the British Government might now be disposed to consider some reasonable compromise on this subject of Federation. Well, if that is the case, it is difficult to know where that possible information may have come from except from Lord Lothian. That is why I venture to think that there is something rather sinister about his visit."

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MR. W. K. M. LANGLEY:—"I am extremely obliged to the Hon. the Prime Minister for that definite statement which will, I think, be received with the greatest possible satisfaction by people who had some considerable doubt about the movements in this country of that redoubtable but rather, as I said, sinister man. (Laughter.)"

"Sir, this resolution is rather striking when you read it in conjunction with the previous resolution in connexion with the Constitutional Reforms which was moved by the Prime Minister in this House only a few months ago and that is why I said that we were making a distinct advance in these matters. Because, if you read through the resolution which I hope the House will allow me to just briefly comment on, you will find that this resolution is really addressed to His Majesty's Government of Great Britain and this Assembly hopes that the Government of Great Britain will respect the wishes of the people of India and devise means in consultation with the responsible Provincial Governments and national leaders. Now there was no doubt about the previous resolution. In the previous resolution, it was very clear that there was only one possible form of Constitution for India both as regards Provincial Autonomy and also as regards Federation and that was the meeting of a Constituent Assembly elected by the people of India, for the purpose. There was no question then of His Majesty's Government and to that extent one wonders exactly what prompted the present resolution."

THE HON. MR. C. RAJAGOPALACHARIAR:—"If you will permit me, Sir, I wish to make a personal observation. The hon. Member is, I am afraid, going wrong, and it is as well that I should stop him there to say that the old resolution dealt with the final solution and that this is a resolution in which the reference made to consultation is with reference to even the transitory arrangements."

* MR. W. K. M. LANGLEY:—"There again I stand corrected. But I think we have now got a little further in the explanation of the resolution and that is my principal desire. I confess the resolution as it stands, has mystified me very considerably. What this transition period may be, I am still in considerable doubt. But I do not propose to trouble the Hon. the Premier for any further explanation on that particular point."

" Sir, there is a brief reference in the resolution to the Indian States and in that connexion, it is difficult for me to understand why this House should be opposed to the form of Federation proposed and it is difficult to see why the scheme proposed should provoke forces of conflict in the provinces and the Indian States. I notice in the resolution no suggestion whatsoever that the representatives of the Indian States

should also be asked to confer with the British Government with a view to arriving at some scheme to be evolved. The whole thing seems to be a suggestion of some sort of half-and-half federal scheme which would include only the existing Provincial Governments. That, it seems to me, is a very insufficient form of Federation and, if that is the best that can be suggested, then surely the scheme of Federation as laid down under the Government of India Act still continues to hold the field. After all, the great test of any measure of this kind is surely 'Does it work'? I maintain that the only possible scheme of Federation which is a practical scheme of Federation which has yet been evolved is the scheme of Federation laid down under the Government of India Act. After all in connexion with these fulminations now against Federation as defined under the Act, did we not last year for several months go through exactly the same thing in connexion with Provincial Autonomy? It was very much like the coy lady who vowed for a long time that she would never consent and then consented. Similarly, after all these difficulties and troubles, Provincial Autonomy was eventually accepted and, surely, the events of the last three days have shown that it is actually working and working well. In the same way, is it not possible that, in due course, if the scheme of Federation as laid down under the Act is tried, it might possibly also succeed rather better than is anticipated by the great party which the Hon. the Prime Minister represents? I maintain, therefore, that there is no possible substitute. Can it be said that a meeting at the present moment between the President of the Congress Party and the President of the Muslim League will possibly produce any satisfactory scheme of Federation, or at any rate, a scheme of Federation which would be entirely satisfactory to and grant the required voting power to the Muslim League?

League?"

"Now, of course, the principal point as regards Federation, and the great point made by the Congress Party is, the fact, that the Indian States are not supposed to be so fully developed politically as the democratically governed provinces. Well, of course, that is in many cases an actual fact. But, need that necessarily make such an enormous difficulty when it comes to sitting together in a deliberative body? There have always, I maintain, been very considerable anomalies in the connexion with the constitution of any deliberative body. Take the House of Commons for example. Even before the Reform Bill, there were certain constituencies formed on a popular basis and some of the rotten borough type. Then came the Reform Bill in 1831 and that was supposed to set matters right. And yet, in 1832 we had Gladstone being nominated which practically meant elected by the Duke of Newcastle for the Division of Newark and he sat with other Members of Parliament returned by many thousands of electors in Manchester and other large towns.

"Well, I may follow that analogy further, because Gladstone first went to the House as a rigid conservative, the rising hope of the Tories and he was expected to record the views of the Duke of Newcastle. But it was only after a few years of rubbing shoulders with

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people who were the exponents of the democratic system of Government and who represented much freer constituencies that he became a radical who had more to do with the development of democracy than any one else. So, Sir, is it not likely when representatives of Indian States find themselves sitting in a Chamber along with freely elected representatives of Provinces that they would gradually develop more democratic leanings? It seems to me that we are always bound to have anomalies of some kind in practically any constitution that we choose to adopt. In this connexion, I hope I may be allowed to make a brief reference to a very old speech, delivered in the House of Commons in 1833, on a Bill for the better Government of His Majesty's Indian territories. This is what Lord Macaulay said on that occasion:—

‘But what constitution can we give to our Indian Empire which shall not be strange, which shall not be anomalous. That Empire is the strangest of all political anomalies We interrogate the past in vain. General rules are useless where the whole is one vast exception.’

‘The company is an anomaly, but it is part of a system where everything is an anomaly. It is the strangest of all Governments, but it is designed for the strangest of all Empires.’

“That was what was said in 1833. I cannot see that things have changed very much in the meantime, except that in the Provinces we have democratic institutions and the sooner you mix with those who have not got such institutions, the sooner will they follow your example. But to return to the question finally in connexion with the Indian States, it seems to me curious that the main point brought up by the Congress party and others against Federation is that the Indian States are backward and do not function democratically. That seems to be an extraordinary line to take, especially in South India. Is it suggested that the States of Travancore, Cochin and Mysore, the latter of which the Hon. the Prime Minister has said is his spiritual home, are entirely backward? Whenever it suits the convenience of Congress Party, do we not hear them proclaiming that these States are the home of all the virtues?”

THE HON. MR. C. RAJAGOPALACHARIAR:—“Very backward, though it is my spiritual home.”

* MR. W. K. M. LANGLEY:—“Are we not told that Mysore is a model State? Has not the Maharaja of Cochin been congratulated on some small advance in connexion with the constitution of his State? (Laughter.) Did you not pass a resolution congratulating the Maharaja of Travancore? That is what the gentlemen on the opposite side and some gentlemen on my side are prepared to say when it suits them. Personally I never belittle the States at all. I represent a constituency of planters of Southern India, many of whom are working and have large interests in the States of Mysore, Travancore and Cochin. I know their views perfectly well, and how well they are treated in those States. They consider that those Governments are most enlightened and excellent Governments. When it suits your party to do so, you loudly proclaim that they are the best forms of Government

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and the most advanced people, but when it comes to the question of Federation, you take the opportunity of attacking Federation by saying that these Indian States are the most backward, almost aboriginal apparently. (Laughter.) Sir, I maintain that this is a hollow cry and I am perfectly certain that very few Members of the Congress party who are prepared to oppose Federation on these grounds are really of opinion that there is any danger to be feared from the fact that so many Indian States have a constitution which suits them extremely well but which does not suit your own political theory. But the fact of the matter is that the real case for Federation lies in the necessity for a strong and responsible Central Government in India. That proposition nobody will contest. But I maintain that the opponents of Federation have yet to show how that could be achieved in any other way than by the scheme suggested in the Government of India Act. It seems to me that the need for a United States of India becomes more urgent as the unsettled conditions in the world are more and more developing. The Prime Minister himself referred to some of the unsettled States in Europe, and how impossible it is to get agreement there. I say it is possible for this great country in the east to follow that great country in the west, which only some years ago formed itself into a Federation which now has brought great prosperity and advancement to itself and the rest of the world. Even those who talk of independence cannot mean independence for British India alone which would mean nothing. They can only mean independence for a united India. How can that be achieved except through a Federal Union?”

V.—STATEMENT *RE* HOURS OF SITTING.

MR. SPEAKER:—“I propose to adjourn the House at this stage, but before adjourning it, I should like to make a few observations with reference to the very appreciative terms in which reference was made to me. At the previous stage when the Bill was referred to the Select Committee I thought that the Chair should not speak at any time when the Bill was under consideration. I should say that the occupant of the Chair needs no praise or appreciation at any time and he is a servant of you as well as of this House. You are the servants of the House and the representatives of four crores of people and I represent fully all of them (Laughter). You expect—every Member of this House should expect—that the occupant of the Chair of this House should not be a weak and soft man, but a strong man who would observe not only absolute impartiality but will conduct himself both inside and outside the House in such a manner as to inspire confidence in all sections of the House. With regard to the fixation of time when the House should work, the Speaker of the House was always anxious that the representatives should not be asked to work in the hottest part of the day. From the very first day of my taking up this office that was my anxiety, viz., that the representatives of this House should not fag away in their work of deliberations by working in the

[Mr. Speaker]

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maximum heat of the Madras Presidency. I therefore held the sessions in the cooler hours of the morning in September, between 10 and 2. As a matter of fact a large amount of work could be turned out during the cooler hours of the day. With four hours sitting in September this House was able to turn out as much work as and more than it could turn out in the whole day. The night sittings have only energized the Members. The night sittings were rather a speciality of this House and they were really very popular and all the Members appreciated the night session. I wish the House sits only either during nights, or in the evenings or in the mornings having full recess during the hotter part of the day. But the matter will have to be fully considered, having regard to the business of the House. I hold that this Assembly has got the full and plenary authority for laying down legislative procedure and the previous practice of what may be termed precedents in Diarchy need not guide us in this larger House working practically full Provincial autonomy. I hope and trust that all the Members belonging to all parties and those belonging to no party fully appreciate my remarks, though they may not see eye to eye with me and will recognize that the deliberations of this House are given the most anxious and careful consideration by me."

The House then adjourned to meet again at 10 a.m. the next day.

APPENDIX.

31st January 1938]

[Vide answer to starred question No. 178 asked by Mr. K. V. R. Swami at the meeting of the Legislative Assembly held on the 31st January 1938, page 527 supra.]

The area in which illicit distillation was rife in 1935-36.	(1)	(2)	(3)	(4)	(5)	(6)
Berhampore circle	 Ganjam	.. ..	Twelve peons employed from 2nd August 1935 with the formation of the new Chilcotele circle from 1st April 1936 the additional staff of twelve peons has been retained in Chilcotele circle.	Rs. 2,974-15-0 during 1936-1937.	Yes	Illicit distillation has been checked to an appreciable extent on account of the introduction of the sale of cheap Ipva arack in Chilcotele circle. Illicit distillation however still continues in some of the major illicit distillation centres and the peons are assisting the Inspector in the detection and suppression of crime.
NOTE.—With the formation of the Orissa Province from 1st April 1936 the major portion of the old Berhampore circle was transferred to that province leaving the reconstituted Ichapur taluk alone in the Madras Presidency. This taluk was added to Chilcotele circle.	Cuddapah	.. ..	One Assistant Inspector from 22nd April 1935 and six peons from 20th April 1936.	Rs. 14,361 up to end of October 1937.	Yes	The number of cases detected has increased considerably but crime still exists to a large extent in the area.
Jammalamadugu Circle	 Do.	.. ..	One Assistant Inspector from 5th May 1935 and six peons from 4th May 1936.	.. ..	.. ..	.. ..
All taluks of Salem district except Hosur and Krishnagiri. Tirupattur and Cengam taluks. Chidambaram, Cuddalore and Kalakurichi taluks.	 Salem	 North Arcot	One Assistant Inspector and five peons from 16th October 1935 two peons for each of Pauruti and Kurinjipadi ranges.	Rs. 1,096 for 1935-1936; Rs. 158 for 1935-36.	.. ..	Illicit distillation has been checked to a great extent by frequent raids in affected areas.
NOTE.—(1) The Assistant Inspector and five peons sanctioned for the Villupuram circle are not purely for the suppression of illicit distillation. The Assistant Inspector was sanctioned to assist the Inspector in his work which increased heavily on account of the vast jurisdiction of the circle and its close proximity to the French Settlement of Pondicherry. Moreover one-fifth of the cost of the staff is debited to the Government of India.	Karur taluk	 Tiruchinopoly	.. ..	.. ..	.. ..	Illicit distillation brought under control. Illicit distillation considerably checked as a result of the formation of the new range.
Palmi taluk	 Madura	.. ..	One Sub-Inspector and four peons from 18th September 1935.	Rs. 684-2-0 in 1935-36.	Continues	.. ..
(2) Illicit distillation is generally prevalent in the Malabar, Coimbatore and South Kanara districts, but no special staff is employed in any of these districts.						

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, the 1st February 1938.

The House met at ten of the clock, in the Assembly Building, Chempauk, Madras, Mr. Speaker (THE HON. MR. B. SAMBAMURTI) in the Chair.

Prayer.

Mr. Speaker called for prayer. Mr. Abdul Hameed Khan and some other Muslim Members left the House.

Mrs. LAKSHMI SANKARA AYYAR sang the *Vande Mataram* song, all Members standing. Then the Speaker led the following prayer in English:—

‘ O Eternal and Almighty God,

‘ We, the Representatives of the People of the Madras Presidency assembled here in Parliament, fervently pray that our hearts may be so enlightened that we may be freed from all passions and prejudices, and that our minds be so constituted that in our deliberations, we may not purpose or decide otherwise than in the best interests and welfare of the People.

‘ We heartily pray that we may possess wisdom and understanding to pass Laws and Resolutions for the maintenance of Truth and Justice, wealth, health and happiness of the People, and that we may also possess strength and determination to devote ourselves to the service of our motherland and harness all energies and resources for the attainment of Freedom and Peace.

‘ Om Santih, Santih, Santih ”

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Report of Messrs. Abbot and Wood on education.

* 180 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether this Government were called upon subsequent to 4th September 1937 to express its opinion on the report of the educational experts, Messrs. Abbot and Wood; and

(b) if so, whether this Government have expressed an opinion?

THE HON. DR. P. SUBBARAYAN:—“(a) The answer is in the affirmative.

“(b) The Government have not yet expressed their views. The recommendations are under consideration.”

[1st February 1938]

Appointment of officers to gazetted posts in the Industries department on or after 1st September 1937.

* 181 Q.—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Industries and Labour be pleased to state whether it is a fact that a number of gazetted posts have fallen vacant in the Industries department on or after the 1st September 1937, and that they have been filled up by persons not possessing the necessary qualifications to hold such posts?

MR. B. S. MURTHI (Parliamentary Secretary) on behalf of the Hon. Mr. V. V. Giri:—“No. Only the post of Industrial Engineer has fallen permanently vacant with effect from the 25th September 1937. The seniormost probationer in the post who was officiating in it from 8th July 1937, continues to hold the appointment.”

MR. P. S. KUMARASWAMI RAJA:—“Will the Government be pleased to state the qualification of the Industrial Engineer who has been appointed to the post?”

MR. B. S. MURTHI:—“The present incumbent is a B.Sc. in Electrical Engineering of Edinburg and has had practical experience in the United Kingdom.”

MR. P. S. KUMARASWAMI RAJA:—“May I know his name?”

MR. B. S. MURTHI:—“Mr. Adyanthayya.”

MR. P. S. KUMARASWAMI RAJA:—“His salary?”

MR. B. S. MURTHI:—“Notice, Sir.”

Manufacture and importation of bicycles in this Province

* 182 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether there are any firms in this Province manufacturing bicycles; and

(b) if not, wherefrom they are imported?

MR. B. S. MURTHI (Parliamentary Secretary) on behalf of the Hon. Mr. V. V. Giri:—“(a) So far as information is available, bicycles are not manufactured in this Presidency.

“(b) They are imported chiefly from the United Kingdom, Japan and Germany.”

MR. K. V. R. SWAMI:—“Will the Government be pleased to consider the question of starting factories here?”

MR. B. S. MURTHI:—“An industry like this should be started on an all-India basis in order to compete with foreign countries.”

MR. ABDUL HAMEED KHAN:—“May I know what the hon. Member means by all-India basis?”

[1st February 1938]

MR. B. S. MURTHI:—“I mean, that if we start an industry like that, we should be able to compete with other countries, who are already having a market here.”

MR. ABDUL HAMEED KHAN:—“May I know, Sir, whether an industry like this started in Madras will not be able to compete in the world market?”

MR. B. S. MURTHI:—“We have to consider the question on its merits.”

MR. M. G. NATESA CHETTIYAR:—“May I know whether the Government have any proposal to start the principal key industries in this province?”

MR. B. S. MURTHI:—“This question does not arise.”

MR. ABDUL RAHMAN KHAN:—“Am I to understand, Sir, that the Government holds back from starting industries like this for fear of competition from foreign countries?”

MR. B. S. MURTHI:—“Not necessarily, Sir.”

MR. K. V. R. SWAMI:—“May I ask whether the requirements of this Province are not such as to enable the starting of a factory here?”

MR. B. S. MURTHI:—“I do not think, Sir.”

MR. K. V. R. SWAMI:—“Are the Government aware that if a factory is started here, profits can be made out of it?”

MR. B. S. MURTHI:—“Any industry started by the Government would not be based on a profit earning basis.”

MR. M. G. NATESA CHETTIYAR:—“May I know whether the Government have under consideration any scheme for starting fresh industries in this Province?”

MR. B. S. MURTHI:—“The question does not arise.”

Statistics regarding the educated unemployed.

* 183 Q.—MR. K. V. R. SWAMI:—Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the statistics regarding the educated unemployed have been collected; and

(b) what the result is?

MR. B. S. MURTHI (Parliamentary Secretary) on behalf of the Hon. Mr. V. V. Giri:—“(a) & (b) Collectors of six districts were asked to collect the statistics regarding the educated unemployed in their districts; they have collected and sent them to the Director of Industries, who is now engaged in compiling them.”

MR. G. RANGAYYA NAYUDU:—“What is the principle on which statistics are being collected?”

[1st February 1938]

MR. B. S. MURTHI:—"Notice, Sir."

MR. G. KRISHNAMURTI:—"May I ask what the Government propose to do after compiling the statistics?"

MR. B. S. MURTHI:—"The idea in collecting statistics is to see what the Government can do in order to eradicate unemployment."

MR. G. KRISHNAMURTI:—"May I ask whether the Government have any idea of creating a non-fee charging public employment agency for regulating and securing employment both to the educated and the uneducated unemployed?"

MR. B. S. MURTHI:—"The ways and means of tackling the problem of unemployment on the basis of the statistics already collected will be carefully considered by the Government."

MR. BASHEER AHMED SAYEED:—"May I ask, Sir, the machinery and the method employed for the collection of these statistics?"

MR. B. S. MURTHI:—"Instructions have been given to the Collectors to collect statistics."

MR. BASHEER AHMED SAYEED:—"May I ask whether such statistics are being collected for the City of Madras also?"

MR. B. S. MURTHI:—"Madras also will be included in the list."

MR. BASHEER AHMED SAYEED:—"May I ask what are the means and the methods adopted for the collection of these statistics and the time that will be taken for the purpose?"

MR. B. S. MURTHI:—"The Revenue Department officials are the means of collecting the statistics."

MR. K. V. R. SWAMI:—"May I know whether statistics will be collected for the other districts also?"

MR. B. S. MURTHI:—"Figures for all the districts will be collected."

MR. G. RANGAYYA NAYUDU:—"Are the Government aware that certain private associations have already collected the figures of educated unemployed in the City of Madras?"

MR. B. S. MURTHI:—"The Government are not aware, Sir."

Adjournment of the trial by courts of cases of Muslims at the time of "Juma Prayers" on Fridays.

* 184 Q.—MR. P. K. MOIDEEN KUTTY: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether the Government have issued any circular to the Courts in the Presidency on the subject of adjournment of cases of Muslims at the time of "Juma Prayers" on Fridays;

[1st February 1938]

(b) if the answer is in the affirmative, when the order was issued; and

(c) whether a copy of the order will be placed on the table of the House?

THE HON. MR. B. GOPALA REDDI on behalf of the Hon. Mr. K. Raman Menon:—" (a) and (b) Circulars to the Courts are issued by the High Court with whom the matter is under correspondence."

(c) A copy of such circular instructions as are issued by the High Court will be obtained and placed on the table of the House."

MR. BASHEER AHMED SAYEED:—"May I ask whether the High Court has already issued the circular or is it still in the course of issue?"

THE HON. MR. B. GOPALA REDDI:—"I have already answered that 'circulars to the courts are issued by the High Court with whom the matter is under correspondence.'"

Construction of a causeway across the river Malattar alias Goddar in the Gudiyattam taluk.

* 185 Q.—MR. B. T. SESHADRI ACHARIAR: Will the Hon. the Minister for Local Administration be pleased to state whether there is any proposal to construct a causeway across the river Malattar alias Goddar near the 9th mile stone of the Ambur-Satghur road in Gudiyattam taluk?

THE HON. MR. B. GOPALA REDDI:—"The President, District Board, Vellore, applied for a grant for the work but owing to paucity of funds, no provision has been proposed for the purpose in the Budget Estimate for 1938-39."

Protest against the Prohibitory Order of the Stationary Sub-Magistrate of Alur banning the "Banni" procession in Alur taluk, Bellary district.

* 186 Q.—MR. H. SITARAMA REDDI: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that "Banni" procession which was celebrated from time immemorial, in the "Devaraguddam" in Alur taluk in Bellary district, was stopped this year by the issue of orders under section 144, Criminal Procedure Code, by the Stationary Sub-Magistrate, Alur;

(b) whether it is a fact that several mahazars have been sent to the Collector of the Bellary district and also the Hon. the Premier, requesting the cancellation of the order and permission to go on with the festival; and

(c) what action has been taken by the Government in the matter?

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MR. A. KALESWARA RAO (Parliamentary Secretary) on behalf of the Hon. Mr. C. Rajagopalachariar:—“(a) The Banni procession at Devaraguddam rock in Neriniki village of Alur taluk was stopped in 1937 by the issue of orders under section 144, Criminal Procedure Code, by the Stationary Sub-Magistrate, Alur. There were violent factious quarrels about the conduct of the festival, involving a murder. In view of the danger to peace involved, the District Superintendent of Police obtained from the Magistrate an order under section 144, Criminal Procedure Code, preventing the holding of the festival.

“(b) & (c) Mahazars have been received for the cancellation of the order and for permission to go on with the festival. The Government called for a report from the local officials. From the report received it was seen that if the festival was allowed it would make the feelings between the two parties worse, even if sufficient forces were brought in to prevent a breach of the peace at the time. The Government, therefore, did not interfere with the decision of the District Magistrate.”

MR. H. SITARAMA REDDI:—“Am I to understand, Sir, that the Government cannot allow the festival to go on even if there is sufficient police force available at the place?”

MR. A. KALESWARA RAO:—“No, the Government do not think it is possible to allow the festival to go on now.”

MR. H. SITARAMA REDDI:—“Will the Government be prepared to reconsider the position by allowing sufficient police force to be mobilized in that taluk?”

MR. A. KALESWARA RAO:—“If there is risk of rioting and if there is risk also of a breach of the peace in rather a serious manner, the Government do not propose to use force and allow the festival to be held.”

MR. H. SITARAMA REDDI:—“Do not the Government feel that the rights of citizens to go on with their usual avocations should be protected?”

MR. A. KALESWARA RAO:—“The risk of rioting should be considered more than the civil rights in such cases.”

MR. P. S. KUMARASWAMI RAJA:—“Am I to take it that the police there are so inefficient that they are not able to stop any possible rioting?”

MR. A. KALESWARA RAO:—“There were serious troubles and breaches of the peace, including murder by a bomb, and criminal cases are going on. In such circumstances, the Government do not think that the festival should be held now.”

MR. H. SITARAMA REDDI:—“Will the Government consider the desirability of putting an end to this trouble and allow the festival to go on?”

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MR. A. KALESWARA RAO:—“The Government would like that there should be some understanding between the parties and the trouble between them should be settled. Of course, if better circumstances prevail, the Government will consider the situation and then pass orders.”

MR. D. RAMALINGA REDDIYAR:—“Will the Government consider the possibility of increasing the police force wherever they expect communal troubles?”

MR. A. KALESWARA RAO:—“May I request the hon. Member to repeat the question?”

MR. D. RAMALINGA REDDIYAR:—“May I suggest to the Government that wherever there are frequent occasions for communal riots during festivals, the Government should see that punitive police is stationed in such places and expenditure met by a special levy from the offending party?”

MR. A. KALESWARA RAO:—“The Government will consider the suggestion, having regard to the circumstances of each case.”

Nature and extent of the damages caused to the several minor irrigation and public works tanks and to the river channels and banks in the South Arcot district and the steps taken to get them repaired.

* 187 Q.—MR. K. SITARAMA REDDIYAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) the number of (1) minor irrigation tanks, (2) Public Works department tanks and (3) river canals and banks that have breached in the district of South Arcot owing to the heavy rains in November 1937 and the nature and extent of damage caused to them;

(b) whether estimates have been called for, for the repair of these damages; and

(c) the relief so far given and the relief proposed to be given to the people affected by these damages?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—“(a) 456 tanks, 4 channels and 1 anicut in charge of the Revenue Department and 168 tanks, 48 channels and 21 anicuts in charge of the Public Works Department in the South Arcot district sustained damage owing to the rains in November 1937. Detailed information as to the nature and extent of the damage in each case is not available but the total approximate cost of repairing the works in the charge of the Revenue department has been reported to be Rs. 67,372 and the cost of repairing those in the charge of the Public Works Department has been estimated at Rs. 1,39,697.

“(b) The Revenue and Public Works Departments have taken the necessary action in the matter. Special minor irrigation and public works staff have been sanctioned for effecting the necessary repairs.

[1st February 1938]

“(c) The attention of the hon. Member is invited to the Press Communiqué, dated 30th November 1937, published at pages 1094-95 of Part I of the *Port St. George Gazette*, dated 30th November 1937, regarding the floods of November 1937. Remission of land revenue will be granted when necessary.”

Marjoribanks Report on Land Revenue Revision.

* 188 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether any decision has been arrived at on the report of the land revenue revision enquiry committee presided over by Sir Norman Marjoribanks;

(b) what orders, if any, have been passed; and

(c) whether the report will be placed on the table?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—“(a) to (c) The attention of the hon. Member is invited to the answers to starred questions Nos. 98 and 158 published in the proceedings of the Assembly, dated 27th January 1938 and 29th January 1938, respectively.”

MR. KALA VENKATA RAO:—“Is it the intention of the Government to have the whole question re-examined by the appointment of a committee?”

MR. T. VISWANATHAM:—“The intention of the Government is to re-examine the whole question; but I cannot say at present whether a committee will be appointed or not.”

MR. K. KOTI REDDI:—“May I know whether the promise would be kept up that opportunity will be given to this Assembly to discuss the report before orders are passed?”

MR. T. VISWANATHAM:—“If there was a promise to that effect, it will be kept up.”

MR. K. V. R. SWAMI:—“May I know whether the Government will finish consideration of this question before the end of this year?”

MR. T. VISWANATHAM:—“Very likely, Sir.”

Revenue derived under water-cess from the deltaic areas in the East and West Godavari districts.

* 189 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the area under the Godavari delta in East and West Godavari districts under the first crop;

(b) the same under the second crop; and

(c) the total net revenue during last year for water-cess under (a) and (b)?

[1st February 1938]

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—“(a) & (b) Figures for 1935-36 for the delta system (excluding the Polavaram Island System), which are the latest available, are given below:—

	ACRES.
First crop	774,819
Second crop	247,574

“(c) Information for the Godavari Delta System in the East and the West Godavari districts separately is not available. The irrigation revenue during 1935-36 for the Godavari Delta System as a whole (including an extent of 1,084 acres under the system in the Kistna district) was Rs. 49,56,164.”

MR. KALA VENKATA RAO:—“May I know what the percentage of return from the Godavari and the Kistna Deltas and the Cauvery-Mettur project is?”

MR. T. VISWANATHAM:—“It is very large question, Sir; I have not got accurate figures here, but I think from the Godavari System the return is about 20 per cent, that from Kistna is 16 per cent, and that from Cauvery-Mettur is 1.12 per cent.”

MR. KALA VENKATA RAO:—“Is it a fact that Re. 1-4-0 was imposed as an additional tax in 1930 when the settlement was made in the Godavari and Kistna Deltas?”

MR. T. VISWANATHAM:—“I think an enhancement like that was made.”

MR. KALA VENKATA RAO:—“Is it a fact that in a recent Government Order the Government struck out only annas 8 from out of the Re. 1-4-0 of additional tax?”

MR. T. VISWANATHAM:—“The Government Order is before the hon. Members.”

MR. KALA VENKATA RAO:—“If that is so, Sir, why should only annas 8 be given up when such a high return is got from these two systems?”

MR. T. VISWANATHAM:—“Because, Sir, more could not be remitted under the circumstances of this year.”

MR. KALA VENKATA RAO:—“Will the Government consider the question next year?”

MR. T. VISWANATHAM:—“Of course the Government are in a willing mood to consider all such suggestions from hon. Members of this House.”

Reinstatement of the village officers dismissed for their participation in the non-co-operation movement in 1921.

* 190 Q.—MR. KALA VENKATA RAO: Will the Hon. the Minister for Revenue be pleased to state—
(a) the number of village officers dismissed on account of their participation in the non-co-operation movement in 1921;

[1st February 1938]

(b) whether the Government received any representations asking for their restoration; and

(c) whether the Government contemplate their restoration to their office, and if so, when the orders can be expected?

MR. T. VISWANATHAM (Parliamentary Secretary) on behalf of the Hon. Mr. T. Prakasam:—“(a) The Government have no information. The information is being collected.

“(b) Yes.

“(c) The attention of the hon. Member is invited to the Press Communiqué, dated 6th January 1938, published in the *Fort St. George Gazette*, dated 11th January 1938. The report of the Board of Revenue on the question of the restoration of village officers who were dismissed on account of their connexion with the non-co-operation movement in 1921 has not yet been received.”

MR. KALA VENKATA RAO:—“May I make a request to the Hon. the Minister to see that this matter is expedited, because it has been pending for over five months?”

MR. T. VISWANATHAM:—“May I submit, Sir, that a request is not a question. However, the suggestion will be considered.”

MR. G. RANGAYYA NAYUDU:—“Sir, actually during the course of reply to the numerous supplementary questions, the Hon. Prime Minister stated that some applications had been received and they were sent to the Revenue Board for enquiry and report. Are the applications of the village officers included in that list of applications?”

MR. T. VISWANATHAM:—“Yes, Sir; very likely such applications have been included.”

MR. G. RANGAYYA NAYUDU:—“Is there any application in the possession of the Government from a dismissed Sub-Inspector at Tirupati who had taken part in the Civil Disobedience movement in the year 1930?”

MR. T. VISWANATHAM:—“I thought, Sir, a Sub-Inspector was not a village officer. (Laughter.)”

Action taken on the recommendation of the special malaria officer to combat malaria in Puttur taluk, South Kanara district.

* 191 Q.—MR. H. S. HUSSAIN: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether as directed by Government the Special Malaria Officer held investigation in 50 villages of Puttur taluk of South Kanara in November-December 1928 and submitted a report regarding the ravages of malaria and the remedial measures to be adopted;

(b) whether he recommended that it was necessary that Government should arrange for and encourage the clearance of forest areas, at least for a distance of two furlongs from human habitation;

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(c) whether beyond the grant of a concession that forest can be cleared to a distance of two furlongs from dwelling houses, Government have taken any steps to carry out the recommendations of the Special Malaria Officer; and

(d) if not, what the reasons, if any, are?

MR. A. B. SHETTY (Parliamentary Secretary) on behalf of the Hon. Dr. T. S. S. Rajan:—“(a) The answer is in the affirmative.

“(b) The answer is in the affirmative.

“(c) & (d) The scheme of free distribution of quinine which was in force in the villages at the time of the investigation of the Special Malaria Officer in 1928 was continued in subsequent years. Four rural dispensaries have also been opened in the Puttur taluk since 1928. No further assistance could be given owing to financial stringency.”

MR. M. G. NATESA CHETTIYAR:—“May I know, Sir, whether any investigations were made in the Harur taluk of the Salem district?”

MR. A. B. SHETTY:—“This question relates to the South Kanara district.”

MR. M. G. NATESA CHETTIYAR:—“Cannot I have general information about the investigations made regarding malarially affected areas?”

MR. A. B. SHETTY:—“If the hon. Member wants information, he may send a question on this subject, Sir.”

MR. M. G. NATESA CHETTIYAR:—“May I know, Sir, whether there were any other investigations made by special officers in respect of malarially infected areas?”

MR. A. B. SHETTY:—“Notice, Sir.”

UNSTARRED QUESTIONS

Application of the South Kanara District Board for provision of funds for bridge-works.

114 Q.—MR. K. ISHWARA: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the amount applied for by the South Kanara District Board for bridge construction in South Kanara district last year; and

(b) the reply given by the Government in the matter?

A.—A statement* showing the grants applied for by the South Kanara District Board for bridge works during 1936-37 and the action taken by Government on the applications is laid on the table.

[1st February 1938]

Vocational training given to students in Government schools and colleges last year.

115 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

- (a) the nature of vocational training given in Government schools and colleges last year;
- (b) the expenditure incurred on the same;
- (c) the revenue derived therefrom; and
- (d) the number of students to whom such training was given?

A.—Vocational training as such is not given in Government schools and colleges imparting general education. But Manual Training classes in wood work, mechanical drawing, spinning and weaving, etc., are attached to these schools and colleges. The appended statement^a shows the number of students to whom training was given, the expenditure incurred on and the revenue derived from the classes during 1936–37.

Present stage of the investigation of the Ramanathi Reservoir in the Ambasamudram taluk.

116 Q.—MR. K. P. YAGNESWARA SARMA: Will the Hon. the Minister for Public Works be pleased to state—

- (a) what stage the investigation of the Ramanathi Reservoir in the Ambasamudram taluk has reached; and
- (b) when Government will be in a position to take action in the matter?

A.—(a) & (b) A preliminary report on the scheme has been received from the Chief Engineer for Irrigation and is under the consideration of Government.

Particulars relating to Higher Elementary and Middle Schools in the Presidency.

117 Q.—MR. S. M. LALJAN: Will the Hon. the Minister for Education and Legal departments be pleased to state—

- (a) the average cost incurred by Government on a Higher Elementary School in the Presidency;
- (b) the average cost of running a Middle School in the Presidency;
- (c) what are the reasons for the higher cost, if any, of Middle Schools;

^a Printed as Appendix II on pages 674–675 infra.

[1st February 1938]

(d) whether there is any difference between the curricula of a Higher Elementary School and a Middle School except the teaching of more English in the latter; and

(e) what is the net cost to the Government incurred on the Middle Schools including classes up to Third Form in High schools?

A.—On the assumption that the question relates to aided schools, the clauses are answered *seriatim*:

- (a) Rupees 1,490.
- (b) Rupees 1,360.
- (c) Does not arise.
- (d) Higher elementary and middle schools have separate and distinctively prescribed curricula.
- (e) The Government do not bear the net cost of these schools.

Grant of permanent pattas to the Harijans at Kudroli in Mangalore town in respect of the waste lands assigned to them on temporary pattas.

118 Q.—MR. K. ISHWARA: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that waste lands were given on temporary pattas to the Harijans at Kudroli in Mangalore town, on condition that they must give back the lands free of cost whenever the lands are required by the town authorities;

(b) whether the town authorities have recently informed the Government that they do not need the said lands and that the Government may give the lands on permanent pattas; and

(c) whether the Government have converted the same temporary pattas into permanent pattas free of cost in the names of the temporary patta-holders?

A.—(a) to (c) The Government have no information but have called for a report.

Number of S.S.L.C. students passed during the last five years.

119 Q.—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state the total number of students that passed the S.S.L.C. Examination in the last five years?

A.—The S.S.L.C. is not based on the principle of declaring passes with reference to any fixed percentage of marks obtained by examinees. The number of students who were declared eligible for a University course during the period in question was 34,560.

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

II.—RESOLUTION re FEDERATION—cont.

* Mr. SPEAKER:—"The House will now resume the discussion on the resolution* regarding Federation."

Mr. R. M. PALAT:—"Sir, I have given notice of an amendment to this resolution; but I am sorry that it is not found on the agenda."

* Mr. SPEAKER:—"It was circulated to the Members and placed on the Table."

Mr. R. M. PALAT:—"As I did not receive a copy, Sir, I thought there was some mistake."

* Mr. SPEAKER:—"Will the hon. Member refer to his papers now and find out whether he got this paper which was circulated?"

Mr. R. M. PALAT:—"As my amendment is already before the House, Sir, I do not want to say anything more on that point. Although I have got no copy, my amendment is:—

'For the words "the people and Government of" substitute the words "the Congress in" and omit all the words after "1935."'

"My reasons are these: There are considerable numbers of persons in this country who do not agree with the Congress. In fact the people of this country are not yet in a position to give expression to their views on the question of Federation, because Federation has not been properly explained to them. Again, Sir, there are various electorates which have not returned Congress candidates; we also find that in many cases where the Congress has won, a large number of votes has been cast against the Congress, and such people also form as much a portion of the people of this province as those who cast their votes in favour of the Congress representatives who are here. Therefore, Sir, at the most, it would be true to say that the majority of the people are against Federation. Even that statement, Sir, I would challenge.

"Then, Sir, it is said that the Government of the country cannot be carried on. I submit that is not a correct statement. We know that the Congress Government . . ."

* Mr. SPEAKER:—"Before the hon. Member proceeds with his speech, I should ask him to explain how his amendment is intelligible

** 'This Assembly recommends to the Madras Government that the opinion of this House be communicated to His Majesty's Government of Great Britain that it is politically and morally impossible for the people and Government of this province to tolerate the imposition of the scheme of Federation as laid down in the Government of India Act of 1935, and that the said scheme would, far from bringing about all-India unity, provoke forces of conflict in the provinces and the Indian States, and that this Assembly hopes that the Government of Great Britain will respect the wishes of the people of India and immediately devise means, even for transitional purposes, to set up a Central Government free from the objectionable features of the Federal scheme of the Government of India Act to be evolved in consultation with the responsible provincial Governments and national leaders.'*

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in the first instance. If his amendment is taken into account, the resolution would read: 'morally impossible for the Congress in this province.' There is a Congress Party in the province, there is a Congress organization, but there is no Congress in the province. Does the hon. Member refer to the Congress Party or the Congress organization in this province?"

Mr. R. M. PALAT:—"I refer to the Congress party in this Assembly, or in this province."

* Mr. SPEAKER:—"The Congress party in the Presidency? Then, will the hon. Member make that alteration in his amendment?"

Mr. R. M. PALAT:—"Yes, Sir; subject to that alteration, I may be allowed to proceed.

"Sir, it is quite possible for the Government of India, as was clearly demonstrated when the Congress first refused to accept office, and even later, under the Act which has the necessary provisions, to carry on the Government, even if any majority party in this Presidency refuses to take up office. We know that section 93 of the Government of India Act is there; under that section it is quite possible for the Government of this Presidency to be carried on, even if all the parties in the Assembly refuse to co-operate with the Government—not alone the Congress, but other parties as well refuse to co-operate. Therefore, Sir, I submit it is not correct to say that it is not possible for the Government to be carried on in this province.

"Again, Sir, unless the Congress leaders have the interest of the whole province in view and unless they cease from creating class warfare and unless they thus become nationalist in their outlook, in the true sense of the term, it will be impossible to have any confidence in the Congress Government of this country. I do not think that in the history of any political party such a thing has happened as the absolute climb down of the Congress leaders before they accepted office. Again, Sir, I would say, that if in the opinion of the Congress, Federation is impossible because of the backwardness of the Indian States, surely they will be doing a great injustice as nationalists. For, is it not their duty to raise the status of the representatives of the Indian States to what they believe their own level? And after all, are the Indian States really so backward as the Congress says? We have recently seen the statement of the First Member of Mysore Government, Mr. Rajagopalachariar, who says that it is a libel to say that the States have not the interest of British India at heart. I would certainly say that that is a statement to which we should attach the greatest importance, and there is no reason why we should not think that he is speaking the absolute truth. There is nothing to support the view of the Congress people that the Indian States would not have the interest of India at heart.

"Then, Sir, I have said that all the words after '1935' should be omitted, because towards the end of the resolution we see that the opinion of the responsible government should be taken. I do not understand exactly what they mean. Because so far as I know, all the

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Provincial Governments are responsible; certainly some Provincial Governments are not Congress Governments and they are certainly responsible; and if they are referring to and have doubts as to the Congress Governments they are the best judges as to whether they are responsible governments or not. They must know their own minds. Again the Hon. the Premier only quite recently at Delhi declared that he has got into the palanquin and has his bearers and hopes to be at the helm of affairs of this province for at least five years more. Therefore, in view of that statement when the question of federation was before him, did he not imply that he is quite prepared to carry on the government even if Federation comes into force? I do not think, therefore, that any weight at all should be attached to the opinion expressed by the Congress leaders that they will refuse to work Federation. It will undoubtedly be only a repetition of what they did in the formation of Government in the several provinces."

* MR. SPEAKER:—"The amendment falls through for want of a seconder. (Laughter)."

MR. R. M. PALAT:—"My amendment is seconded."

MR. SPEAKER:—"By whom?"

MR. R. M. PALAT:—"Mr. Krishna Rao, Sir."

MR. SPEAKER:—"Mr. Krishna Rao even now is not rising to second the amendment. (Laughter)."

MR. ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, I beg to move the amendment standing in my name with a slight alteration, if I may be allowed, i.e.—

For the words "national leaders" substitute the words "All-India political organizations."

"I am extremely surprised that the Hon. the Leader of the House, who is the leader of the Congress party and one of the most important members of the Congress in this country should have taken up a resolution of this character at this stage in the political history of this country, particularly in view of the fact that it was not long ago that another resolution was tabled by the same Hon. Gentleman—the House accepted it—and that related to the constitution of the constituent Assembly defining the character and nature of the constitution the country would like to have. After that resolution has been accepted by this House at the instance of the Premier, the leader of the Congress party, a resolution of the nature now before the House is quite unintelligible. We do not know who is responsible for this; we do not know whether anything has happened in this country since then which has necessitated this climb down on the part of the leader of the Congress party. This resolution means that the Congress at any rate has given up its case for a constituent assembly; it does not any longer want to form a government along with the rest of the people. That is the conclusion to which, at any rate, I come. As I said, who is responsible for this situation? Yesterday, Mr. Langley speaking on this resolution referred to the itinerary of one of the statesmen from Britain, I mean, Lord Lothian.

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He has been moving about this country on a definite political mission. He has met all the important political leaders of the country. He has met Mahatma Gandhi, he has met Mr. C. Rajagopalachariar (Several voices: 'He did not meet Mr. C. Rajagopalachariar') and he has met many others. I stand corrected. I am told he has not met Mr. C. Rajagopalachariar; but I dare say he has met his Colleagues. Mr. Langley went to the extent of saying that it was as a result of Lord Lothian's interviews that the situation so far as Federation is concerned is shaping itself differently, at any rate with regard to the progressive party, which claims itself to be progressive in this country. It is only a few members of the Congress, who have given this indication of a climb down. A great many other leaders, like Mr. Subhas Chandra Bose, who in his last speech, have given an indication that the Congress is not so much opposed to Federation as I supposed before. It is just possible, just as the Congress originally refused to work provincial autonomy but subsequently decided to accept office, so also in the case of Federation they may do likewise. And perhaps this accounts for the very carefully drafted words of the resolution passed at the last meeting of the All-India Congress Working Committee held at Calcutta. Should the Congress finally decide not to accept Federation, I am afraid the country will not be with them. It must be borne in mind that it is not British statesmen who are responsible for this idea of Federation. The Federal idea was due to the Liberal politicians of this country. I do not wish to mention their names now. The country knows it. They are the people who have put this idea of Federation in the minds of British statesmen; and to-day we are now in a difficult position. If the scheme of Federation is not accepted to-day, or rather if the country is opposed to the infliction of this scheme, I know it will be forced on them sooner or later. I do not think it is necessary for me to detain the House explaining as to why the Federal scheme is considered objectionable. Arguments were advanced yesterday by the Premier in moving the motion.

"This Federal scheme is going to be a type of diarchy in the Central Government and the departments of great importance, like Defence and Foreign Affairs, will not be in the hands of Ministers responsible to the legislature. 10-45 a.m.

"Then there is the question of combining the democratically governed autonomous provinces with the Indian States, where the democratic system of government has not been introduced, and whose representatives on the Central Legislature will be the representatives of the princes and not the representatives of the people of the States. It is in order to put a check on the free development of democratic government at the centre that this representation from the States has been introduced. These representatives of the princes will take the place and in a worse form, of the nominated members of the Central Legislature to-day and they will certainly be a great handicap to the democratic development of the Central Government in this country. These are some of the drawbacks which are well known to the country, on

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account of which we have been opposed to the introduction of the Federal scheme in this country. I can assure hon. Members of this House that if there was one gentleman who was responsible and who stoutly opposed the Federal scheme, it was Mr. Jinnah. He has been consistently opposing the Federal scheme even to-day and the Muslim League is the only organization to-day which stands firmly on the ground of opposition to the Federal scheme and I am sure it will be the only organization. For I have very little hope of the Congress remaining steadfast in their opposition to the scheme in view of the changes that have taken place in their opinions. Sir, it was Mr. Jinnah, who, single-handed, fought against this idea at the Round Table Conference. He was betrayed by his colleagues from India. Yet, he stood firm and his organizations are very strongly opposed to the introduction of the Federal scheme in this country. Sir, Lord Lothian in the statement he issued regarding the advisability of Indians accepting the Federal scheme, put forward one argument and that was for the benefit of the country as a whole. He said that, in his opinion, it was harmless to the country as a whole and that if the Federal scheme as adumbrated in the Government of India Act was introduced, it will bring about all-India unity. He wanted the people of the provinces and the people of the States should come together, but, unfortunately, it is now the people of the provinces through their governments and the people of the States through their princes that are coming together under the scheme. On that account, I can assure those who hold the view that it was intended to bring about all-India unity that the Federal scheme, as has been stated in the resolution, instead of bringing about all-India unity, will bring about conflict between the Indian States and the people of the British Indian provinces. Sir, the bringing about of such conflicts would be disastrous to the interests of the whole country. That is why Mr. Jinnah and other leaders, who have been opposing the Federal scheme, have been saying that there may be a Federation of the British Indian provinces first. The British Parliament and the Government could amend the constitution in such a way that the Federation of the British Indian provinces may be brought about to begin with. They can also provide that this Federation, after it has worked satisfactorily for some time in agreement or alliance with Indian States, can be extended to include the Indian States also. I have no doubt that the States could be expected within that time to introduce responsible governments in their territories removing the obstacles to Federation that now stand in the way. Therefore, Sir, it is absolutely necessary that the British Parliament and British statesmen should take the opinion in this country into consideration and amend the Government of India Act in such a way that they introduce responsible government in the Centre in a Federal form consisting only of British Indian provinces, leaving the Indian States to come in and join whenever they find it possible and practicable.

"Next, Sir, I may state why I have moved this amendment to substitute the words 'All-India political organizations' for the words

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'national leaders.' I am sure, the hon. Mover of the resolution, if he were here, would have agreed to this. Sir, I am confident of this because when the Round Table Conferences were held, I think the Congress was objecting to the way in which the Government of India was selecting Members without reference to the national all-India organizations in this country. They were of the opinion that the Congress and the Congress alone should be called upon to send representatives to sit at a conference with the British statesmen to come to a settlement on the question of the constitution for India. Sir, when they held that opinion then, I do not know why they should not agree to the same proposal which seeks to introduce the same principle. Sir, they say, they want to consult national leaders. The Congress has accepted office and has been responsible for carrying on the administration of seven provinces in this country. I have absolutely no objection to representatives being taken from Governments all over the country. I grant that concession, Sir, to the Government. But why should they not agree to the representation of all-India organizations consisting of the Congress, the Muslim League, the Liberal Federation, etc., and why should they confine themselves to the 'national leaders'? Why should we, who want power to elect our own representatives to sit at a conference like that, give up our right and ask Government to select some people themselves? That is what it will come to, if we do not amend the resolution in accordance with my motion. There will be no guarantee that the leaders that will be selected will be people really interested in the freedom of this country. They will all the same be entitled to be called national leaders. Did not the Government select for the Round Table Conferences gentlemen who claimed to be national leaders? Did not the Government themselves say that those leaders represented the people as much as any other person? What guarantee is there that the proper people will be selected? There is no guarantee and that is why my amendment seeks to give the right to the all-India organizations to elect representatives who can speak on behalf of those organizations and who can also speak on behalf of the nation. It is with that object, Sir, I have moved my amendment. I hope that the Government would accept it. I am sorry that the Hon. the Premier is not here present. Perhaps he is busy in the other House. I am also sorry that this motion is being dealt with in his absence."

THE HON. DR. P. SUBBARAYAN:—"May I inform the hon. Member, Sir, that I am here on behalf of the Prime Minister and that the Government considered this amendment and have come to the decision that they will stand by their resolution and not accept any amendment?"

* MR. SPEAKER:—"If Mr. Hameed Khan was anxious to have the Premier present during the discussion of his amendment, he could have asked that some other business might be taken up instead of this resolution."

MR. ABDUL HAMEED KHAN:—"I thought the Hon. the Premier would come."

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* MR. SPEAKER:—"The hon. Member could have asked for some other business being taken up."

MR. ABDUL HAMEED KHAN:—"I am sorry, Sir; all the same that he is not here. The Hon. the Minister for Education who is representing the Premier has told us that the Government have decided, even before hearing my arguments, to oppose my amendment."

THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, a word of personal explanation. I carefully listened to the arguments of my hon. Friend the Muslim Member for the City of Madras."

* MR. SPEAKER:—"But the Hon. Minister should not have made that remark that the Government have already decided to oppose the amendment. The Hon. Minister should have listened to the whole debate and then said what he had to say."

THE HON. DR. P. SUBBARAYAN:—"But I only said that the decision of the Government, of course, was to stand by our resolution. At the same time . . ."

* MR. SPEAKER:—"But the decision should not have been given out at this stage."

MR. ABDUL HAMEED KHAN:—"I am hoping, Sir, that the Hon. Minister for Education will re-consider the decision in view of my arguments and the arguments that may be advanced hereafter in support of my amendment."

11 a.m. MR. K. ABDUR RAHIMAN KHAN:—"Mr. Speaker, I rise to second the amendment so ably moved by my hon. Friend Mr. Abdul Hameed Khan. In doing so, I hope that the Government would appreciate the principle underlying this amendment and I should be really sorry if, without making any discrimination, they should throw aside all the amendments only on the ground that the resolution as moved should be passed. I thought it would have been fair if some amount of thought and care had been bestowed on the amendments proposed by other hon. Members of the House and that the Government had not disclosed its decision to summarily reject them all. Sir, the amendment that has been moved by the hon. the Leader of the Muslim League party is really a modest one. The Muslim League, which is the only organization to represent Muslim opinion, has always opposed the scheme of Federation as adumbrated in the Government of India Act. We feel that the scheme as adumbrated in the Government of India Act is not in consonance with our aspirations and that it is not a proper scheme, because it seeks to unite the democratic British India with the autocratic native States. The principle of the Federal scheme as adumbrated in the Government of India Act is that the States can be clubbed together with democratic India and the scheme worked out. That it is not possible to do so, was stressed by the Hon. the Premier as well as by the Leader of Muslim League party. But the Leader of the Muslim League has proposed that the words 'representatives of all-India political organizations' be substituted for the words 'national leaders.' We

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do not mean that national leaders should not be consulted at all in propounding a Federal scheme. But we do feel that it would be fair if instead of merely consulting the national leaders, the representatives of various organizations representing various political parties were consulted in this matter. It may so happen that those who are selected as national leaders may give their individual opinion at the time of the formation of Federation and the opinion they hold may not represent the opinion of the party to which they belong. So it will not be improper if the words 'national leaders' were omitted and in their stead the words 'representatives of all-India political organizations' substituted. Instead of taking the individual opinions of leaders, it would be much better to ask what a particular organization has to say on this matter. It is in that spirit that this amendment is moved. I do hope that the amendment will be accepted."

* THE HON. MR. YAKUB HASAN:—"I wish to oppose the amendment moved by the Leader of the Muslim League party in this House. I am afraid he has not grasped the real purpose of this resolution. He said that the mover of this resolution has displayed a great climb down from the policy that the Congress had been pursuing all along, that policy being that we do not accept any constitution that is to be imposed upon us by the British people but that we will formulate a constitution ourselves, and that constitution alone will be acceptable to the people of India. Sir, there is no departure at all from that attitude and the people throughout the world will see that attitude presented once again at the Haripura Congress. But this resolution is brought forward by the Government of Madras as one of the responsible Provincial Governments and it must be viewed in that light alone. Sir, with the introduction of provincial autonomy on the 1st April 1937, a great change has come over India. The British people can no longer hold Round Table Conferences to consult the people of India about their constitution. The British people have to take into account that responsible Governments are ruling all over the provinces, and these Provincial Governments must be consulted in the matter of the constitution of the Central Government of the future. At the same time it must be remembered that there are many national leaders who are not sitting in the Provincial Assemblies and Councils who should also be consulted in this matter. So the resolution says that all the Provincial Governments together with the responsible national leaders who are not in the Governments such as Mahatma Gandhi, Pandit Jawaharlal Nehru and others should be consulted for evolving a national scheme of Government for the centre. There are some national leaders who are Members of the Central Legislature, but they are not Members of Provincial Governments, such as Mr. Muhammadali Jinnah, who cannot be left out without being consulted. If this amendment were to be accepted by us it would mean that another Round Table Conference should be called to which the representatives of all the political organizations in the country should be invited. In such a conference, Provincial Governments can have no place. It will be meaningless to hold a Round Table Conference

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after the 1st April 1937, when national Governments representing the will of the people are functioning in the provinces. We as practical statesmen have to take note of what is going on around us. The British Government have resolved to introduce Federation as soon as possible. The British Government know that under the new change that has come over India, if these Congress Governments were allowed to go on for five years, they would consolidate their power so much so that the introduction of Federation will become impossible afterwards. So the British Government are in a hurry to bring about the Federation as soon as possible and therefore it is that pressure is being brought to bear upon the Indian States to join the Federation. They are cajoled and they are being begged. The British Government seem to be prepared to do anything by way of inducement for the States. The Indian States also realize that the British people are now faced with a critical situation. They have to face the Congress, which is resolved to resist the Federation. The Indian States are taking advantage of this situation and are putting forward conditions which the British Government may find difficult to comply with. They think that the British Government will have to come down and accept their conditions. If the Mussalmans do not change their attitude and play into the hands of the British Government, and sit in the Federal Assembly as a separate communal group, with the help of the block of 82 Mussalmans and 125 representatives of the Indian States and European Members in the Central Assembly, the Federal Government can easily defy the 105 representatives of the people of British India elected on non-communal tickets. Once Federation comes into existence and begins to function like this, then the day of independence will be a very very long way off. That is why we bring forward this resolution. It cannot be said that we have given up the idea of the Constituent Assembly. That was the first resolution that was passed in this Assembly and after having passed it once it is no longer necessary to repeat as to what our attitude is in respect of the present Government of India Act.

11-15 a.m. "All that we say now is that if the British Government are bent upon bringing some sort of Central Government into existence even for a transitory period its form should be evolved in consultation with the Provincial Governments and such national leaders as are not sitting in the Assemblies. That is the object of the present resolution.

"Sir, in seven out of the eleven provinces Congress Governments are functioning and this resolution will be adopted by all the seven provincial legislatures. As for the other four provinces, Bengal, the Punjab, Sind, and Assam—it is well known that there is no single party which has come into power there. In Bengal there is not even a coalition. The Leader of the Proja Party who was asked to form the Government has selected some members from the Muslim League and some individuals belonging to no parties to form his Ministry. So, it cannot be said to be a coalition, because coalition means coalition of parties. Coalition does not mean the coalition of a party and certain other individuals. In the Punjab the Unionist Party has come into

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power, but they have taken non-Unionists also in the Cabinet. So there is no party government there also. In Sind and in Assam also, there is no party government. Only in the seven Congress provinces, there are governments on party lines. The Muslim League, in spite of all attempts, has not come into power in the provinces where Mussalmans are in a majority. The Muslim League, as has been pointed out already, has resolved to oppose the Federation. When I was present at the Council of the All-India Muslim League at Lucknow in October last, Sir Sikander Hyat Khan, the Premier of the Punjab, moved a resolution that the Muslim League should oppose the Federation tooth and nail. Sir, that was the opinion given by him in the Council of the All-India Muslim League and Mr. Jinnah also has given a lead in this matter. Now it is for these four provinces to declare themselves true to their convictions, the convictions which they themselves expressed in the Council of the All-India Muslim League and in the open session of the League. We look forward to the Premiers of the Punjab and Bengal and the Premiers of the other two provinces where Mussalman Premiers and majority of Muslim Ministers are governing to translate their words into action and show that they are true followers of Mr. Jinnah by bringing forward resolutions like this and having them adopted. If they also fall in line with the seven Congress provinces, then all the Provincial Governments in India will be of one mind that anything done in the matter of setting up Central Government for the transitory period, should be done only in consultation with the Provincial Governments. That is the attitude that we adopt in this matter. Sir, that being the case, I hope there will be no hesitation on the part of this Assembly to pass this resolution unanimously.

"Sir, last evening in the Legislative Council, the Rt. Hon. Srinivasa Sastri gave a lead in this matter. He is one of the national leaders who are contemplated in this resolution. He has given a good lead in this matter and I am sure his speech has been read by all the members of this Assembly. That is the attitude, I am sure, which the people all over India outside the Provincial Legislatures will take up. If that is the case, I am sure it will have a great effect. At the same time, I should like to take this opportunity of explaining one or two matters. Sir, the Congress has accepted office and formed the Provincial Governments in certain provinces. As far as provincial autonomy is concerned, that part of the Government of India Act has been accepted and provincial autonomy is functioning satisfactorily. Sir, the Government of India Act was placed before us some time back. We wanted provincial autonomy and we wanted independence for the whole of India. Provincial autonomy was not unacceptable to us. It had certain limitations, but those limitations have been removed by the undertaking given by the Governor that the special responsibilities of the Governor will not be brought into action unless there were very exceptional circumstances. So that kind of limitation also has been removed. Therefore, while we are functioning as Congress Governments, we are not doing anything which is in conflict with our attitude towards

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the Government of India Act as a whole. So while we are functioning in the provinces as Congress Governments, the Congress itself will carry on its fight against this imposition of the unwanted Federation. But whatever the Congress may do, whatever direct action the Congress may be compelled to take, the Provincial Governments will not be disturbed in any way on that account. With these words, Sir, I oppose the amendment and I hope, Sir, that Mr. Abdul Hameed Khan will withdraw his amendment so that the resolution may be passed unanimously."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Sir, are we to confine ourselves to the amendment or can we speak on the main motion also?"

* MR. SPEAKER:—"The main motion as well as Mr. Hameed Khan's amendment, but not the amendment moved by Mr. Palat which fell through for want of a seconder."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Mr. Speaker, Sir, it is a bit unfortunate that my hon. Friend Mr. Hameed Khan should have referred to the absence of the Hon. the Premier from this sitting, because it was on that distinct understanding with the leaders of the groups in the Opposition that the Hon. the Premier allowed the debate to go on here to-day in his absence. We all know, Sir, how if he had been so minded, he could have insisted on the discussion going on here at a time when it would have been possible for him to have been present here, by making us sit till 12 o'clock if need be. It was on the understanding that his presence would be required in the other House to-day, that he moved the resolution here even yesterday afternoon and was followed by Mr. Langley. It was understood that the debate would be continued to-day in the absence of the Hon. the Premier. But at the same time, I might state that if the Hon. Mr. Rajagopalachariar had been here, we would probably not have been treated with what I might term brutal frankness by my hon. Friend Dr. P. Subbarayan. It was said: 'We have brought forward this resolution for the discussion of the House. You may cry yourself hoarse and advance any arguments you please. But our ears are shut. We have made up our minds and I give you notice what the result is going to be.' Sir, a statement like that takes away the spirit of the debate. What we say may not have much effect, but let us at least have a chance to think that there is some reason left in the Government to which we can appeal to-day. My Friend Dr. Subbarayan has been as usual very frank with us."

"Sir, coming to the resolution now before us, it is accepted by every party that the form of government best suited to a sub-continent like our country is a federal form of government. Objections might be taken from certain points of view to the scheme of the Government of India Act, 1935, but there is no gainsaying the fact that some sort of federal government is the only possible government for this vast area south of the Himalayas. It is not right to say that the

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people who occupy Hindustan do all constitute one nation. As one who had been at the Round Table Conference, the one fact that impressed itself most upon my mind was the variety of people that met there at the Round Table Conference, how we were rather a big group of nations, how the Punjabi for instance differed from me in every conceivable manner in which one man could differ from another—in language, in dress, in religion and in every possible manner. There is no more similarity between a Madras and a Bengali than between a Frenchman and a German. At least they are living as neighbours geographically; but we are about a thousand miles apart. Again there are the Mahrattas on one side and the Assamese on the other. I am not of course referring to religious difference which do exist; I am only referring to racial differences. We are different in stock. We differ in our manners and customs and for all of us to constitute a single nation seems to me to be an impossibility. An attempt was made by our present Government here to obviate one of the possible difficulties in the way of our constituting a nation; they are trying to create a common language for this huge country.

"It has been stated that Hindi is going to be forced down the throats of people in South India. We know that the moment it was proposed, there was protest raised against it at least in the Tamil country. We know how the Tamilians do not agree to that idea. My friend Dr. Subbarayan knows it; he has been a witness to that fact. Hindi is a foreign language to us and it is impossible to make the Tamilian study that language. From the linguistic point of view, it is as foreign to us as English, with this difference that English has been prevalent in this country for nearly 150 years and more. Our people, especially in the Tamil districts, are more familiar with English than with Hindi and I therefore submit that Hindi is even more foreign than English. In fact, I would protest if my children were asked to learn a second or third foreign language. I am only pointing out, Sir, the various troubles confronting us. We do not really form one nation; we are really so many groups of a nation, united to-day, no doubt; but what is the cause of that unity? As far as I am able to see, the cause of that unity is this: the foreign domination over us. Put rather more frankly, the Punjabi is being kicked to the same extent as the Madras and it is the common sympathy that perhaps creates the sense of unity among us. And immediately that common trouble is removed, we fall off into so many various pieces and that more so, now that we have full provincial autonomy. In ancient days when we were being ruled bureaucratically or autocratically—any way not popularly—when the provinces had nothing of autonomy, there was some central controlling force which held together the various groups or provinces. But under provincial autonomy, Madras will be independent of Bombay, Bombay will be independent of the Central Provinces, the Central Provinces will be independent of the United Provinces and the

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United Provinces independent of the Punjab—in fact, each province independent of the others, without any unifying force. The result would be that we fall off into so many different pieces, each probably even antagonistic to the other, with no common interest, no common tradition, no common culture, in fact without anything to bind them together. Therefore, Sir, it seems to me that under these circumstances, if this unity which to-day prevails in this country and for which I must say that we must be indebted eternally to the British Government—whatever their motives might have been—is to be preserved, it can be done only by a Federal Government wherein each one of these groups will have equal and common interests. And taking it, therefore, that a Federal Government is the one essential form of Government for India, what is the alternative to the kind of Federal Government that has been adumbrated and expounded in the Government of India Act, I ask? It has been suggested that we might begin with having a Federal Government of all the provinces alone, leaving out the Native States. The difficulties in the way of this proposal seem to be insurmountable. With strong autonomous provinces, if the common safety and welfare of the country as a whole are to be safeguarded, it is equally essential that the Central Government should also be—whatever the form of Government you have—a strong and powerful Government. It seems to me that nothing will be more dangerous to the general interests of the country at large than having strong autonomous or independent provinces with a weak Central Government. I should like hon. Members here to visualise the position when we have autonomous provinces with a Central Government consisting purely of those states. Could we think of a weaker Central Government than that? Take the map. We begin with Cape Camorin. Straightaway, one big portion of the land, Travancore, branches off as an autocratic state, benevolent autocracy perhaps, still autocracy. Then we come to British Malabar coming under our Provincial Government. Right in the centre again, there is Cochin; and still further up, we have Mysore; then comes Hyderabad, each one of them spreading its arms within our sphere. I shall confine myself to the south by way of illustration and shall not go to the north—because we are more familiar with the south and we can understand it better. Imagine all these countries being governed in a manner different from ours and constituting separate Governments, having no voice in the Central Government in which the Madras Province alone will have a part or a voice. It seems to me that such a Central Government will be the weakest possible Government and will be a danger to the peace and welfare of the country. Again, let us imagine a Federal Government consisting of the provinces alone. What is the sort of control which you are going to exercise over one-third of the country which is native India? Will any sort of control be tolerated by them? Will it be right or fair on our part to expect them to allow any sort of control over them by us? Take customs, for instance. If the Federal

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Government is going to consist only of provinces and if that Government imposes customs duties on a particular article, will not each one of the Native States say that it won't have anything in common with us? If you impose a certain duty on a kind of article, cannot Cochin say that it is going to import it free? Or if you allow a certain article to come in free will not the other states in the country be free to say that they are going to impose a tax on it? You cannot impose your will on them. They may be autocratic, but still the fact is there. We know from experience in this House, how we are all unfit to touch any subject concerning them. So, the fact is there that you have no control. And if one-third of the country is going to be left out like that, what is the sort of Central Government you can create, and what is the control that that Government can exercise? Well, Sir, if you expect a Federation of only Provincial Governments, and if, in that Federal Government the provinces alone take part, I think you will be creating a state of almost impossible things. Therefore, Sir, it seems to me that the only other alternative is to continue the present state of bureaucratic Government at the centre, presided over by the Viceroy. Are we going, I ask, to reconcile ourselves to that position? Is it going to be in the interests and welfare of the people, if we have autonomous provinces with an irresponsible Central Government? With autonomous, responsible, popular Governments, supported by the representatives of the people in each of the provinces, it seems to me that it would be leading to a great amount of conflict, quarrels and fights if you are going to perpetuate an irresponsible Government at the centre. Is any member of the House on the other side prepared to say that the Central Government could continue to be an autocratic Government, and that that would be preferable to the proposed Federal form of Government? Therefore, Sir, viewing the question from every standpoint, the Federal Government prescribed in the Government of India Act is the best possible solution. My friend Mr. Hameed Khan will of course have a fling at me and say that I support it now because I was present at the Round Table Conference. But I may assure him, Sir, that there were much better brains present in that Conference and this federal scheme is the outcome of the best brains of the country, at the top of which was the Rt. Hon. Sir Tej Bahadur Sapru. He has no axe to grind; he is a liberal in politics; he has no motives in suggesting any particular kind of government. He is the best constitutional student in the country perhaps that we have to-day, and he it was that from the very first Round Table Conference stated that if India was going to have any sort of self-government at all, it should be only in the form of a Federal Government. My friend, Mr. Hameed Khan could easily take pleasure in having a fling at that great brain, if he so chooses.

"I am glad, Sir, that the Hon. Mr. Yakub Hasan endorses my statement that there is not one responsible statesman who is opposed to the federal form of Government. The one and the only objection

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that was raised to this Federation by the Hon. the Prime Minister yesterday was that it would be impossible for representatives chosen by the people of the provinces to work in conjunction and collaboration with persons nominated by the autocratic Native States. Sir, that is a point which I shall deal with later. But I should like to refer to another point put forward by the Hon. Mr. Yakub Hasan, a little more practical argument perhaps. It is this: 'There are 82 Muhammadan representatives and 124 State representatives backed up by the Europeans. You sit together as against the representatives of the people of India; as if the 82 representatives of the Muhammadans were not going to be representatives of the people. I believe, Sir, my friend Mr. Yakub Hasan has been elected by a Muhammadan constituency. I dare not say that he is not a representative of the people. I have been elected by a Christian constituency; I am also a representative of the people. Therefore, I say that the danger referred to is perhaps only from a Congress or party point of view. It might be that under the constitution that has been adumbrated in the Government of India Act, you cannot expect in the Federal Assembly such a majority as the one you have got here, 161 against three groups of the Opposition constituting in all 60. A majority like this you certainly cannot expect; but you will be getting an assembly consisting of people who would in more proper proportions be representing the people. Further if you want to have that number 82 reduced to 52 if you like, then who is going to object? But that is a matter of detail, and I submit that the question of the constitution of the Federal Chambers is not one about which we in the Assembly need ourselves very much exercise, or even go to the British Government saying "please come to our rescue against our own Muhammadan brethren". That is what the Hon. Mr. Yakub Hasan says, practically amounts to.

"I will now come to what I said was the very much stronger point, that is the point raised by the Hon. the Prime Minister. But before dealing with it, let me, with your permission, indulge in a bit of past history. In the year 1920, that is, about seventeen years ago, the Montagu-Chelmsford Reforms were given to us. What was the objection that was raised then? There again it was stated that it was an unworkable constitution and our friends said 'we are not going to touch it with a pair of tongs'. They said it was not a good constitution; bureaucratic members of the Council were going to sit together with Ministers, the representatives of the people. How could the two groups sit together and work? It was a dyarchic form of Government, an impracticable form of Government. That is what was said then. I do not deny, Sir, there were difficulties in the working of dyarchy; but I must at the same time say it was not an impossible form of Government. We, the Justice Party, demonstrated to this country the worth of the dyarchic form of Government; that, however difficult, given the right spirit, it could be worked and worked for the benefit and the welfare of the province, taking it on the road of progress politically of course, to the stage to which we have now arrived, within a comparatively short period of sixteen years."

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MR. K. R. KARANT:—"That was in spite of you."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I know my friends of the Congress Party always think that everything is good only in themselves. I am not of that frame of mind; I do not say that we alone are responsible for this progress; perhaps you made your contribution, and we made our contribution. I claim that we have also contributed towards that result; and the fact that the province has progressed so far towards this result is sufficient proof of that. Merely making interruptions during the course of the debate does not help at all. My friend Dr. Subbarayan, representing the Congress, also played a very noble part for a period of four years in working the diarchic form of Government, and working it successfully."

"Thus, Sir, did we not work diarchy although it was said by 11-45 a.m. others that it is unworkable? And did we not confer a lot of good on the people of this presidency by working diarchy? The other day my hon. friend from Amalapuram, Mr. Kala Venkata Rao told me 'the Justice Party was in power for the last seventeen years, you were yourself in office for the last three years, and what was the party able to do, and what was it you did.' I submit if he only has the patience to go through the records and see what has been done, he will see that a considerable lot of good has been done to the people. Let me tell my friend that probably long before he was, politically speaking, a suckling babe we had inaugurated the system of rural medical relief under the aegis of that able late Rajah of Panagal. It was he who first set about the scheme of rural reconstruction."

* MR. SPEAKER:—"Does Sir Pannirselvam think that all this speech with regard to rural reconstruction and rural medical relief and the Rajah of Panagal is necessary with regard to the motion now before the House?"

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Perhaps the mentioning of that name may not be necessary. But it does seem to me necessary to refer to those schemes, for under the Montford Reforms, necessary to refer to those schemes, for under the Montford Reforms, defective as it was, unworkable as it was said to be, and backward as it was described to be, my party took up the reins of office and tremendous good was done in the last 15 or 17 years, and I do not think that equal good for the people will be done for even 50 years in the future. And I am proud to say that that good work was in respect of both quality and quantity great."

MR. T. VISWANATHAM:—"On a point of order, Sir, what has diarchy to do with federation? I cannot understand."

* MR. SPEAKER:—"The hon. Member seeks to point out that diarchy was worked, and federation is equally workable. (Laughter.)"

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Sir, I was showing to the House that the Justice Party was taking the country on its onward march towards full responsible Government by working

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diarchy. I submit diarchy was the first stage, provincial autonomy the second stage and federation the third stage, which third stage the Congress is going finally to bless. (Laughter.) If only Mr. Kala Venkata Rao will spare me a few minutes outside the House I shall show him who first started the scheme of rural water-supply, the scheme of village sanitation, the scheme of rural reconstruction and the scheme of rural medical relief and so many other things.

"Coming now to provincial autonomy, what is it that we see?"

MR. K. R. KARANT:—"I want a time limit to be fixed for each Member, Sir."

* MR. SPEAKER:—"I shall fix it after this speech."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"With regard to provincial autonomy it was said that it was being fenced with safeguards, special powers of the Governor and special responsibilities and therefore it was unworkable, and therefore they won't touch it. But what do we find now? The Minister for Public Health claims that His Excellency the Governor is the friend, guide and philosopher of this province, and the other Ministers are saying that the services are the best that one can think of. The Premier only the other day said at Delhi that he was going to be the sole occupant of the "palanquin" and that no one had got a right to sit on it in this province."

MR. K. R. KARANT:—"But what about federation?"

THE HON. DR. P. SUBBARAYAN:—"He will come to it by and by (Laughter.)"

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"All these I say, because I knew you would say all these things, since we were in office before you. The Congress would have done a wise act if they had accepted office on 1st April 1937? These safeguards, the special responsibility and the Governor's special powers were as much there on the 14th July last, when the Congress accepted office, as on the 1st April, when they refused to take up office. These special responsibilities and safeguards are found in every civilized form of Government, and to-day even in Great Britain there are certain powers of the Crown, under which the Crown can interfere with the administration. But they are never exercised. And here also, we do not expect these safeguards to be exercised, provided you have a sensible Governor and sensible Ministry. I knew the Governor, and I knew that these powers would not be used and therefore we accepted office. We knew that we would be able to work the constitution successfully and hence we took up the task of working the constitution. At the same time we were fully conscious of what an unenviable task we were taking on ourselves when we took up the interim Ministership, for we knew that when you step in, we should have to quit. And when we vacated office we knew that you would proclaim that His Excellency the Governor is the friend, philosopher and guide of this province and that the public service is the best service that you can possibly think of."

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* MR. SPEAKER:—"Sir Pannirselvam will soon finish his speech."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"Sir, the Congress Party said that diarchy was unworkable, the Government of India Act, 1935, or rather Provincial Autonomy, was unworkable; but now, what do we see? They have now belied their own statement by working provincial autonomy successfully. Sir, Mr. Kaleswara Rao made a reply in favour of maintenance of law and order this morning during question time; and it did my heart good to hear him. For I do not see anything less bureaucratic in the answer he gave than those I used to give as Home Member. (Laughter.)

"Then, Sir, what is the objection that is raised against Federation? It is that the popular representatives from the self-governing provinces have to sit side by side with the representatives of the Indian States. I must confess in this connexion that I am not able to appreciate the significance of the term 'backward' applied to the Indian States. Might be, some of them are very backward, but most of them are not so. What about them? The other day we passed a resolution complimenting the Maharaja of Travancore on the liberal measure he has given effect to. Take again the Maharaja of Mysore. Can anybody say that Mysore State is backward? Or what about the Maharaja of Baroda? He set up representative institutions long before anybody thought of them. Then what about the Nizam of Hyderabad?"

"Further, Sir, who are the people who control the affairs in these Indian States? Sir Akbar Hydari belongs to British India. Mr. Gopalaswami Ayyangar, who was till very recently with us and who was prepared to work on Rs. 500 a month, is in charge of the destinies of Kashmir."

MR. K. R. KARANT:—"Would it not be better to avoid these individual names, Mr. Speaker?"

* MR. SPEAKER:—"Certainly, it is highly desirable that these names should not be mentioned. Sir Pannirselvam has taken up considerable time. He will finish before 12 o'clock."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"May I know how much time I have taken now?"

* MR. SPEAKER:—"More than half an hour."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I am sorry. Sir, I was saying that the administration in some of the more important Indian States is being controlled by people from British India, able administrators, able politicians; and already they have shown the effect which their administration is going to have. By way of illustration I merely refer to the proclamation recently issued by the Maharaja of Cochin on the advice of his able Diwan, Sir Shanmukham, whom I have the proud privilege to call my friend. True it is to some extent that what we call representative form of government has not gone on as rapidly and as promptly in some of these Indian States as we would wish to have them. But after all we are going to form the majority in the Federal Legislature. The Hindus, the

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Muslims and the Christians from the provinces are all representatives of the people. Further, human nature being what it is, with responsible government working in the provinces, these princes cannot well afford to hold back political reform in their states. It is merely a matter of time. In the Federal Legislature, you will soon find not the nominees of the rulers of the Indian States, but representatives elected by the people of the states. The moral force which we can exercise in that Assembly cannot also be overlooked. Further there is nothing to warrant the belief that the Indian States will always act against the interest of British provinces. For, are there not very many points common between Madras, Cochin, Mysore and Pudukottah? Is there not more in common between the Nizam's Dominions, Bombay and the Central Provinces, than between the more distant States of Baroda and, say some state in Assam? Therefore it seems to me that so many things will come up in Federal Legislature on which the representatives will divide on the merits of the question rather than in the spirit of States versus British provinces. This form of government, I mean, Federation, can be worked successfully. It is for us to take it up and work and try to overcome the difficulties, if any.

12 noon. "Just one word more, Sir. It was with considerable pleasure that I perused the wording of the resolution that has been moved. I know the sobering effect of office acceptance. I knew that the responsibility of the office had made my hon. Friends shed their extreme views. But I never anticipated that it would work such a terrific miracle as it has worked in the minds of Congressmen during the last few months. By asking for what is called the Constituent Assembly, they are prepared to-day to do what we were accused of doing, and are going on their knees to the British Government with a request for a favour. What else is this? They go up to the British Government and say: 'For Heaven's sake, take away this constitution and give us something else.' That is after all, a favour. And then it would be said: 'Well, this is only for a temporary period.' It is not at all so. The resolution says: 'This Assembly hopes that the Government of Great Britain will respect the wishes of the people of India and immediately devise means, even for transitional purposing.' If the word 'even' was not there, it would convey a different meaning. Now you simply say: 'Take your own time, but evolve a little more reasonable constitution and give it to us.' Well, Sir, all that I can say is, office produces certain very curious effects and this is the most curious and the most pleasant effect that it has ever produced."

* MR. SPEAKER:—"The Chair has been asked practically to fix a time limit though I am not in favour of it at all. But I may suggest that the speeches must be very brief, pointed and effective and endeavours should be made to finish each speech in 10 minutes at the most. But if Members have to say important things, time will certainly be extended."

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* MR. KALA VENKATA RAO:—"Mr. Speaker, I rise to support the resolution moved by Hon. the Premier and oppose the amendment moved by my hon. Friend, Mr. Hameed Khan. In doing so, I would like to begin by quoting Ananda Kumaraswami who said: 'One of the most remarkable features of British rule in India is that even the greatest injuries inflicted upon the Indian people have the outward appearance of blessings.'

"Sir, this Federation scheme is a sugar-coated pill and the sugar-coating is mainly on the surface. It is said that by having Federation we shall have all-India unity. But, as a matter of fact, in the creation of this all-India unity, we are denied real unity. This Federal unity is sought to be imposed upon us in order to retard the nationalistic progress towards the attainment of complete independence for our motherland. I want to deal with this question under three heads: the question of sovereignty; the combination of the states and the provinces in the proposed Federation; and the Congress ideal in relation to it.

"Coming to the first question of sovereignty, it is a well-accepted principle that sovereignty is the basis of any modern state. To achieve sovereignty, a state must be an organized group free from outside control and must contain a body of persons who should command obedience by making and executing its laws. There can be no legal limit to sovereignty. Judged by this criterion, can the Federation be called a Federation at all? The most important requirement for Federation is sovereignty. If you refer to sections 2, 110 and 308 of the Government of India Act, 1935, you will be convinced of the fact that the Indian Legislature has no power to effect any change in this Constitution. You will remember, Sir, that in this Act it was stipulated that only after the lapse of ten years could any change be made in the Constitution. Can it be said that a state circumscribed like that has any sovereignty? The scheme of Federation, therefore, fails under the first test. The imperialist domination of this country will continue even after the Federation is inaugurated.

"Coming to the question of the components of Federation, what do we see? The native states as well as the autonomous provinces are to march together. Mr. Pannirselvam was saying that the states are under the control of Indians, as capable as we are. I only like to tell him that what we fear is not the Ruler of Travancore, nor the good Ruler of Mysore nor even the Nizam of Hyderabad, but the Democles' sword that hangs over their heads, namely, the Political Agent. Even when these states, through their Instruments of Accession, join the Federation, they owe their allegiance to the Viceroy and not to the Governor-General of India. The Viceroy represents the King and if the Viceroy presses a button, the Political Agent will be on the alert and will give no freedom at all to the Ruler of the state to do what he likes, even if he is good and even if he is capable. Therefore, Sir, if

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the states unite with the Indian provinces, I claim that the representatives of the states, though they may be representatives of the rulers, will in reality be the representatives of the British Government as represented by the Viceroy in India.

"My next point is that the structure of Federation is as bad as anything. It is to consist of two legislative chambers, the Federal Assembly and the Council of State. The Federal Assembly is to be elected on an indirect system by all the Provincial Assemblies, and unfortunately, there the principle of communal representation has been introduced for Muslims, Christians and Sikhs and we have then the special constituencies for landholders, Anglo-Indians, Europeans and others. When I think of this, Sir, I am reminded of what we call in Telugu 'Gadhulupetti' or 'Ancharapotti' in Tamil. You have two storeys there and these are divided into so many compartments and, in each compartment, one spice or other such as chillies or mirchi is kept. This Federation is divided into two storeys, the upper storey for the Council of State and the lower storey for the Federal Assembly. Even this is again divided into so many small chambers representing individual and communal interests that it cannot be called a whole. And it does not contain anything for the advancement of the nation. Therefore, I say that this Federation is in itself not at all nationalistic in conception and is divided into communal as well as special interests and, over and above the head of the edifice we have got the Viceroy with his special responsibilities and with his powers for acting in his discretion. In these circumstances, I can say that the Viceroy will be a more powerful man than even His Majesty the King of Great Britain whom he represents in this country. I would like to say, Sir, that this Federation is a devilish instrument. Its ankles are there where the knees ought to have been. Therefore, even considering the question of structure of this Federation, we ought to reject it even in the first instance.

"Now, Sir, yesterday Mr. Langley spoke of Lord Lothian's recent visit to this country and said that he was a sinister man. But I should like to say that the Marquis of Lothian did not undertake this pilgrimage to Sheagon just to purchase a few yards of khaddar or two quires of hand-made paper. The Marquis of Lothian knows the Indians more than Mr. Langley knows them. He knows that the slightest word from the toothless mouth of the saint of Sheagon is more powerful than all the cannons of the Japanese or of the Chinese. It is only to know the temper and the mind of the Congress and of the Indian National leaders on this question of Federation that the Marquis came all the way to India and visited Mahatma Gandhi and other national leaders and not with any purpose of cajoling them into accepting the proposed Federation. He knows the power of the Congress. He knows the power of Mahatma Gandhi over India.

"My only reply to Mr. Abdul Hameed Khan as regards the question of substituting the words 'all-India political organization' for

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the words 'national leaders' is this: There are, apart from the Muslim League which he represents and which I agree is also an all-India organization of some importance there are some mushroom political organizations that came into being on the eve of the visit of the Simon Commission such as the one which Sir Patro at one time represented. They also call themselves by all-India names. Now, Sir, if all these people are invited for any constitution-making, as was done in the case of the Round Table Conference, there will be no constitution for India worth the name. Therefore it is that the words 'national leaders' have been used. I do not think that Mr. Hameed Khan need fear that Mr. Jinnah will be left out.

"Sir, now coming to the remarks made by Sir Pannirselvam, I make bold to say that they were wonderful. It is all the more wonderful that he enunciated the same views this day, the 1st of February 1938. He still thinks that it is on account of the party that worked diarchy for the last 18 years or so that we got the foundations of provincial autonomy. He was saying that if we worked this provincial autonomy, we would also work Federation to success. Sir, in this connexion I may be permitted to make a humble submission. Sir, I left college in the year when the Justice Party took office under diarchy. All these 17 years I have been in the political field only as a victim of that Government, having been thrown into jail three times. And I may tell Sir Pannirselvam that it is because of the sacrifices of the national leaders that we are now enjoying the form of Government we are living under. He should realize that if thousands of soldiers die in the country's cause, it is the moderate that wields power in the land. Therefore, while Mahatma Gandhi led the non-co-operation movement, while the Mahatma led the Dandi march and while the Mahatma led the civil disobedience movement in 1932, it is our friends of the other parties who were called in by the authorities in order to create a cleavage in the fight for independence. Sir, I would also like to tell my hon. Friend that his conception of Indian unity is not anything than can be subscribed to by anybody in this country. India is one and indivisible. In spite of the difference in the dress of the Punjabees and the silk suit of Sir Pannirselvam, there still exists in India a unity between the red turban of the Frontier and the English tweed suit of Sir Pannirselvam. There is fundamental unity among Indians, who live in this sub-continent of India.

"Sir, as long as we love this country of Bharathavarsha, we need no direction from outside. The Muslims and other races conquered India, but they could not destroy her unity. India has got a unity of her own. The idea of unity was never imposed upon us by Great Britain. On account of some fundamental tenets that are still living in this country, in spite of so many invasions, India has not lost yet many of her old valuable things. Sir, the opposition of Mr. Pannirselvam to the introduction of Hindi as a common language is rather archaic. Macaulay introduced the English language in this country and to the extent to which Mr. Pannirselvam claims that English

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language is a beneficiary of this country I am not in agreement with him. Hindi is beneficiary, because it is a national tongue. So I cannot but feel sympathy for him and his views. In achieving our ideal and in our fight for independence, if we had toned down the idea of the constituent assembly as an immediate ideal, as the Hon. the Premier has done now, or if we had accepted office, it is not because that we have become sober to-day or that we have in any way departed from the ideals of national independence. We are carrying on the fight for the freedom of the country in so many ways and acceptance of office is only one of the ways in which we try to end the Imperial exploitation of the mother country. Mr. Langley quoted Macaulay to show that there are anomalies everywhere and so we should not be surprised if there is some anomaly in the Federation. I will end by quoting the same Lord Macaulay who said:

'The worst of all the tyrannies in the world is the tyranny of one nation against another nation.'

* MR. T. T. KRISHNAMACHARIAR:—"I oppose the amendment moved by my hon. Friend, Mr. Hameed Khan, and support the resolution moved by the Hon. the Premier. In doing so I may add that I am fortified by a mandate from my constituency to support the resolution before the House. I shall keep before me the excellent example which the Hon. the Premier set for us yesterday and confine myself to the main subject of the resolution, in relation to the autonomous provinces federating with autocratic native states. That, I think, will save time, will restrict the scope of the debate and will produce a few effective arguments against those who oppose the resolution. At the same time, I am unable to refrain from referring to one aspect of the Federation in which my community is essentially interested. While speaking on this subject, I am reminded of Bryce's statement in regard to the creation of the American Constitution which he characterized as creation of a nation by an instrument. Tested by this canon, this Federation sought to be created by the Government of India Act is a complete failure. A nation has not been created but, as was stated by the Hon. the Premier, this federation proposed is a safeguard in the guise of an all-India unity against unified action. Before proceeding to the root of this matter, I have to refer to one aspect of the proposed Federation which affects my community. That refers to the clauses in the Government of India Act, sections 111 to 123, which deal with what is popularly known as 'commercial discrimination.' I submit there is no necessity for these safeguards. No constitution having commercial discrimination clauses in it, which gives statutory protection to foreign nationals, which virtually places their interests above those of the Indian commercial interests, can be accepted by the latter consistent with their self-respect and their national pride. It is true there is a way out of it and it is possible that commercial activities as between two nations can be governed by a treaty incorporated in which is what is called 'the most favoured nation clause.' If such a treaty is concluded between India and

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England it will probably be most welcome to people who have no anti-British bias and who will welcome co-operation from English people. But at the same time to say that this claim made by British interests should have a statutory recognition rankles in the minds of all the Indian commercial men and protests against these safeguards in the Government of India Act have been often given expression to by the Indian Merchants Chamber at Bombay and by other bodies including the Federated Chambers of Commerce. I would like to refer to one statement here which was made by Mr. Langley, who unfortunately is not here, when he spoke before the European Association a few days back and told his audience how the lively apprehensions which were entertained by them about the Congress government being in power, has in fact proved baseless. No Indian government, whether it is Congress or even a Socialist government, will at any time think of treating people who have come here and started industries in this country in expropriatory terms. The Indian tradition and character will never allow treatment of foreigners differently from our own people. The safeguard against any possible discrimination must be mutual goodwill rather than a statutory imposition under the authority of the British Parliament. That is the appeal I would like to make to my European friends, people whom I know very well and for whom I have got great respect. I would add further that they will do well to rely on their identifying themselves with Indian commercial interests and on the goodwill arising therefrom rather than on the safeguards imposed by statutory authority. That aspect of the Federation must be removed whatever might be the compromise that is made to work the Federation. It may be a temporary expediency, it may be that it is a transitional arrangement that is arrived at, but in so far as commercial discrimination and safeguards remain in the Statute, the commercial community cannot give its support to the present Central Government being converted into a Federation whether of British Indian provinces alone or of Indian provinces and the Native States.

"The next subject leads me to the Indian States. I am very sorry that the hon. Member representing the planting community is not here, and if he had been here it would have been far better for us to reply to him with reference to some of his remarks and it would have been far happier for us to do so. Sir, I may say that it is not a contradiction in terms to condemn the Federation on the one hand and at the same time to praise some of the Native States such as Travancore, Mysore, Cochin or Hyderabad for their individual acts of administration. The underlying reason for our praising certain Native States on some occasions, is because the rulers of the States being our own men understand our genius which is reflected in the administration of the better-governed States. That accounts very often for the praise that has been showered upon them. If they have done certain things, which it has not been possible to imitate in British Indian provinces in the past it was because of the limitations under which the British

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Indian provinces had to work being under the direct rule of an alien nation. But that does not prevent anybody from now saying we cannot federate with autocratically governed States. I shall give an illustration to justify my position. Supposing there are two people who are very good friends and who have a very good opinion of each other, all the same it would be very difficult for them to follow your advice if you tell them to pool their resources and ask them to live together with the members of their respective families. It would be difficult for them to follow such advice as there must be some element of homogeneity between the two families; there must be common interests before such a step can be taken. You cannot conclude therefore, that people who do not possess such common interests cannot be friends. The principle of homogeneity of political and constitutional structure is very necessary in any group-life of States. In fact the first departure from this principle known to me in any federal constitution is the Government of India Act of 1935.

"If British Indian provinces and the Indian States are to be clubbed together, there must be a homogeneity in the political structure of each unit composing the Federation. In support of what I state, I shall read from section 4 of the American Constitution. It reads thus:

'The United States shall guarantee to every State on this Union a republican form of government.'

"There is a definite guarantee of republican form of government to the component States and the homogeneity of the component units is ensured there. It is absolutely absent in the Federation as it is contemplated in the Government of India Act. I may go further and cite the Swiss example where the implications are more explicitly stated. This is what is contained in the Swiss constitution in article 5:

'The confederation guarantees to the cantons their territory, their sovereignty within the limits fixed by article 3, their constitution, the liberty and the rights of their people, the constitutional rights of the citizens and the rights and powers conferred on the people by the authorities.'

"Does this Federation guarantee responsible government of any sort to its component units by any stretch of imagination? There will be no homogeneity in political structure if the Indian States and the British provinces are to combine on the basis of the present Government of India Act.

"The next question is the Paramountcy to which the Hon. Premier referred to yesterday. The implications of Paramountcy are not easy to understand unless the question is carefully studied. The hon. Member for Amalapur referred to particular aspects of this question. I would, however, invite the attention of people who oppose this resolution to the evidence given by rulers of Native States before the Butler Committee which will give a clear idea of how and in what

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manner Paramountcy operates. If we are federating with the States with the Paramount power sitting over them, even granting that the States grant some form of responsible government to their people, you are exposing yourselves to the Paramount power being the ultimate ruler over the Federation of British provinces and the Native States put together.

"Sir, there is another channel through which Paramountcy can exert its influence on the Federal Legislature more openly. That is the question of control of minority administrations by the Political department. With 10 per cent of the Native States in any Federal Constitution as at present proposed being normally under minority administrations, the Viceroy will have a block of thirty nominated members in the two houses of legislature because all these minority administrations will be represented only by people, either nominated by the Political department or by their representatives. The objection to the Federation by reason of the influence that the Paramount power can exercise over the representatives of the Indian States indirectly and through minority administrations directly, is in my opinion unanswerable.

"I will summarize what I said before and tell the people who opposed the resolution to visualize a federal legislature in which the Crown representative by reason of his control over the minority administrations having a nominated block and wielding an indirect but nevertheless potent influence over the several States who send their representatives to the legislature through his political residents.

"The proposed resolution admittedly contemplates a transitional stage. The continuance of the present position of the autonomous provinces as against an irresponsible Central Government is impossible. We cannot have an irresponsible Central Government all the time. At the same time we cannot have a Federation on the lines suggested in the Act. So we must have a transitional government. What all have been said in favour of the States by several speakers yesterday and to-day are of course there. Sir Pannirselvam referred to the fact that many of the States are advancing rapidly and that most of them are administered by progressive British India politicians. Sir, South India can well take pride in the fact that it has sent a large contingent of trained administrators to the Indian States. It is also true that there is a movement for liberalizing the constitutions in the States. There is the Cochin experiment for example. But these are not all. We see only the beginning and it has got to get more perfected before any State can send a representative to the Federal Government who will not be controlled by the Political department of the Government of India or by its ruler, but who will be directly responsible to the people of the State.

"Sir, I am not dismayed. I fully expect that such a stage when the leading States will have some form of responsible government which will satisfy the conditions for federating with the autonomous

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British Indian provinces will come to pass. But at the moment Federation with those States is not feasible. Sir, my own feeling is that this resolution cannot be opposed by anybody on its merits. I will therefore commend its acceptance by the entire House."

* MR. K. VENKATAPPAYYA PANTULU:—"Mr. Speaker, Sir, I heartily support the resolution which has been so ably moved by the Hon. the Premier. The question of Federation for India has been before the country for a long time and it has been discussed threadbare by all shades of opinion. Eminent politicians in the country have declared that the Federation as contemplated in the Government of India Act, 1935, will result in the perpetuation of the subjection of India to the British and the exploitation of Indian resources by them. The composition of the Federation is such that it would bring into it incongruous elements with no community of interest in them. The Federation will consist of autocratic States on one side and self-governing provinces on the other. The princes hold the strings of government too tight in their hands and they are unwilling to introduce responsible government in their States. So long as this state of things continues in the States, any Federation in which the princes form a part will be a handicap to the progress of the nation and to national unity. The representatives of the States will be the nominees of the princes and they will look after the interests of the princes and not of the people of the States. Mr. Langley remarked yesterday that Congressmen, whenever it suits them, would praise the Indian States . . ."

(At this stage, the Hon. Dr. P. Subbarayan and Kumararaja Muthiah Chettiyar of Chettinad were carrying on conversation across the table.)

* MR. SPEAKER:—"Conversations across the table disturb the proceedings of the House and I would request the hon. Members not to carry on such conversations."

MR. K. VENKATAPPAYYA PANTULU:—"Sir, Congressmen are not mere opportunists as Mr. Langley thinks them to be. They know how to appreciate the good and condemn the bad wherever they are found. They are just in their estimate of men and matters. Therefore if at any time Congressmen say that certain States are enlightened they mean that they are more progressive than other States and they do not mean that they have reached that stage of development which fits them for membership in the Federation. As Mr. Langley has observed the test of a scheme is in the working of it. But so long as these incongruous elements are brought together it is not possible to work the scheme.

"Again, Sir, the Federation Scheme set out in the Act reserves all powers relating to essential matters like Defence, Foreign Affairs, Currency and Coinage for the Viceroy and the Governor-General. So long as these powers are so reserved Federation will be a mere sham and

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deserves only to be rejected. As I have already said, Sir, the scheme has been discussed threadbare and any attempt to discuss it further would be like beating a dead snake. With these few words, Sir, I once more heartily support the resolution before the House."

MR. BASHEER AHMED SAYEED:—"Sir, the question before the House is that this House recommends to the Madras Government that the opinion of this House be communicated to His Majesty's Government of Great Britain that it is politically and morally impossible for the people and Government of this province to tolerate the imposition of the scheme of Federation as laid down in the Government of India Act, 1935. It is impossible for the people of India and the people of this province particularly, to tolerate for a moment this scheme of Federation. That is the main theme, Sir.

"Sir, there are no great differences among politicians to-day as to whether the ultimate form of Government for this country should be a Federation or not but the question is which type of Federation and how it is to be brought about. It has always been conceded at least in political theory that each nation has the right to determine its own constitution. But the Federation scheme outlined in the Government of India Act is a direct negation of the right of the people of India to determine their own destiny. Whatever the claim that may be advanced in regard to provincial autonomy that has been granted, still it remains true that all vital matters that affect the national development are kept under the ultimate control of the British nation. Sir, the resolution gives us the reason why we are not able to accept the scheme of Federation envisaged in the Act. It is said that it will provoke forces of conflict in the provinces and in the States. It is a plain fact, Sir, whatever might be the condition in the Indian States of Hyderabad, Mysore, Travancore, Bhopal and Baroda, that they are autocratic governments. The theory of government in the States is far different from that in the provinces. Even if we may not call them backward we cannot deny that there is fundamental difference between their political theories and methods and those in the Governors' provinces, so much so the States and the provinces cannot be brought together in a homogenous unity. The States are far behind the Governors' provinces. They will not have the same vision, breadth of view and outlook and march together with the provinces. Sir, the resolution before the House expresses the hope that the Government of Great Britain will respect the wishes of the people of India and immediately devise means, even for transitional purposes, to set up a Central Government free from the objectionable features of the federal scheme of the Government of India Act. . . . Sir, this is a big concession to the Britisher on account of the disunity that prevails in the country and on account of the fact that Indians are not politically educated and are disarmed. Sir, we do not have absolute control over our internal and external affairs and we have to take into account a third party also. Other nations who have declared

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their independence have not invited a third party to the discussion. Therefore, from that point of view, this resolution is a great concession to the Britisher that he is allowed as a third party to come into our discussions.

12-45 " The right of the Britisher to be an active partisan in the matter
p.m. of settling the destinies of this country is not denied, and that ought
to satisfy the Britisher.

“The other demand is one which the Britisher is bound to concede, and he will concede. But the earlier he concedes, the better it will be to his own interests. The demand made in this resolution is that the Central Government, even if it be for transitional purposes, should be evolved in consultation with the responsible Provincial Governments and national leaders. I do not see any objection can be taken to that demand that even the transitional scheme of the Federation should be settled in consultation with the responsible Provincial Governments and national leaders.

“ Sir, the Hon. the Minister for Public Works appealed to the other provinces where Mussalmans are in a majority that though they do not form a majority of any one party, they should fall into line in this respect. Sir, I do not think there will be any difficulty for the leaders of the Punjab or for the leaders of Bengal or Sind or any other province falling into line with us in this respect; because, if they belong to the Muslim League, as they have pictured themselves to belong, they must know that the Muslim League also has declared itself against this Federation and in favour of complete independence. I do hope, Sir, and nobody need be sceptic about it—that the Unionist Party in the Punjab and the Government party in Bengal will notify the Government of His Majesty that they do not want this Federation and that any scheme of Federation to be brought into existence should be evolved in consultation with their own Governments and the other Provincial Governments. I therefore submit that this resolution is well-conceived and it ought to be supported. After all, if the objectionable features—that is, the idea of a Federation with the Indian States, the very large discriminatory powers vested in the Governor-General regarding external policy, the recruitment to the services by the Secretary of State, the relations between the States and the Crown and such other things which have been strongly protested against—could be removed, then there is no question of the form of Government—call it Federation or a United States or whatever name might be approved by the people of India. I submit, Sir, that this resolution should be accepted by the House unanimously.”

MR. C. P. SUBBAYYA MUDALIYAR:—

“தலைவர் அவர்களே கொஞ்ச நாள்களுக்கு முன்னதாக சமஷ்டி திட்டத்தைப்பற்றி **Constituent Assembly** கூடித்தான் முடிவு செய்யவேண்டுமென்று இதே சபையில் ஒரு தீர்மானம் பாஸ் செய்யப்பட்டிருக்கின்றது. இந்நிலைமையில் இந்த தீர்மானத்தைக் கொண்டுவந்ததிலிருந்து இங்கே பிரசங்கஞ் செய்தவர்களில் சிலர் நாம் ஒருபடி இறங்கிவிட்டதாக நினைக்கின்றார்கள். நேற்றையதினம் பேசின

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ஐரோப்பிய மெம்பர் ஸ்ரீமான் **Langley** அவர்கள் கூட அப்படித்தான் நினைத்தார் என்று என்னுட்கிறேன். ஆனால் தீர்மானத்தைப் பார்க்கும்போது உண்மையாக இந்த தீர்மானத்தின் நிலைமையை பிரிட்டிஷ் ராஜ தந்திரிகள் உணருகின்றார்களென்று நினைக்கிறேன். மற்ற மாகாணத்தின் தீர்மானத்திற்கும் விசுவம் நம்முடைய மாகாணத்தின் பிரதம மந்திரியின் தீர்மானத்திற்கும் மிகவும் வித்தியாசமுண்டு. தற்காலீகமாக சமஷ்டி திட்டம் தயைப்பட்டு விட்டால் என்ன செய்வதென்பதற்கு ஒரு வழி காட்டியிருக்கிறது. நம்முடைய மாகாண மந்திரி அவர்கள் தீர்மானத்தின்மேல் திருத்தத்தைப் பிரேரேபித்து பேசிய பல நண்பர்கள் பெயியிருக்கின்றார்களென்றுதான் நான் நினைக்கின்றேன். தியாகொள்ளாமல் பெயியிருக்கின்றார்களென்றுதான் நான் நினைக்கின்றேன். தியாகம் இன்னதென்று தெரியாமல்கூட பலர் பேசலாம். ஆனால் இந்த தீர்மானத்தான் வெகு சீக்கிரத்தில் இந்தியாவின் பூரண விடுதலைக்கு ஒரு அஸ்திவாரமாக இருக்குமென்று நினைத்துத்தான் நேற்றைய தினம் பேசின ஐரோப்பிய மெம்பர் ஸ்ரீமான் **Langley** அவர்கள் சமீபத்தில் இந்தியாவில் சுற்றுப் பிரயாணம் செய்த **Lord Lothian** அவர்களை சனியன் என்று சொல்லியிருக்கிறார். **Lord Lothian** அவர்கள் வந்ததற்கும் இந்த தீர்மானம் வந்ததற்கும் அனேக சம்பந்தமுண்டு என்று சொன்னார். அதை நமது மாகாண மந்திரி அவர்கள் மறுத்துச் சொல்லிவிட்டார்கள். ஆனால் இங்கிலாந்திலுள்ள பிரிட்டிஷ் ராஜ தந்திரிகள் இந்தியாவுக்கு ஒரு சுதந்திரம் கொடுக்கிறதாயிருந்தாலுங்கூட நம்முடைய நாட்டில் சிலர் கொடுக்கலாகாதென்கூட சொல்லுகிறவர்கள் இருக்கிறார்கள்.

கள்.

“1931-ம் வருஷத்தில் ‘White Paper’ announcement பண்ணினபோது Sir Samuel Hoare அவர்கள் சமஷ்டி முறை தடைப்பட்டு தங்களுடைய கையை விலகி விடும் பட்சத்தில் தாங்கள் இந்தியத் தலைவர்களுடன் கலந்தாலோசனை செய்து அடியோடு மாற்றுவதற்கு மாட்சிமை பொருந்திய மண்னர் பெருமானின் அரசாங்கத்தார் தயார் என்று 1931-ம் வருஷத்தில் ‘வெள்ளைக் கடுகாசியின் (White Paper)’ பதின்மூன்றாவது அங்கத்தில் சொல்லியிருக்கிறார். அதை வைத்துக்கொண்டுதான் இப்பொழுது நம்முடைய மாகாண மந்திரி அவர்கள், அவர்களுடைய கையைக்கொண்டு அவர்கள் கண்ணைக் குத்திப் பார்க்கவேண்டுமென்று நினைத்துத்தான், இந்திய தேசத்தின் அபிப்பிராயத்தை அனுசரிக்க வேண்டுமென்று பிரதம மந்திரி அவர்கள் சொல்லி இருக்கிறார்கள். Sir Samuel Hoare ஒத்துக்கொண்டால் கூட நம்முடைய மாகாண அலெம்பிரியி விருக்கிறவர்கள் ஒருவர் இருவர் எதிர்க்கிறார்கள். 1937-ம் வருஷத்தில் இப்படி ஏற்படுமென்று அவர் (Sir Samuel Hoare) நினைத்திருக்கிறார். இன்றைய தினம் இந்த முட்டுக்கட்டை நிலைமையை ஏற்படுத்திவிட்டோம். ஏழு மாகாணங் களிலிருந்து Federation வேண்டாமென்று சொல்லிவிட்டோம். அதற்கப்புறம் பிரிட்டிஷ் ஏகாதிபத்தியம் திணறி யோசனை செய்து இந்தியாவைக் கலந்து முடிவு செய்யவேண்டுமென்று சொல்லும் நிலைமைக்கு வந்திருக்கிறார்கள். பிரதம மந்திரி அவர்கள் பிரேரணை ரொம்பவும் யோசனை செய்துகொண்டு வந்திருப்பது உண்மை. அர்த்தபுஷ்டியுடன் கூடிய பிரேரணை ஆகையினால் மற்ற திருத்தங்களை எதிர்த்து பிரதம மந்திரி அவர்கள் கொண்டு வந்திருக்கும் இந்த தீர்மானத்தை எதிர்த்துள்ளேன்.”

— RANGAYYA NAYUDU :—

* Mr. G. RANGAYYA NAYUDU:—

* MR. G. RANGAYYA NAIDU. — వేరేపించిన యీ Federation 12-53
 “అక్కడ మహాశయ! నేను మన ప్రభానామాత్యులు వేరేపించిన యీ Federation 12-53
 ప.మ.
 తిరువనంతపురం బలవంతమవుతున్నాయి. ఇది మిక్కిలి ముఖ్యమైన విషయం.
 నమి. ఇప్పుడు నా మిత్రులు సుబ్బయ్య మొదలైనవారు చెప్పినట్లు, వేరేపించిన
 నమి. ఇప్పుడు నా మిత్రులు సుబ్బయ్య మొదలైనవారు చెప్పినట్లు, వేరేపించిన
 నమి. ఇప్పుడు నా మిత్రులు సుబ్బయ్య మొదలైనవారు చెప్పినట్లు, వేరేపించిన
 Marquis of Lothian కొరకారు, యింకా యితర ఆంగ్లేయులు, మన వేరేపించిన
 Federation నిర్మించి మన ముందు సందేశాన్ని పంపిస్తే, జస్టిసు మిత్రులు, మన వేరేపించిన
 మిత్రులు, ప్రజాక్షేమమును కోరవలసిన యీ మనవారు మేకనో, కచ్చనాపల్లి తోడే

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not want to give full details and take up the time of the House. For, representatives of the different political parties have had various opportunities of knowing each other's views on constitutional reforms that are needed for our country. I hope I am right in saying that there is no party, and there is no individual in our country to-day who does not want full responsible government and dominion status for our country. The Government of India Act has been definitely declared to fall much short of the expectation of the Indian, and my party has in no unmistakable terms denounced the Government of India Act as falling much short of our expectations. The Government of India Act would be much better if many of its provisions are not found there. But it has been agreed that we have had several stages of constitutional reform before, and the stage we are now passing through is also an intermediate stage and we do not expect to stay in this stage also for a long time. And also it is not the wish of anybody here to stop the agitation for further reforms. But the question is how far it will be prudent in the interests of the country to reject the Act now before us. It is admitted that there is a considerable volume of opinion in this country that we should give a trial to the scheme of provincial autonomy and also the scheme of Federation as envisaged in the Government of India Act. Men of my way of thinking always have held that whichever party should be lucky at the ballot box should not hesitate to accept office, and though some of us were loud in our statement, the Congress delayed for a period of three months before they agreed to work provincial autonomy. And might I say that nobody is happier than myself to see that the majority party is functioning as the Government of the day. The resolution implies that from the experience gained by the Congress Party during the last few months from working the scheme of provincial autonomy they want Federal Government to be rejected. I ask 'what is that experience?' The Hon. Premier has not told us what that experience is. And I do not know whether he has any reasons at all. I would like to know how far the administration of this province has been hindered and how far it will be hindered by Federation coming into force. We have all been pleased to hear that the present Government is having a nice time with the services and with His Excellency the Governor; knowing His Excellency as I do, he is a great parliamentarian and he has been anxious to co-operate with the Ministry in power. There has not been so far any feeling of rupture between His Excellency the Governor and the Ministry. And the same is perhaps true with the services also. All these things only go to prove my statement, that whichever party is in power it would have no difficulty in carrying on the work of the Government. Some of us who were interested in working the Montford Reforms were able to show that in spite of the dyarchic form of Government, goodwill and harmony prevailed between the Transferred and the Reserved halves. But since another hon. Member has dwelt on this point at some length I do not wish to dilate on it. And even

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with regard to the scheme of provincial autonomy, in spite of its restricted form, we see it has been worked successfully by the Congress Party. Mind you, it has been worked successfully by a party which once condemned it. This is also one good proof against their own statement that Federal Government cannot be worked. I would ask them this question: supposing the Congress had not taken up office and worked provincial autonomy, would they have been able to carry out the Prohibition scheme or the Agriculturists Debt Relief Bill? Madam, all these I say only to show that the scheme of Federation, however defective it may be, does not deserve the treatment that some want to give to it. If their objection to it is mainly on the ground of association with the Indian States, I am afraid the Congress is doing a great disservice to our brethren in the Indian States. Madam, it is a misnomer to say that all the Indian States are not governed properly and that they are backward. The mere fact that in some States the personal rule of the Raja or prince prevails does not mean that the States are not governed properly as to confer any benefit to the people. We are intimately aware of the working of some of the prominent States like Mysore, Hyderabad, Travancore, Cochin and Pudukottah. From all accounts we hear, from reports published in the newspapers and from other like sources about the administration of these Indian States, I can only say that I wish I were a citizen of an Indian State, and I will even go to the extent of saying that life in an Indian State to-day seems much better than what people imagine it to be. I know there is a great awakening among the people of the States, and the administrators and rulers are, I am glad to say, quite alive to the needs of the people and they are moving in the right direction. He is not right when the Premier said that even their budgets are not placed before the Legislature in the Indian States. I think some of the States are governed very well and people have been taken into confidence. If to-day they are not having as much voice in the matter of the day-to-day administration, as this province has, is it not the duty of the people of this province to help them to come up to our level? So by putting off the day of Federation, we would only be putting off the day of provincial autonomy in the Indian States.

"If the objection to Federation is the number of votes that one party can command in the Federal Legislature, I am sorry it is not a sound one. For it is not right to say that the representatives of the Muslim constituencies are not representing the people. However much the Muslim League to-day may denounce the constitution, I would ask the question, whether the Muslim League would agree to any reduction in the number of their seats. I know they will loudly protest. And I already see the Leader of the Muslim League nodding his head in disagreement, and I quite sympathise with him.

"That is not the criterion for deciding the question of fighting the Federation. We have to go into the root of the matter and see whether the Federation as envisaged in the Act is not worth trying

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at least for a few years. My only contention is that the time we waste in discussing whether the Federation should or should not come is really a waste. It would be better if we work Federation for some time and after that, ask for remedying the defects noticed. I feel that all the fears entertained about the collaboration of the representatives of the Indian States in Federation will all prove to be untrue. (At this stage the Deputy Speaker vacated the chair for the Speaker.) I may remind this House that the representatives to be nominated by the States will not in any way be less Indian than ourselves. They will all be nominated it is true, but it is wrong on that ground to assume that all of them from the different States will take a common view of the problems coming up before the legislature. They might differ on many questions. There may be regional or linguistic differences even among them. It is really very unfair to the Rulers of the Indian States and the administrators of the Indian States to say that their representatives will not hold nationalist views. I am hopeful that by taking the Indian States into the Federation we can in a limited time bring the administration of the States also into line with our autonomous provinces and if we do that, the people of the Indian States will be grateful to us. But if we now stand in the way of Federation the subjects of those States will be denied the advantages of autonomy. I also wish to say, Sir, that the administrators of Indian States luckily are persons of a very high order. Some of them in the south are particularly very eminent persons who could easily occupy positions on the Treasury Bench, with credit, in any province or even in the Central Government. With such men administering the States, it is not impossible for us to expect satisfactory forms of democratic government being introduced in the States. I am confident, Sir, that in the course of the next few years it will be possible to have provincial autonomy in the States. Even if my hope does not materialize, what does it matter, Sir, for the working of the Federal system of Government?

"Then, Sir, one word about the collaboration of Indian States referred to by the Hon. the Premier. He said that he would like to have the co-operation of the Indian States for the purpose of defence alone. I would ask him, how it is possible to expect that co-operation for defence in warfare when there is no common policy. It would be impossible to arrange for the co-ordination of war services in the event of war.

"The Hon. the Premier then said that it is not possible to have a combined arrangement for tariffs and customs. I think it would be much easier to arrange about tariffs and customs if we federate with the Indian States. Then there will be less difficulty for trade in the country and the country as a whole will prosper.

"I do not want to go into other details, Sir, except to refer to the supposed reserve powers of the Viceroy which was also one of the points urged against Federation. In this connexion I would like to ask our Ministers whether they had any difficulty with our Governor

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here with reference to his special powers. I have not heard of any, and I make bold to say that they have had no complaint in any direction. I think it is true to say that due to the cordial relations existing between the Ministry on the one hand and the Governor on the other, it has been possible to avoid friction and any interference by the Governor by the use of his special powers. I do believe that when Federation comes into existence it would not be beyond the wisdom of our politicians and of the Viceroy—particularly His Excellency Lord Linlithgow—who is very anxious to inaugurate Federation during his term of Viceroyalty—to combine together and with the good wishes of the Viceroy work the Federation so well as not to make the use of the special powers any more necessary, than the use of the special powers of the Governor in the field of provincial autonomy. With this hope I think we should go forward.

"I was very pleased to hear the leader of the Muslim League in this House when he said that if the Congress party really meant to oppose Federation in the spirit in which they have opposed provincial autonomy in this province, he would not criticise their action. Sir, on the other hand, I would very much like to see that the Congress party takes that attitude and combats Federation by joining in the elections to the Federal Assembly and by working the federal machinery. It will be the very best thing that I would wish them to do. With these few words I oppose the motion before the House."

* THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, before I proceed to reply to the main points urged against the resolution, I want to make it clear on behalf of the Indian National Congress that we have not whittled down our demand for a Constituent Assembly by this resolution. The demand for a Constituent Assembly remains and it is the expression of a people who want to be free, who want to be rulers in their own house, who want to settle the kind of constitution under which this country is to work in the future.

"In the next place, Mr. Speaker, the hon. Gentlemen opposite will understand me, I am sure, when I say that acceptance of office does not mean acceptance of the constitution. Because it was felt by the Congress High Command that the will of the people might be better harnessed for the struggle that is ahead, the Congress decided to accept office, and thus harnesses the large electorate that has been created for this struggle for freedom which the Congress, as well as my hon. Friends opposite know, is ahead still. Sir, I want also to make it clear that what the Congress will do after Federation is introduced is a matter to be decided by the Indian National Congress at its session and not even by this House.

"Mr. Speaker, I was surprised to hear the hon. Member representing the Muslims of the city of Madras saying that Congress is really making a mock attack on Federation. I am afraid he is wrong and I want to correct him. We are obliged to the Muslim

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League for its opposition to Federation. But, may I point out to the hon. Member that the angle from which Federation is viewed by the Indian National Congress and the angle from which the Muslim League views it are fundamentally different?

"The hon. Member for the Planters, said yesterday that the Congress has lowered its demand by this resolution. I am sorry he is not able to be here this morning, but I want to tell him that the Congress demand will never be lowered. The Congress will always stand for what we call Purna Swaraj and till it is achieved the Congress will not rest content.

"We have heard a great deal about the special responsibilities. I want to point out to my hon. Friends opposite that there are other special responsibilities in the Federation part of the Government of India Act which do not find a place in the part of the Act relating to the Provinces. One of the special responsibilities which is vested in the Viceroy is the financial stability of the Federation. If the provinces are capable of looking after the financial stability of the provinces with their resources and with so many services to perform which are in many ways greater than the Central services, I want to know why this very special responsibility is put down? In this connection, I cannot but appreciate the speech which my hon. Friend the representative of the Southern India Chamber of Commerce made this morning. He clearly pointed out that this responsibility is especially put down because our finances are to be linked up with the British finances and the safeguards for British trade are to be exercised by the special responsibilities of financial stability in the Federation.

"Mr. Speaker, I shall deal with the objections to Federation as I see them from the point of view of not only the organization to which I have the honour to belong, but also of the people of this country. In the first place, Lord Lothian himself, after touring the country, has said that he agrees with most of the criticisms made in respect of Federation. He specially referred to the question of indirect elections to the Lower Chamber and direct elections to the Second Chamber. Can you really think of a constitution where the Popular House, Lower House, is to be elected indirectly, and the Upper House which is supposed to be a revising chamber is to be directly elected? This is an anachronism which I am sure even my hon. Friend who has just sat down will agree is a thing which cannot be found in any known constitution of the world. Mr. Speaker, I should like to know whether my hon. Friend opposite knows of any constitution in the world wherein equal powers are vested in both the Chambers even in financial matters? Does this not mean that no power is really being transferred to the people, because the Lower House will not even have the right to say what would be the way in which they are going to raise their finances and spend them for the good of the people of the country?

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"We have heard a great deal about the representatives of the Indian States and we have been told that we need not be shy or afraid of the Indian States' representatives. But, I am afraid I cannot agree to this proposition. How is it possible for persons nominated by autocratic princes to think of the interests of the people of the State? My hon. Friend, the Leader of the Opposition talked of the interests of the people. I will be one with him if the princes to-morrow will make a declaration that their representatives in the Federal Assembly will be elected by a popular franchise. In that case, we should accept the scheme of Federation, because it will be helping the people of the States.

"Now on the other hand whatever may be the intentions of the people of the States, whatever may be their political views and whatever might be the political complexion of the State people, still their representatives that will sit with the representatives of the provinces in the Federal Assembly will be nominated by the autocratic princes and that objection can only be removed when it is agreed that the representatives of the States should be elected by popular franchise. 1-30 p.m.

"Mr. Speaker, we have been always saying that we should have full autonomy and full responsibility in our own country and if you look at the provisions of the Government of India Act, you will find that the most important things with which the country may be concerned have been taken away from the purview of the legislature altogether. Under the present Government of India Act our representatives in the Imperial Legislative Council have got at least the right to speak on the military budget, to discuss problems connected with the military budget, to bring to bear public opinion even on an irresponsible Government with regard to the way in which the army or the naval matters or even the foreign affairs should be managed. But under the new Act that power has been completely taken away. However much you may call the new Federal Government an autonomous Government, it will not be possible for us to have a say in the way in which the army or foreign affairs should be managed in this country. My hon. Friend, the representative of the West-Coast land-holders is never tired of pointing out that we have no army or navy and we have no right to ask for responsible Government. May I reply, 'Is it our fault that we have none of them to-day?' This very Act which is so solicitous about us does not really show us the way or the methods by which that army and navy could be controlled by the national Government so that eventually we will be prepared for any eventualities that might arise.

"I am afraid if the Federation does ever come into being, it will really retard the growth of freedom in this country and all hon. Members who are in favour of this Federation might at once say 'good-bye to freedom.' Mr. Speaker, I am rather suspicious at the anxiety with which the British Government wants to foist Federation in this country. I think this will be only a step to stop the surgings

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of national tide which is unmistakably visible in this country. The British Government feel that by the introduction of this mock Federation they will be able to put a stop to this national feeling. I am afraid they are sadly mistaken because the country is determined to win its freedom in spite of opposition from hon. Members opposite. I would like to ask my hon. Friend, the Leader of the Opposition why this vigorous wooing of the Indian States. Is it because, there is the suspicion they will form essentially a solid block between the vested interests and the really growing democratic feeling in this country? I would like to point out to my hon. Friend, the Leader of the Opposition that these States in my view are an anachronism which have had their use and must soon come to an end, because, if democratic institutions and the will of the people are to prevail, the States must realize that they must be up with the times and must so order their affairs that the representatives of the people of the States will have a voice in the Government of the States just as the representatives of the people of the provinces, have, if even, a small slight voice in the Government of the provinces. This resolution has the interests of peace at heart and it is because the Congress organization does not want the country to be thrown into a turmoil, that they have brought forward this resolution. But, if it cannot be helped, it may be necessary to throw the country into a turmoil and the Congress will not be afraid of it. However, it is to show our determination, our self-respect and that we want to make a treaty on terms acceptable to both parties that this resolution is sponsored. I once again reiterate, Mr. Speaker, it is not because we have in any sense whittled down even by one inch our determination to frame our own constitution that we have brought forward this resolution, but because we want to give the British Government a chance to make peace before it is too late. It is in that spirit, I hope, my hon. Friends both on this side of the House as well as the other side will accept this resolution.

"One word more and I am done and that is in regard to the proposition I have made this morning in connexion with this resolution, viz., the Government have decided not to accept any amendment. I want to point out that Government generally always know what is going to come before the House, because they know the members who are going to oppose the resolution and know well the kind of arguments that will be put forward. If they came to a determination not to accept amendments, they did so knowing full well what would be the kind of arguments that would be put forward and what would be the reasons that would be adduced."

* MR. SPEAKER:—"But that decision of the Government should not be conveyed to the House when the mover of the amendment is on his legs."

THE HON. DR. P. SUBBARAYAN:—"Sir, I do not want to contradict you. Because the hon. Member was saying that if the Prime Minister were to be here probably he would have accepted his amendment, I said the Prime Minister knew exactly what would be

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the reasons that would be put forward for such amendments and therefore it was decided by the Government not to accept the amendments."

The amendment was put and lost.

The resolution was put and carried.

The House then adjourned for lunch to meet again at 2-40 p.m.

After Lunch—(2-40 p.m.)

III.—ELECTION OF A MEMBER TO THE MADRAS AND SOUTHERN MAHRATTA RAILWAY ADVISORY COMMITTEE.

* THE HON. MR. YAKUB HASAN:—"Sir, I move—
'that with reference to G.O. No. 55, Railways, dated the 10th December 1923, this Assembly do recommend to the Government to communicate to the Madras and Southern Mahratta Railway, the name of one person elected by this Assembly to serve on their Advisory Committee for a period of two years commencing from 1st April 1938 and ending with 31st March 1940.'"

"Sir, in this connexion I wish to draw the attention of the House to the communication received from the Council of the Railways that the person so selected should be a representative of rural interests and the travelling public."

The motion was put and carried.

* MR. SPEAKER:—"With reference to the motion made by the Hon. Minister for Public Works which has just now been passed, I may state that nominations should be handed over to the Secretary before 5 p.m. on 2nd February 1938."

IV.—THE MADRAS CITY MUNICIPAL (AMENDMENT) BILL, 1938.

THE HON. MR. B. GOPALA REDDI:—"Mr. Speaker, Sir, I beg to introduce the Madras City Municipal (Amendment) Bill, 1938, and move

'that the Bill be taken into consideration at once.'

"Sir, the Bill relates to the salaries of the officers of the Corporation of Madras. There has been a good deal of correspondence on the subject and this Bill is the result of that correspondence. The Government has brought forward this amending Bill at the specific request of the Corporation. Soon after the last general elections to the Corporation, there was a vacancy of the post of the Revenue Officer of the Corporation. Several resolutions were passed about this vacancy and ultimately in August 1937, Mr. K. Bhashyam, Leader of the Congress Party in the Madras Corporation and an hon. Member of this House, moved a resolution requesting the Government to delete certain portions of Section 81 (a) of the City Municipal Act. The resolution

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2-45 p.m. was also seconded by another hon. Member of this House, Mr. Varadachari. Section 81 (a) fixes the maxima and the minima of the salaries of the officers of the Corporation. I may for the information of the House read the figures.

	Minimum	Maximum.
	RS.	RS.
Health Officer	500	1,200
Engineer	500	1,200
Electrical Engineer	500	1,200
Revenue Officer	500	1,200
Water-works Engineer	400	800
Education Officer	250	800

It was felt that this provision in the section fettered the discretion of the Corporation in fixing the pay of its officers at any figure it thought suitable. This Bill seeks to remove the provision with regard to the minimum salary of these officers and gives power to the Corporation to fix their own salaries subject to the conformation of the Provincial Government. The maximum is kept up but only the minimum is sought to be removed by this Bill. So I hope I will have the leave of the House for the consideration of the Bill. The fact that there is no amendment to this Bill shows perhaps that it will be accepted without any opposition."

MR. J. SIVASHANMUGAM PILLAI:—"Sir, in supporting the Bill I wish to say one or two words. As has been pointed out by the Hon. Minister for Local Administration, section 81 fixes the maximum and minimum of the salaries of . . ."

MR. SPEAKER:—"The hon. Member is going into the details of the Bill."

MR. J. SIVASHANMUGAM PILLAI:—"The section fixes the maxima and minima of the salaries of the Health Officer, Education Officer, the Engineer and the Electrical Engineer. Sub-section (d) fixes . . ."

* MR. SPEAKER:—"Does the hon. Member wants to speak about the details of the Bill at this stage?"

MR. J. SIVASHANMUGAM PILLAI:—"I am going to support the Bill, Sir."

"Sir, Rs. 500 has been fixed as the minimum salary at present for the Health Officer, the Engineer, the Electrical Engineer and the Revenue Officer. Rs. 1,200 has been fixed as the maximum for these officers. Again, Rs. 400 has been fixed as minimum for the Waterworks Engineer and Rs. 800 as the maximum. Rs. 250 has been fixed as the minimum for the Educational Officer and Rs. 800 as the maximum."

"Now, Sir, two posts, viz., those of the Educational Officer and of the Revenue Officer, are vacant. The Electrical Engineer of the Corporation will retire next month and the City Engineer of the Corporation, in all probability, will leave our service next month, as he desires

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to join the Karachi Municipality next month. It is the desire of the Corporation Council to fix a consolidated salary for all these officers. Now that the Ministers themselves are receiving Rs. 500 as their salary, the Corporation Council passed a resolution requesting the Government to delete sub-sections (b), (c) and (d). I hope, Sir, there won't be any objection to it. I request the House to accept the Bill *in toto*."

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

* MR. SPEAKER:—"Since there is no opposition to the Bill and since it is a very non-contentious measure, I do not think it is necessary that the Bill should be put to the vote of the House clause by clause. I shall submit the whole Bill to the vote of the House."

"The question is that the Madras City Municipal (Amendment) Bill, 1938, including all the clauses and the Preamble be approved by the House."

The motion was put and carried.

THE HON. MR. B. GOPALA REDDI:—"Sir, I move—
'that the Bill be passed into law at once.'"

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

V.—THE MADRAS CITY MUNICIPAL, DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) BILL, 1938.

THE HON. MR. B. GOPALA REDDI:—"Sir, I introduce the Madras City Municipal, District Municipalities and Local Boards (Amendment) Bill,* 1938, and move—
'that the Bill be taken into consideration at once.'

"Sir, this Bill relates to franchise for the coming City Municipal, District Municipal and Local Boards elections. The principle of the Bill has been already accepted by the House on the 30th of September 1937 when I requested that power should be given to Government for extending the term of the fifteen councillors of the City Corporation, the term of the chairmen and vice-chairmen of district municipal councils and also the term of the district board members coming under group I, till the 31st of March 1938. When I moved that Bill and it was accepted by the House, I promised that I would be coming forward shortly with a regular franchise Bill, adopting the electoral rolls of the Assembly for the various local board and municipal elections. As I said, the principle of this Bill had been accepted then. Though this Bill appears to be a long one, the clauses can be summed up very briefly. Clauses 2, 3 and 4 of the Bill relate to the adoption of the Assembly rolls for these local bodies clause 2 deals with the Corporation, clause 3 with the district municipalities and clause 4 with the local boards. Clause 5 deals with the distribution of the two labour

* Published in the Fort St. George Gazette Extraordinary, dated 20th January 1938.

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seats in the City Corporation. There are at present two labour constituencies for the City Corporation which are more or less territorial constituencies. As for the Legislative Assembly there are no territorial labour constituencies; it is proposed to distribute these two seats, one to union labour and the other to non-union labour. This principle has been adopted in regard to the Assembly and it is incorporated in clause 5 of this Bill. Clause 6 deals with the fact that the present term of the members who are now holding offices in the various local bodies shall not be affected by the coming into operation of this Act. Clauses 7, 8 and 9 deal with one principle, viz., that whenever the elections are held, the term will cease on the 1st of November 1940, as if the elections were held in the year 1937 (November); clause 7 relates to the Madras Corporation, clause 8 to municipalities and clause 9 to local bodies. The principle underlying all these three clauses is the same. Clause 10 of the Bill deals with the proper terms to be used; at present in regard to the local Legislative Assembly, the word 'Adi-Dravida' or 'Harijan' is not used and the words 'scheduled caste' are used. We now propose to use the same expression in regard to the City Corporation, the municipalities and the local boards. The last clause of the Bill, clause 11, is the enabling clause, on which, in connexion with a Bill like this, we had a big debate. According to it, whenever there is any difficulty experienced in the working of the Bill, the Local Government can frame rules and do anything which appears to be necessary for the purpose of removing the difficulty.

"Sir, in moving this Bill, let me assure the House that in adopting the Assembly electoral rolls for these bodies, we are only extending the franchise a good deal. Hitherto, the local boards and the municipalities' franchise was in a sense restricted and was based on the main principle that people who have property alone shall be entitled to vote. But while we adopt this Assembly principle, we go out a little from the principle that people who pay taxes alone shall be entitled to vote. Democracy, after all, does not depend on these propertied people alone. There are many intelligent people who take a keen interest in affairs of administration, who do not now have but who ought to have a say in regard to municipal and local board affairs; because, whatever a municipality or local board does or does not do, it affects the entire population. For instance, the question of public health which is being dealt with by the local bodies is a very important one, and the intelligent people, people who take a keen interest in it, will not be able to have a say on it. Likewise in regard to rural communications, it is not desirable for propertied people alone to have a voice. So, while we adopt the Assembly rolls, we also give such intelligent people, who may not have much of property or who may not pay taxes, a chance to enrol themselves as voters. Sir, as we all know, the 215 Members of this House have had occasion to deal with these Assembly electoral rolls only a few months back. Last year, by this time, most of us except those who were so fortunate as to be returned unopposed, were dealing with these rolls and were going about from one constituency to another.

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"So, we know what exactly is the Assembly franchise. We know who are entitled to the Assembly franchise, and we are adopting this for our local boards and municipalities. It will save a good deal of correspondence to Government. Further it simplifies the procedure by having one roll for all kinds of elections, i.e., elections to municipalities, elections to local boards and elections to the Assembly. If there are separate rolls for each body, we shall have also to make provision for disposing of claims and objections for each and every electoral roll every time it is revised, once for the municipality, once for the local boards and once for the Assembly. But if you have only one electoral roll for all of them, you have to deal with the claims and objections only once.

"Another advantage also accrues in adopting the Assembly electoral roll for the municipal and local boards elections. Formerly the electoral rolls for the municipalities and local boards were prepared only once in three years. Now, according to the Government of India Act, the electoral roll has to be revised once a year. This annual revision is to the good of the people. For it may be that in one particular year there may be several people who have not attained the age of majority; and if the electoral roll is to be revised only once in three years these people would have to wait for at least three years before they can get a vote. Or it may be some may acquire property in the meanwhile or literacy qualification. This literacy qualification is a great inducement for the rural folk to learn the alphabet, and even now several thousands of people have enrolled themselves as electors.

"Again, women also have got an advantage from this proposal. Formerly only women who had some property in their name used to be included in the electoral roll. Under the literacy test many women come and their number has increased considerably in the electoral roll.

"Besides this, there is another advantage also. If a man has some property, his wife also gets a right to vote. And also if a man has got more than one wife, he has the right to declare as to which wife shall be given the right to vote. (Laughter.) These are all interesting features in the change proposed.

"There are other difficulties also which have been removed. We know how animal-tax and vehicle-tax were abused in municipal elections. Instances have come to the notice of Government that in some municipalities all on a sudden, just before the elections, the number of dogs increases considerably. And one member quite humorously put it 'in the south it is the pigs and in the north the dogs;' similarly also with regard to the cycle-tax and the jutka-tax and also profession-tax. Unregistered leaseholders have been proposed to be declared ineligible for votes. In one particular district, Kistna, they were called lorry votes and bus votes, as they brought people from long distances. Similarly there are many other defects which have been obviated in this amending Bill. So I commend this franchise Bill for the adoption of the House."

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* Mr. J. NUTTAL:—"Mr. Speaker, Sir, before I decide to support this motion of the Hon. Minister for Local Administration I shall be pleased if he will give me further information in regard to the franchise which it is proposed to arrange for one of the seats for Labour. He made a reference to the franchise now proposed as being arranged for municipalities on the same basis as for this Assembly. I would like to point out that for this Assembly there are two Labour Members who are returned on a franchise which is arranged by labour unions. A large section of the territory covered by these labour unions lies outside this city's municipal limits and is therefore very much greater than what should apply to a purely city electorate. We have in the original Act a clause which limits the franchise to those people who are actually resident in the city for a certain period. I refer to section 49 (1) (a), which says that no person shall be included in the electoral roll as qualified to vote at the election for a division unless he has resided in such division for 120 days. Thus we see that before a man can come on to the electoral roll he should definitely have been resident in the City for a certain length of time. We now come to the alteration that is proposed. It says 'persons employed in a railway workshop or textile mills situated in the City, whose names are included in the electoral roll for any trade union labour constituency,' etc. Now I foresee a danger here. If a labour union is asked to produce an electoral roll, or in other words if it is asked to produce a list of its members, will those members necessarily have to live in the city for a certain time? Or will it be left to the union merely to give a list of its members without necessarily finding out where its members reside? There is a further difficulty also. The Bill as amended refers to 'railway workshop or textile mill situated in the city.' I doubt whether there is a railway workshop in the City. But there is one, a very large one at Perambur just outside the City. Is it intended that residents in the City who are employed in that workshop outside the City should be entitled to vote? I am not opposed to the principle of the Assembly electorate being applied to municipalities. I welcome the idea. I consider it very desirable that these unions should be given this additional responsibility. Will the Minister for Local Administration be pleased to throw some light on the points I have raised?"

* Mr. H. S. HUSSAIN:—"Mr. Speaker, Sir, I move—
'that the Bill be referred to a Select Committee.'

"The reason why I move for referring this Bill to a Select Committee is this. The amending Bill which has been introduced makes an attempt to broaden the franchise for election to local bodies on the same lines as the electorate to the Provincial Assembly. Of course when a literacy qualification was adopted for broadening the franchise to the legislature the interest of the minority communities had been sufficiently safeguarded by having separate electorates. In the local bodies I do not mean to say that the principle of separate electorates should be introduced, but what my fear is that in adopting the same electoral rolls in the elections to local bodies on the same basis, joint electorate

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may lead to many complications and we are not quite sure where the minority communities will stand. So in my opinion it is necessary that this amending Bill should be carefully considered and gone into before being passed into law. For this reason I submit that this Bill may be referred to a Select Committee, which might sit for, say, one day, or even half a day, to consider the implications of this amending Bill with regard to the position of the minority communities in the elections to local bodies. Therefore, Sir, I move that this Bill be referred to a Select Committee."

* Mr. K. ABDUR RAHMAN KHAN:—"Mr. Speaker, Sir, I rise to second the motion, and in doing so, I wish to confine myself to one or two things that come uppermost in my mind on this occasion. The Hon. Minister has no doubt pointed out to us the salient features of the Bill which, according to him, will go a long way in widening the franchise in municipalities. But my own fear is that some of the qualifications, for instance the literacy qualification, are not easy to work. The backward communities do not stand to gain by the widening of the franchise. As I consider that some of the questions concerning franchise, etc., can be dealt with better in the Select Committee and put in proper shape in the Bill, I request the Hon. Minister to agree to this motion." 3-15 p.m.

Mr. G. KRISHNAMURTI:—"Sir, I should like to say a few words in connexion with the proposed amendment."

* Mr. SPEAKER:—"We are not going into the details of the Bill. At this stage only general principles of the Bill are discussed."

Mr. G. KRISHNAMURTI:—"What I am going to say relates to the remarks made by Mr. Nuttal with reference to Labour representatives. If you will allow me, Sir, I would speak on the Bill a little later."

* Mr. SPEAKER:—"The hon. Member may go on."

Mr. G. KRISHNAMURTI:—"I welcome the statement made by Mr. Nuttal in regard to the grant of franchise to trade union members. As one representing the biggest single industry in the province, namely, organized labour in the railways, I welcome the first part of the amending clause although it contains as my hon. friend pointed out, certain elementary defects and although the wording is not quite correct. The residential qualification for the voters within the city limits has not been insisted upon."

* Mr. SPEAKER:—"Does the hon. Member suggest any change?"

Mr. G. KRISHNAMURTI:—"I am pointing out the defects."

* Mr. SPEAKER:—"You are making out a case for reference to Select Committee?"

Mr. G. KRISHNAMURTI:—"No, Sir. Mine is only a verbal amendment."

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* MR. SPEAKER:—"You are tabling an amendment?"

* MR. G. KRISHNAMURTI:—"I had an amendment to move, but after I had a talk with the Hon. Minister, I have withdrawn it. Now I am only suggesting a verbal change."

* MR. SPEAKER:—"This is very irregular. If the hon. Member wants to move an amendment, he should do so. But what passed between the Hon. Minister and himself is not a concern of the House."

MR. G. KRISHNAMURTI:—"I am putting forward an amendment."

* MR. SPEAKER:—"Where is the amendment? There is no amendment before the House."

MR. G. KRISHNAMURTI:—"I do not want that the clause should be totally amended, Sir. I wish only to make a suggestion which the Hon. Minister may accept or not."

* MR. SPEAKER:—"There is no amendment before the House at all. If the Hon. Member wanted to table an amendment to any part of the Bill, he could have done so."

MR. G. KRISHNAMURTI:—"I bow to your suggestion, Sir. But what I wanted to say was that the difficulties pointed out by the previous speakers can be remedied without a reference to the Select Committee."

THE HON. MR. B. GOPALA REDDI:—"Sir, I do not think any purpose will be served by referring this Bill to a Select Committee. Nobody can object to the time given, because the principle of the Bill has already been accepted by the House. The two main objections raised by the hon. Mover and Seconder of the motion for reference to the Select Committee can be met thus: They say that they do not know how this Bill is going to affect the minority communities. We have nothing to do with the voters' lists of the general constituencies or of the Christian constituencies. Here we have general electorates where all of them have to vote for the candidates of their choice. We are not concerned with the merits and demerits of joint or separate electorates. The existing arrangement is not touched at all by this amending Bill."

"Then, Sir, may I inform my hon. Friends that the acceptance of the Assembly rolls will not in any way diminish the proportion of the minority communities? They have got a certain proportion fixed and I am sure that that proportion will be maintained. The hon. the Seconder said that he was not quite sanguine about this extension of the franchise. The animal tax and the vehicular tax were being treated as a qualification for vote in the Municipal Bill. Under this amending Bill, by the adoption of the Assembly rolls, that qualification is removed. On this point, I have some figures collected which I will read out for the information of the House. In the Chingleput district, according to the old Act, the voting strength was 1,60,000.

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Now, if this Bill is passed and the Assembly roll is adopted, the voting strength will be 2,53,000—a clear increase of 93,000 voters. Again, in the Tinnevely district, under the old franchise for the entire district, the voting strength was 2,12,000—and under the new arrangement it would be 3,12,000; that is, a clear increase of 1,00,000 voters. The Chingleput Municipality, the Conjeeveram Municipality, the Saidapet Municipality, the Palamcottah Municipality and the Tinnevely Municipality, all show a definite increase in the number of voters under the new arrangement and the increase in some cases amounts to 300 per cent. In the City Municipality also there will be a great increase in the electoral roll. So the minorities are not going to suffer. Their proportion will be maintained. In these circumstances no purpose will be served by referring this Bill to a Select Committee. If there was any direction in which the minorities were adversely affected under the old Bill, that alone will continue and will not be remedied by the present Bill. And I maintain that the old franchise did not affect the minorities in any way. They had their reserved seats in the municipalities, etc. Those seats will be there hereafter also. I oppose the motion for reference to Select Committee."

MR. SPEAKER:—"Does the Hon. Minister think that he has to reply to the points raised by Mr. Nuttall? That may also be finished."

THE HON. MR. B. GOPALA REDDI:—"Yes, as far as I understood him, his point was about the residential qualification. He fears that those labourers who are not within city limits may also be included in the Corporation Electoral Roll. Though that provision is not found in the new Bill that has been introduced just now, under the rules for the preparation of the Assembly Electoral Roll, the residential qualification is there, viz., of a person having resided within city limits for a period of 120 days being entitled to vote. The preparation of electoral rolls for the City Corporation will be governed by the Assembly Franchise Rules. If, according to these rules, a person is included in the electoral roll of the Assembly and he is entitled to vote in the Assembly election, he will be entitled to vote at the municipal election of the city also."

* MR. G. KRISHNAMURTI:—"My complaint is the same as that of Mr. Nuttall. There are some workers who are residing outside the city municipal limits but who are working within the city. If really the Railway Labour Union gets franchise, I do not see any reason why a labourer working outside the municipal limits but who is living within the city limits should not also be given a franchise. The Hon. Minister's reply is not convincing in this matter."

* MR. SPEAKER:—"Is the hon. Member moving an amendment?"

MR. G. KRISHNAMURTI:—"If rules permit, I will move."

* MR. SPEAKER:—"It is not a question of the rules permitting. Every hon. Member is entitled to move amendments. If the hon. Member sends up his amendment, the Chair will consider it."

3-30
p.m.

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Mr. G. KRISHNAMURTI:—"It is only a verbal amendment."

* Mr. SPEAKER:—"It should be sent in writing. Unless the amendment is put forward in writing, it will not be taken notice of."

The amendment was handed in but was not admitted by the Chair. The motion that the Bill be referred to a Select Committee was put and lost.

Then the motion that the Bill be taken into consideration was put and carried and the Bill was taken into consideration.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 were put and carried.

Then clause 1 and the preamble were put and carried.

THE HON. MR. B. GOPALA REDDI:—"I now move—
'that the Bill be passed into law.'

"In moving this motion, I thank hon. Members of this House for passing this Bill into law without any debate. I for myself came prepared for a full dress debate on the question of franchise because the Leader of the Muslim League Party gave notice of an amendment for a liberal franchise and also objected to the principle that people who are included in the Municipal Electoral Roll should not stand for local board elections. In clause 5 of the Bill a new principle has been introduced which has been accepted by the House. Hitherto the principle was that unless a member was included in the voters' list, he could not stand as a candidate. We have been allowing the municipal voters to stand as candidates for district board elections in the neighbouring districts, on the principle that in the Assembly elections also a candidate whose name appears in the Tinnevely electoral roll can stand for the Bellary constituency and a candidate whose name appears in the City Municipal electoral roll can stand for a Bellary or a Kurnool constituency. That principle is accepted because we see that municipal bodies and local boards are complimentary to each other. If the name of a person finds a place in the municipal electoral roll he can stand for district board election but he cannot vote at it. But the *vice versa* will not take effect, and a person whose name appears in the district board electoral roll cannot stand for election to a municipal council.

"I once again thank hon. Members for not moving any amendments. I think my hon. Friend Mr. R. M. Palat also has not taken any trouble about this." (Laughter).

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

MR. SPEAKER:—"It only remains for me to adjourn the House . . ."

AN HON. MEMBER:—"We were told that there was agenda prepared for to-morrow and there would be a meeting to-morrow."

* MR. SPEAKER:—"That is cancelled. I do not want to call this House unnecessarily for to-morrow. The House is now adjourned to meet again on 1st March 1938 at 11 a.m."

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APPENDIX I.

[Vide answer to unstarred question No. 114 asked by Mr. K. Ishwara at the meeting of the Legislative Assembly held on the 1st February 1938, page 621 supra.]

Statement showing the applications for grants for bridge-works received from the South Kanara District Board during 1936-37 and the action taken by Government thereon.

Name of work.	Amount of grant applied for.	Action taken by Government.
	RS.	
1 Reconstruction of the Punjalakatta bridge at mile 27/7 of road No. A-22.	516	The grant applied for has been sanctioned
2 Reconstruction of the culvert at mile 55/4 of road No. A-16.	3,340	Do.
3 Construction of a bridge over the Halkal river at mile 13 of road No. 21.	25,795	Do.
4 Construction of a bridge over Vasrahole at mile 2/8 of road No. 21.	7,841	Do.
5 Construction of an additional vent to the Kalgundi bridge at mile 65/5 of road No. A-16.	2,923	Do.
6 Reconstruction of the culvert at mile 56/5 of road No. A-16.	5,631	Do.
7 Widening and improving the bridge at mile 59/1 of road No. A-16.	772	Do.
8 Construction of a bridge over the Kumara-dhara river at mile 51/8 of road No. 2.	4,358	Do.
9 Reconstructing the culvert at mile 47/4 of road No. A-16.	3,250	Do.
10 Repairs to Mundaji bridge . . .	1,800	A grant of Rs. 1,240 has been sanctioned being the balance of grant due on the basis of the original estimate. The grant admissible according to the original estimate of the work has already been drawn by the District Board. The President has been asked to report whether the revised estimate has been approved by the competent authority.
11 Construction of culverts between Peraji and Sampaji.	6,891	
12 Construction of a bridge over the Dulihole at mile 0/8 of road No. A-16.	4,776	The grant applied for has been sanctioned.
13 Reconstruction of the bridge at mile 6/1 of road No. 1, Batmadaru.	10,000	This work has been included in the seven years' programme to be financed from the Road Development Fund.
14 Construction of a culvert at mile 10/3 of Hosdrug-Panathady road.	15,000	
15 Construction of certain bridges and culverts on the Hosdrug-Panathady road (six items).	85,000	The President was informed that the provision of funds for these works would be considered when funds become available. Four of these items have since been included in the seven years' programme.
16 Construction of a bridge over Paraswami river at mile 52/4 of road No. 3.	1,60,000	This work has not been included in the seven years' programme for want of funds and as the work was considered competing with the railway.
17 Construction of a bridge over Pattiji river at mile 9/6 of road No. 14.	10,000	The work has not been included in the seven years' programme for want of funds.
18 Construction of a bridge over the Matlai river at mile 54/7 of coast road No. 22, South extension.	10,000	Do.
19 Construction of a culvert at mile 54/4 of road No. 22, South.	2,300	Do.
20 Construction of certain culverts across various minor streams at miles 5/7, 6/2 and 6/3 of Kallige-Pellah road (three items).	830	The grant applied for has been sanctioned.
21 Bridge over Halady at mile 17/5 of Someshwar-Koteswar road.	5,000	Do.
22 Bridge across Shivapura river at mile 16/7 of Hariadka-Hebri road.	5,000	Do.

[1st February 1938]

APPENDIX II.

[Vide answer to unstarred question No. 115 asked by Mr. K. V. R. Swami at the meeting of the Legislative Assembly held on the 1st February 1938, page 622 infra.]

Serial number and name of institution.	Nature of vocational training (manual training) given.	Expenditure incurred on the same during 1936-37.			Revenue derived therefrom.	Number of students to whom training was given.
		RS.	A.	P.		
(1)	(2)	(3)	(4)	(5)		
Vizagapatam district—						
1 Government Training School, Chicacole.	Woodwork and mechanical drawing—Elementary hand-work in clay, paper and cardboard.	1,080	0	0	NIL.	186
2 Government Training School, Bimlipatam.	Woodwork and mechanical drawing.	436	0	0	NIL.	184
3 Government Training School, Parvatipur.	Woodwork and kindergarten work.	728	0	0	NIL.	146
East Godavari district—						
4 Government Training School, Rajahmundry.	Cloth-making, tape-making and spinning.	626	12	0	59 14 3	213
5 Government Training School, Amalapur.	Woodwork and mechanical drawing.	778	3	9	NIL.	165
West Godavari District—						
6 Government Training School, Ellore.	Carpet weaving and tape-making.	435	0	0	26 10 6	166
7 Government Training School, Pentapadu.	Cotton weaving and tape-making.	411	12	0	37 14 0	155
Kistna District—						
8 Government Training School, Masulipatam.	Textile printing, dyeing and block making.	923	12	0	67 4 0	128
Guntur district—						
9 Government Secondary Training School, Guntur.	Woodwork	940	6	0	0 13 0	271
10 Government Muhammadan Training School, Guntur.	Do.	1,110	0	0	NIL.	119
11 Government Training School, Ongole.	Weaving	630	0	0	69 9 6	172
12 Government Muhammadan High School, Guntur.	Woodwork	1,065	9	0	NIL.	132
Cuddapah and Anantapur districts—						
13 Government Training School, Anantapur.	Cotton weaving	641	8	0	20 10 9	202
14 Government Training School, Rayachoti.	Do.	493	0	0	33 3 0	193
Bellary district—						
15 Government Secondary Training School, Bellary.	Woodwork, fret work and paper work.	1,038	5	10	NIL.	181 *
16 Government Training School, Hospet.	Woodwork and Mechanical drawing.	560	4	0	NIL.	115
Kurnool district—						
17 Government Training School, Kurnool.	Woodwork and cardboard modelling.	1,054	12	0	NIL.	140
18 Government Muhammadan High School, Kurnool.	Carpet weaving	410	7	6	NIL.	196
Chittoor district—						
19 Government Training School, Chittoor.	Woodwork and Mechanical drawing.	790	12	0	NIL.	185
20 Government Training School, Tirupati.	Woodwork and Mechanical drawing.	743	14	6	NIL.	155
Nellore district—						
21 Government Secondary Training School, Nellore.	Card board modelling wood-work.	1,184	11	0	NIL.	204
Madras district—						
22 Government Training School, Madras.	Woodwork and Mechanical drawing.	1,463	0	0	NIL.	185
23 Government Muhammadan Training School, Madras.	Woodwork	920	0	0	NIL.	58
24 Government Muhammadan High School, Madras.	Do.	746	0	0	NIL.	236
25 Government Central Manual Training Institute, Egmore, Madras.	Mechanical Drawing, wood-work, Rattan work.	2,265	0	0	NIL.	236
Chingleput district—						
26 Government Training School, Chingleput.	Woodwork and Mechanical Drawing.	906	8	0	NIL.	145

* Included 51 pupils of the Government Muhammadan Training School, Bellary.

[1st February 1938]

Serial number and name of institution.	Nature of vocational training (manual training) given.	Expenditure incurred on the same during 1936-37.			Revenue derived therefrom.	Number of students to whom training was given.
		RS.	A.	P.		
(1)	(2)	(3)	(4)	(5)		
South Arcot district—						
27 Government Training School, Villupuram.	Woodwork, Cardboard modelling and Mechanical drawing.	1,159	15	6	NIL.	167
28 Government Training School, Cuddalore.	Woodwork	1,184	0	0	NIL.	152
North Arcot district—						
29 Government Training School, Ranipet.	Woodwork	935	14	6	1 0 0	232
30 Government Muhammadan Training School, Arcot.	Weaving	480	0	0	20 0 0	37
Tanjore district—						
31 Government Secondary Training School, Tanjore.	Woodwork and Mechanical drawing.	1,718	4	0	2 2 0	424
Trichinopoly district—						
32 Government Training School, Trichinopoly.	Weaving	635	0	0	28 0 0	177
Madura district—						
33 Government Training School, Dindigul.	Woodwork and Mechanical drawing, cardboard modelling.	831	8	0	NIL.	316
Ramnad district—						
34 Government Training School, Ramnad.	Weaving	540	6	6	21 1 6	238
Tinnevely district—						
35 Government Training School, Tinnevely.	Woodwork and cardboard work for training students and clay and paper modelling for pupils of the model school.	1,536	0	0	NIL.	293
Coimbatore district—						
36 Government Higher Elementary Training School, Coimbatore.	Weaving	880	0	0	30 13 3	180
Salem district—						
37 Government Training School, Mettur Dam.	Do.	750	0	0	21 0 6	191
Malabar district—						
38 Government Training School, Calicut.	Woodwork	900	0	0	NIL.	345
39 Government Training School, Palghat.	Woodwork and engraving ..	1,000	0	0	NIL.	164
40 Government Training School, Malappuram, with school attached to it.	Rattan work and weaving ..	1,252	0	0	53 0 0	323
41 Government Training School, Cannanore.	Woodwork	558	0	0	NIL.	328
42 Government Training School, Badagara.	Rattan and bamboo work ..	674	0	0	28 0 0	161
South Kanara district—						
43 Government Higher Elementary Training School, Mangalore.	Woodwork and mechanical drawing.	934	0	0	4 12 0	214
44 Teachers' College, Saldapet ..	Woodwork and mechanical drawing, woodcarving and design engraving and design weaving.	6,717	12	1*	99 9 6	496
45 Government Training College, Rajahmundry.	Woodwork	1,812	2	0	31 15 0	307
46 Government College, Mangalore (Secondary Training Department).	Aluminium work Horticulture and carpentry.	864	6	0	16 12 3	151
47 Government College, Coimbatore.	Woodwork	470	0	0	25 10 7	230†
48 Government Brennen College, Tellicherry.	Woodwork and mechanical drawing for High school and Training school classes and cardboard modelling for Forms I to III.	2,031	0	0	NIL.	573
49 Lady Willingdon Training College, Madras.	Woodwork Spinning and weaving, basketry, needlecraft, clay modelling and drawing.	1,003	5	0	NIL.	341
		3,526	11	0	16 2 0	715‡

* This includes Rs. 640 and overseas pay £20 for a month on behalf of the Advisor to Government on Manual Training.
 † 210 Horticulture; 20 Carpentry.
 ‡ 643 girls and 72 boys.

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