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PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

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

Vol. LXXVIII, Nos. 1 to 12.

TABLE OF CONTENTS

Tuesday, the 29th October 1935.

	PAGES
Personnel of the Government of Madras	1-10
Members present	11-12
I Condolence motion <i>re</i> the death of Mr. R. Boulkes	12-16
II Questions and Answers	16-57, 104-116
III Adjournment motion <i>re</i> reconstitution of Guntur District Educational Council	57-59
IV Adjournment motion <i>re</i> imprisonment for non-payment of land revenue in South Kanara	59-61, 90-102
V Acts assented to by His Excellency the Governor	61
VI Election of a member to the Court of Indian Institute of Science, Bangalore	61
VII Demands for supplementary grants for 1935-36—	
(1) Grant VI—Irrigation (excluding Cauvery-Mettur Project)—Reserved	62-70, 116-120
(2) Grant XI—Ministers, Civil Secretariats and Miscellaneous—Transferred	70, 120-121
(3) Grant X—IX—Civil Works—Works—Reserved and Transferred	71-72, 121-123
(4) Grant XXXII—Famine relief—Reserved	72-75, 123-124
VIII A Bill for the imposition and levy of licence fees on the sale of tobacco in the Presidency of Madras (Bill No. 17 of 1935)	75-90, 124
IX Papers laid on the table of the House	193, 125-132

Wednesday, the 30th October 1935.

Members present	133
I Questions and Answers	134-166, 218-231
II Election of a member to the Court of the Indian Institute of Science, Bangalore	166
III A Bill for the imposition and levy of licence fees on the sale of tobacco in the Presidency of Madras (Bill No. 17 of 1935)— <i>cont.</i>	166-216
IV Papers laid on the table of the House	217

Thursday, the 31st October 1935.

Members present	233
I Questions and Answers	234-269, 322-330
II A Bill to provide for the levy of a tax on certain forms of betting in the Presidency of Madras (Bill No. 20 of 1935)	269-281
III The Madras Public Service Commission Bill (Bill No. 19 of 1935)	281-303
IV A Bill further to amend the Madras Irrigation Cess Act, 1865, and the Madras Land Encroachment Act, 1905, for certain purposes (Bill No. 16 of 1935)	303-308
V A Bill further to amend the Indian Registration Act, 1908, in its application to the Presidency of Madras for a certain purpose (Bill No. 18 of 1935)	308-309
VI Motion <i>re</i> Second Report of the Madras Delimitation Committee	309-321
VII Papers laid on the table of the House	321

CONTENTS

PAGES

Friday, the 1st November 1935.

Members present	331-332
I Questions and Answers	332-361, 409-426
II Statement <i>re</i> a Bill further to amend the Madras Estates Land (Amendment) Act, 1934	361
III The Madras Tobacco Bill—Appointment of a Chairman of the Select Committee	361
IV Motion <i>re</i> Second Report of the Madras Delimitation Committee— <i>cont.</i>	362-399, 400-408
V Announcement <i>re</i> non-official item of business next day	400

Saturday, the 2nd November 1935.

Members present	427-428
I Swearing in of new Members	428
II Questions and Answers	428-451, 503-509

Non-official business.

III A Bill to amend the Madras Estates Land Act, 1908 (Bill No. 2 of 1935)	451-453
IV Motion <i>re</i> Second Report of the Madras Delimitation Committee— <i>cont.</i>	453-494
IV-A A Bill to amend the Madras Estates Land Act, 1908 (Bill No. 2 of 1935)—Appointment of Chairman of Select Committee	458
V The Madras Forest (Amendment) Bill (Bill No. 22 of 1935)	494-497
VI The Madras Co-operative Societies (Amendment) Bill (Bill No. 21 of 1935)	497-499
VII Resolution <i>re</i> guarantee in respect of debentures issued by the Central Land Mortgage Bank	499-502

Monday, the 4th November 1935.

Members present	511-512
I Questions and Answers	512-519
II Resolution <i>re</i> guarantee in respect of debentures issued by Central Land Mortgage Bank— <i>cont.</i>	519-520
III A Bill to amend the Madras City Municipal Act, 1919, for certain purposes (Bill No. 11 of 1934)	521-574
IV The Madras Public Service Commission Bill (Bill No. 19 of 1935)—Appointment of Chairman of the Select Committee	575

Tuesday, the 5th November 1935.

Members present	577-578
I Questions and Answers	578-603, 669-738
II Adjournment motion <i>re</i> alleged Government interference in district board elections in West Godavari	603-604, 641-668

Non-official business.

II-A Motion to postpone certain items in the Agenda	604-605
III Amendment to Standing Order No. 5 (b) (5)	605
IV The Madras Debt Conciliation Bill (Bill No. 9 of 1934)	606-640, 739-754
V The Madras Forest (Amendment) Bill—Appointment of Chairman of the Select Committee	641

Wednesday, the 6th November 1935.

Members present	755-756
I Questions and Answers	756-767, 823
II Adjournment motion <i>re</i> extension of term of office of members of certain district boards	767
III Announcement <i>re</i> nomination of members to the Select Committee on the amendment to Standing Order No. 5 (b) (5)	768
IV A Bill to amend the Madras Estates Land (Amendment) Act, 1934, for a certain purpose (Bill No. 23 of 1935)	768-769
V A Bill to amend the Madras City Municipal Act, 1919, for certain purposes (Bill No. 11 of 1934)— <i>cont.</i>	769-822
VI Paper laid on the table of the House	822

CONTENTS

iii

PAGES

Thursday, the 7th November 1935.

Members present	825-826
I Questions and Answers	826-829
II A Bill to amend the Madras City Municipal Act, 1919, for certain purposes (Bill No. 11 of 1934)— <i>cont.</i>	830-883

Friday, the 8th November 1935.

Members present	885-886
I Questions and Answers	886-904, 948-951
II Resolution <i>re</i> guarantee in respect of debentures issued by the Central Land Mortgage Bank— <i>cont.</i>	904-924
III A Bill to amend the Madras City Municipal Act, 1919, for certain purposes (Bill No. 11 of 1934)— <i>cont.</i>	924-947

Saturday, the 9th November 1935.

Members present	953-954
I Questions and Answers	954-964, 1022
II Motion under Standing Order No. 4 <i>re</i> answer to question No. 513	965

Non-official business.

III A Bill to amend the Madras Estates Land Act, 1908 (Bill No. 2 of 1935)	965-968
IV The Madras Debt Conciliation Bill (Bill No. 9 of 1934)— <i>cont.</i>	968-1020
V Announcement <i>re</i> Select Committee on amendment to Standing Order No. 5 (b) (5)	1021

Monday, the 11th November 1935.

Members present	1023
I Questions and Answers	1024-1034, 1087
II Act assented to by His Excellency the Governor	1034
III A Bill to amend the Madras City Municipal Act, 1919, for certain purposes (Bill No. 11 of 1934)— <i>cont.</i>	1035-1086

INDEX TO THE PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

SIXTH SESSION OF THE FOURTH LEGISLATIVE COUNCIL

*29th to 31st October, 1st, 2nd, 4th to 9th and
11th November 1935*

Volume LXXVIII

Nos. 1 to 12.

PAGES

A

Abdul Hameed Khan, Mr.—

Bills—

City Municipal Act, Bill to amend the Madras	..	..	..	..	1041, 1048
Tobacco Bill, the Madras —	..	..	..	..	172-175

Abkari sales—

Question <i>re</i> delay in the acceptance or rejection of bids at —	..	..	..	..	56
--	----	----	----	----	----

Acts assented to by His Excellency the Governor—

Agriculturist's Loans (Madras Amendment) Act, 1935	..	..	..	..	61
Betting Tax Act, 1935	..	..	..	..	1034
Co-operative Land Mortgage Banks (Amendment) Act, 1935	..	..	..	..	61
Debtors' Protection (Amendment) Act, 1935	..	..	..	..	61
District Municipalities (Amendment) Act, 1935	..	..	..	..	61
Madras City Municipal (Amendment) Act, 1935	..	..	..	..	61
Medical Registration (Amendment) Act, 1935	..	..	..	..	61
Prevention of Adulteration (Amendment) Act, 1935	..	..	..	..	61
Village Courts (Amendment) Act, 1935	..	..	..	..	61

Acting clerks—

Question <i>re</i> — in Collectors' offices	..	..	..	..	761-762
---	----	----	----	----	---------

Adisesayya, Mr.—

Question <i>re</i> misconduct of —	..	..	..	..	146
------------------------------------	----	----	----	----	-----

Adjournment motions *re*—

District boards, extension of term of office of members of certain	..	..	..	..	767
Guntur District Educational Council, reconstitution of the	..	..	..	..	57-59
Land revenue, imprisonment for non-payment of, in South	..	..	..	..	59-61, 90-102
Kanara	..	..	..	..	603-604, 641-668
West Godavari District Board elections, alleged Government interference	..	..	..	..	603-604, 641-668
in	..	..	..	..	603-604, 641-668

Age-limit—

See Gazetted posts.

Agenda—

Motion <i>re</i> postponement of certain items on the —	..	..	..	..	604-605, 965
---	----	----	----	----	--------------

Agricultural department—

Question <i>re</i> scheme for village investigation by the —	..	..	..	..	137-138, 139
--	----	----	----	----	--------------

Agricultural Improvements Loans Act—

Question <i>re</i> form of application, alteration under the —	..	..	..	..	31-32
„ instalments, recovery under the —	..	..	..	..	32-33

Agricultural indebtedness—

Question <i>re</i> Special Officer's Report—Omission of appendices in the report.	..	..	..	..	234
---	----	----	----	----	-----

A—cont.		PAGES
Agricultural upper subordinates—		
Question re preference to candidates from professional agricultural communities for appointment as —		45-46
Agriculturists' Loans (Amendment) Act, 1935 —		
Question re operation of —		246-248
Agriculturists' Loans (Madras Amendment) Act, 1935 —		
Governor's assent to —		61
Agricultural Research Council —		
Question re research schemes financed by —		595-596
Ahmed Meeran, Mr. K. —		
Bill—City Municipal Act, Bill to amend the Madras —		858
Alamelumangathayaramma, Mrs. K. —		
Bill—City Municipal Act, 1919, Bill to amend the Madras —	540, 863, 1043	
Motion re Madras Delimitation Committee, Second Report of the —		491
Anantapur district—		
Question re licence fees on motor vehicles in —		345
„ „ loans to ryots in —		352-353
Anti-malarial grants—		
Question re —		337-338
Appadurai Pillai, Diwan Bahadur A. —		
Bills—		
City Municipal Act, Bill to amend the Madras —	531-537, 539, 561-563, 565, 861-862, 861-865, 869, 872, 927, 929-931, 938-939, 1041-1043, 1045, 1049, 1050-1051, 1054, 1067	
Debt Conciliation Bill, the Madras —		618-619
Resolution re Central Land Mortgage Bank debentures —		500
Arasu, Mr. V. T. —		
Bills—		
City Municipal Act, 1919, Bill to amend the Madras —	523, 546-548, 553-554, 772-774, 777-778, 781, 784, 791-792, 830-831, 837, 1039, 1044-1046, 1052-1053, 1058, 1070	
Debt Conciliation Bill, the Madras —		636-637
Tobacco Bill, the Madras —		188-193
See Questions and Answers.		
Assignment of lands—		
Question re in Valliyur village —		1028-1029
„ „ — on the Kadiri Hill, South Kanara —		351-352
Attayampatti—		
Question re punitive police at —		355-357
Ayurvedic dispensaries—		
Question re employees in Kurnool —		332-333
B		
Badathalav tank—irrigation—		
Question re —		899
“Bhagavan Yesukrista” —		
Question re order under section 144 Criminal Procedure Code, on the Nataka Company staging the —		516
Basheer Ahmed Sayeed, Mr. —		
Bills—		
City Municipal Act, 1919, Bill to amend the Madras —	795-796, 803, 882-883, 924-925, 926, 927-928, 935, 943-944, 945, 1053-1054, 1055	
Debt Conciliation Bill, the Madras —		1014
Public Service Commission Bill, the Madras —		284-292, 293
Motion re Madras Delimitation Committee, Second Report of the —		312, 375-381, 455, 456, 467

B—cont.

Basu Dev, Mr. C.—		
Bills—		
City Municipal Act, 1919, Bill to amend the Madras —	524, 525, 527-528, 529-530, 545-546, 549-550, 551, 554, 555, 561, 778, 781-782, 789, 792, 793, 794, 799-801, 802, 806, 815, 837, 838, 843, 847-848, 849, 851, 852, 873-874, 878-879, 931, 1052, 1065, 1066, 1069-1070, 1079	
Debt Conciliation Bill, the Madras —		607, 631, 990-991, 999
Tobacco Bill, the Madras —		198-200
Motions re—		
Agenda, postponement of certain items on the —		604, 605, 968
Madras Delimitation Committee, Second Report of the —		483-485
Resolution re Central Land Mortgage Bank, debentures issued by —		519-520, 905-907
Bellary—		
Question re loans to ryots in —		352-353
Betting Tax Act, 1935—		
Act assented to by His Excellency the Governor —		1034
Betting Tax Bill—		
See Bills.		
Boyahani Sahib Bahadur, S. M. K.—		
See Questions and Answers.		
Bills—		
Betting Tax Bill —		269-280
Introduced and considered —		280-281
Passed into law —		521-574
City Municipal Act, 1919, Bill to amend the (No. 11 of 1934) considered, —	769-822, 830-883, 924-947, 1035-1036	
Co-operative Societies (Amendment) Bill, the Madras—		497
Introduced —		497-498
Considered —		499
Passed into law —		
Debt Conciliation Bill, the Madras —		606-640, 968-1020
Taken into consideration —		
Estates Land (Amendment) Bill (No. 2 of 1935)—		451-453
Introduced —		965
Motion to take into consideration —		966-968
Recommitted to Select Committee —		
Forest (Amendment) Bill—		641
Chairman of Select Committee appointed —		
Estates Land (Amendment) Act, 1934, Bill to amend the (No. 23 of 1935)—		768-769
Introduced, considered and passed into law —		
Forest Act, the Madras, Bill further to amend—		494
Introduced —		494-497
Referred to Select Committee —		
Indian Registration Act, Bill further to amend the (in its application to the Presidency of Madras)—		308
Introduced —		309
Considered and passed into law —		
Irrigation Cess Act and Land Encroachment Act, Bill further to amend the Madras—		303
Introduced —		304-307
Motion for circulation—lost —		307-308
Considered and passed into law —		
Madras Public Service Commission Bill—		575
Appointment of Chairman of Select Committee —		
Public Service Commission Bill, the Madras—		281-4
Introduced —		284-303
Referred to Select Committee —		
Tobacco Bill, the Madras—		
Bill introduced and referred to Select Committee —		75-90, 166-216

	PAGES
B—cont.	
Board High School, Edapadi—	
Question <i>re</i> opening of V Form, refusal of sanction for —	144-145
Board of Revenue—	
Question <i>re</i> Special Officer of the —	1029
Board secondary schools—	
Question <i>re</i> building grants for —	757-758
Boats—	
<i>See</i> Buckingham Canal.	
Bracken, The Hon. Mr. G. T. H. —	
Bill—Tobacco Bill, the Madras	80-83, 169, 170
Motion <i>re</i> Madras Delimitation Committee, Second Report of the	309-311, 387, 464, 492-493, 494
Broadcasting Service—	
Question <i>re</i> establishment of a — in the Province	34-35
Buses—	
Question <i>re</i> uniform policy <i>re</i> —	432
Buttermilk—	
<i>See</i> Prisoners.	
Buckingham Canal—	
Question <i>re</i> boats plying in the —	964
„ collection of penal fees from boat arrears	904
C	
‘C’ class prisoners in Vellore Jail —	
Question <i>re</i> —	583
Cannanore Jail—	
Question <i>re</i> death of a prisoner in the —	19-20
Cauvery Delta system—	
Question <i>re</i> interest on capital outlay on the —	898-899
Ceded districts—	
Question <i>re</i> expenditure on relief works in the —	56
„ promotion of clerks as sub-registrars in the —	601
Central Land Mortgage Bank—	
Resolution <i>re</i> debentures issued by —	519-520, 904-924
Champion scheme—	
Question <i>re</i> —	756-757
Chepad project—	
Question <i>re</i> insufficiency of sluices in the —	153
Chillies—	
Question <i>re</i> legislation <i>re</i> —	432
Cinema companies—	
Question <i>re</i> —	583
City Civil Court—	
Question <i>re</i> appointment of an additional judge to the — Madras	161-162
City Municipal Act, 1919, Bill to amend the Madras—	
<i>See</i> Bills.	
Civil courts—	
Question <i>re</i> electrification of—in Salem	265-266
Civil Judicial Department—	
Question <i>re</i> age-limit for admission into the —	161
Question <i>re</i> selection of candidates for appointments to the —	161
Civil Works—Works—	
Demand for supplementary grant <i>re</i> (new buildings for Headquarters Hospital, Cocanada)	71-72

	PAGES
C—cont.	
Clerks—	
Question <i>re</i> appointment, etc., of — in the Revenue Department	956-957
Cocanada Conspiracy case prisoner—	
<i>See</i> Narasimbachari.	
Cocanada Headquarters hospital—	
Demand for supplementary grant <i>re</i> new buildings for	71-72
Coconut trees—	
Question <i>re</i> damage to — by the leaf pest	48-49
Coimbatore cement—	
Question <i>re</i> —	343-344
Commissioner—	
Question <i>re</i> — to Vizagapatam Municipality	257-258
Communal representation—	
Question <i>re</i> — in the cadre of Assistant Panchayat Officers	255
Compulsory education —	
Question <i>re</i> modified form of —	602
Condolence motion <i>re</i> —	
Foulkes, the late Mr. R.	12-16
Conferences—	
Question <i>re</i> — of Co-operative Deputy Registrars	260
Coonoor Municipality. —	
Question <i>re</i> improvements to the water-works of the	43-44
Co-operation —	
Question <i>re</i> instruction in the knowledge of —	513
Co-operative banks—	
Question <i>re</i> decrease in transactions of —	1027-1028
Co-operative Deputy Registrars—	
Question <i>re</i> conferences of —	206
Co-operative Land Mortgage Banks (Amendment) Act, 1935—	
Governor's assent to —	61
Co-operative societies —	
Question <i>re</i> arrears due to — in North Arcot	341-342
„ balance sheets of —	1025-1026
„ control of —	261-262
„ functions of the Registrar, etc., of —	1025
„ rectification of —	261
Co-operative Societies (Amendment) Bill, the Madras—	
<i>See</i> Bills.	
Co-operative Unions—	
Question <i>re</i> working of the —	1026
Cotton Pest Act—	
Question <i>re</i> — in Pollachi taluk	259-260
„ operation of — in Pollachi taluk	340-341
Criminal Tribes Act—	
Question <i>re</i> application of the — to the Padayachis of South Arcot	159-160
Curator —	
Question <i>re</i> qualifications of —	345-346
Cycle tax —	
Question <i>re</i> Palamcottah Municipality's resolution <i>re</i> —	436-438
„ representation for the abolition of — in municipal areas	145-146
„ Tinnevely Municipality's resolution <i>re</i> —	436-438

D

Daniel Thomas	
Motion <i>re</i> Madras Delimitation Committee, Second report of the	474-480
Darkhast assignment—	
Question <i>re</i> — and civil resisters	762
Davis, Mr. J. A. —	
Bill—Tobacco Bill, the Madras	185-186
Condolence motion <i>re</i> Foulkes, the late Mr. R.	14-15
Debentures of the Central Land Mortgage Bank —	
See Resolution.	
Debt Conciliation Bill—	
See Bills.	
Debtors' Protection (Amendment) Act—	
Governor's assent to —	61
Delimitation Committee—	
Question <i>re</i> discussion of proposals of the — in the Council	251
Delta systems—	
Question <i>re</i> interest on capital outlay on the Kistna and Godavari	954-955
Demands for supplementary grants <i>re</i> —	
Civil Works (new buildings for Headquarters Hospital, Cocanada)	71-72
Famine Relief	72-75
Irrigation (excavation of certain channels in the Godavari Western Delta).	62-70
Ministers, Civil Secretariats, etc. (election expenses in panchayats)	70
Dependants of sepoys—	
See Educational concessions.	
Depressed class members—	
Question <i>re</i> appointment of — as panchayat officers	253-254
Depressed class subordinates—	
Question <i>re</i> — in Civil Courts in Tinnevely	1031-1032
Depressed classes—	
See District Munsifs.	
Depressed Classes Co-operators' Federation—	
Question <i>re</i> reasons for refusing the registration of the	49-50, 51-52
Deputy Inspectors of Schools—	
Question <i>re</i> promotion of non-Graduates as senior—	601
Devadasan, Mr. M.—	
Bills—	
City Municipal Act, 1919, Bill to amend the Madras	533-534, 541-542, 550, 563, 794, 833-834, 846-847, 870-871, 933
Debt Conciliation Bill, the Madras	624-625, 628, 637, 971, 973-974, 994
Public Service Commission Bill, the Madras	300-302
See Questions and answers.	
Devanayagayya, Mr.—	
Question <i>re</i> classification of — as 'C' class prisoner	22
„ classification of — resolution passed by the public of Tinnevely.	240
Dharmalingam Pillai, Rao Sahib V.—	
See Questions and answers.	
Director of Public Instruction —	
Question <i>re</i> rules made by the — <i>re</i> percentage of promotions in high schools	54
District and Assistant Surgeons—	
Question <i>re</i> representation of depressed classes in the cadre of —	134-135
District board elections—	
Question <i>re</i> voters' lists	573-574
District board electoral divisions	438-439
Question <i>re</i> South Arcot —	
District board reserved seats —	
Question <i>re</i> — in South Arcot	410-411

D—cont.

District board secretaries—	
Question <i>re</i> delegation of powers to —	513-514
District boards—	
Adjournment motion <i>re</i> extension of term of office of members of certain —	767
Question <i>re</i> Boards proposed for bifurcation during the year 1936	37
„ allotment of funds to — from Road Development Fund	142-143
„ programme of bifurcation of —	435
„ special grants to — to undertake works of public utility	141-142
District Boards of Bobbili and Vizagapatam—	
Question <i>re</i> nominations to —	895-896
District Boards of Guntur and Ganjam—	
Question <i>re</i> —	594-595
District Educational Council—	
Question <i>re</i> memorandum from the Salem —	444-445
District Educational Officer, Malabar—	
Question <i>re</i> participation of students in civil disobedience movement	888-890
District Educational Officer—	
Question <i>re</i> promotion of Indian Christians in Telugu area as —	53
District Forest Officer —	
Question <i>re</i> irregularity on the part of the — in the Udumalai forest range bribery case	238-240
District Judges—	
Question <i>re</i> recommendation of Law Commission <i>re</i> —	249
„ vacancies in the cadre of —	1030-1031
District Municipalities (Amendment) Act—	
Governor's assent to —	61
District Munsifs—	
Question <i>re</i> depressed class members as —	572-579
See Jains.	
Doraisingam, Mr. D.—	
Question <i>re</i> death of —	21

E

Edappadi—	
Question <i>re</i> electrification of — in Salem district	236-237
Educational and Commercial Institutions—	
Question <i>re</i> number of students eastward in —	893
Educational concessions—	
Question <i>re</i> — granted to the dependants of sepoys	54-55
Educational scholarships—	
See Labour Department.	
Elampillai village —	
Question <i>re</i> representation by the residents of — for opening a Sub-Registrar's office	139
Elections—	
Question <i>re</i> Provincial Legislatures	251
Electric pumps—	
Question <i>re</i> agricultural pumping, rate per unit —	902-904
Electricity—	
Question <i>re</i> consumption in Erode and Salem	234-235
See Palar basin.	
Electricity department—	
Question <i>re</i> Administration report—	580
Electricity licences—	
Question <i>re</i> conditions in the —	518-519

	PAGES
E—cont.	
Electrification—	
Question re — of Kodumudi, Coimbatore district	359
" — of Tiruchengode, Salem district	358-359
" scheme for — of Edappadi	236-237
" scheme for — of Musiri, Turaiyur, Namakkal and Rasipur	237
" scheme for — of Sankari	235-236
" scheme for — of Tiruchengodu	235
Elementary school teachers—	
Question re cut in salaries of —	896
Elementary schools—	
Question re collection of fees —	759-760
Elementary schools—	
Question re inspection by District Educational Officers	602-603
Ellappa Chettiyar, Diwan Bahadur S. —	
See Questions and Answers.	
Erode—	
Question re consumption of electricity in —	234-235
Estates Land Act, 1908—	
Question re fee for transmission of notice of transfer to the landholder	245
" Legislation to fix rents under the —	433
" notice of transfer, fee for transmission to landholder under the —	245
Estates Land Act, 1908, the Madras —	
Bill to amend the — (Mr. Patnaik's Bill) Referred to Select Committee	451-453
Estates Land (Amendment) Act, 1934—	
Hon. Revenue Member's statement re	
Protection from ejectment, Bill further to amend the	361
See Bills.	
Excise department—	
Question re promotions in the —, Nellore	1024
" recruitment to the —	512
Ex-taluk board servants—	
Question re recovery of leave salaries from —	41-42
F	
Famine areas—	
Question re relief of distress, grant of loans in —	33
Famine Code—	
Question re application for aid under — by the ryots of Anantapur district	118
Famine conditions—	
Question re prevalence of — in Rayachoti taluk	147-148
Famine relief—	
Demand for supplementary grant for —	72-75
Ferry farms—	
See Mettur dam.	
Finance Committee—	
Proceedings of the — dated 15th July 1935	103
Finance Committee proceedings—	
See Papers laid on the table.	
Fisheries department—	
Question re personnel of —	597
Forest Act, Bill further to amend the Madras—	
See Bills.	
Forest department—	
Question re Indian Christians, appointment to the —	
" communal representation among non-gazetted subordinates, of the —	164
	164

	PAGES
F—cont.	
Foulkes, Mr. R.—	
Condolence motion re the late —	12-16
Fruit cultivation—	
Question re — in the Presidency	338-340
Fruit research farm—	
Question re provision of finance for the — at Anantarakupet	46
G	
Gadag Dattatriya Nataka Company —	
See "Bhagavan Yosukrista."	
Gazetted posts	
Question re raising the age-limit of minority communities for recruitment to —	515-516
Girls' High School, Salem —	
Question re shifting of the	446-447
Gopalaswami Mudaliyar, Diwan Bahadur M. —	
Bills —	
City Municipal Act, Bill to amend the Madras	941
See Questions and Answers.	
Government College, Mangalore—	
Question re strike in	886-887
Government School of Technology —	
Question re appointments in the —	343
Government Training Colleges—	
Question re candidates from Ceded districts	891-892
Grants from the Government of India—	
Question re	592-593
Grants to District Boards—	
Question re — for bridges	827
Grazing fees —	
Question re principles guiding the prescription of —	165
Guntur district—	
Question re cholera in —	828-829
Guntur District Educational Council—	
Adjournment motion re reconstitution of the —	57-59
H	
Health propaganda work—	
See Non-official bodies.	
Health visitors —	
Question re appointment of — by local boards and municipalities	336-337
" Training school for — maintained by Indian Red Cross Society.	333-335
Hindu-Muslim tension —	
Question re — at Kandukur	449-450
Hindu Religious Endowments Board—	
Question re appointment of commissioner to the — from outside the list of the Selection Committee	42-43
Hindu temple—	
Question re conversion of a —	517-518
Honorary Physicians—	
Question re appointment of — in the General Hospital	135-136
Hydro-electric works—	
Question re interruption of — at Mettur	357-358

	PAGES
I	
Indian Christians—	
Question <i>re</i> appointment of — as panchayat officers	253 254
Indian Institute of Science—	
Announcement <i>re</i> —	
Election of a member to the Court of the	61, 166
Indian Registration Act, Bill further to amend the (in its application to the Presidency of Madras)—	
<i>See Bills.</i>	
Industries department—	
Question <i>re</i> award of scholarships by —	263 264
Insolvency notices—	
Question <i>re</i> reduction of charges for the publication of,	24
Inspector of Industrial schools—	
Question <i>re</i> —	803
Irrigation Cess Act—	
Question <i>re</i> appeals under —	591
Irrigation Cess Act and Land Encroachment Act—Bill further to amend the Madras —	
<i>See Bills.</i>	
Irrigation (excluding Cauvery-Mettur Project) —	
Demand for supplementary grant <i>re</i> —	62 70
Irrigation facilities—	
Question <i>re</i> — in South Kanara	348 349
Irrigation panchayats	
Un-official note <i>re</i> formation of —	103, 131-132
Irrigation sources—	
Question <i>re</i> Improvement of — in Malabar and South Kanara	240-242
Irrigation works—	
Question <i>re</i> appropriation to — of the grant of Government of India for village works	149 150

J

Jain community—	
Question <i>re</i> representation of the — in public services	250
Jains—	
Question <i>re</i> — in the cadre of District Munsifs	1030
Javad Hussain Khan Sahib Bahadur, Khan Bahadur—	
Bill—City Municipal Act, Bill to amend the Madras	780, 840, 870, 1047 - 1048, 1060, 1065
Jayaram Nayudu, Rao Sahib C.—	
<i>See Questions and Answers.</i>	
Jurors and assessors—	
Question <i>re</i> batta and daily allowances payable to —	162

K

Kadiri Hill—	
Question <i>re</i> assignment of lands on —, South Kanara	351-352
" cart tracks to —	248
" providing for a church and cemetery on —	248-249
Kalayya Chetti, Mr.—	
Question <i>re</i> solitary confinement of —	22
Kalingarayan channel—	
Question <i>re</i> user of water in the —	584-585
Kasaragod taluk—	
Question <i>re</i> classification of pepper gardens in —	900-901

K—cont.

Kaveri Vagu —	
Question <i>re</i> construction of a tank across the —	899
Khalifullah Sahib Bahadur, Khan Bahadur P.—	
Motion <i>re</i> Madras Delimitation Committee, Second Report of the	381-382
Krishna Western division—	
Question <i>re</i> construction of gravel roads on the canal bunds of —	156-157
Kodumudi —	
Question <i>re</i> electrification of —, Coimbatore district	359
Kolanda Reddi, Rai Sahib C. —	
Bill—Debt Conciliation Bill, the Madras	630, 997-1001, 1010, 1011, 1012-1013
<i>See Questions and Answers.</i>	
Koti Reddi, Mr. K.—	
Bills—	
City Municipal Act, Bill to amend the Madras	774, 833, 849, 850, 866-867
Debt Conciliation Bill, the Madras	607, 615-616, 632-633, 981-983, 984-985, 996, 1017
Motion <i>re</i> Madras Delimitation Committee, Second Report of the	312-321, 362-363
Resolution <i>re</i> Central Land Mortgage Bank, Government guarantee of debentures	50
<i>See Questions and Answers.</i>	
Krishnayya Choudari, Mr. P. V.—	
Adjournment motion <i>re</i> Guntur District Educational Council, reconstitution of the	57-58
Bills—	
Betting Tax Bill	271-272, 279-280
City Municipal Act, 1919, Bill to amend the Madras	521, 566-567, 776, 777
778, 779-780, 787, 788, 796-791, 805-806, 820, 821, 835, 840, 841, 842, 851, 852, 854, 856, 859, 870, 873-874, 875, 878, 933-934, 935, 942-943, 1039, 1041, 1054-1055, 1056-1058, 1059, 1060, 1061, 1062	
Debt Conciliation Bill, the Madras —	607-609, 614-615, 624, 635, 969, 971, 972, 975-976, 986-987, 989, 992, 995, 1011, 1015, 1016
Co-operative Societies (Amendment) Bill, the Madras	497-498
Estates Land (Amendment) Act, 1934, Bill to amend the	768
Indian Registration Act, Bill further to amend the — (in its application to the Presidency of Madras	309
Irrigation Cess Act and Land Encroachment Act, Bill further to amend the Madras	305-306
Tobacco Bill, the Madras	196-198
Demand for supplementary grant <i>re</i> Irrigation (excluding Cauvery-Mettur Project)	62, 67-68
Motions <i>re</i> —	
Agenda, postponement of certain items on the	605
Madras Delimitation Committee, Second Report of the	363-368, 493, 494
Motion under S.O. 4 <i>re</i> Kistna and Godavari delta irrigation systems	965
Resolution <i>re</i> Central Land Mortgage Bank, debentures issued by	500-501, 520, 905, 907-910, 918, 921, 922
Statement <i>re</i> Bill to amend the Madras Estates Land (Amendment) Act, 1934	361
<i>See Questions and Answers.</i>	
Kshatriyas—	
Question <i>re</i> representation of — in Police department	354-355
" representation of — in the cadre of panchayat officers and assistant panchayat officers	251-252
Kumaraswami Reddiyar, the hon. Diwan Bahadur S.—	
Adjournment motion <i>re</i> Guntur District Educational Council, reconstitution of the	58-59
Kundah Bridge—	
Question <i>re</i> repairs to the —	143-144
Kurnool—	
Question <i>re</i> employees in Ayurvedic dispensaries in —	332-333

	PAGES
L	
Labour department—	
Question <i>re</i> educational scholarships provided for by the	55-56
„ revival of the activities of the	26
Lady doctors—	
Question <i>re</i> appointment of — for maternity and child welfare work ..	385-336
Lakkampatti reserve—	
Question <i>re</i> disafforestation of	165-166
Land Encroachment Act—	
Question <i>re</i> appeals under —	591
Land revenue—	
Adjournment motion <i>re</i> imprisonment for non-payment of — in South	
Kanara	59-61, 90-102
Government Order <i>re</i> the remission of —	103, 125
Langley, Mr. W. K. M. —	
Bills—	
Betting Tax Bill	272-274, 279
City Municipal Act, Bill to amend the Madras	818-820, 879-880, 924, 929
Debt Conciliation Bill, the Madras	607-608, 632
Condolence motion <i>re</i> Foulkes, the late Mr. R.	15
Motion <i>re</i> — Madras Delimitation Committee, Second Report of the ..	181-183
Law College—	
Question <i>re</i> Tuition fees in —	443
Leather Trades Institute—	
Question <i>re</i> Superintendent of the	442
Lee Commission	
Question <i>re</i> recommendation of— <i>re</i> District Judges	249
Lepers—	
Question <i>re</i> treatment of —	268-269
Licence fees—	
Question <i>re</i> levy of — on motor vehicles in Anantapur district	345
Loan and sale societies—	
Question <i>re</i> subsidies to —	262
Loans—	
Question <i>re</i> loans to ryots in Bellary and Anantapur	352-353
Local board teachers—	
Question <i>re</i> revision of salaries of —	39-40
Local boards—	
Question <i>re</i> appointment of health visitors by —	336-337
„ appointment of staff for the conduct of elections to	38-39
<i>See</i> Teachers.	
Local Fund hospitals—	
Question <i>re</i> proposals for taking over — under Government management.	136

M

Madanagopal Nayudu, Mr. R.—	
Bills—	
City Municipal Act, Bill to amend the Madras	785-786,
841-844, 845, 850, 932, 934-935, 1043-1044, 1051-1052, 1057, 1060-1061, 1064,	
Tobacco Bill, the Madras	210
Madras City Municipal (Amendment) Act, 1935—	
Governor's assent to —	61
Madras Delimitation Committee, Second Report of the —	
<i>See</i> Motion.	
Madras Engineering Service—	
Question <i>re</i> representation of depressed classes in the cadre of the — ..	52-53

M—cont.

	PAGES
Madras Record Office—	
Question <i>re</i> Curator of —	345-346
Mahboob Ali Baig Sahib Bahadur—	
Bill—Debt Conciliation Bill, the Madras	617-618, 1001-1004
<i>See</i> Questions and Answers.	
Mahmud Schamnad Sahib Bahadur, Khan Bahadur—	
Adjournment motion <i>re</i> Land revenue, imprisonment for non-payment of ..	98
Bill, Tobacco Bill, the Madras	186-188
Motion <i>re</i> Madras Delimitation Committee, Second report of the — ..	465-469
Malabar—	
Question <i>re</i> improvement of irrigation sources in —	240-242
Malabar Special Police—	
Question <i>re</i> —	584
Mangalore College—	
Question <i>re</i> suspension of lady student Miss Rohini in —	887
„ term fees in	887-888
Manikkavelu Nayakar, Mr. M. A.—	
Motion <i>re</i> Madras Delimitation Committee, Second Report of the	471-474
Mannargudi—	
Question <i>re</i> enhancement of water-rates in —	246
Maternity and Child Welfare Work	
Question <i>re</i> appointment of lady doctors for —	335-336
Medical Registration (Amendment) Act—	
Governor's assent to —	61
Mettur—	
Question <i>re</i> hydro-electric works at —	357-358
Mettur buildings	
Question <i>re</i> disposal of —	897-898
Mettur dam —	
Question <i>re</i> ferry farms above the —	441-442
Mettur Reservoir	
Question <i>re</i> belated supply of water to Tanjore from —	242-243
„ possibility of providing irrigation facilities from the —	152-153
Ministers, Civil Secretariats, etc.—	
Demand for supplementary grant <i>re</i> —	70
Minority communities	
<i>See</i> Gazetted posts.	
Mopad Reservoir—	
Question <i>re</i> rules regulating the supply of water under the —	153-154
Motion <i>re</i> —	
Madras Delimitation Committee, Second report, consideration of the ..	309-321,
362-399, 400-408, 453-458, 458-494	
Motion under S.O. No. 4—	
Motion <i>re</i> Kistna and Godavari Delta irrigation systems	965
Motor vehicles —	
Question <i>re</i> licence fees on — in Anantapur district	345
Motor Vehicles Rules—	
Question <i>re</i> revision of —	353-354
Mudumalai Forest Range—	
Question <i>re</i> bribery case, irregularity on the part of the District Forest	
Officer in the —	238-240

M—cont.

Muhammadan College— See Persian Munshi.	
Muhammadan High school, Kurnool	
Question re playground for —	893
Mukundalal Sircar (Madras Conspiracy case)—	
Question re —	582
" diet of —	18-19
" health condition of —	17
" health of —	360-361
" transfer of — to Bengal	16-17
Municipal Commissioners—	
Question re —	344-345
" appointment of —	257
" reversion of —	258
Municipalities —	
Question re appointment of health visitors by	336-337
" fixation of the strength of the staff of	35
" obligation on the part of — to consult Sanitary Engineer re	
appointments in the Works department	43
Muniswami Pillai, Rao Sahib V. I.—	
Bill—City Municipal Act, 1919, Bill to amend the Madras	521, 523, 524, 528, 807, 808, 838, 839, 840, 853, 856, 932, 933
Condolence motion re Foulkes, the late Mr. R.	15-16
Demand for supplementary grant re famine relief	74
Motion re Madras Delimitation Committee, Second Report of the	169-171
Resolution re Central Land Mortgage Bank debentures	910
See Questions and Answers.	
Musiri—	
Question re electrification of —	237
Muthiah Chettiyar, Mr. M. A.—	
Bills—	
City Municipal Act, 1919, Bill to amend the Madras	550, 553, 570, 572, 843, 844, 861, 864, 872, 876, 877, 937
Debt Conciliation Bill, the Madras	970, 975, 977, 1020
Tobacco Bill, the Madras	206-207
Condolence motion re Foulkes, the late Mr. R.—	14
Motion re Madras Delimitation Committee, Second Report of the	185-188
Muthu Chettiyar, Rao Bahadur P. C.—	
Bills—	
City Municipal Act, Bill to amend the Madras	795, 811, 846, 857, 858, 867-868, 871, 925, 926, 943, 1036, 1041, 1051, 1056, 1079, 1081
Debt Conciliation Bill, the Madras	636, 977, 996, 1017
Mysore University—	
Question re recognition of the budget estimate, etc., of the	1033-1034
N	
Nachiyappa Gounder, Mr. K. A.—	
Adjournment motion re district boards, extension of term of members of certain	767
Bills—	
Betting Tax Bill..	
City Municipal Act, Bill to amend the Madras	271
Forest Act, Bill further to amend the Madras	831-832, 1081, 1083
Irrigation Cess Act and Land Encroachment Act, Bill further to amend the Madras	496-497
Public Service Commission Bill, the Madras	304, 305, 307
Tobacco Bill, the Madras	292-295
Demands for supplementary grants re —	175-177
Cocanada Headquarters Hospital	
Famine relief	71
Irrigation (excluding Canvey-Mettur Project)	72-73, 68-69

N—cont.

Nachiyappa Gounder, Mr. K. A.—cont.	
Motion re Madras Delimitation Committee, Second report of the	382-387
Resolution re Central Land Mortgage Bank debentures	911-912
See Questions and Answers.	
Nadimuthu Pillai, Mr. A. Pl. N. V.—	
See Questions and Answers.	
Namakkal—	
Question re electrification of —	237
Namakkal taluk—	
Question re water-rate collection in —	588-589
" water-rate on garden lands in —	589-590, 590-591
Nanjappa Bahadur, Subadar Major S. A.—	
See Questions and Answers.	
Narasa Reddi, Mr. T.—	
See Questions and Answers.	
Narasimbachari—	
Question re Cocanada Conspiracy case prisoner	580-581, 581-582
Narayanan Nambiyar, Mr. V. P.—	
Bills—	
Betting Tax Bill	271, 272
Debt Conciliation Bill, the Madras	618
City Municipal Act, 1919, Bill to amend the Madras	552-553, 556, 557
Motion re Madras Delimitation Committee, Second Report of the	368-374
Natesa Mudaliyar, Diwan Bahadur C.—	
Bill—City Municipal Act, 1919, Bill to amend the Madras	538-540, 796-797, 836-837, 858, 867, 945-946, 947, 1061-1062, 1063, 1064, 1067-1069
New member—	
Foulkes, Mr. G. F. F.	428
Newspapers and Presses—	
Question re demand of securities from —	23-24
Non-official bodies —	
Question re Government aid to — engaged in health propaganda work	137
North Arcot—	
Question re arrears due to Co-operative societies in —	341-342
Oath of office—	
See New member.	

O

Officers holding permanent appointments, return of	
See Papers laid on the table.	
Officers holding temporary appointments, return of	
See Papers laid on the table.	
Official Receivers—	
Question re provincialization of service of —	763-764
" recruitment of—policy of Government regarding	162-163
Oriya Sub-Inspectors of Police—	
Communication re —	103, 126

P

Paddy and rice—	
Question re import of—into the Presidency	25
Palar—	
Question re extent of basin of—in Chittoor district	346-348
" use of waters of—by Mysore Government in excess of the scale	150-151
Palar basin—	
Question re electricity development in the —	430

	PAGES
P—cont.	
Palat, Mr. R. M.—	
Motion re Madras Delimitation Committee, Second Report of the ..	400-404
Panchayat officers—	
Question re appointment of Indian Christians and depressed class mem-	
bers as — ..	253-254
communal representation in assistant ..	255
graduates to be appointed as assistant ..	960-962
Muslims as assistant ..	962
representation of Kshatriyas in the cadre of .. and assistant ..	252-253
Panchayat officers (district)—	
Question re duties of — ..	255-256
Panchayatdars—	
See Co-operation.	
Panchayats—	
Demand for supplementary grant re election expenses in ..	70
Question re number of — in each district ..	251-252
Pandits, pay of —	
Question re — in schools under local bodies ..	395
Pannirselvam, the Hon. Rao Bahadur A.T.	
Bills—	
Betting Tax Bill ..	269-271, 278-279, 280
City Municipal Act, Bill to amend the Madras ..	800, 872
Papers laid on the table—	
Comparative statement showing actual receipts in the first six months of	
1935-36, etc. ..	217
Finance Committee Proceedings, dated 7th October 1935 ..	822
Finance Committee Proceedings, dated 15th July 1935 ..	103
Irrigation panchayats, U.O. Note re formation of ..	103, 131-132
Land Revenue, G.O. No. 1866, dated 9th August 1935, remitting the	
suspended amount in fasli 1344 ..	103, 125
Oriya Sub-Inspectors of Police, communication re ..	103, 126
Posts on Rs. 500 per mensem and above created during the quarter ending	
30th June 1935 ..	103, 127-129
Resettlement Scheme Report of the Kurnool district ..	217
Return of officers holding temporary appointments ..	321
Return of officers holding permanent appointments ..	321
Survey and Boundaries Act, amendments to rules under the ..	103, 129-130
Parthasarathy Ayyangar, Mr. C. R.—	
See Questions and Answers.	
Passport—	
Question re — to Mr. K. Subramaniam ..	354
Patnaik Mahasaya, Sriman M. G.—	
Bills—	
Betting Tax Bill ..	276, 276-277
City Municipal Act, Bill to amend the Madras ..	789, 793,
Debt Conciliation Bill, the Madras ..	797-798, 870, 931, 938, 1055-1056
Estates Land (Amendment) Bill ..	613-614, 639
Tobacco Bill, the Madras ..	151-153, 965, 968
Demand for supplementary grant re Irrigation (excluding Cauvery-Mettur	
Project) ..	200-202
See Questions and Answers.	
Patro, Sir A. P.—	63
Adjournment motion re West Godavari District Board, elections to the ..	649-653,
Bill— ..	666
City Municipal Act, Bill to amend the Madras ..	783, 784-785, 845, 847
Estates Land (Amendment) Bill ..	611-612, 629-630, 633, 989-990, 1018-1020
Public Service Commission Bill, the Madras ..	967
Tobacco Bill, the Madras ..	295-300
.. ..	83-86, 89-90, 166-172

P—cont.

Peddi Raju, Mr. P.—	
Adjournment motion re West Godavari District Board elections ..	603-604,
641-649, 651, 653, 666-668	
Demands for supplementary grants re —	
Cocanada headquarters hospital ..	71
Irrigation (excluding Cauvery-Mettur Project) ..	63-65
See Questions and Answers.	
Pennar Kumudavathi Project—	
Question re progress of the — in Hindupur taluk ..	151
Persian munshi	
Question re — in Government Muhammadan College ..	413-414
Photo-stat system —	
Question re copying documents under the — ..	1028-1029
Pillapperu river—	
Question re construction of an aqueduct across the — in Nellore district ..	155-156
Pillipesara —	
Question re — irrigation of — penalized ..	899-900
Pocker Sahib Bahadur, Mr. B.—	
Motion re Madras Delimitation Committee, Second report of the — ..	405-408,
453-458	
See Questions and Answers.	
Police department—	
Question re representation of Kshatriyas in — ..	354-355
Police entry —	
Question re — into a house in a Madura village ..	451
Pollachi taluk —	
Question re Cotton Pest Act in — ..	259-260
" operation of Cotton Pest Act in — ..	340-341
Porcelain factory —	
Question re starting of a — ..	597-598
Post-mortem sheds —	
Question re progress of proposal for the construction of a — ..	163
" provision of — in Nellore district ..	163-164
Posts —	
See Papers laid on the table.	
Poverty certificates—	
Question re persons competent to issue — for fee remission ..	160-161
" Prabhat "—	
Question re reasons for demanding security from the — ..	22-23
Promayya, Mr. G. R.—	
Bill—	
City Municipal Act, Bill to amend the Madras ..	563, 795, 803, 806, 810, 854,
.. ..	869, 1036-1037
Debt Conciliation Bill, the Madras ..	623-624, 625, 626, 987
Irrigation Cess Act and Land Encroachment Act, Bill further to amend	
the Madras ..	306
Tobacco Bill, the Madras ..	209, 210
See Questions and Answers.	
President, the Hon'ble the —	
Adjournment motions re —	
District boards, extension of term of office of certain ..	767
Land revenue, imprisonment for non-payment of — ..	60, 61
West Godavari District Board, elections to the — ..	641-642, 647, 660,
664, 667	

P—cont.

President, the Hon'ble the —cont.

Announcements re —	
Forest (Amendment) Bill, appointment of chairman of select committee on the	641
Indian Institute of Science, election of a member to the Court of the	61, 166
Standing Order No. 5 (b) (5), select committee for the consideration of amendments to	605
Bills —	
City Municipal Act, 1919, Bill to amend the Madras	512, 566, 568, 769, 776, 778, 800, 802, 803, 814, 835, 838, 839, 841, 861, 868, 869, 872, 879, 1037, 1054, 1059, 1062, 1064, 1070, 1071, 1081, 1083, 1086,
Debt Conciliation Bill, the Madras	968, 1001
Estates Land Act, 1908, Mr. Patnaik's Bill to amend appointment of chairman of select committee	458
Madras Services Commission Bill	575
Tobacco Bill, the Madras	88, 90, 209, 210, 211
Motion re Madras Delimitation Committee, Second report of the —	312, 387, 390, 399, 453, 455, 458, 494
Motion under Standing Order No. 4 re —	
Kistna and Godavari delta irrigation systems, question re —	965
Resolutions re —	
Central Land Mortgage Bank, Government guarantee on debentures	502
Standing Order No. 5 (b), nomination of members to Select Committee on amendment to	768
See Rulings.	
Press Act—	
Question re forfeiture of securities under the	431-432
Prevention of Adulteration (Amendment) Act, 1935	
Governor's assent to —	61
Prisoner(s)—	
Question re classification of Devanayagaya, — resolution passed by the public of Tinnevely	240
„ supply of buttermilk to —	430-431
Process fees—	
Question re collection of—in South Kanara by Revenue officials	30-31
Process-servers—	
Question re recognition of the committee of	
„ re-organization of the service of —	448-449
Proscription of certain books—	
Question re —	449
Provincial legislatures—	
Question re elections to —	901-902
Public educational institutions—	
Question re introduction of religious in the —	251
Public Health Department—	
See Sanitary Engineering Department and Public Health Department.	
Public Prosecutors—	
Question re — in the presidency	
Public Prosecutors and Assistant Public Prosecutors—	
Question re —	428-429
Public Service Commission Bill, the Madras—	
See Bills.	
Public Services—	
Question re representation of Jains in —	
Punitive police—	
Question re—at Attayampati, Salem district	250
„	355-35

Q

Queen Mary's College—	
Question re admission into —	266-267
Quinine—	
Question re sale of —	429
Questions and Answers—	
Arasu, Mr. V. T. —	
Question re boats plying in the Buckingham canal	964
„ Buckingham canal, collection of penal fees from boat-owners.	904
Boyabani Sahib Bahadur, S. M. K. —	
Question re playground for Muhammadan High School, Kurnool	893
„ Tippiyapalem ancient, breach in the	955-956
Devadasan, Mr. M. —	
Question re Assistant Panchayat Officers — Communal representation in the cadre of	255
„ City Civil Court, Madras, appointment of an Additional Judge to the	161-162
„ Civil Judicial Department, selection of candidates for appointments to the	161
„ depressed class subordinates in the Civil Courts of Tinnevely	1031-1032
„ District Munsifs — Depressed class members as	578-579
„ Forest department, communal representation among the non-gazetted subordinates of	164
„ Indian Christians, appointment of — to the Forest department	164
„ Labour department, revival of the activities of	26
„ Panchayat officers, appointment of Indian Christians and depressed class members	253-254
„ Tanjore district, wet cultivation — Mettur project	586-587
„ women in Government service	763
Dharmalingam Pillai, Rao Sahib V. —	
Question re assignment of lands in Valliyur village	1028-1029
„ District and Assistant Surgeons, representation of depressed classes in the cadre of	134-135
„ Excise department, Nellore, promotions in the	1024
„ Madras Engineering Service, representation of the depressed classes in the cadre of	52-53
Ellappa Chettiyar, Diwan Bahadur S. —	
Question re district boards of Salem and Coimbatore, toll compensation paid to	146
„ Elampillai village, representation by the residents of — for opening a Sub-Registrar's office	139
„ ferry farms above the Mettur dam	441-442
Gopalaswami Mudaliyar, Diwan Bahadur M. —	
Question re coiled districts, expenditure on relief works in the	56
„ sub-soil survey, publication of the report of Geological experts regarding the	57
„ toddy shops in Bellary, auction of	447-448
„ Tungabhadra project, progress of the	57
Jayaram Nayudu, Rao Sahib C. —	
Question re poverty certificates for fee remission, persons competent to issue	160-161
Kolanda Reddi, Rai Sahib C. —	
Question re foreign paddy and rice import of into the Presidency	250
Koti Reddi, Mr. K. —	
See Questions and Answers.	
Question re fruit cultivation	338-340
„ fruit research farm, provision of finance for the—at Anantapur	46

Q—cont.

Questions and Answers—cont.

Krishnayya Chowduri, Mr. P. V.

Question re Agricultural Improvement Loans Act, recovery of instalments under the	32 33
Question re Agricultural indebtedness Special Officer's Report. Omission of appendices	231
anti-malarial grants	337 338
Cauvery delta system Capital outlay Interest on	898 899
cholera in Guntur district	828 829
delta systems interest charged on the capital outlay in the Kistna and Godavari	954 955
discussion of Delimitation Committee proposals	251
district board elections Voters' list	593 594
district boards and municipalities, teacher of	258 259
Estates Land Act, 1908, fixing of rents under the	433
form of application, alteration of .. under Agricultural Improvements Loans Act	31 32
Hindu-Muslim tension at Kandukur	149 150
Hindu Religious Endowments Board, appointment of Commissioner to the .. from outside the list of the Selection Committee	12 13
honorary physicians, appointment of in the General Hospital	135 136
Kistna Western division, construction of gravel roads on the canal bunds of	156 157
local fund hospitals, proposals for taking over .. under Government management	136
Agriculturists Loans Act, operation of	246 248
non-graduates as Senior Deputy Inspectors of Schools	601
pillipesra Irrigation of Panhazad	899 900
Public Prosecutors in the Presidency	128 129
Queen Mary's College, admission into the	266 267
reclassification of lands	28 29
Road Development—Special Engineer's report	826
taluk boards, savings on account of the abolition of	36 37
village panchayats, delay in the reconstitution of	146 147

Mahboob Ali Baig, Mr.—

Question re District Judges, number of listed posts of .. Recommendation of the Lee Commission	249
District Judges, vacancies in the cadre of	1030 1031
panchayat officers, Muslims as assistant	962

Muniswami Pillai, Rao Sahib V. L.

Question re Coonoor Municipality, improvements to the water-works of the	43 44
Depressed Classes Co-operators' Federation, reasons for refusing the registration of the	50 51 52
Director of Public Instruction, rules made by the .. regarding percentage of promotions in high schools	54
Dorasingam, Mr. D., death of .. in the Coimbatore Central Jail	21
Kundah bridge, repairs to the	143 144
Labour department, educational scholarships provided by the	55 56
Municipal Commissioners, reversion of	258

Nachiyappa Gounder, Mr. K. A.—

Question re Accommodation in Salem District and Municipal Courts	764 765
acting clerks in Collectors' offices	761 762
Agricultural department, village investigation by the	137 138 139
agricultural upper subordinates, preference to candidates from professional agricultural committees for appointment as	45 46
award of foreign scholarships by the Department of Industries	263-264

Q—cont.

Questions and Answers—cont.

Nachiyappa Gounder, Mr. K. A.—cont.

Question re Badathalay tank—Irrigation	899
bifurcation of district boards, programme of	435
Board High School, Edapady, refusal of sanction for opening V Form in the	144-145
broadcasting service, establishment of a .. in the Province	34-35
buses, uniform policy in regarding to the	432
Champion Scheme	756-757
chillies, legislation regarding	432
cinema companies	583
civil courts in Salem, electrification of	265-266
clerks in the Revenue Department, appointment, etc., of	956-957
Commissioner to Vizagapatam Municipality	257-258
compulsory education—Modified form of	602
consumption of electricity in Erode	234
consumption of electricity in Salem	234
co-operation, instruction in the knowledge of	513
Cotton Press Act in Polkachi taluk	259-260
cycle-tax, abolition of .. in municipal areas	145-146
cycle-tax, Palamottah Municipality's resolution	436-438
district board electoral divisions in South Arcot	439
district board reserved seats in South Arcot	440-441
district board secretaries, delegation of powers to	513-514
district boards proposed for bifurcation during the year 1936	37
district boards of Guntur and Ganjam	594-595
District Educational Council, Salem, memorandum from	444-445
duties of District Panchayat Officers	255-256
elections to Provincial legislatures	251
electrification of Edappadi, Salem district	236-237
electrification of Kodumudi, Coimbatore district	359
electrification of Musiri	237
electrification of Namakkal	237
electrification of Rasipur	237
electrification of Sankari, Salem district	235-236
electrification of Tiruchengodu	235
electrification of Tiruchengodu, Salem district	358-359
electrification of Turaiyur	237
elementary schools—Collection of fees	759-760
elementary school teacher—Cut in salaries	896
employees in Ayurvedic dispensaries in Kurnool	332-333
Excise department, recruitment to the	512
ex-taluk board servants, recovery of salaries from	41-42
Girls' High school, Salem, shifting of the	446-447
grazing fees, principles guiding the prescription of	165
health of Mr. Mukundalal Sirkar	360-361
Hindu temple converted into a Catholic church	517-518
interruption of Hydro-Electric Works at Mettur	357-358
irregularity by District Forest Officer—Mudumalai Forest Range	238-240
Irrigation Cess Act—Appeals under	591
Lakkampatti Reserve, disafforestation of	165, 166
Land Encroachment Act—Appeals under	591
Land Encroachment Act—Appeals under	443
Law College, tuition fees in	598-600
loans sanctioned under State-Aid to Industries Act	38-39
local boards, appointment of staff to conduct elections to	897-898
Mettur buildings—Disposal of	152-153
Mettur Reservoir, possibility of providing irrigation facilities from	18-19
Mukundalal Sirkar, Mr., diet of	16-17
Mukundalal Sirkar, Mr., transfer of—To Bengal	257
Municipal Commissioners	588-589
Namakkal taluk—Water-rate collection	580-581
Narasimhachari—Cocanada Conspiracy Case prisoner	580-581

Q—cont.

PAGES

Questions and Answers—cont.

Nachiyappa Gounder, Mr. K. A.—cont.

Question re Nominations to the district boards of Bobbili and Vizagapatnam

.. .. . 895-89

.. number of panchayats in each district 251-25

.. panchayat officers, graduates to be appointed as 960-962

.. pandits, pay of .. in schools under local bodies 595

.. passport to Mr. K. Subrahmaniam 354

.. post-mortem shed at Sankari and Yedapadi, progress of the 163

.. proposal for construction of 430-431

.. prisoners, supply of buttermilk to 448-449

.. Process Servers' Committee, recognition of 442

.. process servers, reorganization of the services of 355-357

.. punitive police at Attayampatti, Salem district 828

.. Radiological section at the Salem Government Hospital 511-515

.. Raja Vaikal channel, damage to 41

.. Rasipur, proposal for a protected drinking water supply to 150-151

.. .. from Panamaramthupatti reservoir 595-596

.. registration fee on lengthy documents 353-354

.. research schemes financed by the Agricultural Research 592

.. Council 603

.. revision of Motor Vehicles Rules 596-597

.. rice imports 827-828

.. sale of toddy shops in Salem town 758-759

.. Salem District Urban Bank 27-28

.. Sanitary Engineering Department and Public Health 145-146

.. Department—separation of 268

.. scout and girl guides movements 584-585

.. sub-inspectors of police, territorial and communal representation 133-134

.. .. in the recruitment of 589-590, 590-591

.. text books, Government Order re 1024-1025

.. Tuberculosis Institute, Tambaram 267

.. use of water in the Kalingarayan channel 350

.. water-rate in Namakkal, enhancement of 246

.. water-rate on garden lands in Namakkal taluk 243

.. women vaccinators, employment of 244

.. Yedapadi dispensary—construction of building for

Nadimuthu Pillai, Mr. A. Pl. N. V.—

Question re deputation of Tanjore mirasidars re levy of additional taxation

.. .. . 350

Question re enhancement of water-rates in Tirunelveli and Mannargudi

.. failure of water-supply to Tanjore 246

Question re sill levels in feeder channels in Tanjore district

.. .. . 243

Nanjappa Bahadur, Subadar Major, S. A.—

Question re representation of Kshatriyas in the cadre of panchayat officers and assistant panchayat officers

.. representation of Kshatriyas in the Police department 251-252

Narasa Reddi, Mr. T.—

Question re famine conditions, prevalence of .. in Rayachoti taluk 354-355

Parthasarathi Ayyangar, Mr. C. R.—

Question re basin of Palar in Chittoor district 147-148

.. waters of Palar, use of .. by Mysore Government 346-348

Patnaick Mahasayo, Sriman M. G.—

Question re fee for transmission of notice of transfer to the landholder, 150-151

.. rents, commutation of 245

Peddi Raju, Mr. P.—

Question re Rameswaram channel in East Godavari 433

.. Secretariat establishment, representation of the Andhras in 766-767

Pocker Sahib Bahadur, B.—

Question re Persian munshi in the Muhammadan College 158

.. .. . 443-444

Q—cont.

PAGES

Questions and Answers—cont.

Premayya, Mr. G. R.—

Question re Indian Christians in the Telugu area, promotion of— as district educational officers 53

Rajagopal Pillai, Mr. P. V.—

Question re age-limit of minorities for gazetted posts 515-516

.. scheduled classes, gazetted posts held by the 957-958

Ramalinga Reddi, Mr. C.—

Question re District Board electoral divisions in South Arcot 438-439

Ramaswami Mudaliyar, Mr. V. M.—

Question re C class prisoners in Vellore jail 583

.. Mukundalal Circular (Madras Conspiracy Case) 582

.. Srinivasa Rao, C class prisoner 765-766

.. wicket-gate by Vellore Fort—representation of Municipal 265

.. Council

Rameswara Rao, Mr. G.—

Question re abkari sales, delay in the acceptance or rejection of bids in 56

.. Ceded districts—Registration department—promotion of 601

.. clerks as sub-registrars in

.. dependents of sepoy, educational concessions granted to 54-55

.. the

.. educational, industrial and commercial institutions and number of students castewar 893

.. famine areas, grant of loans for relief of distress in 33

.. Famine Code, applications from the ryots of Anantapur district for aid under 148

.. Government Training Colleges—candidates from Ceded 891-892

.. districts 24

.. insolvency notices, reduction of charges for publication of 29-30

.. jodi, application for seasonal remission of 162

.. jurors and assessors, batta and daily allowances payable to 345

.. levy of licence fees on motor vehicles in Anantapur district.

.. See Questions and Answers. 352-353

.. loans to ryots in Bellary and Anantapur

.. official receivers, facilities for in the mufassal to register 139-140

.. documents 162-163

.. official receivers, policy of Government re recruitment of 763-4

.. official receivers, provincialization of service 151

.. Penmar—Kumudavathi project, progress of the

.. public educational institutions, introduction of religious instruction in 54

.. Revenue Department, posting of outsiders to the in Anantapur district 28

.. sub-registrars, promotion of clerks in Anantapur district to 140-141

.. the cadre of 584

.. Sri Rama Navami as general holiday 894-895

.. sub-registrars (upper grade)—vacancies in

.. sub-registrars—powers under section 35 of the Registration 600-601

.. Act 158-159

.. taxis, refusal to issue licences to five years old in Madras 151-152

.. Tungabhadra project, report of soil survey regarding the— 580

.. unpassed men in the Judicial Service

Ranganatha Mudaliyar, Mr. A.—

Question re construction of tank across the Kaveri vagu 899

.. deputation of Tanjore mirasidars re levy of additional taxation 349-350

.. .. . 245

.. raising of sill levels in feeder channels in Tanjore 243-244

.. supply of water to Tanjore

Q—cont.

Questions and Answers—cont.

Rangaswami Reddi, Mr. M. B.—

Question re appointments in Government School of Technology ..	343
" arrears due to co-operative societies in North Arcot ..	341 342
" Board of Revenue, functions of the Special Officer of the ..	1029
" Co-operative societies, functions of Registrars, etc., of ..	1025
" Curator, Madras Record Office ..	345 346
" Fisheries department, personnel of ..	597
" inspection of elementary schools by District Educational Officers ..	602 603
" Inspector of Industrial Schools ..	893
" Leather Trades Institute, Superintendent of the ..	442
" Malabar Special Police ..	584
" Municipal Commissioners ..	345
" Municipalities, fixation of the strength of the ..	35
" number of students in School of Technology ..	894
" photo-stat system of copying documents ..	1028 1029
" Public Prosecution and Assistant Public Prosecutors ..	529
" Quinine, supply of ..	429
" Registrar of Co-operative Societies, list of associations under ..	32
" School of Art and Technical Education ..	760 761
" Sericulture ..	598
" Serum Institute ..	761
" Shorthand typewriting in the Police department ..	944
" South Arcot, ex-taluk local board, absorption of ..	896 897
" tanning, foreign barks used in ..	434 435
" Telugu parts of Ganjam, production and inclusion of in Orissa province ..	34
" Veterinary hospitals, closure of ..	443
" unemployment, measures to relieve ..	24 25, 26
" Veterinary Investigation Officer ..	344
" wild animals, number of cattle and people killed by in North Arcot district ..	33 34

Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.—

Question re Municipal Commissioners ..	344 345
" operation of Cotton Pest Act in Pollachi taluk ..	340 341
" Siruvani Irrigation Scheme, progress of the ..	156

Ratnavelu Thevar, Mr. P.—

Question re municipalities, obligation on the part of .. to consult Sanitary Engineer re appointments in works department ..	43
" Narasimhachari—political prisoner ..	581 582

Rukmani Lakshmiapathi, Mrs. A.—

Question re Adiseshayya, Mr., alleged misconduct of ..	146
" Cannanore jail, death of a prisoner in ..	19 20
" Criminal Tribes Act, application of the .. to the Padayachis of South Arcot ..	159 160
" Devanayagayya, classification of .. as C class prisoner ..	22
" District Boards of Trichinopoly and South Arcot, postponement of the elections of ..	37
" Kalayya Chetti, solitary confinement of ..	22
" Mukundalal Sircar, health condition of ..	17
" proscription of certain books ..	901 902
" road bridges in Malabar ..	959
" supply of water to Tanjore from the Mettur Reservoir ..	242 243
" Swadeshi Exhibition at Salem ..	141

Shetty, Mr. A. B.—

Question re appointment of health visitors by local boards and municipalities ..	336 337
" appointment of lady doctors for maternity and child welfare work ..	335-336

Q—cont.

Questions and Answers—

Shetty, Mr. A. B.—cont.

Question re board secondary schools, building grants to ..	757-758
" Conferences of Co-operative Deputy Registrars ..	260
" control of Co-operative societies ..	261-262
" co-operative banks, decrease in transactions of ..	1027-1028
" co-operative societies, publication of balance sheets of ..	1025-1026
" co-operative unions, working of ..	1026
" district boards, allotment of funds to, from Road Development Fund ..	142-143
" district boards, special grants to — to undertake works of public utility ..	141-142
" Government of India grants ..	592-593
" grants to district boards for bridges ..	827
" health visitors maintained by Indian Red Cross Society ..	333-335
" improvement of irrigation sources in Malabar and South Kanara ..	240-242
" irrigation works, appropriation to — of the grant of Government of India for village works ..	149-150
" non-official bodies, Government aid to — engaged in health propaganda work ..	137
" rectification of co-operative societies ..	261
" subsidies to loan and sale societies ..	262
" women's thrift societies ..	263

Sivasubrahmanya Ayyar, Mr. K. S.—

Question re raising of sill levels in feeder channels in Tanjore ..	245
" supply of water to Tanjore ..	244

Sroshtha, Mr. M. S.—

Question re coconut trees, damage to — by the leaf pest ..	48-49
" Coimbatore cement ..	343-344
" irrigation facilities in South Kanara ..	348-349
" local board teachers, revision of salaries of — ..	39-40
" Porcelain factory, starting of — ..	597-598
" silk-worms, rearing of — in South Kanara district ..	139
" Sub-registrar's, reduction of the fees of — for attendance at the residence of parties ..	140
" sugarcane cultivation, propaganda for expansion of — in South Kanara ..	47-48
" teachers of local boards, Government Order re salaries of — ..	959-960
" treatment of lepers ..	268-269

Srinivasan, Rao Bahadur R.—

Question re Police entry into a house in a Madura village ..	451
--	-----

Subrahmanya Bhatt, Mr. U. C.—

Question re assignment of lands on the Kadiri Hill, South Kanara ..	351-352
" "Bhagavan Yesukrista," order under section 144 re the drama ..	516
" cart-tracks to Kadri Hill, South Kanara ..	248
" church and cemetery on the Kadri Hill ..	248-249
" classification of Devanayagayya—resolution passed by the public of Tinnevely ..	240
" darkhast assignment and civil resisters ..	762
" dismissal of teachers—Secondary school, Calicut ..	890
" District Educational Officer, Malabar,—participation of students in civil disobedience movement ..	888-890
" electric pumps — agricultural pumping-rate per unit ..	902-904
" electricity licences, conditions in the ..	518-519
" Jain community in public services ..	250
" Jains in the cadre of District Munsifs ..	1030
" Kasaragod taluk — classification of pepper gardens ..	900-901
" Mysore University examinations, recognition of the ..	1033-1034
" newspapers and presses, demand of securities from ..	23-24
" Palar basin, development of electricity in ..	430
" "Prabhat," demanding security from the ..	22-23

Q—cont.

PAGES

Questions and Answers—cont.

Subrahmanya Bhatt, Mr. U. C.—cont.

Question re Press Act, forfeiture of securities under the	431-432
" re-classification in South Kanara	587
" recommendations in the Administration Report—Electricity department	580
" Secondary School Leaving Certificate Examination	890-891
" Soldiers' assault on pedestrians	963-964
" South Kanara—imprisonment of pattadars	587-588
" strike in Government College, Mangalore	886-887
" suspension of Miss Rohini, lady student, Mangalore College	887
" tasdik allowances, lapse of—due to temples in South Kanara	157-158
" teachers, G.O. No. 4619, L. & M., on provision of saving clause re old scales of pay of	40-41
" term fees in Mangalore College	887-888

Yahya Ali Sahib Bahadur, Khan Bahadur—

Question re Mopad reservoir, rules regulating the supply of water under the	153-154
" Pillapperu river, construction of an anicut across the—in Nellore district	155-156
" post mortem sheds, provision of—in Nellore district	163-164
" Survepalli reservoir, proposals for improving the tanks in Nellore district, contracts for repairs to	154

Wright, Sir William—

Question re Sugar industry, Government notification fixing the rates in re	1032-1033
--	-----------

R

Radiological section—

Question re opening of a—at the Salem Government Hospital	828
---	-----

Railway Company—

Question re objection to road bridges in Malabar by the South Indian	959
--	-----

Raja of Bobbili, The Hon. the—

Adjournment motion re—West Godavari District Board, elections to the	604, 648, 658-659, 661-665
--	----------------------------

Bills—

City Municipal Act, 1919, Bill to amend the Madras	527, 528-529, 530-531, 548, 550-551, 555-556, 560, 563-564, 566, 573-574, 771, 772, 774-775, 778, 779, 786-787, 789-790, 792, 802, 815, 820, 821, 832-833, 839, 842, 847, 850-851, 865-866, 867, 872, 873, 874, 878, 881, 929, 932, 934, 935, 942, 943, 945, 946-947, 1037, 1039, 1040, 1048, 1049,
--	---

Condolence motion re—Foulkes, the late Mr. R.

Debt Conciliation Bill, the Madras	1052, 1053, 1056, 1066, 1084-1086
Demand for supplementary grant re—Ministers, Civil Secretariats, etc.	13-14
Tobacco Bill, the Madras	621-622

Raja Vaikal channel—

Question re damage to—	207-209
------------------------	---------

Rajagopal Pillai, Mr. P. V.—

Bill—City Municipal Act, Bill to amend the Madras	514-515
See Questions and Answers.	806, 941-942

Rajan, the Hon. Mr. P. T.—

Bills—

Co-operative Societies (Amendment) Bill, the Madras	497, 498, 499
Indian Registration Act, Bill further to amend the (in its application to the Presidency of Madras)	308-309
Demand for supplementary grant re Civil Works (new buildings for Cocanada headquarters hospital)	71-72
Resolution re Central Land Mortgage Bank—Government guarantee on debentures	499, 502, 520, 919-924

R—cont.

PAGES

Ramalinga Reddi, Mr. C.—

Adjournment motion re elections to the West Godavari District Board	652, 653-654, 656-661, 664
Bill—City Municipal Act, 1919, Bill to amend the Madras	524-525, 526, 529, 543-544, 564-565
Madras Delimitation Committee, Motion re Second Report of the	370
See Questions and Answers.	

Ramalinga Chettiyar, Diwan Bahadur T. A.—

Bills—City Municipal Act, 1919, Bill to amend the Madras—	526, 863-864, 865, 866, 872, 874
Co-operative Societies (Amendment) Bill, the Madras—	497-498, 606-607, 610-611, 619-620, 621, 628, 63-631, 633, 635, 638-639, 640, 969, 970, 972, 973, 977, 979, 983, 984, 993, 996, 1009-1010, 1015-1016,
Tobacco Bill, the Madras—	180-185
Resolution re Central Land Mortgage Bank debentures	912-919, 923

Raman Menon, Mr. K. P.—

Adjournment motion re land revenue, imprisonment for non-payment of—	96-97
Bill	
City Municipal Act, Bill to amend the Madras—	564, 572-573, 941
Debt Conciliation Bill, the Madras—	613, 1004-1005
Irrigation Cess Act and Land Encroachment Act, Bill further to amend the Madras—	306
Tobacco Bill, the Madras	205-206

Ramaswami Ayyar, Mr. T. S.—

Bills—	
City Municipal Act, Bill to amend the Madras—	566, 567, 568-569, 570, 777, 782-784, 788-789, 792, 805, 881-882, 929, 944-945, 1040, 1046-1047, 1058,
Debt Conciliation Bill, the Madras	639-640
Demand for supplementary grant re Famine Relief	73-74
Madras Delimitation Committee, Motion re Second report of the—	390-395

Ramaswami Mudaliyar, Mr. V. M.—

Bill—City Municipal Act, Bill to amend the Madras—	1083
See Questions and Answers.	

Rameswara Rao, Mr. G.—

Bills—	
City Municipal Act, Bill to amend the Madras—	857
Debt Conciliation Bill, the Madras	978, 979, 988-989, 997
Madras Delimitation Committee, Motion re Second Report of the—	465
See Questions and Answers.	

Rameswaram channel in East Godavari—

Question re	766-767
-------------	---------

Ranganatha Mudaliyar, Mr. A.—

Bills—	
City Municipal Act, Bill to amend the Madras	778, 783, 785, 790
Debt Conciliation Bill, the Madras	970, 973
See Questions and Answers.	

Rangaswami Reddi, Mr. M. B.—

See Questions and Answers.

Rasipur—

Question re electrification of—	237
" water supply to—from Panamaruthupatti reservoir	44

Ratnasabapathi Mudaliyar, Diwan Bahadur C. S.—

City Municipal Act, Bill to amend the Madras	780, 783, 871, 874, 877-878, 880-881, 925, 928-929, 937-938
See Questions and Answers.	

	PAGES
R—cont.	
Ratnavelu Thevar, Mr. P.— See Questions and Answers.	
Reclassification— Question <i>re</i> — of lands between one settlement and another	28-29
Red Cross Society Question <i>re</i> health visitors maintained by Indian	333-335
Reddi Nayudu, The hon. Sir K. V.— Adjournment motions <i>re</i> — Land revenue, imprisonment for non-payment of — West Godavari District Board, elections to the —	60, 95 617, 649
Bills— Debt Conciliation Bill, the Madras 820-821, 825, 826, 827, 829, 833-835, 969, 970, 971, 972, 973, 974, 977, 978 980, 984, 991, 992, 995, 997, 1005, 1009, 1010, 1011, 1014, 1015. Forest Act, Bill further to amend the Madras Tobacco Bill, the Madras Condolence motion <i>re</i> Foulkos, the late Mr. R.	609-610, 494-496 86-89 12-13
Registrar of Co-operative Societies— Question <i>re</i> effect of concessions under penal interest granted by the — ..	52
Registration fee— Question <i>re</i> — on lengthy documents	450-451
Reid, Mr. D. M.— Bills— City Municipal Act, Bill to amend the Madras Tobacco Bill, the Madras	566, 821, 935-936 177-180
Rents— Question <i>re</i> commutation of — See Estates Land Act, 1908.	433
Resettlement of Kurnool— See Papers laid on the table.	
Resolution <i>re</i> — Central Land Mortgage Bank, guarantee in respect of debentures issued by —	499-502, 519-520, 904-924
Revenue Department— Question <i>re</i> posting of outsiders to the — in Anantapur district	28
Rice imports— Question <i>re</i> —	592
Road bridges— See Railway Company.	
Road Development— Question <i>re</i> Special Engineer for — report of the —	826
Rukmani Lakshmipathi, Mrs. A.— Bills— City Municipal Act, 1919, Bill to amend the Madras 542-543, 544, 548-549, 558-559, 776, 778, 791, 793, 801-802, 803, 804, 805, 817, 820, 821-822, 849, 852-853, 857, 859, 868, 1058. Tobacco Bill, the Madras Motion <i>re</i> —Madras Delimitation Committee, Second Report of the See Questions and Answers.	525-526, 193-196 458-464, 493
Rulings— Adjournment motions— Adjournment motion <i>re</i> cancellation of the Government Order on the reconstitution of the Guntur District Educational Council was dis- allowed on the ground that the matter was not urgent	59

	PAGES
R—cont.	
Rulings—cont.	
Adjournment motions— After an adjournment motion has been ruled in order, discussion on the merits of the question not permissible. The only procedure to be followed by the President then is to ask the House whether the Mover has got its leave to make the motion	61
Adjournment motion—Matters <i>sub judice</i> — When the subject matter of an adjournment motion covers similar matters one of which is <i>sub judice</i> , reference to the other matters not permissible	642
Amendments— In moving an amendment to a clause in a Bill, a Member cannot discuss the whole Bill It was ruled that a Member moving an amendment to the motion for the consideration of the Report of the Provincial Delimitation Com- mittee, was not precluded from making observations on the whole Report Ordinarily, more comprehensive amendments are taken up first.. ..	1001 312 835
Bill—Powers of the House— The House is competent to pass any Bill permitted by the provisions of the existing Government of India Act, 1919 (under which it func- tions). The President cannot rule out a Bill on the ground that the Bill may not be operative after the new Government of India Act comes into force	88-89
Bill—Relevancy— On a motion to refer the Public Services Commission Bill to Select Committee, details regarding the procedure that is being adopted or is going to be adopted by the Commission were ruled not to be quite reasonable	294
Debate—Interruptions— Speech should not be interrupted by too many questions and a debate should not be converted into question time	660
Debate—Relevancy— In the discussion of the motion <i>re</i> the report of the Provincial Delimita- tion Committee reference to methods of election not allowed	387
Decorum— Personal attacks deprecated The attitude of a Member trying to persist in saying what he ought not to say deprecated	782 1001
Demands for supplementary grants—Relevancy— In the discussion on a demand for a supplementary grant mainly intended for making certain adjustments regarding election expenses between the Government and local bodies (panchayats) cut motions dealing with the general policy of conducting elections in non-pancha- yat areas, furnishing of electoral rolls at reduced cost and representa- tion of depressed classes cannot be discussed	70
Rights and privileges— The Chair has no power to prevent any legislation which the House is competent to enact	89
Unparliamentary expressions— The use of the word 'rot' with reference to the working of a depart- ment was held not to be unparliamentary at all	906
Russel, Mr. T. B. Bill—City Municipal Act, Bill to amend the Madras 793-794, 816, 820, 859-861, 862-863, 868, 927, 1059, 1060, 1062, 1063, 1064	737-788
Salem— Question <i>re</i> consumption of electricity in „ electrification of civil courts in	234-235 265-266
Salem—District and munsif's courts— Question <i>re</i> accommodation in —	764-765

	PAGES
S—cont.	
Salem District Urban Bank—	
Question re —	596-597
Sanitary Engineering Department and Public Health Department—	
Question re separation of —	827-828
Sankari—	
Question re electrification of	235-236
Scheduled classes—	
Question re gazetted posts held by the	957-958
Scholarships—	
Question re award of foreign — by Department of Industries	263-264
School of Arts and Textile Institute—	
Question re	760-761
School of Technology—	
Question re number of students in the	894
Scout and Girl guide movements—	
Question re	758-759
Seasonal remission—	
Question re application for — of jodi	29-30
S.S.L.C. Examination—	
Question re —	890-891
Secondary schools—	
See Board secondary schools	
Secretariat establishment—	
Question re representation of the Andhras on the —	158
Sericulture—	
Question re —	598
Serum Institute—	
Question re —	761
Shetty, Mr. A. B.—	
Adjournment motion re —	
Land revenue, imprisonment for non-payment of—	
See Questions and Answers.	98-99
Shorthand Inspectors—	
Question re — in the Police department	954
Silk—worms—	
Question re rearing of — in South Kanara district	139
Sill-levels—	
Question re raising of — in feeder channels in Tanjore district	214-215
Siruvani Irrigation Scheme —	
Question re progress of the —	156
Siva Raj, Rao Sahib N.	
Bills—	
City Municipal Act, Bill to Amend the Madras	798-799,
Debt conciliation Bill, the Madras	802, 809-813, 814, 814
Sivasubrahmanya Ayyar, Mr. K. S.—	616-617
See Questions and Answers.	
Soldiers—	
Question re assault on pedestrians by —	963-964
Souter, The Hon. Mr. C. A.—	
Adjournment motion re Land revenue, imprisonment for non-payment	60, 100-101
of —	
Appointment as chairman of Select Committee on the Bill to amend	458
Estates Land Act 1908	
Bills—	
Estates Land (Amendment) Act, 1934, Bill to amend the	452, 453
	768, 769, 966-967, 968

S—cont.	
Souter, The Hon. Mr. C. A.—cont.	
Bills—cont.	
Irrigation Cess Act and Land Encroachment Act, Bill further to amend	303-304
the Madras —	306, 307-308
Public Service Commission Bill, the Madras—	281-282, 295
Tobacco Bill, the Madras	75-80, 180,
	190, 211 to 215
Demands for supplementary grants re —	
Famine Relief	72, 74-75
Irrigation (excluding Cauvery-Mettur Project)	62, 66-67,
	69-70
Statement re Estates Land (Amendment) Act, 1934—Bill further to amend	361
South Arcot — ex-taluk board clerks — absorption of —	
Question re —	896-897
South Kanara —	
Question re imprisonment of pattadars —	587-588
" improvement of irrigation sources in —	240-242
" irrigation facilities in —	348-349
See Questions and Answers.	
Question re reclassification of lands	587
Sroshta, Mr. M. S.—	
Adjournment motion re land revenue, imprisonment for non-payment of —	99-100
Bills.	
Betting Tax Bill	274-275
City Municipal Act, 1919, Bill to amend the Madras	537-538, 554, 556,
	769-772
Public Service Commission Bill, the Madras	302-303
Condolence motion re — Foulkes, the late Mr. R.	15
Motion re —	
Madras Delimitation Committee, Second Report of the	395-399
See Questions and Answers.	
Srinivasa Ayyangar, Mr. T. C.—	
Bill —	
City Municipal Act, Bill to amend the Madras	866, 872, 939-940
Debt Conciliation Bill, the Madras	637-638
	968, 972, 973, 976, 978-980, 987-988, 1017
Srinivasa Rao, B.—C class Prisoner—	
Question re	765-766
Srinivasan, Rao Bahadur R.—	
Bill—	
City Municipal Act, Bill to amend the Madras	1054
See Questions and Answers.	
Sri Rama Navami—	
Question re — as general holiday	584
Sriramulu, Mr. G.—	
Adjournment motion re West Godavari District Board, elections to the —	653-656
Demand for supplementary grant re Irrigation (excluding Cauvery-Mettur	
Project)	65-66
Standing Order 5 (b)—	
Nomination of members to the Select Committee on amendment to —	605, 768,
	1021
State-Aid to Industries Act—	
Question re loans sanctioned under —	598-600
Subbarayan, Dr. P.—	
Bills—	
Betting Tax Bill	275, 280-281
City Municipal Act, Bill to amend the Madras	564, 567-568, 569-570, 805,
	813-814, 815-816, 843, 844-845, 850, 852, 859, 861, 863, 865

S—cont.

Subbarayan, Dr. P.—cont.

Bills—cont.

Public Service Commission Bill, the Madras	282-284
Tobacco Bill, the Madras	202-205, 210, 213
Condolence motion <i>re</i> Foulkes, the late Mr. R. —	13
Motion <i>re</i> Madras Delimitation Committee, Second Report of the	399, 488-491, 494

Sub-Inspectors of Police—

Question <i>re</i> territorial and communal representation in the recruitment of —	27-28
--	-------

Subrahmanya Bhatt, Mr. U. C.—

Adjournment motion <i>re</i> land revenue, imprisonment for non-payment of — in South Kanara	59, 90 to 96, 100-102
Motion <i>re</i> Madras Delimitation Committee, Second Report of the	387-390
See Questions and Answers.	

Subramaniam, K.—

Question <i>re</i> passport to —	354
--	-----

Sub-Registrars—

Question <i>re</i> — powers under section 35 of the Registration Act	600-601
„ promotion of clerks in Anantapur district to the cadre of —	140-141
„ reduction of the fees of — for attendance at the residence of parties	140

Sub-Registrars (Upper grade)—

Question <i>re</i> vacancies in	894-895
---	---------

Sub-Registrar's Office—

See Elampillai village.

Sub-Soil survey—

Question <i>re</i> publication of the report of the Geological experts regarding the —	57
--	----

Sugarcane cultivation—

Question <i>re</i> propaganda for expansion of — in South Kanara	47-48
--	-------

Sugar industry—

Question <i>re</i> Government notification fixing rates in <i>re</i> —	1032-1033
--	-----------

Sundara Rao Nayudu, Mr. T.—

City Municipal Act, 1919, Bill to amend the Madras	534, 777, 781, 798, 804, 816, 835-836, 838, 842, 856-857, 861, 862, 863, 927, 1038, 1059, 1070-1079
--	---

Survepalli reservoir —

Question <i>re</i> proposals for improving the —	154
--	-----

Survey and Boundaries Act—

Government Order <i>re</i> amendments to rules under the —	103, 129-130
--	--------------

Swadeshi exhibition—

Question <i>re</i> — at Salem	141
---------------------------------------	-----

T

Taluk boards—

Question <i>re</i> savings on account of abolition of —	36-37
---	-------

Tambaram—

Question <i>re</i> Tuberculosis Institute at —	268
--	-----

Tanjore—

Question <i>re</i> belated supply of water to — from Mettur Reservoir	242-243
„ irregular and inadequate supply of water to —	243-244, 244

Tanjore district—

Question <i>re</i> raising of sill levels in feeder channels in	244, 245
„ wet cultivation — Mettur project	586-587

T—cont.

Tanjore mirasidars—	
Question <i>re</i> deputation of — <i>re</i> levy of additional taxation	349-350
Tanks—	
Question <i>re</i> contracts for repairs to — in Nellore district	155
Tanning—	
Question <i>re</i> foreign barks used in —	434-435
Tasdik allowances—	
Question <i>re</i> lapse of — due to temples in South Kanara	157-158
Taxis—	
Question <i>re</i> refusal to issue licences to — five years old in Madras—	158-159
Teachers—	
Question <i>re</i> — of district boards and municipalities	258-259
„ Government Order regarding salaries of local boards	959-960
„ Secondary school, Calicut, dismissal of—	890
Telugu parts of Ganjam—	
Question <i>re</i> protests against inclusion of — in Orissa Province	34
Territorial and Communal representation—	
See Sub-Inspectors of Police.	
Text-books—	
Question <i>re</i> Government Order <i>re</i> —	445-446
Textile Institute—	
See School of Arts and Textile Institute.	
Tippayipalem anicut—	
Question <i>re</i> breach in the —	955-956
Tiruchengodu—	
Question <i>re</i> electrification of — Salem district—	235, 358-359
Tiruturaipundi—	
Question <i>re</i> enhancement of water-rates in —	246
Tobacco Bill, The Madras—	
See Bills.	
Tobacco Bill—	
Select Committee—Appointment of Sir William Wright as Chairman	361
Toddy shops—	
Question <i>re</i> — in Bellary	447-448
„ sale of — in Salem town	603
Toll compensation—	
Question <i>re</i> — paid to District Boards of Coimbatore and Salem	146
Trichinopoly and South Arcot—	
Question <i>re</i> postponement of the elections of the district boards of —	37
Tuberculosis Institute—	
Question <i>re</i> — Tambaram	268
Tungabhadra Project—	
Question <i>re</i> progress of the	57
„ report of soil survey regarding the —	151-152
Turaiyur—	
Question <i>re</i> electrification of —	237

U

Unemployment—

Question <i>re</i> measures to relieve —	24-25, 26
--	-----------

Unpassed men in the Judicial Service—

Question <i>re</i> —	580
------------------------------	-----

V

Vaccinators—

Question <i>re</i> employment of women —	1024-1025
--	-----------

Valliyur village—

See Assignment of lands.

	PAGES
V—cont.	
Vellore Fort—	
Question re wicket gate by —	265
Vellore Municipal Council—	
Question re representation by — wicket gate by Vellore Fort	265
Veterinary hospitals—	
Question re closure of —	443
Veterinary Investigation Officer—	
Question re office of —	344
Village Courts (Amendment) Act, 1935	
Governor's assent to —	61
Village investigation	
See Agricultural department.	
Village panchayats—	
Question re delay in the reconstitution of	146 147
Vizagapatam Municipality	
Question re Commissioner to —	257 258
W	
Water-rate(s) —	
Question re enhancement of — in Nannakkal	133 134
" enhancement of — in Tiruturai-pundi and Munargudi	246
West Godavari District Board —	
Adjournment motion re elections to the —	603 604, 611 668
Wet cultivation —	
See Tanjore district.	
Wild animals—	
Question re number of cattle and people killed by .. in North Arcot	33 34
Women's Thrift Societies—	
Question re inauguration of —	263
Women—	
Question re — in Government service	763
Wright, Sir William—	
Bills—	
Betting Tax Bill	277-278
City Municipal Act, 1919, Bill to amend the Madras	544 545, 549, 559 560
838, 879, 882, 1035 1036, 1037, 1039, 1049 1050	
See Tobacco Bill—Select Committee.	
See Questions and Answers.	
Y	
Yahya Ali Sahib Bahadur, Khan Bahadur—	
See Questions and Answers.	
Yakub Hasan, Mr.—	
Bills—	
Betting Tax Bill	275-276
City Municipal Act, Bill to amend the Madras	940
Condolence motion re	
Foulkes, the late Mr. R.	16
Yedapady dispensary—	
Question re construction of building for —	267
Z	
Zamindar of Mirzapuram, The—	
Bill—	
Debt Conciliation Bill, the Madras —	630

GOVERNOR OF MADRAS.

His Excellency Lord ERSKINE, G.C.I.E. Took his seat on the 15th November 1934.

MEMBERS OF THE EXECUTIVE COUNCIL.

1. The Hon. Rai Bahadur Sir K. VENKATA REDDI NAYUDU, Kt., Law Member. Took his seat on the 25th April 1934 and is in charge of the following portfolios :—

I.—Provincial Subjects.

- | | |
|--|---|
| 1. Administration of justice, including constitution, powers, maintenance and organization of courts of civil and criminal jurisdiction within the Province. | 6. Coroners. |
| 2. Provincial law reports. | 7. Treasure-trove. |
| 3. Administrator-General and Official Trustees. | 8. Non-judicial and judicial stamps. |
| 4. Elections for Indian and Provincial Legislatures. | 9. Prisons and prisoners. |
| 5. Escheats. | 10. Industrial matters included under the following head :—
Electricity, including hydro-electric schemes. |
| | 11. Forests (including Cinchona) except panchayat forests. |
| | 12. Minor ports. |

II.—Central Subjects.

- | | |
|----------------------------|--|
| 1. Civil law. | 6. Shipping and navigation. |
| 2. Inventions and designs. | 7. Lighthouses. |
| 3. Copyright. | |
| 4. Criminal law. | 8. Port quarantine and marine hospitals. |
| 5. Major ports. | |
2. The Hon. Rao Bahadur A. T. PANNIRSELVAM, Home Member. Took his seat on the 16th August 1934 and is in charge of the following portfolios :—

I.—Provincial Subjects.

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

II.—Central Subjects.

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

3. The Hon. Mr. C. A. SOUTER, C.S.I., I.C.S., Member in charge of Revenue. Took his seat on the 3rd January 1935 :—

I.—Provincial Subjects.

- | | |
|--|--|
| 1. Land Revenue administration as described under the following heads, namely :— | 4. Inland waterways including shipping and navigation thereon. |
| (a) Assessment and collection of land revenue. | 5. Economic condition including wages and prices and famine-relief. |
| (b) Maintenance of land records. Survey for revenue purposes. Records of rights. | 6. Land acquisition, excepting notifications under subsection (1) of section 4 and declarations under subsection (1) of section 6 of the Land Acquisition Act, 1894, where the public purpose referred to in the said subsections appertains to a transferred subject. |
| (c) Laws regarding land tenures. Relations of landlords and tenants. Collection of rents. | 7. Development of mineral resources. |
| (d) Court of Wards encumbered and attached estates. | 8. Protection of wild birds and animals. |
| (e) Land improvement and agricultural loans. | 9. Pounds and prevention of cattle trespass. |
| (f) Colonization and disposal of Crown lands. | 10. Provincial Gazetteers. |
| (g) Management of Government estates. | 11. Agency tracts. |
| (h) Panchayat forests. | 12. Laccadives. |
| 2. Yeomias, inams and hereditary pensions. | 13. European and Anglo-Indian education. |
| 3. Water-supplies, irrigation and canals, drainage and embankments. Water storage and water power. | 14. Fortnightly reports and preliminary special reports to the Government of India. |
| | 15. General service questions. |
| | 16. Office procedure. |
| | 17. Secretariat. |
| | 18. Matters of a general nature not allocated elsewhere. |

II.—Central Subjects.

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

4. The Hon. Mr. G. T. H. BRACKEN, C.S.I., C.I.E., I.C.S., Finance Member. Took his seat on the 19th March 1935 and is in charge of the following portfolios :—

I.—Provincial Subjects.

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

II.—Central Subjects.

- | | |
|--|--|
| 1. (a) Defence of India. | 9. Public debt of India. |
| (b) Naval and Military works and cantonments. | 10. Savings banks. |
| 2. External relations, including naturalization and aliens and pilgrimage beyond India except to the Hedjaz. | 11. Indian Audit Department. |
| 3. Relations with States in India. | 12. Commerce, including Banks and Insurance. |
| 4. Political charges. | 13. Trading Companies and other Associations. |
| 5. Communications. | 14. Opium (Central questions regarding —). |
| 6. Posts and telegraphs and telephones, including wireless installations. | 15. Central Research. |
| 7. Sources of all-India revenues. | 16. Ecclesiastical. |
| 8. Currency and coinage. | 17. Archaeology. |
| | 18. Regulation of ceremonial titles, orders, precedence and civil uniform. |
| | 19. Reforms. |
| | 20. Subjects not allocated elsewhere. |

MINISTERS.

1. The Hon. Raja Sir Sri RAVU SWETACHALAPATHI RAMAKRISHNA RANGA RAO Bahadur, of Bobbili, K.C.I.E., Minister for Local Self-Government. Took his seat on the 5th November 1932 and is in charge of the following portfolios :—

- | | |
|--|---|
| 1. Adulteration of food-stuffs and other articles. | 4. Religious and Charitable Endowments. |
| 2. Light and Feeder Railways and Tramways within municipalities. | 5. Sanitary Engineering Department. |
| 3. Local Self-Government including village panchayats. | 6. Stores and Stationery for Transferred Departments. |

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

- | | |
|---------------------------------|--|
| 1. Agriculture. | 6. Public Works (Buildings, Roads, Ferries, Ropeways, etc.). |
| 2. Civil Veterinary Department. | 7. Registration. |
| 3. Co-operative Societies. | 8. Weights and Measures. |
| 4. Development of Industries. | |
| 5. Fisheries. | |

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

- | | |
|---|--|
| 1. Education (other than European and Anglo-Indian education). | 5. Pilgrimages within British India. |
| 2. Excise. | 6. Public Health (except Sanitary Engineering Department) and Sanitation and Vital Statistics. |
| 3. Libraries, Museums and Zoological Gardens. Medical administration. | |

PRINCIPAL OFFICERS OF THE MADRAS LEGISLATIVE COUNCIL.

President.

The Hon. Mr. B. RAMACHANDRA REDDI.

Deputy President.

M.R.Ry. Diwan Bahadur C. NATESA MUDALIYAR Avargal.

Panel of Chairmen.

Mr. M. S. SRESHTA.

Khan Bahadur YAHYA ALI SAHIB Bahadur.

Mrs. A. RUKMANI LAKSHMIPATHI.

Sir WILLIAM WRIGHT.

Secretary to the Council.

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

Assistant Secretary to the Council.

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

LIST OF MEMBERS OF THE MADRAS
LEGISLATIVE COUNCIL.

Name of member.	Name and class of constituency.
1 Abdul Hameed Khan Sahib Bahadur.	Madras City, Muhammadan Urban.
2 Ahmed Meeran Sahib Bahadur, Moulvi Hafeez Anumanthakudi Mustapha.	Ramnad <i>cum</i> Tinnevelly, Muhammadan Rural.
3 Alagannan Chettiyar, Rao Sahib A. S.	Madura, N.-M. Rural.
4 Alamelumangathayaramma, Mrs. K.	NOMINATED.
5 Annamalai Chettiyar, S. A. A.	Nattukottai Nagarathars' Association.
6 Appadurai Pillai, Diwan Bahadur A.	Central Districts—Indian Christian.
7 Arasu, V. T.	NOMINATED.
8 Ari Gowder, H. B.	The Nilgiris, N.-M. Rural.
9 Basheer Ahmed Sayeed Sahib Bahadur.	Central Districts, Muhammadan Rural.
10 Basu Dev, C.	NOMINATED.
11 Beyabani Sahib Bahadur, S. M. K.	Ceded Districts, Muhammadan Rural.
12 Bhanoji Rao, A. V.	NOMINATED.
13 Boag, G. T.	NOMINATED.
14 Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.	EX OFFICIO.
15 Davis, O.B.E., J. A.	Anglo-Indian.
16 Devadasan, M.	NOMINATED.
17 Dharmalingam Pillai, Rao Sahib V.	NOMINATED.
18 Duraiswami Reddiyar, K. M.	South Arcot, N.-M. Rural.
19 Ellappa Chettiyar, Diwan Bahadur S.	Salem, N.-M. Rural.
20 Gopalaswami Mudaliyar, Diwan Bahadur M.	Bellary, N.-M. Rural.
21 Harischandrudu Nayudu, A. . .	Godavari East, N.-M. Rural.
22 Indrayya, C.	Godavari West, N.-M. Rural.
23 Iswaran Pillai, I. C.	Tinnevelly, N.-M. Rural.
24 Jagannadha Raju, Rao Bahadur G.	Vizagapatam, N.-M. Rural.
25 Jagannatham, H. M.	NOMINATED.
26 Jayaram Nayudu, Rao Sahib C.	Chingleput, N.-M. Rural.
27 Jones, I.C.S., C. E.	NOMINATED.
28 Kesavaramamurti Nayudu, K.	Cocanada City, N.-M. Urban.
29 Khalif-ul-lah Sahib Khan Bahadur P.	Madura and Trichinopoly <i>cum</i> Srirangam, Muhammadan Urban.

Name of member.	Name and class of constituency.
30 Kolanda Reddi, Rai Sahib C.	Kistna, N.-M. Rural.
31 Koti Reddi, K.	Cuddapah, N.-M. Rural.
32 Krishnamurti, Rao Bahadur D.	NOMINATED.
33 Krishnan, C.	NOMINATED.
34 Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi.	NOMINATED.
35 Krishnayya Choudari, P. V.	Guntur, N.-M. Rural.
36 The Kumararaja of Venkatagiri (Raja Velugoti Sarvagnya Kumara Krishnayachendrupa Bahadur Varu).	Nellore, N.-M. Rural.
37 Kumaraswami Reddiyar, The Hon. Diwan Bahadur S. (Minister).	Tinnevelly, N.-M. Rural.
38 Kuppuswami Choudari, J. . .	Guntur, N.-M. Rural.
39 Langley, W. K. M.	Madras Planters.
40 Madanagopal Nayudu, R. . .	Madras City, N.-M. Urban.
41 Madhusoodhanan Thangal, P.	NOMINATED.
42 The Maharaja of Venkatagiri (Sri Raja Velugoti Sir Govinda Krishna Yachendrupa Bahadur Varu, K.C.I.E., Lieutenant-Colonel).	North Central Landholders.
43 Mahboob Ali Baig Sahib Bahadur.	Northern Circars, Muhammadan Rural.
44 Mahmud Schammad Sahib Bahadur, Khan Bahadur.	South Kanara, Muhammadan Rural.
45 Manikkavelu Nayakar, M. A.	North Arcot, N.-M. Rural.
46 Moidoo Sahib Bahadur, Khan Bahadur T. M.	Malabar, Muhammadan Rural.
47 Moses, P. C.	Northern Districts, Christian.
48 Muhammad Meera Ravuttar Bahadur, K. P. V. S.	Madura <i>cum</i> Trichinopoly, Muhammadan Rural.
49 Muniswami Pillai, Rao Sahib V. I.	NOMINATED.
50 Murugappa Chettiyar, Diwan Bahadur A. M. M.	Ramnad, N.-M. Rural.
51 Muthiah Chettiyar, M. A. . .	Southern India Chamber of Commerce.
52 Muthu Chettiyar, Rao Bahadur P. C.	Madura, N.-M. Rural.
53 Nachiyappa Gounder, K. A. . .	Salem, N.-M. Rural.
54 Nadimuthu Pillai, A. Pl. N. V.	Tanjore, N.-M. Rural.
55 Nanjappa Bahadur, Subadar-Major S. A.	NOMINATED.
56 Narasa Reddi, T.	Cuddapah, N.-M. Rural.
57 Narasimhaswami, Rao Sahib D. V.	Godavari East, N.-M. Rural.
58 Narayanan Nambiyar, V. P.	Malabar, N.-M. Rural.

Name of member.	Name and class of constituency.
59 Narayanaswami Pillai, Rao Bahadur T. M.	Trichinopoly, N.-M. Rural.
60 Natesa Mudaliyar, Diwan Bahadur C. (<i>Deputy President</i>).	Madras City, N.-M. Urban.
61 Obi Reddi, C.	Anantapur, N.-M. Rural.
62 Palat, R. M.	West Coast Landholders.
63 Pannirselvam, The Hon. Rao Bahadur A. T.	EX OFFICIO.
64 Parthasarathi Ayyangar, C. R.	Chittoor, N.-M. Rural.
65 Patnaik Mahasayo, Sriman M. G.	Ganjam, N.-M. Rural.
66 Patro, K.C.I.E., Rao Bahadur Sir A. P.	Ganjam, N.-M. Rural.
67 Pattabhiramayya, K.	Kistna, N.-M. Rural.
68 The Pattagar of Palayakottai (Rai Bahadur Nallathambi Sarkarai Manradiyar).	Coimbatore, N.-M. Rural.
69 Peddi Raju, P.	Godavari West, N.-M. Rural.
70 Pocker Sahib Bahadur, B.	Malabar, Muhammadan Rural.
71 Premayya, G. R.	NOMINATED.
72 Rajagopala Pillai, P. V.	NOMINATED.
73 The Raja of Bobbili, K.C.I.E., The Hon. Sir (<i>Minister</i>).	Vizagapatam, N.-M. Rural.
74 The Raja of Kallikote (Raja Sri Ramachandra Marda Raja Deo Garu).	Northern Landholders, I.
75 The Raja of Parlakimedi (Sri Sri Sri Krishna Chandra Gajapathi Narayana Deo Garu).	Ganjam, N.-M. Rural.
76 Rajan, The Hon. Mr. P. T. (<i>Minister</i>).	Madura, N.-M. Rural.
77 Ramachandra Padayachi, P. K.	South Arcot, N.-M. Rural.
78 Ramachandra Reddi, The Hon. Mr. B. (<i>President</i>).	Nellore, N.-M. Rural.
79 Ramakrishna Reddi, A.	Kurnool, N.-M. Rural.
80 Ramalinga Reddi, C.	Chittoor, N.-M. Rural.
81 Ramalingam Chettiyar, Diwan Bahadur T. A.	Coimbatore, N.-M. Rural.
82 Ramamurti, Rao Sahib Pandit Ganala.	NOMINATED.
83 Raman Menon, K. P.	Malabar, N.-M. Rural.
84 Ramaswami Ayyar, T. S.	Madras University.
85 Ramaswami Mudaliyar, V. M.	North Arcot, N.-M. Rural.
86 Rameswara Rao, G.	Anantapur, N.-M. Rural.
87 Ranganatha Mudaliyar, A.	Bellary, N.-M. Rural.

Name of member.	Name and class of constituency.
88 Ranganatha Mudaliyar, G.	Tanjore, N.-M. Rural.
89 Ranganatha Mudaliyar, M. D. T.	Tinnevelly cum Palamcottah, N.-M. Urban.
90 Rangaswami Reddi, M. B.	North Arcot, N.-M. Rural.
91 Ratnasabhapatil Mudaliyar, Diwan Bahadur C. S.	Coimbatore, N.-M. Rural.
92 Ratnavelu Tovar, P.	Trichinopoly cum Srirangam, N.-M. Urban.
93 Reid, D. M.	European, Madras Presidency.
94 Rukmani Lakshmipathi, Mrs. A.	Madras City, N.-M. Urban.
95 Russell, I.C.S., T. B.	NOMINATED.
96 Sahajanandam, Swami A. S.	NOMINATED.
97 Santhana G under, I.	Tanjore and Trichinopoly cum Madura (Christian).
98 Scott Brown, I.C.S., W.	NOMINATED.
99 Sessa Reddi, Rao Bahadur B. P.	Kurnool, N.-M. Rural.
100 Shetty, A. B.	South Kanara, N.-M. Rural.
101 Simhachalam Pantulu, Gade.	Guntur, N.-M. Rural.
102 Siva Raj, Rao Sahib N.	NOMINATED.
103 Sivasubrahmanya Ayyar, K. S.	Tanjore, N.-M. Rural.
104 Smith, J. M.	Madras Trades Association.
105 Soundara Pandian, W. P. A.	NOMINATED.
106 Souter, C.S.I., I.C.S., The Hon. Mr. C. A.	EX OFFICIO.
107 Sreshta, M. S.	West Coast, Christian.
108 Srinivasa Ayyangar, T. C.	Ramnad, N.-M. Rural.
109 Srinivasan, Rao Bahadur R.	NOMINATED.
110 Sriramulu, G.	NOMINATED.
111 Stanes, F. J.	Madras Chamber of Commerce
112 Subbaravan, Dr. P. (The Zamin-dar of Kumaramangalam).	South Central Landholders.
113 Subrahmanyam Chetti, Rao Sahib P.	NOMINATED.
114 Subrahmanya Bhatt, U. C.	South Kanara, N.-M. Rural.
115 Sundara Rao Nayudu, T.	Madras City, N.-M. Urban.
116 Syed Tajuddin Sahib Bahadur, Khan Sahib.	Tanjore, Muhammadan.
117 Thomas, Daniel	Ramnad cum Tinnevelly, Christian.
118 Uzielli, C.I.E., I.C.S., H. R.	NOMINATED.
119 Vasudeva Pillai, V. G.	NOMINATED.
120 Vedachala Mudaliyar, M.	Chingleput, N.-M. Rural.
121 Venkatarama Ayyar, K. R.	Madura City, N.-M. Urban.
122 Venkata Reddi Nayudu, Kt., The Hon. Rai Bahadur Sir K.	EX OFFICIO.
123 Venugopal Nayudu, Rao Bahadur R. K.	South Arcot, N.-M. Rural.
124 Yahya Ali Sahib Bahadur, Khan Bahadur.	East Coast, Muhammadan Rural.

Name of member.	Name and class of constituency.
125 Wright, Kt., Sir William ..	Madras Chamber of Commerce.
126 Yakub Hasan Sahib Bahadur.	North Arcot <i>cum</i> Chingleput. N.-M. Rural.
127 The Zamindar of Bodinayak- kanur (Kamaraja Pandia Nayakar, T. V. K.)	Southern Landholders.
128 The Zamindar of Chemudu (Sri Vyricherla Narayana Gajapati Raju).	Vizagapatam City, N.-M. Urban.
129 The Zamindar of Kirlampudi (Sri Raja Ravu Ramakrishna Ranga Rao).	NOMINATED.
130 The Zamindar of Minampalli (K. C. M. Venkatachala Reddiyar).	Trichinopoly, N.-M. Rural.
131 The Zamindar of Mirzapuram (Mirzapuram Raja alias Ven- kataramayya Appa Rao).	Northern Landholders, II.
132 Vacant.	

Special Members.

133 Erlam Smith	Nominated for the consideration of the Madras Public Libraries Bill.
134 Krishnaswami Ayyar, Rao Bahadur K. V.	Nominated for the consideration of the Madras Public Libraries Bill.
135 Javad Hussain Khan Sahib Bahadur, Khan Bahadur.	Nominated for the consideration of the Madras City Municipal Act (Amendment) Bill.
136 Subbiah Nayudu, Rao Bahadur, R.	Nominated for the consideration of the Hindu Maths Bill.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

OFFICIAL REPORT.

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

Tuesday, the 29th October 1935.

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

PRESENT :

Reddi Nayudu, Kt., The Hon. Rai Bahadur Sir K. V.	Madanagopal Nayudu, Mr. R.
Pannirselvam, The Hon. Rao Bahadur A. T.	Manikkavelu Nayakar, Mr. M. A.
Souter, C.S.I., I.C.S., The Hon. Mr. C. A.	Moidoo Sahib Bahadur, Khan Bahadur T. M.
Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.	Muniswami Pillai, Rao Sahib V. I.
Raja of Bobbili, K.C.I.E., The Hon. the Rajan, The Hon. Mr. P. T.	Murugappa Chettiyar, Diwan Bahadur A. M. M.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.	Muthiah Chettiyar, Mr. M. A.
Abdul Hameed Khan Sahib Bahadur.	Nachiyappa Gounder, Mr. K. A.
Alamelumangathayaramma, Mrs. K.	Nanjappa Bahadur, Subadar-Major S. A.
Annamalai Chettiyar, Mr. S. A. A.	Narasa Reddi, Mr. T.
Appadurai Pillai, Diwan Bahadur A.	Narasimhaswami, Rao Sahib D. V.
Arasu, Mr. V. T.	Narayanan Nambiyar, Mr. V. P.
Ari Gowder, Mr. H. B.	Natesa Mudaliyar, Diwan Bahadur C.
Basheer Ahmed Sayeed Sahib Bahadur.	Palat, Mr. R. M.
Basu Dev, Mr. C.	Parthasarathi Ayyangar, Mr. C. R.
Beyabani Sahib Bahadur, S. M. K.	Patnaik Mahasayo, Sriman M. G.
Bong, C.I.E., I.C.S., Mr. G. T.	Patro, K.C.I.E., Rao Bahadur Sir A. P.
Davis, Mr. J. A.	Pattagar of Palayakottai, The.
Devadasan, Mr. M.	Peddi Raju, Mr. P.
Dharmalingam Pillai, Rao Sahib V.	Pocker Sahib Bahadur, B.
Duraiswami Reddiyar, Mr. K. M.	Premayya, Mr. G. R.
Harischandrudu Nayudu, Mr. A.	Rajagopala Pillai, Mr. P. V.
Jagannatham, Mr. H. M.	Raja of Parlakimedi, The.
Jayaram Nayudu, Rao Sahib C.	Ramachandra Padayachi, Mr. P. K.
Jones, I.C.S., Mr. C. E.	Ramakrishna Reddi, Mr. A.
Kesavaramamurti Nayudu, Mr. K.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Ramamurti, Rao Sahib Pandit Ganala.
Krishnayya Choudari, Mr. P. V.	Raman Menon, Mr. K. P.
Krishnamurti, Rao Bahadur D.	Ramaswami Ayyar, Mr. T. S.
Krishnaswami Ayyar, Kt., Diwan Baha- dur Sir Alladi.	Ramaswami Mudaliyar, Mr. V. M.
Langley, Mr. W. K. M.	Rameswara Rao, Mr. G.
	Ranganatha Mudaliyar, Mr. A.
	Ranganatha Mudaliyar, Mr. G.
	Rangaswami Reddi, Mr. M. B.

[29th October 1935]

PRESENT—cont.

Reid, Mr. D. M.	Sriramulu, Mr. G.
Rukmani Lakshmiopathi, Mrs. A.	Subbarayan, Dr. P.
Russell, I.C.S., Mr. T. B.	Subrahmanya Bhatt, Mr. U. C.
Sandana Gounder, Mr. I.	Sundara Rao Nayudu, Mr. T.
Schamnad Sahib Bahadur, Khan Bahadur Mahmud.	Syed Tajuddin Sahib Bahadur, Khan Sahib.
Scott Brown, I.C.S., Mr. W.	Thangal, Mr. P. M.
Shetty, Mr. A. B.	Uziel, C.I.E., I.C.S., Mr. H. R.
Simhachalam Pantulu, Mr. G.	Vasudeva Pillai, Mr. V. G.
Siva Raj, Rao Sahib N.	Venugopal Nayudu, Rao Bahadur R. K.
Smith, Mr. J. M.	Yakub Hasan Sahib Bahadur.
Sreshta, Mr. M. S.	Zamindar of Bodinayakkamur, The.
Srinivasan, Rao Bahadur R.	Zamindar of Kirlampudi, The.

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

I.—CONDOLENCE MOTION RE THE DEATH OF MR. R. FOULKES.

The Hon. Sir K. V. REDDI NAYUDU:—“ Mr. President, Sir, before the work on the agenda of to-day is commenced, it is my melancholy duty to move, with your permission—

‘ that an expression of sincere regret of this Council at the death of one of its esteemed members, the late Mr. Robert Foulkes, be placed on record.’

“ Sir, he was the grandson of the late Mr. George Frederick Fischer who is officially described in the Madura District Gazetteer as ‘ the last of the great adventurers.’ His father, the late Rev. Thomas Foulkes, had three sons. The eldest of them is Mr. G. F. F. Foulkes who owns large estates in the Salem district and is known as the zamindar of that place. Another son of his, Major-General Charles H. Foulkes, Royal Engineers, D.S.O., was in charge of ‘ gas ’ operations in France during the Great War, and his book on ‘ gas ’ operations has recently been well received, as hon. Members are aware.

“ Born in 1873 and educated in Warminster, Wiltshire, England, Mr. Robert Foulkes came out to India at an early age to look after the coffee estates of the family in the Salem district. When Arbuthnot crashed in 1906 and when coffee went through a bad time, he joined the Madras Revenue Survey Department. He was there only for two years when, on the death of his maternal uncle Mr. Robert Fischer in 1908, he resigned his post and went over to Madura to manage the family estates there.

“ Mr. Robert Foulkes was appointed member of the Madura District Board on the 29th June 1920 and, within a month after that, he was elected as Vice-President thereof. He was elected as the first non-official President of the Madura District Board four months thereafter and he continued to hold the post without a break till March 1934 when he was appointed Special Officer by the Madras Government to implement the scheme of bifurcation of district boards. During the 13 years of the presidentship, he effected so many improvements in the administration of the board and rendered such good and valuable services to the people of the district that Government congratulated him on the efficient way

29th October 1935]

[Sir K. V. Reddi]

in which he had been conducting the administration of the board. In recognition of his public services he was awarded a second class Kaisar-i-Hind Medal in 1923 and the title of O.B.E. in 1928.

“ As president of the district board, he took a keen interest in all matters affecting the improvement of the district—the provision of pure and protected water-supply to the villages, verification of road limits, detection of encroachments, soil sanitation, scientific agriculture, bore-hole latrines, compulsory physical education and so on. He was also responsible for the provision of a magnificent building for the district board office at the cost of over two lakhs of rupees. He got liberal grants and loans from Government during the term of his presidentship for the benefit of the district.

“ He was nominated as a member of this Council on the 4th August 1922 and he ever since continued to be a member thereof till his death. He served on the Public Accounts Committee in 1929–30 and 1930–31 and on the select committees on the Madras Services Commission Bill, 1929, on the Madras Motor Vehicles Taxation Bill, the Madras Periyar Irrigation Tanks Protection Bill and on Mr. Birley's Bill to amend the Madras District Municipalities Act and the Madras Local Boards Act. Hon. Members are aware of the keen interest he had always taken in the deliberations of this House, especially in matters concerning public health and welfare. He spoke rarely but, whenever he spoke, he was listened to with great attention and respect.

“ He passed away on the 24th September 1935 at Madras. He was a much esteemed member of this Council and I know the extent of the sorrow which this House feels for the loss which it has sustained by his death. Sir, I beg to move the motion.”

Dr. P. SUBBARAYAN:—“ Mr. President, in seconding this motion, I beg to associate myself with what has fallen from the lips of the Hon. Gentleman, the Leader of the House. Mr. Foulkes was a great personal friend of mine; I feel the loss very much, and it is impossible for me to speak very much on this occasion. His public activities are well known; and his presidentship of the Madura District Board will remain as a red letter as showing the way in which an European non-official administered the affairs of the district board of a district. Mr. Foulkes, though an European, was considered a great friend of the people in Madura, and his help was always available to any one who chose to go to him on any matter in which he wanted his help. He kept an open house in Madura for any guest and had entertained many distinguished people in his house in Madura. Not only the district of Madura but the whole province mourns the loss of Mr. Foulkes, because he was called a ‘ clubbable ’ man, a great friend not only to Europeans but also to Indians. In his death, the province has lost a very distinguished public worker and public servant.”

* The Hon. the RAJA OF BOBBILI:—“ I am grateful to you, Mr. President, for having given me an opportunity to associate myself with the sentiments expressed by the Leader of the House and the

[The Raja of Bobbili]

[29th October 1935]

Leader of the Opposition. As Minister in charge of Local Self-Government, I can testify to the keen interest Mr. Foulkes had always evinced in the administration of local boards and the efficient manner in which he had conducted them. Even after he had ceased to be the President of the Madura District Board, he continued to take a keen and abiding interest in the problems of local self-government and the betterment of the condition of the people in the villages. I have also had the good fortune to be associated with him in my official capacity, when he was placed on special duty with reference to the bifurcation of district boards. I can testify to the valuable services he had rendered to Government during that short period. Mr. Foulkes, although a European, had associated himself so much with the people—of the district in particular and the presidency in general—that they had always come to regard him as one among them. He had always, as has been said by the Leader of the Opposition, extended his hospitality to everyone without distinction of caste or creed. There can be no greater testimony to his popularity than his election to the District Board of Madura consecutively for a series of years, and he had always carried the confidence of the board and received the fullest co-operation at the hands of his colleagues. When I last had the pleasure of meeting him during the budget session, he was as keen as ever before in the future administration of local boards, and I never expected that his end was so near. With these words, I have pleasure in associating myself with the sentiments expressed by the hon. Mover and seconder of this motion."

Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, I beg to associate myself with the sentiments expressed by the previous speakers. Mr. Foulkes' name is very popular now, particularly in Madura. He had been a valuable Member of this House, and though he was not one who participated in the debates very often, yet whenever he took part, he was very effective. I may say he was very popular with all sections of the House and wielded considerable influence."

"The most noteworthy feature of his career is his election to the presidentship of the District Board of Madura. As the first non-official European to be elected to a representative body like the Madura District Board, and as its President for 14 years he had done very useful service, and the encomiums paid to him by all persons, including Governors of provinces, are a sufficient testimony to his merits. He identified himself with the interests and aspirations of the rural population. I should say his career is an illustration of how a non-official European could identify himself with the interests of the people amongst whom he lives. There was one thing in his private life which I should like to mention. He was always generous in his dealings and very hospitable. I think I could say he was the Prince of Madura."

Mr. J. A. DAVIS:—"Mr. President, I beg to associate myself with the sentiments expressed by the previous speakers. I have always appreciated the work Mr. Foulkes did in this Council. He was an

29th October 1935]

[Mr. J. A. Davis]

example of what a President of the district board could do and how he could interest himself in the affairs of the people and be in constant touch with them."

* Mr. W. K. M. LANGLEY:—"Mr. President, I should like to associate my group and myself with this mournful resolution. The late Mr. Foulkes was not a member of this group although an European. He was a nominated member and as such he maintained a very high and independent attitude. Although he was not a member of our group, we had some sort of reflected satisfaction that he was any way a member of this House as we felt that he raised definitely by his presence the dignity of the Europeans in this House. Sufficient has already been said about Mr. Foulkes' public career. I should like to refer just briefly to the private side of his life. I am specially qualified to do so, because shortly after I came to this country, about 30 years ago, the late Mr. Foulkes was appointed to Malabar as Land Records Officer, and from that date until his death he was one of my greatest friends in India. He was an exceptionally many-sided man. There was hardly any form of sport or intellectual pursuit in which he did not excel. He was a fine tennis player, a very fine billiards player and a brilliant cricketer as anybody associated with cricket in this presidency some years ago is well aware. Apart from that, he was a wonderful lover of nature; the whole of nature was an open book to him; and to take a walk with Mr. Foulkes or to spend an evening in his company was in itself liberal education. We mourn his loss deeply, and we feel that one has departed who represented the very best possible type of non-official European in this country."

Mr. M. S. SRESHTA:—"Mr. President, Sir, as an Indian Christian Member of this House, I wish to join in the sentiments expressed by the previous speakers. Mr. Foulkes had a remarkable personality and he was popular with everybody. It has been said that Europeans do not enter into the political and social currents in this country sufficiently. That charge cannot be made against Mr. Foulkes. He made himself acquainted with all the wants of the people and took a very sympathetic view of them. The success which attended his efforts was due to this fact. The recognition that he obtained, not from Europeans only but from all classes of people, was due to the keen interest not only in the administrative problems of local bodies but also in the social and political problems of the country. If other Europeans also took the same interest in our affairs, the same success would be theirs and we shall immensely value the European element in our social work and in the work of the local bodies. With these few words I support the motion before the House."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, on behalf of the depressed classes I would like to associate myself with what has been ably said by the previous speakers. Mr. Robert Foulkes was a friend of the poor and the depressed classes. This fact was well known to the depressed classes from the time he was elected as President of the Madura District Board. Although attempts were made to persuade

11-15
a.m.

[Mr. V. I. Muniswami Pillai] [29th October 1935]

the depressed class members not to vote for him, they solidly voted for him knowing his sympathy for them. During the last nine years of my membership of this Council, whenever I had occasion to consult him, I was able to get the best advice from him. Apart from that, his work as Special Officer has been much appreciated and his advice has been considered to be very valuable. It is a great pity that it is not given to him to see the new Reforms in operation. With these few words I associate myself with the feelings expressed in this House on this motion."

Mr. YAKUB HASAN:—" Mr. President, after the speech of Dr. Subbarayan which shows how popular Mr. Foulkes was with all sections of Indians, I need not rise to speak at all; but still, I think as a Muhammadan, I should also say a word. Sir, his popularity was not confined to any one section or two; all the people, especially of Madura, loved him as one of them. In fact it was difficult to imagine that he was a non-Indian. He was in India for such a length of time and he identified himself with Indian interests so much that but for his colour he would have been rightly considered an Indian. Sir, I associate myself with the sentiments expressed by the other speakers and express the personal loss that all of us in this House as well as outside feel at the death of Mr. Foulkes."

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

II.— QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Prisons and Prisoners

Representations for the transfer to Bengal of Mr. Mukundalal Sircar, a prisoner confined in the Central Jail at Salem.

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

(a) whether any applications or oral representations have been received recently for the transfer of Mr. Mukundalal Sircar, a prisoner in the Central Jail at Salem, to any of the Bengal jails; if so, when and from whom;

(b) what orders have been passed thereon and whether a copy of it will be placed on the table;

(c) if the Government have objected to the transfer, what the reasons are therefor;

(d) what the full and aggregate term is of imprisonment he was sentenced to;

(e) what the names are of prisons in this Presidency in which he has been so far-kept and what the term is of his detention in each of the said prisons; and

(f) what his weights were at the time of admission in and at the time of leaving each prison and what his present weight is?

29th October 1935]

A.—(a) No.

(b) & (c) Do not arise.

(d) Four years and two months.

(e)—

Names of prisons.		Term of detention.
The Penitentiary, Madras	..	24th to 25th April 1934.
The Central Jail, Vellore	..	26th April to 20th July 1934.
Do. Salem	..	21st July 1934 up to date.

LB.

(f) Weight on admission to the Penitentiary 117

Weight on transfer from the Penitentiary 117

Weight on admission to the Central Jail, Vellore ... 110

Weight on transfer from the Central Jail, Vellore ... 104

Weight on admission to the Central Jail, Salem ... 104

Present weight 108

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know Sir, whether the prisoner himself did not make any representation for his transfer to any of the Bengal jails? "

The Hon. Sir K. V. REDDI NAYUDU:—" Not that I know of, Sir."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the Government called for a medical report as to what caused reduction in weight? "

The Hon. Sir K. V. REDDI NAYUDU:—" I think there is sufficient material on record to show that it is not due to any outside cause. As a matter of fact, in the later stages, he has been improving."

Health condition of Mr. Mukundalal Sircar, a prisoner in jail.

* 219 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Law Member be pleased to state—

(a) whether it is a fact that Mr. Mukundalal Sircar has lost considerably in weight and consequently his health has deteriorated;

(b) what his weight was on the day of admission into the jail; and what his present weight is;

(c) whether it is a fact that he was given ' A ' class formerly; and (d) what the reasons are for changing his classification?

A.—(a) & (b) The hon. Member is referred to the answer to clause (f) of question No. 218.

(c) The hon. Member is referred to the answer to clause (d) of question No. 1004 answered at the Legislative Council on 23rd March 1935.

(d) Under the instructions of the Government of India, no prisoner is eligible for ' A ' class, if he is convicted of offences relating to the possession of firearms and other dangerous weapons. Mukundalal Sircar is a prisoner coming under this category.

[29th October 1935]

Diet of Mr. Mukundalal Sircar, a prisoner confined in the Central Jail at Salem.

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

(a) whether it is a fact that Mr. Mukundalal Sircar, a prisoner in the Madras Conspiracy case, is a Bengalee and is used to fish diet;

(b) whether fish diet is allowed to him in the jail now; if not, what the reasons are for not allowing it to him and what the kind of diet allowed to him now is;

(c) whether there are any complaints that the present diet allowed to him does not suit him;

(d) how they have been or are proposed to be disposed of;

(e) whether it is a fact that he is segregated in the prison and, if so, what the reasons are therefor;

(f) whether it is a fact that the Hon. the Law Member, and the Inspector-General of Prisons interviewed the said prisoner in Vellore and Salem jails respectively;

(g) if so, whether any personal representations were made to them; and

(h) if the answer to clause (g) be in the affirmative, what the representations were and how they were or are being dealt with by the Government?

A.—(a) The answer to the first part of the question is in the affirmative. The Government have no information as to whether prisoner Mukundalal Sircar is used to fish diet.

(b) The prisoner has been placed in 'B' class and fresh fish is one of the articles included in the dietary for that class of prisoners. On medical recommendation he is now being given wheat and rice diet.

(c) No.

(d) Does not arise.

(e) Yes, because under the orders of the Government of India terrorist prisoners should be segregated from other prisoners.

(f), (g) & (h) The prisoner was interviewed by the Inspector-General of Prisons at the Central Jail, Salem, on 5th March 1935. Representations were then made by the prisoner

(i) that he should not be segregated,

(ii) that he should be allowed more books.

The prisoner was informed that his segregation would continue and that he might submit to the Superintendent lists of any particular literature he might require. As a result of the representation made by the prisoner for additional periodicals, he was permitted the use of the following periodicals:—

Champion and Federated India.

[29th October 1935]

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, whether these were the only periodicals required by him? "

The Hon. Sir K. V. REDDI NAYUDU:—" Those are the only periodicals desired by him and approved by the Government. "

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know from the Hon. the Law Member whether the prisoner required any other books? "

The Hon. Sir K. V. REDDI NAYUDU:—" Notice. "

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know Sir, whether he made a requisition for certain conveniences such as easy chair, mosquito-curtain and other things? "

The Hon. Sir K. V. REDDI NAYUDU:—" Notice again. "

Death of a prisoner in the Cannanore jail due to alleged flogging.

* 221 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Law Member be pleased to state—

(a) whether it is a fact that about the beginning of this year a prisoner confined in the Cannanore jail was flogged while he was suffering from dysentery; and

(b) whether it is a fact that the prisoner died from the effects of shock due to flogging?

A.—(a) He was given 15 stripes for deliberately refusing to work when he was all right. At the time flogging was ordered, the Superintendent and Medical Officer was perfectly satisfied that the prisoner was free from any trace of dysentery. Two days after he developed Bacillary dysentery and died the same night.

(b) No.

Mrs. A. RUKMANI LAKSHMIPATHI:—" May I know, Sir, the interval of time that passed between the time when the medical officer pronounced that the prisoner was absolutely free from any trace of dysentery and the time when the flogging took place? "

The Hon. Sir K. V. REDDI NAYUDU:—" I take it that the medical officer examined the prisoner before the flogging was administered and found him to be in perfectly good health. "

Mrs. A. RUKMANI LAKSHMIPATHI:—" I wanted to know the interval that passed between the time when the actual flogging took place and the time when the medical officer pronounced him to be absolutely free from any trace of dysentery? "

The Hon. Sir K. V. REDDI NAYUDU:—" I think I made it clear that these prisoners have to be examined a few minutes before flogging is to be administered to them. "

B. POCKER SAHIB Bahadur:—" Did the medical officer certify that the prisoner was fit to receive the flogging intended to be inflicted on him? "

The Hon. Sir K. V. REDDI NAYUDU:—" Yes, I should think so. "

[29th October 1935]

Mr. YAKUB HASAN:—"Did it not strike the Hon. the Law Member as an extraordinary coincidence that this prisoner should have been found without any symptom of dysentery previous to flogging and that he should have developed dysentery immediately after the flogging?"

The Hon. Sir K. V. REDDI NAYUDU:—"He did not immediately thereafter develop dysentery. It was only two days afterwards that dysentery developed. I do not see anything surprising about it. Man has no control over such things."

Mr. T. S. RAMASWAMI AYYAR:—"May I ask the Hon. the Law Member whether the Government do not consider the necessity to abolish flogging as a punishment in these modern days when it is considered an inhuman punishment?"

The Hon. Sir K. V. REDDI NAYUDU:—"It is a matter of opinion, and the authority of the Government of India would have to be invoked."

Mr. A. B. SHETTY:—"May I know whether, according to medical opinion, it is usual for a person to develop dysentery and die the same night, or this is an exceptional case?"

The Hon. Sir K. V. REDDI NAYUDU:—"I am not a medical man to give expert medical opinion."

B. POCKER SAHIB Bahadur:—"May I know if flogging did in any way contribute to the death of the prisoner?"

The Hon. Sir K. V. REDDI NAYUDU:—"Medical opinion is certainly that death was not in the least caused by flogging."

Mr. M. S. SRESHTA:—"Will the Hon. the Law Member please say what was the reason given by the prisoner for refusing to work?"

The Hon. Sir K. V. REDDI NAYUDU:—"I do not know; I think it was his political conviction."

Mr. M. S. SRESHTA:—"Was he asked to show cause why he should not be flogged? I am asking whether it is not the practice, before a person is sentenced to be flogged, that he should be asked to show cause why this punishment should not be inflicted on him?"

The Hon. Sir K. V. REDDI NAYUDU:—"Flogging comes in only after a number of offences have been committed. In this case he was given ordinary punishment on three or four occasions and this was the fourth punishment."

Mr. M. S. SRESHTA:—"In view of the importance of the question, will not the Hon. the Law Member make a stringent enquiry?"

The Hon. Sir K. V. REDDI NAYUDU:—"As stringent an enquiry as possible in the circumstances has been held and reports have been received."

29th October 1935]

Death of D. Dorasingam, an Adi-Dravida prisoner, confined in the Coimbatore Central Jail.

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

(a) whether the Government are aware that an Adi-Dravida pupil of the Ootacamund Municipal High School, named D. Dorasingam, was convicted in March 1935 and sent to Coimbatore Jail;

(b) whether the boy died in jail about June 6, 1935;

(c) whether the death of the boy was not intimated to his parents until after the boy's father sent a prepaid telegram in the first week of July;

(d) what the usual procedure adopted is in case of deaths as to informing the parents or relatives concerned;

(e) why timely notice was not given to the relatives concerned in this case; and

(f) what the Government do in a case of gross negligence on the part of the Jail authorities in this respect?

A.—(a) One convict, D. Dorasingam, a student, was admitted in the Central Jail, Coimbatore, on 31st January 1935.

(b) He died in the Jail Hospital on 10th June 1935.

(c) The facts are as stated by the Member of the Legislative Council.

(d), (e) & (f) There were no specific rules on the point. The Inspector-General has since issued a circular directing that timely intimation should be given to the relatives of the death of prisoners, removed to the Jail Hospital or the Government Civil Hospital on account of dangerous illness. Steps are being taken to amend the rules in Part II of the Jail Manual, making it obligatory on the part of the jail officials to inform the relatives of prisoners, who are dangerously ill or who die in jail hospitals.

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I ask Sir, why this boy was not sent to the Reformatory school?"

The Hon. Sir K. V. REDDI NAYUDU:—"I do not know the age of the boy. I dare say it was the order of the Magistrate."

Rao Sahib V. I. MUNISWAMI PILLAI:—"How long was this boy ill in jail?"

The Hon. Sir K. V. REDDI NAYUDU:—"Notice."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know why the matter was not communicated to his parents until after the receipt of a telegram from them?"

The Hon. Sir K. V. REDDI NAYUDU:—"It was communicated a little later."

[29th October 1935]

Solitary confinement of Mr. Kalayya Chetti, a prisoner convicted in the Madras Conspiracy Case.

* 223 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Law Member be pleased to state—

(a) whether it is a fact that Mr. Kalayya Chetti, a prisoner of the Madras Conspiracy Case, was charged with some jail offence and accordingly sentenced;

(b) if so, what the charge was; and

(c) whether it is a fact that Mr. Kalayya Chetti is kept in solitary confinement and consequently his health has been affected?

A.—(a) Yes.

(b) Wilfully refusing to eat food prescribed by the prison diet scale.

(c) The answer to both parts of the question is in the negative.

Classification of Mr. Devanayagayya as a 'C' class prisoner.

* 224 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Law Member be pleased to state—

(a) whether it is a fact that Mr. Devanayagayya, convicted for sedition in the recent Tinnevely sedition case, has been awarded 'C class'; and

(b) what the reasons are for giving Mr. Devanayagayya 'C' class?

A.—(a) Yes.

(b) The convict was classified as a "C" class prisoner by the convicting Magistrate with reference to the provisions in rule 747-A of the Jail Manual.

Mr. C. BASU DEV:—"May I ask whether the Government will consider the desirability of removing the class distinctions at least among the convicts? We have enough class distinctions already."

The Hon. Sir K. V. REDDI NAYUDU:—"It is only among the convicts that there is this class distinction."

Control of Books and Printing Presses

Reasons for demanding security from the "Prabhat," a Karnataka weekly of South Kanara.

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

(a) whether it is a fact that a Karnataka weekly of South Kanara called the "Prabhat" was asked to deposit a security of Rs. 2,000; if so, in respect of which article the security was demanded;

(b) whether he will be pleased to place on the table a copy of the offensive portion of the said article; and

(c) what provision of the Press Act the article offends and how?

29th October 1935]

A.—(a) Yes; the security was demanded in respect of an article published on 23rd June 1935 commenting on the relief measures at Quetta. As the publisher offered an unqualified apology the notice demanding the security has since been withdrawn.

(b) A translation of the article is appended.^a

(c) Clause (d) of sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931, as amended by section 16 of the Criminal Law Amendment Act, 1932; the article tends to bring the Government into hatred and contempt.

Mr. U. C. SUBRAHMANYA BHATT:—"May I ask whether bona fide criticism of the conduct of the Government is what is meant by bringing the Government into hatred and contempt?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I cannot give legal opinion sitting here."

Mr. U. C. SUBRAHMANYA BHATT:—"May I ask whether there was anything beyond bona fide criticism in the article supposed to have given offence?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"If it was merely bona fide criticism security would not have been demanded."

Mr. U. C. SUBRAHMANYA BHATT:—"Is it the idea that there should be no criticism on the action of the Government?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"No sensible Government would be of that opinion."

Demand of securities from newspapers and presses for publication of articles concerning the Quetta Earthquake Relief.

* 226 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Home Member be pleased to state with reference to the working of the Press Act in this Presidency since the date of the Quetta Earthquake, the number of presses, newspapers and periodicals which have been called upon to furnish security for articles concerning the Quetta Earthquake and its relief and also the amount so demanded?

A.—A statement^b is attached.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know if there is any other paper which dealt with Quetta, but did not merit the order of the Government in the matter of security?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The Hon. Member may make the question a little plainer."

^a Printed as Appendix I on pages 104-105 infra.

^b Printed as Appendix II on page 105 infra.

[29th October 1935]

Mr. U. C. SUBRAHMANYA BHATT:—"The Government have given a list of papers from which security has been demanded. I am asking whether there is any other press or paper which wrote about Quetta and went scotfree?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I have not got a catalogue of all the papers in which publications about Quetta appeared."

Government Press

Reduction of charges for the publication of insolvency notices in the Fort St. George Gazette and the District Gazettes.

* 227 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Home Member be pleased to state whether the Government have under consideration any proposal for reducing the charges for the publication of insolvency notices in the Fort St. George and District Gazettes, and if so, what it is?

A.—No.

11-30 a.m. Mr. G. RAMESWARA RAO:—"May I know, Sir, why in the case of insolvency notifications that are published, the style adopted by the Madras High Court in the form of a consolidated list in the *Fort St. George Gazette*, is not adopted by the mufassal courts so as to reduce the cost of publication?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Possibly that is a question which will have to be addressed to my Hon. Colleague the Law Member."

Labour

Measures, if any, to relieve unemployment.

* 228 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Home Member be pleased to state with reference to question No. 681, dated 22nd February 1935, whether any final decision has been reached by the Government in regard to the undertaking of schemes for the absorption of the unemployed?

A.—In view of the present economic depression and consequent unemployment among the rural population, the Government have sanctioned a scheme involving a capital expenditure of Rs. 50 lakhs for an accelerated programme of improvements to minor works of irrigation on a three-year plan. The programme has been primarily directed to strengthening bunds and, where necessary, other parts of irrigation works, and the works selected have been spread out as far as possible over the various districts due regard being had to the availability of labour, the possible working season, and to the fact that the necessity is less in certain well-favoured tracts. The programme is in course of execution.

29th October 1935]

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask the Hon. the Home Member whether the Government had any proposal under consideration for the absorption of the middle class educated unemployed?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"We had a full dress debate on the matter."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the Government had any schemes or proposals examined regarding the absorption of or relief to be given to the middle class educated unemployed?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"It is an impossible task for any Government to absorb all the middle class educated unemployed people."

Mr. T. S. RAMASWAMI AYYAR:—"May I know if the Government have made any attempt at all to give relief to the educated middle class unemployed—let alone the magnitude of the task?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The whole question has been examined more than once."

Mr. A. B. SHETTY:—"The answer says: 'and the works selected have been spread out as far as possible over the various districts.' May I know which districts have been left out in the scheme and why?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I should like to have notice of that question."

B. POCKER SAHIB Bahadur:—"May I know whether it is a fact that Malabar has been entirely left out of the scheme and, if so, why it was left out?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"If there was anything in Malabar on which we could spend a portion of the amount of Rs. 50 lakhs, it could not have been left out."

Mr. A. RANGANATHA MUDALIYAR:—"Will the programme referred to in the answer be made available for the information of the public?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I will consider the hon. Member's suggestion."

Mr. C. BASU DEV:—"May I know if the Government have any proposal under consideration at least to prevent the increase in the number of educated unemployed?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The matter rests completely with the parents."

B. POCKER SAHIB Bahadur:—"May I know whether it is because there is no unemployment in Malabar that it has been left out from the scheme?"

[29th October 1935]

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"There must be such kinds of works which would fit in with the scheme which we have formulated and which, when put into execution, would incidentally go to relieve unemployment."

Revival of the activities of the Labour Department in the districts.

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

(a) what the new principle adopted by the Government for the revival of the Labour department in the districts in which the operation of the department was suspended is;

(b) in how many districts the Labour department is working at present; and

(c) what steps the Government are taking for the extension of the operation of the Labour department in all the districts of the Presidency?

A.—(a) & (c) The work of the Labour department was closed down in five districts in 1931-32 as a measure of retrenchment. The Government have at present no proposals in hand for reviving the operations in these districts or for extending the work to new districts. The question will be considered when funds permit. Government have not adopted any new principle in the matter.

(b) In fifteen districts.

Mr. M. DEVADASAN:—"The answer says: 'the work of the Labour department was closed down in five districts in 1931-32 as a measure of retrenchment.' May I know whether the Government ever thought of this question subsequent to 1932?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"We were constantly looking into this question and we have said that when funds are available we would extend the activities of this department."

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I know whether the Labour Commissioner has submitted proposals for bringing some other district under the Labour department and whether any report has been received from him?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I do not think any report has been received, but I know he is considering this question."

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I know what are the activities which will be undertaken by the Labour department if the Government decide to extend their activities?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The activities will depend upon the amount available at the disposal of the Government."

29th October 1935]

Police

Territorial and communal representation in the matter of the recruitment of Sub-Inspectors of Police.

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

(a) whether the matter of giving due share of representation to each district in the selection of Sub-Inspectors of Police in each year is considered by the Government;

(b) what the number is of vacancies of Sub-Inspectors that occurred in each year in each district, and what the number is of persons recruited for such posts in each year in each district since the year 1930;

(c) how many applications have been received for such posts in each year from each district and how many from each community; and

(d) of these, how many have been selected from each community?

A.—(a) Selection of candidates for appointment as Sub-Inspectors of Police is made on the basis of ranges. The selection is not made by the Government but by the Deputy Inspectors-General of Police in consultation with the Madras Services Commission.

(b) The information is given in the statements ^a appended.

(c) The Government have no information.

(d) The information is given in statement ^a No. II appended.

Mr. K. A. NACHIYAPPA GOUNDER:—"From a perusal of the statement given in the appendix in answer to this question, I find that out of the nine vacancies that arose in Salem district in 1930 only two have been selected from that district, out of nine in 1931 only two, out of three in 1932 none has been given and out of five in 1933 only one from that district has been given the chance. May I know, Sir, why such a poor representation was given to Salem even when there was a greater number of vacancies there?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Government have never considered the question of districtwar representation in any of their services."

B. POCKER SAHIB Bahadur:—"May I know why in the statement given in answer to this question no figures have been furnished about the selection made in 1935?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I do not know if the selection for the year 1935 has yet been completed."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"May I know if the Government will be pleased to select the candidates on the basis of districts instead of on the basis of ranges?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I am afraid I cannot give a very hopeful answer to that."

^a Printed as Appendix III on pages 106-109 infra.

[29th October 1935]

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Out of the ten candidates who have been selected for the posts of sub-inspectors for the five years from the year 1930 to 1934 in the Guntur district, only four non-Brahman Hindus have been selected. May I know in what proportion the non-Brahman candidates are selected as compared with other caste candidates and why the proportion of non-Brahman Hindus is so poor? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ Probably the non-Brahmans of Guntur district are too well off to seek service in the Police department.”

Representations for opening an outpost police station in Elampillai village, Salem district.

* 231 Q.—Diwan Bahadur S. ELLAPPA CHETTIYAR: Will the Hon. the Home Member be pleased to state—

(a) whether any mahazar was received by the Inspector-General of Police from the residents of Elampillai and other neighbouring villages of Salem taluk for opening an outpost Police station in the village; and

(b) if so, what orders have been passed in the matter?

A.—(a) No.

(b) Does not arise.

Land Revenue Administration

Posting of outsiders to the Revenue department in Anantapur district.

* 232 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Member for Revenue be pleased to state whether persons from other districts are being brought into Anantapur district for posts in the Revenue department, such as Sub-Magistrates and Deputy Tahsildars?

A.—Since 1929 three persons have been appointed from other districts to the Madras Revenue Subordinate Service in the Anantapur district. One of these was transferred in 1929 in exchange for a Tahsildar in the Anantapur district. The other two—one, a member of the scheduled classes and the other, a Christian—were appointed as Deputy Tahsildars in 1935, as candidates belonging to those communities were not available in the Anantapur district for appointment according to the communal turn.

Reclassification of lands between one settlement and another on the basis of improvements effected by the ryots.

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

(a) whether the Government have issued any order for altering the classification of lands for assessment between two settlements on the basis of the improvements done to the lands by the ryots between two settlements;

[29th October 1935]

(b) whether it is a fact that the Government of India have exempted improvements in lands after one settlement from assessment;

(c) whether this Government consulted the Board of Revenue in this matter; and if so, what their opinion was; and

(d) what are the reasons for the issue of this order by the Government?

A.—(a) No. Lands are, where necessary, reclassified at resettlement in accordance with the orders passed on the several scheme reports to which the hon. Member may refer.

(b) The hon. Member is referred to paragraph 20 of the Resolution of the Government of India printed at page 20 of the book ‘The Land Revenue Policy of the Government of India.’

(c) & (d) Do not arise.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether the Government have not issued, either by way of a confidential circular or in any other manner, any notification stating that Government have got powers to reclassify the lands between one settlement and another? ”

The Hon. Mr. C. A. SOUTER:—“ Not that I am aware of.”

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—“ May I ask whether the Government are aware that in Malabar reclassification was resorted to? ”

The Hon. Mr. C. A. SOUTER:—“ Malabar was reclassified under a notification which was issued before the settlement took place.”

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—“ May I ask whether, after the settlement, there has been any reclassification or not? I am not asking about the present policy of the Government.”

The Hon. Mr. C. A. SOUTER:—“ I want notice.”

Applications from the proprietors of full inam villages in Anantapur district for seasonal remission of the jodi payable in 1934–35.

* 234 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Member for Revenue be pleased to state—

(a) whether any applications for seasonal remissions were received from proprietors of full inam villages in Anantapur district regarding the jodi payable in 1934–35; and

(b) What orders, if any, have been passed thereon?

A.—(a) Yes.

(b) Two were forwarded to the Collector of Anantapur district. The Government considered that no action was necessary in regard to the others.

[29th October 1935]

Mr. G. RAMESWARA RAO:—" May I know, with reference to the answer given to this question, as to when the applications were received and how they were disposed of? "

The Hon. Mr. C. A. SOUTER:—" Of the two applications received for remission, one was in June and the other in July. The Government considered that those cases were not fit cases for granting remissions. Of the two applications received one was with reference to a whole inam village and the Government did not consider in that case there was reason to grant the request of the petitioner."

Collection of process-fees in South Kanara by the Revenue officials.

* 235 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Member for Revenue be pleased to state with reference to the collection of process-fees for attachment, etc., by revenue officials in South Kanara district in general and in Puttur taluk in particular—

(a) the total amount collected in each of the taluks by way of process-fees; and

(b) whether any special extra staff was employed for serving the processes; if not, whether it was through the village officers that the services were effected?

A.—(a)—

Taluk.					Amount.		
					RS.	A.	P.
Mangalore	...	...	...	...	203	14	0
Kasaragod	...	...	...	...	200	15	0
Puttur	...	...	...	...	251	15	0
Udipi	...	...	...	...	205	0	0
Coondapoor	...	...	...	...	133	11	0
Karkal	...	...	...	...	201	0	0

Total for the South Kanara district ... 1,196 7 0

(b) Special staff of seven process-amins for the whole district was employed. Processes were also served through the village officers.

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether it is not a fact that, in cases where the services of a special staff are not utilized, no process fees can be collected under the Board's Standing Order? "

The Hon. Mr. C. A. SOUTER:—" Notice, Sir."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know if the Hon. Member would look into the matter and in cases where any unauthorized process fees have been collected, see that orders are issued to refund the sums that have been collected? "

29th October 1935]

The Hon. Mr. C. A. SOUTER:—" I may inform the hon. Member that the matter has been looked into and a report has been called for."

Mr. A. B. SHETTY:—" May I know whether the amount collected was meant for the payment of the extra staff employed? "

The Hon. Mr. C. A. SOUTER:—" I presume that the total amount of Rs. 1,196-7-0 collected as process fees would go towards the payment of the extra staff employed for this purpose."

Khan Bahadur MAHMUD SHAMNAD SAHIB Bahadur:—" May I ask the Hon. Member whether the Government will be pleased to order the discontinuance of levying these penalties and process fees on account of the economic depression that is prevailing in the country? "

The Hon. Mr. C. A. SOUTER:—" I do not think so, Sir."

Alteration of the form of application for loans under the Agricultural Improvements Loans Act.

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

(a) whether it is a fact that the Government have changed the form of application for loans under the Agricultural Improvements Loans Act; and

(b) if so, the changes made and the reasons therefor?

A.—(a) & (b) No.

Mr. P. V. KRISHNAYYA CHOUDARI:—" In view of the amendment that has been made to the Agricultural Improvements Loans Act, may I ask whether the Government will be pleased to change the form of application for loans? "

The Hon. Mr. C. A. SOUTER:—" May I ask what the amendment is to which the hon. Member refers? "

Mr. P. V. KRISHNAYYA CHOUDARI:—" The recent amendment that has been made to the Agriculturists' Loans Act, to relieve the indebtedness of the agriculturists."

The Hon. Mr. C. A. SOUTER:—" There will be a special form for loan applications according to that amendment. So far as I know, there is no proposal for changing the form of loan application with regard to ordinary loans."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether it is not a fact that Government have already fixed certain districts for experimental purposes? "

The Hon. Mr. C. A. SOUTER:—" Government have fixed one district and a small portion of another district to see how the new Act works there."

Mr. P. V. KRISHNAYYA CHOUDARI:—" So is it not necessary on the part of the Government to change the form of loan application at least for those districts? "

[29th October 1935]

The Hon. Mr. C. A. SOUTER:—"I have already said that the new form has been prescribed with reference to loans which are granted for relieving the indebtedness of the ryots. So far as ordinary loans are concerned, there is no intention on the part of the Government to change the form."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"May I ask the Hon. the Revenue Member whether the work will be confined only to those districts from which applications for loans have been received or whether he is going to employ any special staff for this purpose?"

The Hon. Mr. C. A. SOUTER:—"I understand that Collectors have been asked, as far as possible to give figures of those cases which deserve relief under the Agriculturists' Loans Act. But before we extend it throughout the Presidency, we want to see how it works under a special staff in these two particular areas. If, as I hope, it will be a success in those parts of the Presidency, it will be extended to other areas also and if necessary special staff will be appointed for other parts of the Presidency."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know how long they are going to take for trying this experiment?"

The Hon. Mr. C. A. SOUTER:—"It all depends upon how the experiment works in these areas."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"May I know what objection the Government have to receive the loan applications from the several districts and considering them according to their merits instead of waiting for a long time to see how the experiment works in the selected areas?"

The Hon. Mr. C. A. SOUTER:—"That will come, I hope, very shortly."

Recovery of instalments due under the Agricultural Improvements Loans Act in the Guntur district.

* 237 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Member for Revenue be pleased to state whether it is a fact that the Government are collecting the instalments due under the Agricultural Improvements Loans Act in the Guntur district even in places where they have granted remissions of land revenue?

A.—The hon. Member presumably refers to cases in which season remissions have been granted by the Collector.

According to rule XXV of the Loans (General) Rules the repayment of an annual instalment may be suspended by the authority or officer, who sanctioned the loan, whenever from causes beyond the borrower's control such repayment of the instalment becomes unduly burdensome.

The Government have received a petition forwarded by the hon. Member which contains a request for the suspension of instalments due on a loan granted under the Special

29th October 1935]

Loans Rules. It is stated in the petition that the assessment on certain lands belonging to the petitioner was remitted in the last fasli. The petition has been transferred to the Board of Revenue. The Government have no other information.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know, when the Government themselves have granted remissions for want of proper crops, why they cannot extend the term for repayment of loans under the Agriculturists' Loans Act, automatically without any application from the parties concerned?"

The Hon. Mr. C. A. SOUTER:—"The answer itself says that such remissions are granted by the Collector. So also he can grant the extension of term for repayment of loans."

Grant of loans for relief of distress in famine areas.

* 238 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that loans for relief of distress in famine areas in this Presidency are not being granted to village officers and other village servants and depressed classes, though they are pattadars;

(b) whether loans to such persons are not being granted in Anantapur district; and

(c) whether loans to such persons are being discouraged in Anantapur district?

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

Mr. G. RAMESWARA RAO:—"Sir, the answer given to this question is, 'the Government have no information.' May I ask the Hon. Member to call for the information and supply it to this House so that it may have an idea of the condition of the people of my district?"

The Hon. Mr. C. A. SOUTER:—"I think that is a matter entirely for the discretion of the Collector."

Protection of Wild Birds and Animals.

Number of cattle and people killed by wild animals in North Arcot during the last triennium.

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

(a) the number of cattle and people killed by wild beasts in the North Arcot district, talukwar, during each of the last three years; and

(b) the number of rewards awarded for shooting wild animals during each of those years in the North Arcot district?

[29th October 1935]

A.—(a) & (b) A statement showing the number of cattle and people killed by wild animals, and the number and amount of the rewards given for the destruction of wild animals in each taluk of the North Arcot district during each of the last three years is appended.*

Reforms

Protests against the inclusion of the Telugu parts of the Ganjam district in the new Orissa Province.

* 240 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Finance be pleased to state with reference to question No. 675 of 22nd February 1935, what orders have been received from the Government of India, regarding the inclusion of the Telugu-speaking parts of the Ganjam district in the new Orissa Province?

A.—No orders have been received on the subject.

Wireless Installations

Progress of the scheme for the establishment of a broadcasting service in the province.

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

(a) at what stage the broadcasting scheme in this province is;

(b) whether the expert appointed for the purpose has finished his labours and submitted his report; if so, whether a copy of the report will be placed on the table;

(c) what the expenditure so far incurred in this connexion is and on which items it was incurred;

(d) to which of the places the service is to be given first, and which the places are that will have it immediately after;

(e) whether rural municipalities and towns also will get it; and

(f) what the total estimate is of the whole scheme?

A.—(a) The hon. Member is referred to the answer given on 7th August 1935 to question No. 114.

(b) The answer to the first part of the question is in the affirmative and to the second part in the negative.

	RS.	
(c) Pay of officers	24,600	
Other charges	10,792	
	35,392	or Rs. 35,400
		in round figures.

* Printed as Appendix IV on page 110 infra.

29th October 1935]

(d) & (f) The Government of India propose to establish a 20 K.W. medium wave broadcasting station at Madras and to work it themselves. An estimate for the scheme is being prepared by the Government of India and this Government do not yet know the cost of the station to be sanctioned. This Government have no information whether at some future date the Government of India will establish other medium wave stations in this Presidency or a short wave station at Madras with relaying stations at suitable places.

(e) A certain number of receiving sets and loud speakers may perhaps, if funds permit, be provided by this Government in a limited number of towns and large villages within effective receiving range of the Government of India's medium wave station. No details have yet been considered, pending the final decision of the Government of India regarding the Madras station.

Mr. K. A. NACHIYAPPA GOUNDER:—"With reference to the answer given to clause (b) of this question, viz., 'the answer to the first part of the question is in the affirmative and to the second part in the negative', may I know the reason, Sir, why such a negative answer is given?"

The Hon. Mr. G. T. H. BRACKEN:—"Because the matter is under correspondence with the Government of India."

Local Self-Government

Fixation of the strength of the staff of municipalities as per the amended Act.

* 242 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have issued orders fixing scales of pay, designation and strength of each municipality as per the amended Act;

(b) if not, why not; and

(c) when orders will be issued on the subject?

A.—(a), (b) & (c) Government have so far issued orders in regard to the revised scales of pay of secondary and elementary school teachers and in regard to the designations and grades of and the scales of salaries and allowances payable to officers and servants in medical institutions including leprosy clinics under the control of municipal councils. The strength of the staff in the latter case has been fixed except in the case of some municipal councils in regard to which orders will issue shortly. The question of fixing the scales of pay, etc., of the rest of the staff under municipal councils will be taken up in due course.

[29th October 1935]

Savings realized on account of the abolition of taluk boards.

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

(a) whether the Government have received the revised budgets of all the local bodies after the abolition of the taluk boards; and

(b) what are the savings realized by each district from its local fund money on account of the abolition of the taluk boards?

A.—(a) The answer is in the affirmative.

(b) A statement showing the total ordinary expenditure of all the taluk boards and the district board in each district during 1933–34 and the total estimated ordinary expenditure of the district boards in 1934–35 is laid on the table.* The figures do not show accurately the savings, as there may be variations in the budget due to other causes.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether the Government will be pleased to issue a statement on the actual savings effected by the abolition of the taluk boards? ”

The Hon. the RAJA OF BOBBILI:—“ It is not an easy matter to get all the details. Records are not available in the Secretariat. The required information has to be obtained from the various districts. If it is possible to get all the information from the districts, I will certainly get it and furnish it to the House.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ If it is not possible to say what the savings are that have been effected by the abolition of the taluk boards, then how was it possible for Government to say at the time of introducing the Amending Bill, that by the abolition of the taluk boards they would be able to save so much? ”

The Hon. the RAJA OF BOBBILI:—“ We calculated on the basis of the taluk board staff which could be dispensed with, and on the basis of the savings that could be effected by way of contingencies and travelling allowance to Members and so on.”

11-45 a.m. Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask whether the Hon. Minister considers that the present financial position of the district boards is satisfactory and if it is not satisfactory, what steps he proposes to take to improve it? ”

The Hon. the RAJA OF BOBBILI:—“ I cannot say that the finances of the district boards are satisfactory. The Government are doing all that is possible to improve the position.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ If there are no actual savings on account of the abolition of the taluk boards, at least for the sake of better administration are the Government prepared to divide the district boards into suitable divisional boards? ”

The Hon. the RAJA OF BOBBILI:—“ I have not stated that there are no savings. I said that it is not possible without a great deal of

29th October 1935]

trouble to collect all the required information with regard to the present financial position from the district boards. Originally, in answer to various previous questions on the subject and also during the debate on the Bill for the abolition of taluk boards, figures were supplied to the House showing the estimated savings.”

Mr. T. S. RAMASWAMI AYYAR:—“ Apart from giving actual figures of savings, does the Government feel that the abolition of the taluk boards has been justified by any saving that has been as a matter of fact effected? ”

The Hon. the RAJA OF BOBBILI:—“ There has been a saving and the financial position of the district boards has improved as a result of it.”

District boards proposed for bifurcation during the year 1936.

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

(a) what the district boards are which are proposed to be bifurcated in the course of the year 1936;

(b) on what principles and in which order the bifurcation will be taken up; and

(c) whether the bifurcations will be completed in respect of these district boards before the new general elections come in?

A.—(a) It has not yet been decided what district boards should be bifurcated in 1936.

(b) & (c) Do not arise.

Mr. K. A. NACHIYAPPA GOUNDER:—“ Apart from the districts which have so far been bifurcated, may I ask, Sir, in how many cases investigation has been commenced with a view to bifurcation in the near future? ”

The Hon. the RAJA OF BOBBILI:—“ Investigations are going on with regard to Chingleput, North Arcot and Ganjam.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ Is there no investigation with regard to Salem? ”

The Hon. the RAJA OF BOBBILI:—“ I have mentioned the three districts with regard to which investigation is going on.”

Proposal to postpone the elections to the District Boards of Trichinopoly and South Arcot.

* 245 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Trichinopoly and South Arcot District Board elections will be postponed to January next year; and

(b) if so, what the reasons are that prevail with the Government for such postponement?

A.—(a) There is no such proposal before the Government.

(b) The question does not arise.

[29th October 1935]

Appointment of staff for the conduct of elections to local boards.

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

(a) how many units have been sanctioned for the conduct of elections as contemplated in Act XIII of 1935;

(b) what the establishment is of each unit; what the name is of the officer at the head of each unit; what his qualifications, experience and special training in this work are and what the appointment is, if any, held by him previous to this and whether each of them has been permanently taken to this place;

(c) what the special qualification and training are for the other staff of each unit;

(d) where each of the units is working now and when they are expected to complete the elections in that district; and

(e) whether a copy of the instructions issued to such staff in the matter of conduct of their work will be placed on the table?

A.—(a) Eight.

(b) Each unit consists on an average of an election officer, five assistant election officers and one clerk. Particulars regarding the names and qualifications of the election officers are given below:—

Name.	Qualifications, etc.
Abdul Khadir Sahannad Sahib	Deputy Tahsildar.
Muhammad Vajiuddin Sahib	Do.
M.R.Ry. B. Ganesh	Do.
.. D. Balasundaram Pillai	Do.
.. P. M. Subrahmanya Ayyar	Do.
.. P. Srimannarayana	Do.
.. Stanis Sundararaj	Do.
.. S. Rangaswami	B.A., a clerk of the office of the Inspector of Municipal Councils and Local Boards with experience in election work.

Of the seven deputy tahsildars one has had previous experience in election work. The entire staff has been appointed on a temporary basis.

(c) The rest of the staff of each election unit has been drafted from among the lower division clerks of the Revenue Department. Previous experience as revenue inspector was insisted on in the case of Assistant Election Officers.

(d) The units are working at Elore, Guntur, Bellary, Cuddapah, Vellore, Cuddalore, Tinnevely and Mangalore. They are expected to complete the elections as soon as possible after the electoral rolls are finally published.

(e) No.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know, Sir, whether these Deputy Tahsildars have been selected from the same district or from any district where suitable officers were available? ”

The Hon. the RAJA OF BOBBILI:—“ I am afraid I cannot answer the question without notice. The staff was appointed in consultation with the Board of Revenue and the Collectors.”

[29th October 1935]

Mr. P. PEDDI RAJU:—“ May I ask whether there have been any complaints to the Inspector of Local Boards to the effect that the staff granted to the Inspector of Local Boards for election purposes is not satisfactory and that Divisional Officers should be appointed as Election Officers in preference to Deputy Tahsildars? ”

The Hon. the RAJA OF BOBBILI:—“ I am not aware of any such complaints. I shall make enquiries.”

Mr. P. PEDDI RAJU:—“ May I ask whether the Government have received any complaints to the effect that the Deputy Tahsildars, coming as they do from the lower ranks of the service, are not discharging their duties satisfactorily as Election Officers? ”

The Hon. the RAJA OF BOBBILI:—“ As a whole I can say that they have been discharging their duties satisfactorily. If the hon. Member, however, brings to my notice any particular case, I shall investigate.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask in how many districts where elections are in progress the electoral rolls have been completed and the elections are going on? ”

Representations against the retrospective operation of G.O. No. 4619, L. & M., dated 20th October 1934, regarding the revision of salaries of teachers under local boards.

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

(a) whether representations have been made to him that the G.O. No. 4619, L. & M., dated 20th October 1934, gives retrospective effect to the new scale of salaries for teachers and thereby prejudices old entrants; and

(b) what action has been taken on those representations?

A.—(a) The Government Order was brought into force on the 1st November 1934. Representations have been received that the new scales prejudice teachers already in service.

(b) Government have called on Presidents of District Boards and executive authorities of municipalities to submit statements in respect of those cases in which local bodies consider that there is hardship in giving effect to the above Government Order. Orders have issued on some of the statements so far received.

Mr. M. S. SRESHTA:—“ May I ask whether it is not a principle that so far as Government servants are concerned, a new scale should not affect old incumbents? ”

The Hon. the RAJA OF BOBBILI:—“ Yes, in the case of Government service it is so.”

Mr. M. S. SRESHTA:—“ May I ask whether there is any reason why this same standard of equity should not be applied to the servants of local bodies also? ”

[29th October 1935]

The Hon. the RAJA OF BOBBILI:—"In the case of local boards, their financial condition was not sound and the scales of pay varied so much that they bore no relation to the responsibility attached to the various posts."

Mr. M. S. SRESHTA:—"If the local bodies suffered from lack of funds, how were they able to appoint new officers like Panchayat Officers and Commissioners?"

The Hon. the RAJA OF BOBBILI:—"I understood this question referred to district boards. So I stated that, as a general rule, the Government were not able to apply to those cases the same principles as in the case of Government service."

Provision of saving clause, if any, in G.O. No. 4619, L. & M., dated 20th October 1934, in respect of old scales of pay to teachers already in service.

* 248 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Local Self-Government be pleased to state what orders have been issued by the Government on the question of granting old scales of pay to already existing teachers, in giving effect to G.O. No. 4619, L. & M., dated 20th October 1934, and if no orders have been passed, why?

A.—The attention of the hon. Member is invited to the answer given to question No. 247.

B. POKKER SAHIB Bahadur:—"May I ask whether the Government realize that giving retrospective effect to this Government Order is iniquitous?"

The Hon. the RAJA OF BOBBILI:—"The difference between the present pay and the maximum of the new scale is given as personal pay."

Mr. C. BASU DEV:—"Sir, the Hon. the Chief Minister has stated on many occasions on the floor of this House that personal pay would always be granted except in cases of unusually accelerated promotions. The new scales of pay have been in operation for one year. Personal pay has been granted in the case of some district boards, but some district boards have not recommended personal pay. May I ask what the Government propose to do in the circumstances?"

The Hon. the RAJA OF BOBBILI:—"As far as the Government are aware, they have not received any information to the effect that any district board has refused to grant personal pay. I believe I am right in saying that in the majority of cases personal pay has already been sanctioned. If the hon. Member brings to my notice any district where personal pay has not been granted, I shall look into the matter."

[29th October 1935]

Mr. M. S. SRESHTA:—"In the case of teachers who have not reached the maximum of the old scales, may I ask whether the Hon. Minister realizes that they will be prejudicially affected by the new scales?"

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

Recovery of leave salaries from ex-taluk board servants as per G.O. No. 1510, L. & M., dated 15th April 1935.

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

(a) whether a Government Order (No. 4471, L. & M., dated 6th October 1934) has been passed in the matter of regulating leave to the ex-taluk board servants;

(b) if so, whether a copy of it will be placed on the table;

(c) whether it is a fact that many a servant of the ex-taluk boards has been allowed to enjoy the leave at his credit on the basis of this Government Order;

(d) whether a Government Order (No. 1510, L. & M., dated 15th April 1935) has been passed again regulating the leave and pension of the servants of the ex-taluk boards;

(e) if so, whether a copy of it will be placed on the table;

(f) whether it is a fact that recoveries of leave salaries drawn by the servants of ex-taluk boards after they came into the district board service on the basis of the former Government Order (i.e., G.O. No. 4471, L. & M., dated 6th October 1934) are now ordered on the basis of the latter Government Order (i.e., G.O. No. 1510, L. & M., dated 15th April 1935);

(g) if so, in how many cases such recoveries have been ordered, who the person concerned in each recovery is, what his pay and length of service under the taluk board are and what the amount involved in each case of recovery is;

(h) whether any representations have been received in this behalf; and

(i) if so, from whom and how they have been disposed of?

A.—(a) Yes.

(b) The attention of the hon. Member is invited to the appendix to the answer to his question No. 555 answered on the 26th January 1935.

(c) Yes.

(d) & (e) The G.O. No. 1510, L. & M., dated the 15th April 1935, which is appended ^a, relates only to the grant of compensation pension, to the discharged pensionable employees of the late taluk boards. No orders in regard to leave were passed in modification of G.O. No. 4471, L. & M., dated the 6th October 1934.

^a Printed as Appendix VI (1) on pages 112-113 infra.

[29th October 1935]

(f) & (g) The doubts raised by certain presidents of district boards in regard to the applicability of G.O. No. 4471, L. & M., dated the 6th October 1934, after the issue of G.O. No. 1510, L. & M., dated the 15th April 1935, were removed by the issue of G.O. No. 3314, L. & M., dated the 16th August 1935 (copy placed on the table)*, with reference to which the leave salary regularly drawn by ex-taluk board servants after they were absorbed in district board service, is not liable to be recovered from them.

(h) No.

(i) Does not arise.

Mr. K. A. NACHIYAPPA GOUNDER:—“Sir, in answer to clauses (f) and (g) the Government have said: ‘The doubts raised by certain presidents of district boards . . . May I know how many presidents of district boards have raised doubts with regard to this matter?’”

The Hon. the RAJA OF BOBBILI:—“I am afraid the information is not available with me.”

Religious and Charitable Endowments

Appointment of a candidate as Commissioner of the Hindu Religious Endowments Board from outside the list submitted by the Selection Committee.

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

(a) whether it is a fact that the Government have not appointed as Commissioner of the Hindu Religious Endowments Board a candidate who was selected by the Committee constituted for the selection of candidates for the post;

(b) whether it is a fact that a certain Government official has been appointed in his place;

(c) if so, what is the pay of the officer at present and what is the pay he will draw as Commissioner; and

(d) what is the amount of contribution payable towards his pension?

A.—(a) & (b) The attention of the hon. Member is invited to the answer given to question No. 36.

(c) The pay of Mr. Padmagirisa Ayyar who has been appointed as one of the Commissioners was Rs. 550 per mensem. His present pay as a Commissioner of the Hindu Religious Endowments Board is Rs. 650 per mensem.

(d) The rate of contribution payable towards the pension of the officer is Rs. 93-8-0 per mensem from the date of his relief in Government service and Rs. 102 per mensem from 1st April 1936 onwards.

* Printed as Appendix VI (2) on pages 113-114 infra.

[29th October 1935]

Mr. P. V. KRISHNAYYA CHOUDARI:—“May I know the special reasons for borrowing the services of Mr. Padmagirisa Ayyar from Government when several other qualified Brahmans were available from outside Government service for appointment as Commissioner of the Endowments Board?”

The Hon. the RAJA OF BOBBILI:—“The Government thought that the candidate selected by the Committee was too old and as it would take a considerable time to call for further recommendations or appoint a fresh committee, in the interests of the Board they appointed an official.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“Is it not a fact that the Religious Endowments Board is not financially in a sound position and if so, what are the special reasons for appointing this officer at a cost of about Rs. 200 more than the maximum fixed for the pay of a Commissioner?”

The Hon. the RAJA OF BOBBILI:—“The special reasons are that he was a Government official and when a Government official is lent on foreign service he should be given a special pay.”

Sanitary Engineering

Obligation on the part of municipalities to consult the Sanitary Engineer to Government in making appointments in the Works Department.

* 251 Q.—Mr. P. RATNAVELU THEVAR: Will the Hon. the Minister for Local Self-Government be pleased to state whether it is a fact that no person could be appointed to a post with a maximum salary of not less than Rs. 50 in the Public Works Department of a municipality except in consultation with the Sanitary Engineer to the Government?

A.—Yes.

Improvements to the water-works of the Coonoor Municipality.

* 252 Q.—Rao Sahib V. I. MUNISWAMI PILLAI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Coonoor Municipality has applied for a loan of two lakhs of rupees to improve its water-supply;

(b) whether the site for locating the water storage tank has been decided by the Council and whether it has been approved by the Sanitary Engineer;

(c) what the present storage capacity is of the two water tanks of this Municipality and what will be the storage capacity of the proposed one and whether the water-supply will be enough to meet the demand in view of the restricted supply during the season months this year; and

(d) whether the municipal council proposes to carry out the works departmentally or by contractors inviting tenders?

[29th October 1935]

A.—(a) No.

(b) The Sanitary Engineer reports that the site was tentatively fixed for the purpose of investigation and that the proposals are now under scrutiny in his office.

(c) The question as to whether the water-supply will be enough to meet the demand is reported to be under examination. No information is available regarding the present storage capacity of the two tanks or of the proposed one.

(d) This question does not arise at present.

Rao Sahib V. I. MUNISWAMI PILLAI:—“ Sir, in answer to clause (c) it is stated that ‘no information is available regarding the present storage capacity of the two tanks or of the proposed one’. The answer to clause (b) says that ‘the Sanitary Engineer reports that the site was tentatively fixed for the purpose of investigation and that the proposals are now under scrutiny in his office’. May I know whether the Sanitary Engineer has made his report without taking into account the present storage capacity? ”

The Hon. the RAJA OF BOBBILI:—“ The Sanitary Engineer has not yet completed his investigation. He has only reported that the site has been tentatively fixed. It is presumed that the present supply is insufficient and that is why proposals have been investigated to augment the supply.”

Rao Sahib V. I. MUNISWAMI PILLAI:—“ May I ask when the final report on this matter will be received? ”

The Hon. the RAJA OF BOBBILI:—“ It is not possible for me to give a definite date.”

Proposals for a protected drinking water-supply to Rasipur from the Panamarathupatti reservoir.

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

(a) whether there are any proposals for providing a protected drinking water-supply to the town of Rasipur in Salem district from the Panamarathupatti Reservoir when Salem is to get its water-supply from Mettur;

(b) if so, what they are and at what stage they are; and

(c) what the source is of drinking water-supply now available to that town?

A.—(a) No.

(b) Does not arise.

(c) It is reported that the town depends entirely upon well water for drinking purposes.

Mr. K. A. NACHIYAPPA GOUNDER: “ May I know, Sir, whether any representations have been received in this behalf? ”

The Hon. the RAJA OF BOBBILI:—“ I believe certain representations were received, but no proposals have been received from the local boards concerned.”

29th October 1935]

Agriculture

Preference to candidates from professional agricultural communities in the matter of appointment as Agricultural Upper Subordinates.

* 254 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(a) how many vacancies of Upper Subordinates in the Agricultural Department have occurred in each year, including the current year, since 1930;

(b) how many applications have been received for such posts in each year, and how many have been selected in each year;

(c) of all the applicants and of those selected in each year, how many belong to the professional agricultural communities;

(d) if applicants from professional agricultural communities have not been given preference, what the reasons are therefor; and

(e) whether the Government give preference for such appointments to applicants from professional agricultural communities?

A.—(a)	1930	..	..	..	..	..	..	Nil.
	1931	..	..	..	..	..	..	5
	1932	..	..	..	..	..	..	3
	1933	..	..	..	..	..	..	16
	1934	..	..	..	..	..	..	25
	1935	..	..	..	..	..	..	15

The above figures relate to longstanding officiating vacancies and vacancies caused by the creation of temporary posts only.

In 1935, 25 permanent posts of Upper Subordinate were newly created. These were filled by probationers already in the department. To take up the posts liberated by the men confirmed and to fill some more officiating vacancies which are expected to arise in the course of the year, the Commission has been requested to select 34 men. The report from the Commission is awaited.

(b) The attention of the hon. Member is invited to answers to clauses (b) and (a) of his question No. 702 answered at the Legislative Council meeting held on 25th February 1935.

(c) A statement^a is appended.

(d) & (e) The hon. Member's attention is invited to answers to clauses (c) and (d) of his question No. 702 answered at the Legislative Council meeting held on 25th February 1935.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask, Sir, whether it is not the policy of the Government to give proper encouragement to members of professional agricultural communities in making these appointments in the Agricultural Department? ”

^a Printed as Appendix VII on page 115 infra.

[29th October 1935]

The Hon. Mr. P. T. RAJAN:—"I do not think so, because qualifications are laid down for these appointments and no preference is given to members belonging to agricultural communities."

Mr. C. BASU DEV:—"May I ask whether at least in the case of agricultural maistris who require no special qualifications, the Government would direct that men belonging to agricultural classes should be appointed?"

The Hon. Mr. P. T. RAJAN:—"Even maistris are expected to have previous training."

Mr. K. A. NACHIYAPPA GOUNDER:—"From the statement furnished I find that a number of them have applied. I think those who have applied must have possessed the necessary qualifications. Such being the case, what difficulty was there in providing at least those who were qualified and available for appointments from such professional agriculturists?"

The Hon. Mr. P. T. RAJAN:—"Appointments to the Subordinate Agricultural Service are made by the Director of Agriculture in consultation with the Services Commission. And the Services Commission takes into consideration only the qualifications required of the candidates."

Provision of finance for the fruit research Farm at Anantaraajupet, Cuddapah district.

* 255 Q.—Mr. K. KOTI REDDI: Will the Hon. the Minister for Public Works be pleased to state—

(a) the amount allotted (1) by the Imperial Agricultural Research Council and (2) by the Madras Government for the newly opened Fruit Research Farm at Anantaraajupet in Cuddapah district; and

(b) the amount allotted for (1) lands, (2) buildings, (3) salaries of the staff and (4) working expenses?

A.—(a) The amounts allotted for the Fruit Research Farm at Anantaraajupet in Cuddapah district by the Imperial Central Agricultural Research and the Government of Madras are Rs. 66,064 and Rs. 13,000, respectively.

(b) The following are the amounts allotted under the several heads:—

	RS.
1 Lands	13,000
2 Buildings	8,656
3 Salaries of staff	29,808
4 Working expenses including contingencies, purchase of plants, etc.	17,500

29th October 1935]

Propaganda for expansion of sugarcane cultivation in South Kanara.

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

(a) whether in view of the reply to question No. 143 (c) given on the 22nd October 1934, sugarcane has been substituted for paddy in any areas in South Kanara, Malabar, Coimbatore and Salem districts;

(b) if so, what the acreage is of such areas in each district;

(c) what the extent is of land under sugarcane cultivation within 10 miles of Mangalore and within 10 miles of Udipi, in South Kanara district;

(d) whether the Agricultural Department has ascertained the possibilities of increasing the area under sugarcane cultivation in these two areas, and has done any propaganda work, if there are such possibilities, to increase the area under sugarcane cultivation;

(e) what the varieties are of sugarcanes now being cultivated in South Kanara;

(f) whether attempts have been made to introduce such varieties as Co. 213, Co. 351 and M.A. 21; and

(g) if so, whether they have been successful?

A.—(a) Some cultivators have increased the area under sugarcane to a small extent during the current year in South Kanara. In Malabar sugarcane is a minor crop, but during the current year more ryots have planted sugarcane in small plots. Sugarcane has not been substituted for paddy either in Coimbatore or in Salem district.

(b) The acreage in South Kanara and Malabar districts is as shown below:—

SOUTH KANARA.

Area under sugarcane.

1934 Actual acres.	1935 Estimated acres.
3,720	4,000

MALABAR.

Area under sugarcane.

1934 Actual acres.	1935 Estimated acres.
20	40

About 280 acres of paddy land in South Kanara and 20 acres in Malabar have been newly brought under sugarcane. In Coimbatore and Salem districts there has been no such substitution.

(c) The area under sugarcane within 10 miles of Mangalore is estimated to be about 800 acres. Within 10 miles of Udipi it is estimated to be about 600 acres.

[29th October 1935]

- (d) Yes. If sugarcane pays better than paddy, the area under sugarcane will increase. It is possible to increase the area under sugarcane. The Agricultural department has this point in view.
- (e) Red Mauritius and Fiji B varieties introduced by the department are being cultivated.
- (f) Yes. Co. 213 is under district trial in South Kanara. Some twenty varieties including Co. 351 are under trial at the Taliparamba Research station, to test their suitability to the West Coast conditions. Attempts have been made to introduce better varieties of sugarcane both in Coimbatore and Salem districts. Of the three varieties referred to, only Co. 213 has been introduced in Coimbatore and Salem districts. The present area under Co. 213 is about 600 acres in the two districts.
- (g) More time is required to give a definite opinion about these varieties, in Malabar and South Kanara. In Coimbatore and Salem districts the introduction of Co. 213 has been successful.

Mr. M. S. SRESHTA:—"May I ask what propaganda work has been done by the Agricultural Department to advocate the substitution of sugarcane for paddy and otherwise foster the growth of sugarcane?"

The Hon. Mr. P. T. RAJAN:—"As far as I can answer that question now, Sir, I may say that we are merely advising the ryots to increase the cultivation of sugarcane."

Mr. T. S. RAMASWAMI AYYAR:—"May I know if the Government think that they will succeed in their attempt to have sugarcane substituted for paddy as a crop if they continue to take sugarcane as a dufassal crop?"

The Hon. Mr. P. T. RAJAN:—"I am afraid I cannot answer that question."

Mr. T. S. RAMASWAMI AYYAR:—"Otherwise what do the Government mean by saying that they are making propaganda with regard to the increased cultivation of sugarcane, if they do not facilitate growing of sugarcane by reducing the tax on it?"

The Hon. Mr. P. T. RAJAN:—"That is a matter for my Hon. Friend the Revenue Member."

Damage to coconut trees by the leaf pest.

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

(a) what extent of damage to coconut trees has been caused by the leaf pest during the last three years in the South Kanara district;

(b) whether the Government called for information as to whether the ryots have realized the advantages of the methods adopted by the

[29th October 1935]

department to destroy the leaf pest, as promised by him in his reply to the last supplementary question in connexion with question No. 140 asked in the Legislative Council on 30th October 1933;

(c) if so, whether he will be pleased to place the information on the table of the House;

(d) whether there is any proposal to start again the use of parasites to kill the leaf pest; and

(e) whether any attempts have been made by the Agricultural Department to combat the attacks of the rhinoceros beetle?

A.—(a) The number of trees attacked during the last three years in South Kanara district is not known. In certain villages along the sea coast, the coconut leaf caterpillar assumed a pest form in some years, especially during the dry months of the year. In extreme cases all fronds except the central shoots are affected but the tree is not killed. During the rainy season, the pest subsides. Control measures were demonstrated in bad centres.

(b) & (c) Yes; a copy of the report of the Director of Agriculture is laid on the Table.^a

(d) There is no such proposal. The special staff sanctioned for the breeding and liberation of parasites was withdrawn as a measure of retrenchment. The parasites are now found wherever the caterpillar pest is found, in small or large numbers, and they check the pest to a certain extent. It is, therefore, considered unnecessary to breed and liberate them.

(e) The Entomological Assistant stationed in the VII Circle and the Agricultural Demonstrators concerned give advice to the ryots regarding the remedial measures to be undertaken and whenever possible demonstrations of control methods are also given. The department is also educating the ryots by means of publications such as the Villagers' Calendar. The publication mentioned above contains a popular article on the beetles damaging the coconut trees in South India and their control.

Co-operation

Reasons for refusing the registration of the Depressed Classes Co-operators' Federation, Madras.

* 258 Q.—Rao Sahib V. I. MUNISWAMI PILLAI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the co-operative propaganda among depressed classes is now carried on by the Madras District Central Bank;

(b) whether the attention of the Government has been drawn to the inadequate propaganda carried on by the above bank;

^a Printed as Appendix VIII on page 116 infra.

[29th October 1935]

(c) whether it is a fact that the Central Bank has appointed a defaulter of a co-operative society, who was responsible for several misappropriations and consequent liquidation, as a propagandist;

(d) whether it is a fact that Mr. H. M. Hood, I.C.S., former Registrar of Co-operative Societies, ordered that the defaulter should not have anything to do with the Madras City societies;

(e) whether it is a fact that the Registrar of Co-operative Societies inspected the depressed classes co-operative societies in the City of Madras during April 1935 last and the names of the various societies which he visited;

(f) whether during his inspection, there were several requests for the registration of the Depressed Classes Co-operators' Federation; if so, what his reply was;

(g) when the Registrar last inspected the Madras District Central Co-operative Bank, Limited, and whether he made enquiries as to the several complaints made by the public either by letters or through the press and with what results;

(h) what action has been taken on the several resolutions passed under the presidency of M.R.Ry. Diwan Bahadur G. Narayanaswami Chetti Garu, C.I.E., on the 7th October 1934; and

(i) with reference to the abstract G.O. Ms. No. 949, dated 4th July 1935, communicated to the Secretary, Depressed Classes Co-operators' Federation, Madras, whether the Government will be pleased to state what the reasons of the Registrar of Co-operative Societies were to refuse 'registering' the abovesaid Federation?

A.—(a) Yes.

(b) The Government have no reason to think that the propaganda is inadequate.

(c) The Madras District Co-operative Central Bank has appointed, from July 1934, R. Rajagopal (a member of a depressed class) as a propagandist. He was a member of the Thousand Lights Co-operative Society and was heavily indebted to it. He was also its Secretary. The affairs of the Society were mismanaged by him. Its registration was cancelled. There was no case of misappropriation of funds against Rajagopal.

(d) No.

(e) Yes. The societies inspected were—

- (1) Gajendra Varada Co-operative Society.
- (2) Mackey's Garden Co-operative Society.
- (3) Narasingapuram Co-operative Society.
- (4) Wellington Co-operative Society.
- (5) Prince of Wales Co-operative Society.
- (6) Kalyanamaistry Garden Co-operative Society.
- (7) Slaterpuram Queen Victoria Co-operative Society.

(f) In two of the societies inspected by the Registrar, requests were made for the registration of the Depressed Classes Co-operators' Federation. As the Registrar had already

29th October 1935]

carefully gone into the proposal, and had informed the Honorary Secretary that there was no need for the Federation, no action was taken by him on these representations.

(g) On the 23rd July 1934. There is nothing on record to show what enquiries were actually made then.

(h) In his letter forwarding the resolutions referred to, the General Secretary, Depressed Classes Co-operators' Federation, drew the attention of Government to the following three questions:—

- (1) that the appointment of special inspectors for the supervision of depressed classes' societies has not benefited either the societies or the banks which finance them,
- (2) that the City Co-operative Bank draws to itself members of the depressed classes leaving the depressed classes' societies with no proper men to manage them, and
- (3) that a rule should be framed prohibiting a paid employee of a society from serving on the board of management of that society or that a financing bank.

With regard to the first point, special inspectors have now been working under the direct control of the Deputy Registrar of Co-operative Societies, Madras, who watches their work and reviews it. As regards the second point, the City Bank caters to the needs of the rather more well-to-do among the depressed classes who require bigger loans, and the bank cannot deny such help to those who need it. As for the third point, the question of framing a rule as suggested is under consideration.

(i) As there exists already a duly constituted body, viz., the Madras District Central Bank, for the purpose of carrying on propaganda work in the city and as that bank has expressed itself in favour of enlisting the services of honorary propagandists from among the promoters of the Federation, the Registrar of Co-operative Societies considered that there was no need for the registration of another society. Further, it was considered that the Federation, if registered, would not have sufficient funds to carry on.

Rao Sahib V. I. MUNISWAMI PILLAI:—"With reference to the answer to clause (b), may I know how many co-operative societies have been established as a result of the propaganda carried on by the Madras District Central Bank?"

The Hon. Mr. P. T. RAJAN:—"The answer says that the Government have no reason to think that the propaganda is inadequate. I do not understand how this question arises."

[29th October 1935]

Effect of the concessions under penal interest granted by the Registrar of Co-operative Societies on overdues during 1934-35.

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

(a) what the results are of the Registrar's circular to co-operative societies, during the co-operative year 1934-35 allowing certain concessions in the payment of penal interest on overdues; and

(b) whether the Government have considered the question of further extending the concession and with what result?

A.—(a) The results are not yet known; they will be known only after statistics have been compiled for the departmental administration report.

(b) The following concessions have been granted for the current co-operative year:—

- (1) Reduction in the lending rates by central banks and societies on new loans to be issued by them;
- (2) no levy of penal interest on overdue loans by central banks and societies;
- (3) collection of interest for 1935-36 at reduced rates, viz., at 6 or 6½ per cent by central banks and 7½ per cent by societies on all outstanding loans; and
- (4) collection of interest by societies from members at the reduced rate of interest, i.e., 7½ per cent on all outstanding loans.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask, Sir, what effective steps have been taken to see that central banks and societies adopt the rates recommended? ”

The Hon. Mr. P. T. RAJAN:—“ The reports submitted every year to the Registrar will show whether they have been adopted or not.”

Mr. M. A. MANIKKAVELU NAYAKAR:—“ May I ask whether the concession will be extended beyond the current co-operative year? ”

The Hon. Mr. P. T. RAJAN:—“ For the present, I believe the concessions have been granted for the current year only. If it is necessary to extend them beyond the present year, it will be done.”

Public Works

Representation of the depressed classes in the cadre of the Madras Engineering Service.

* 260 Q.—Rao Sahib V. DHARMALINGAM PILLAI: Will the Hon. the Minister for Public Works be pleased to state—

(a) the number of Public Works Department Executive Engineers and Assistant Engineers and District Board Engineers now in service, belonging to the depressed class, Non-Brahman and Brahman communities; and

[29th October 1935]

(b) whether it is a fact that the Services Commission has not called for applications from depressed class candidates for these cadres as it does in the case of Deputy Collectors and Deputy Superintendents of Police?

	Depressed classes.	Non-Brahmans.	Brahmans.
A.—(a) Executive Engineers..	Nil.	4	19
Assistant Engineers ..	Nil.	14	97
District Board Engineers ..	1	5	15

(b) *Executive Engineers* belong to an All-India Service, recruitment to the service being made by the Secretary of State.

Assistant Engineers belong to the Madras Engineering Service. They are recruited from the Madras Engineering Subordinate Service by the Chief Engineer in consultation with the Madras Services Commission. No direct recruitment to this service has till now been made.

District Board Engineers belong to the Madras District Board Engineering Service. Direct recruitment to this service has been prescribed and the Madras Services Commission invites applications from all communities when vacancies occur in the service.

Education

Promotion of Indian Christians in the Telugu area as District Educational Officers.

* 261 Q.—Mr. G. R. PREMAYYA: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether in the past any Deputy Inspector of Schools has been promoted in the Educational department from the Christian community in the Telugu area as District Educational Officer;

(b) whether at least any of them have been drafted into the selection grade since its inception; and

(c) whether the Government propose to introduce linguistic basis in the matter of such appointments also?

A.—(a) One within the last ten years.

(b) Two.

(c) There is no such proposal at present.

Mr. G. R. PREMAYYA:—“ May I know whether the District Educational Officer referred to is a born Andhra or a domiciled one? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I can say this much: that he is not a Tamilian.”

[29th October 1935]

Introduction of religious instruction in public educational institutions.

* 262 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether the Government propose to introduce religious instruction in all public educational institutions in this Presidency; and

(b) if so, when?

A.—(a) & (b) The Government have no such general proposal under consideration.

Rules made by the Director of Public Instruction reducing the percentage of promotions in high schools.

* 263 Q.—Rao Sahib V. I. MUNISWAMI PILLAI: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that the Director of Public Instruction has recently issued new rules as to the promotion of pupils in the high schools restricting the percentage of passes to a percentage lower than what it used to be in previous years; and

(b) whether copies of these rules will be placed on the table of the House?

A.—(a) No such new rules restricting the percentage of passes has been issued by the Director.

(b) Does not arise.

Educational concessions granted to the dependants of sepoys during 1934–35.

* 264 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) the nature of concessions granted for the education of the soldiers' dependants in 1934–35;

(b) the total amount of expenditure incurred in that connexion under various heads; and

(c) similar figures and information regarding sepoys' dependants also?

A.—(a), (b) & (c) The educational concessions admissible to the dependants of Indian, Anglo-Indian or European soldiers who took part in the Great War are—

(1) exemption from payment of fees in schools and colleges;

(2) grant of an allowance for books, etc., to children reading in schools; and

(3) exemption from payment of the fee for admission to Public Examinations (Secondary School-Leaving Certificate Examination or the European High School Examination as the case may be).

29th October 1935]

Figures showing the actual expenditure for the year 1934–35 are not yet available. The expenditure according to the revised estimate for the year was as shown below:—

Institutions for Indians.		Institutions for Anglo-Indians and Europeans.
Concession No. (1).	The expenditure in institutions under local bodies is met by the local body concerned, while that in aided schools is made good to the management along with the teaching grants: separate figures are not available.	..
Concession No. (2).	Rs. 20,500	} Rs. 14,400 in the aggregate; separate figures under each of the concessions are not available.
Concession No. (3).	Rs. 700	

Cost and nature of the educational concessions granted to the dependants of sepoys in 1934–35.

* 265 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) the nature of concessions granted for the education of sepoys' dependants in 1934–35; and

(b) the total cost incurred in 1934–35 in that connexion under the various heads thereon?

A.—(a) & (b) The attention of the hon. Member is invited to the answer to question No. 264.

Educational scholarships provided for by the Labour Department.

* 266 Q.—Rao Sahib V. I. MUNISWAMI PILLAI: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that several schools are not paying the scholarships for which provision has been made by the Labour Department, in view of the half-fee concessions under rule 92 of the Madras Educational Rules;

(b) whether the Government are aware that the Local and Municipal Department passed orders under date 9th March 1935 that full fees should be recovered; and

(c) whether the Government are aware that the schools put pressure on several of the students and collected full fees from them when they applied for transfer certificates and that several amounts of scholarships are still undisbursed?

[29th October 1935]

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

(b) It is presumed that the reference is to the recovery of fees from pupils belonging to the depressed classes. No general orders on the subject were issued by Government in the Local Self-Government Department on March 9th.

Excise

Delay in the acceptance or rejection of bids at abkari sales.

* 267 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether bids at abkari sales are not promptly accepted or rejected;

(b) whether the bids are kept in suspense till dates of resales;

(c) if so, whether the old bidders are disabled from withdrawing their bids; and

(d) whether the Government are aware that much hardship is caused to bidders by this method?

A.—(a) to (d) The Government are not aware that the facts are as suggested. The conditions applicable to abkari sales are published in advance by the Commissioner of Excise. For the latest notifications on the subject, the attention of the hon. Member is invited to the supplements to Part II of the *Fort St. George Gazette*, dated 29th January 1935 and 25th June 1935.

UNSTARRED QUESTIONS

Famine Relief

Expenditure on relief works in the Ceded districts.

268 Q.—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) the amount of money spent this year on relief works in the Ceded districts till the 1st August 1935; and

(b) the amounts spent on such relief works during the course of the last twelve years?

A.—(a) The actual expenditure up to the end of March 1935 is Rs. 2,18,233. The actual figures of expenditure from 1st April 1935 are not yet available. Allotments amounting to Rs. 8,82,000 have been sanctioned for famine relief from the end of March to the end of July 1935. These figures do not include grants made to the district boards for the expansion of ordinary works to provide employment.

(b) Particulars are not readily available and their compilation would involve a great deal of time and labour.

29th October 1935]

Irrigation

Publication of the report of the Geological Experts regarding sub-soil survey.

269 Q.—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) the result of the recent sub-soil survey by geological experts; and

(b) whether the Government will be pleased to lay on the table the report of the special officers deputed for such geological survey?

A.—The report on the results of the soil survey of the Tungabhadra Project has not yet been received by Government. It is expected to be available only in March 1936.

Progress of the Tungabhadra Project.

270 Q.—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state at what stage the Tungabhadra Project stands?

A.—The attention of the hon. Member is invited to the answer to clause (b) of question No. 159 (New No. 152).

III.—ADJOURNMENT MOTION RE RECONSTITUTION OF GUNTUR DISTRICT EDUCATIONAL COUNCIL.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Sir, I beg leave to move ^{12 noon.} the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the issue by the Local Government, of G.O. Ms. No. 2076, Law (Education), dated 17th October 1935, regarding the reconstitution of the Guntur District Educational Council.”

* The Hon. the PRESIDENT:—“ The hon. Member may explain the urgency of the matter briefly.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Mr. President, Sir, when the taluk boards were abolished, we amended the Elementary Education Act providing that the members of the District Educational Council who were representatives of the taluk boards could be considered to be representatives of the district boards. When the district boards were sought to be bifurcated, we failed to mention in the Act definitely and clearly about this point. I think we have provided in the Act that members of district boards can be members of the district educational council. I do not know the reason why the Government issued this notification one week back. The Tanjore District Board was bifurcated on 17th December 1934. The Government should have issued such a notification then after consulting their legal advisers. The Government slept over the matter. I do not know whether they

[Mr. P. V. Krishnayya Choudari] [29th October 1935]

took the opinion of the Advocate-General. In the case of Vizagapatam also, the notification was published only in the last week's gazette, though that district board was bifurcated seven or eight months ago. Though the Guntur District Board was bifurcated two months ago, they have issued the notification only now. I do not know the reason why in the case of Tanjore and Vizagapatam, the Government allowed the members of the district educational council to continue as such for a long time. If the Government can wait for some time, we can bring forward an amending Bill rectifying the mistake committed by the Drafting Department. I want to know whether the Government did not consult the Advocate-General when the Elementary Education Act Amending Bill and the Local Boards Amending Bill were passed in the year 1934. If so, what is the opinion given by him then? If they did not consult him, may I know why?

* The Hon. the PRESIDENT:—"The hon. Member need not go into the merits of the case now."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I wish to bring to the notice of the Council and of the Chair that these are pertinent points to decide that the motion is in order."

* The Hon. the PRESIDENT:—"If the hon. Member has any more pertinent points, he may mention them."

Mr. P. V. KRISHNAYYA CHOUDARI:—"In the case of Tanjore and Vizagapatam, the Government permitted the members of the district educational council to continue for a long time. I do not know whether the proceedings will be vitiated on this account. In the case of Guntur also, they may allow the present state of things to continue for some time more and the Government may bring forward legislation to ratify it. Personally I am not concerned in the matter. I have already handed over charge. I am concerned only about the districts other than Guntur."

* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Sir, I must submit with all respect to my hon. Friend, that the motion which he has given notice of does not raise any definite matter of urgent public importance. The Government Order to which he is taking exception consists of two parts. The first contains merely a statement that the existing members go out of office by operation of law and not by any act or order of the Government. The next portion which is really the operative portion of the order relates to the issue of a notification so as to enable the reconstituted district boards to elect their representatives. If my hon. Friend's motion is accepted and if, in pursuance of it, the Government vacate this Order, the result will be this: the existing members of the district educational council who had been elected by the Guntur District Board will cease to be members by operation of law and the two new district boards which have come in its place will have no representation at all on the district educational council. I do not think my hon. Friend will view with satisfaction or equanimity such a result. I submit the result of the motion

29th October 1935] [Mr. S. Kumaraswami Reddiyar]

being moved or accepted will be only that; the members who are at present on the district educational council will go out of office by operation of law automatically and no new members will be elected. So far as the other district boards which have been bifurcated are concerned, as my hon. Friend himself admitted, similar notifications have already been issued. I do not think I need explain why there has been delay with regard to the issue of the notifications. It is not my Friend's district educational council alone that has come in for any exceptional treatment; with regard to all district boards which have been bifurcated, the same procedure has been adopted. I may also mention for my hon. Friend's information—perhaps he knows it himself already—that in 1933 when the taluk boards were bifurcated or trifurcated in some cases, the members who represented these taluk boards on the district educational councils ceased to be members and new members who were elected by the reconstituted taluk boards took the place of the outgoing members. The same procedure is followed here also. It is on the advice of their legal advisers that the Government took such a step. My hon. Friend said that provision should have been made in the Elementary Education Act or the Local Boards Act enabling the existing members to continue. It is too late now to raise that question. I believe he was on the Select Committee which dealt with those two Bills; if he was serious about such a thing being done, that was the time when he should have raised the question. As regards his contention that these members whose terms of office have ceased by operation of law, having continued there, there may be legal difficulty about the validity of the proceedings of these district educational councils, I may assure my hon. Friend that he need not entertain any such fear. There is provision in the Elementary Education Act—section 27-A—against these proceedings being vitiated. Even if members who had no right to continue, had continued and taken part in the proceedings of the district educational council, the proceedings will not be vitiated on that account. I submit there is absolutely no ground on which an adjournment motion can be raised in this case."

* The Hon. the PRESIDENT:—"It looks as if the urgency is in favour of the Government Order. The passing of G.O. No. 2076 is in the interest of the public. The cancellation of the Government Order would create much difficulty. There is no urgency in the matter. I therefore disallow the motion."

IV.—ADJOURNMENT MOTION *re* IMPRISONMENT FOR NON-PAYMENT OF LAND REVENUE IN SOUTH KANARA.

* Mr. U. C. SUBRAHMANYA BHATT:—"Mr. President, Sir, under Standing Order No. 19, I beg leave to move that the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the recent action of the Government in arresting and imprisoning respectable mirasidars of South Kanara district for non-payment of land revenue which has caused widespread panic and resentment in the district."

[29th October 1935]

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I beg to rise to a point of order which would explain the objection of the Government for allowing this adjournment motion. In the first place, Sir, though the hon. Member has used the words 'mirasidars' in the amended motion which he has moved, in the original motion you will find that only one person is mentioned and his name is given there. Evidently on second thoughts, the hon. Member thought that if it is the case of only one man, it cannot be said to be of any public importance. Secondly, Sir, this is a judicial matter. The action taken by the Government was taken in pursuance of the Act—I shall presently read the section to you—and if there is any injustice committed, it is for the individual to go to court and obtain redress. This is therefore a judicial matter and cannot be discussed in this House. Thirdly, as I said, the action of the Government is in strict accordance with section 48 of the Revenue Recovery Act which runs thus:

"When arrears of revenue with interest and other charges cannot be liquidated by the sale of the property of the defaulter or of his surety and the Collector shall have reason to believe that the defaulter or his surety is wilfully withholding payment or has been guilty of fraudulent conduct in order to evade payment, it shall be lawful for him to cause the arrest and imprisonment of the defaulter"

This is the case in the present matter. If an adjournment motion is sought to be moved in connexion with an action taken strictly under the statute—and it is not alleged that such procedure cannot be followed—I should think that the motion is inadmissible for these four reasons. Firstly, there is no urgency about the matter; secondly, this is a judicial matter; thirdly, this is not a matter of public interest, considering that only one man is concerned; and fourthly, the action that has been taken is in strict accordance with an Act of the Legislature."

* The Hon. the PRESIDENT:—"I take it that the most important expression in the adjournment motion is, 'it has caused widespread panic and resentment in the district.' I do not think that the matter is not urgent. I rule the motion to be in order.

"Does any hon. Member object?"

The Hon. Mr. C. A. SOUTER:—"Sir, I rise to object to this motion, on the ground already stated by my Hon. Colleague and also on the ground that we have since received representation from my hon. Friend, Mr. Bhatt, and we have called for facts; when they get the report from the Collector, the Government themselves will pass such order as may be just in this case. I do not want to prejudice it in any way. I must say I had some personal knowledge of the particular individual in this case—when Collector of South Kanara. As I say we are enquiring into the action of the Collector; it seems to me that making a general question of this particular case is, I submit with all respect, inappropriate to this House. The report of the Collector we have called for urgently and we will deal with it urgently. I do not think that this is such a general matter as to allow an adjournment motion being moved."

29th October 1935]

* The Hon. the PRESIDENT:—"May I point out that this is not the time to discuss the question on its merits, when I have already ruled that it is in order. Now that the Hon. Member objects, the only procedure to be followed by me is to ask the House whether the hon. Mover has got the leave of the House to move the motion, as it has been ruled to be in order. Has the hon. Member the leave of the House?" 12-15 p.m.

(More than twenty Members rose in their places.)

* The Hon. the PRESIDENT:—"The hon. Member has got the leave of the House. The motion will be taken up for discussion at 4 p.m. to-day."

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

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

(1) The Madras Co-operative Land Mortgage Banks (Amendment) Act, 1935	16th September 1935.
(2) The Agriculturists' Loans (Madras Amendment) Act, 1935	18th September 1935.
(3) The Madras Village Courts (Amendment) Act, 1935	18th September 1935.
(4) The Madras City Municipal (Amendment) Act, 1935	22nd September 1935.
(5) The Madras Prevention of Adulteration (Amendment) Act, 1935	26th September 1935.
(6) The Madras District Municipalities (Amendment) Act, 1935	26th September 1935.
(7) The Madras Medical Registration (Amendment) Act, 1935	3rd October 1935.
(8) The Madras Debtors' Protection (Amendment) Act, 1935	7th October 1935.

VI.—ELECTION OF A MEMBER TO THE COURT OF INDIAN INSTITUTE OF SCIENCE, BANGALORE.

* The Hon. the PRESIDENT:—"With reference to Regulation No. 8 of the Scheme for the Administration and Management of the properties and funds of the Indian Institute of Science appearing in Notification of the Government of India, No. 1-10 (T), dated the 12th February 1926, made under sections 5 and 7 of the Charitable Endowments Act, 1890, the Director of the Indian Institute of Science has requested me to inform him of the name of the nominee of the Legislative Council on the Court of that Institute. For this purpose, the Council will proceed to elect a member, and I fix 3 p.m. to-day as the latest hour by which nominations of candidates should be presented to the Secretary.

"If the number of candidates nominated exceeds one, an election will be held between 12 noon and 2 p.m. to-morrow (30th October 1935). The candidate getting the largest number of votes will be declared elected."

[29th October 1935]

VII.—DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1935-36.

(1) GRANT VI—IRRIGATION (EXCLUDING CAUVERY-METTUR PROJECT)—RESERVED.

* The Hon. Mr. C. A. SOUTER:—“ Sir, on the recommendation of His Excellency the Governor, I beg to move—

‘ that the Government be granted a further sum not exceeding Rs. 200 under Grant VI—Irrigation (Excluding Cauvery-Mettur Project)—Reserved. ’

“ Sir, the reason for this grant has been given in the note * explaining the Demands for Supplementary Grants, and I do not think I need take up the time of the House by commenting further thereon. The explanatory notes are full and clear, and I trust that the House will agree to this grant.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ I move, Sir --

‘ that the allotment of Rs. 200 under Grant VI—Irrigation (excluding Cauvery-Mettur Project)—Reserved—be reduced by Re. 1. ’

“ Sir, the Government say that they will collect the inclusion fee at Rs. 12-8-0 for lands that are already cultivated as wet lands and at Rs. 25 for new lands. But without this inclusion fee, the Government are already in a position to realize a fairly good interest, i.e., about 15 per cent on the capital spent. In that case, why should they collect this inclusion fee as an additional tax from the ryots? In their anxiety to get their lands cultivated as wet lands, no doubt the ryots may be prepared to pay this fee; but how far it is reasonable to collect this inclusion fee is the question which Government ought to consider in these hard days. The ryots are not in a position even to pay the legitimate land revenue to the Government, so much so that the Government have been granting, annually, remission for the last four years for which we have to be grateful to them. When, on the one side Government are granting remission for wet lands, it is unreasonable, on the other side, for them to compel these ryots to pay the inclusion fee. I request the Government not to collect this inclusion fee at all. That is the reason why I gave notice of this motion.

“ Another point is this: already the Government are getting a high percentage of interest on their total investment. I do not know what percentage of interest the Government are anxious to get on the investments on these irrigation projects. Is not 15 per cent sufficient? The Government are getting a lot of funds from the Government of India for 4 per cent interest. Why should they make this a commercial proposition, I want to know, instead of being helpful to the ryots who are already heavily indebted? I appeal to the Government not to collect this fee. No doubt the ryots may be coming forward, but they do so only under compulsion, not willingly. I request the Government to collect only the land revenue, and not this inclusion fee. With these words, Sir, I move my motion.”

* Printed as Appendix IX on pages 116-120 infra.

29th October 1935]

* Sriman M. G. PATNAIK Mahasaya:—“ Sir, after studying the provisions of one or two Acts, I find that the levy of the inclusion fee is entirely unjustifiable. If Government spend heavily on irrigation works, they can only levy irrigation-cess under the Irrigation Cess Act. That is a special Act enacted for that purpose, and that enables the Government to get a fit return for the expenditure they have already incurred or are going to incur on these works. There is absolutely no reason why Government should, in addition to the irrigation-cess, charge what is known as the inclusion fee. The duty of the Government is to supply water to all lands as far as possible. That is one of the duties of any Government. That duty was formerly incumbent upon the Government of India, but now this Government is charged with that duty, and the Government hold in trust all the sources of irrigation for the benefit of the people of the province. In such a case, if Government find that there is more water available than is necessary for the ayacut, they give only the surplus water to lands outside that ayacut; in other words, they include other lands also in the ayacut either temporarily or permanently. If my information is correct, they are not giving water in such cases for the full season, although I understand they charge full rates. I think that is unjust. The only return that the Government can expect in these cases is the water-cess. The Government cannot impose this fee for mere inclusion of certain lands. On the other hand, if these new lands are not included, two consequences will follow: one is that the Government will be failing in their duty to supply water, and secondly that they will be failing to take steps to increase the revenue by charging water-cess in the case of irrigation of additional lands. It is therefore a question of the Government doing only their legitimate duty. For charging this fee, the Government cannot rely on the prerogative of the Crown under which the Crown is entitled to a share of the profits of land. Therefore, I say it is perfectly illegal for the Government to charge this inclusion fee. By doing so, they are simply trying to exploit the needs of the people to irrigate lands which are not in the old ayacut. That is unjust, and I hope that hereafter at least, they won't collect such fees.”

* Mr. P. PEDDI RAJU:—“ Mr. President, Sir, although this question relates to the district which I represent, I am glad the motion has been made by my Friend, Mr. Krishnayya Choudari, who comes from another delta district. It may look somewhat strange to some hon. Members of the Council that Mr. Patnaik coming from Ganjam has upheld the cause of the ryots of the West Godavari delta. I may say that Mr. Patnaik presided over a ryots' conference yesterday, where this question cropped up and he has therefore known the real grievances of the people. That is why he has come here to-day as an advocate of the cause of the ryots and has explained the legal difficulties in the matter.

The first point to be taken into consideration is whether the grant should be made or not. There is no doubt that everybody is anxious that the work should be taken up. But in the explanatory memorandum it is stated that the Government will collect a premium

[Mr. P. Peddi Raju] [29th October 1935]

for every acre of land included in the wet ayacut after the work is over. The question therefore is whether the premium should be collected or not. My first objection is this: if Government have invested any capital on the work and they want to take interest thereon, certainly that is legitimate, but if they want to realize the capital itself, by collecting a premium, I do not see any justification for the imposition of a heavy water-cess of Rs. 6-4-0. Further the Hon. the Revenue Member has gone to this locality at least on two occasions as Member of the Board of Revenue and seen the lands personally. They are regular swamps. Nothing was raised there previously except on small plots of one or two acres. Most of the land was unoccupied. The Government now want to sell unoccupied land and also to charge a premium on lands cultivated already. These tracts are mostly inhabited by very poor classes, labourers and depressed classes. Several hon. Members know that the question of nazarana was discussed here some time ago, and that the Council also passed a resolution to the effect that such a levy was illegal. In spite of it, the Government levied the nazarana fees for the whole delta, while at the same time they made a promise that all the money collected in the delta would be utilized for the improvement of the delta itself. I have been complaining every year that not a pie has been so far spent out of that money either for the remodelling of channels or for the improvement of drains in these areas.

12-30
p.m.

“Now, Sir, what is the use of collecting this money? If it is going to be utilized for any improvement for the benefit of the ryots, I would have no objection. The first point for us to consider is, as I have already stated that the whole tract is a swamp and the people inhabiting that tract belong to the depressed classes. They have no capital of their own and they cannot pay these fees. That was the difficulty they felt in the matter of the payment of the nazarana fees.

“One other point that I wish to refer to in this connexion is, as I have already submitted, that, if the money is utilized for the benefit of the cultivator, there is some consolation. But what they propose to do is, as will be seen from the explanatory note, that the expenditure will be set off against the collection. That is not what the people want. The Hon. the Revenue Member has seen the locality for himself and he also knows the drainage difficulties in that tract. In the estimate that has been prepared, there is no provision for improving the drains. The tract in that locality is not cultivated because it is a swamp. If you construct some more drainage channels the drainage difficulty in that part of the district will be solved to a certain extent.

“Another point I wish to press on the Hon. the Revenue Member in connexion with the deltaic tracts is, there are no communications. What is the use of excavating some new channel without providing for communications? You are not going to construct even a single culvert or a road. Have you not done the same thing in regard to the Cauvery-Mettur Project? I ask the Hon. the Revenue Member in all earnestness whether the Government ought not to make some sort of convenience in the shape of communications and culverts by

29th October 1935] [Mr. P. Peddi Raju]

providing for these in the estimates. I can understand that if the Government have done this little bit, there may be some justification for collecting such inclusion fees or nazarana. But, so far as water-cess is concerned, I do not see any justification for its collection.

“There is also another matter which I wish to bring to the notice of the Hon. the Revenue Member. He knows that in these swampy tracts, like Kolleru, the water-cess is not Rs. 6-4-0, but the total assessment is Rs. 4 or so. In this case, this tract is much worse than Kolleru and when such is the case why should they collect Rs. 6-4-0 in addition to the assessment of 12 annas which is already collected? The question now for the consideration of the Government is whether the assessment and water-cess should not be regulated according to the capacity of the land and the capacity of the owner to pay and whether Government should not consider the condition of the people who live in that tract. After all, I am certain that Government are not going to pay any heed to the advice tendered by hon. Members on this side of the House so far as the condition of the ryots is concerned. Anyhow, I appeal to the Hon. the Revenue Member as one having a personal knowledge of this tract, having visited the place and as one who knows that the people living there are very poor and mostly belong to the depressed classes—Pallis and Adi-Andhras—to see that the rates are reduced, and in the estimates a provision is made for the construction of culverts and communications, and that instead of levying a separate water-cess, there should be a consolidated assessment as in the case of the low-lying tracts in the Kolleru where the water-rate is only Rs. 4 or Rs. 4-4-0. Of course, I know in the ordinary routine of things he cannot take special notice.

“I therefore appeal to the Hon. the Revenue Member to see that something is done to relieve the ryots from this levy. That is why I am opposing the grant. If I can get an assurance from the Hon. the Revenue Member, we shall be glad to allow the grant.”

* Mr. G. SRIRAMULU:—“Mr. President, Sir, in supporting the motion of my hon. Friend Mr. Choudari to reduce the allotment in order to point out the undesirability of fixing the inclusion fees at Rs. 12-8-0 or Rs. 25 when the scheme is expected to be so remunerative as to yield a net revenue of Rs. 16,701, I would like to place before this House certain facts for the consideration of this House. I know where Losarigutlapadu village is situated. It is situated in the south where the Bhimavaram taluk. For a major portion of the rainy season in the year, this village is no more than an island. It is stated that this demand is moved for excavating a channel to the Losarigutlapadu village in the Godavari Western Delta. I do not know whether the Hon. the Revenue Member, who was for some time the Collector of old Kistna, which included the present West Godavari district, knows that this village is more or less an island for a major portion of the year. Through the town of Bhimavaram there runs a big drainage channel called Yenamadurru drain which has been in high floods for

[Mr. G. Sriramulu] [29th October 1935]

the last four years. Even very recently, about thirty days ago, the town was almost on the point of being inundated and all the local revenue officers including the peons were watching the canal bunds at the cost of their executive work. I think if you call for a report from the local executive officers the matter will be clear. Last year and the year before last, all the huts of the poor people on the eastern side of the drainage canal at Bhimavaram were submerged or washed away and for about a month the people were without huts and during the down-pour of rain the verandas of the offices of the Deputy Collector, the Sub-Magistrate and the Tahsildar had to be utilized by these poor people as their temporary abodes. They had to be maintained for some time from the contingent allotment. I believe that last year the local authorities might have addressed the Government that the bunds of the canal should be repaired immediately, but unfortunately for the people of the Bhimavaram taluk, no steps were taken towards the repair of the banks of the drainage canal, and as a result, the whole town was more or less on the point of being inundated this year and the people lower down were prepared for the worst when the current was at its height. Sir, this drainage canal runs right through the town of Bhimavaram. Now, they (the Government) want to excavate a channel to the Losarigutlapadu village. I may say in this connexion that if the authorities excavate a canal with the funds which we may sanction, that canal also will be submerged for a major portion of the year. Sir, this Yenamadurru drain washed off so many huts this year and also a large acreage with standing crop in the villages of Yenamadurru, Dirsumarru, Taderu, Komarada, etc. I would also like to draw the attention of the Hon. the Revenue Member to the fact that this year thousands of acres of paddy fields have been washed away by this drain and the ryots of the said villages are likely to become paupers in short. It is all due to the negligence of the Government because they did not take steps early to improve the banks of the drainage canal and thus improve the condition of the ryots of the locality. When such is the condition of the ryots, what will be the state of affairs of the people of this tract if such a levy of inclusion fees is made from the residents of Losarigutlapadu, Vemuladevi and other villages? Before the canal leading to Losarigutlapadu is excavated, I think it is absolutely necessary to put up a strong embankment to the Yenamadurru drain. I therefore appeal to the Hon. the Revenue Member to see that before any allotment is sanctioned, what is necessary for the ryots of the locality is immediately done. To that extent, I support the motion of my hon. Friend Mr. Krishnayya Choudari."

* The Hon. Mr. C. A. Souter:—"Sir, I think it is perhaps better to clear the situation a little. It seems to me that hon. Members who have supported this cut motion have rather mixed up two things. One is the proposal as regards Losarigutlapadu and Vemuladevi for which I have moved this demand, and the other is the general question of culverts, drainage and so on. I think it better that we keep these two subjects apart. So far as the question of culverts, drainage and so on go, I may assure hon. Members that we shall do all we can to

29th October 1935] [Mr. C. A. Souter]

improve matters there. For instance, as regards the Yenamadurru drain, I should hesitate to say how many lakhs we have already spent on it, and we are still endeavouring to bring it into some sort of order, and I assure the House we shall continue our endeavours in that direction.

"But, as regards the specific reason for the proposed cut in this motion, that is to say, the inclusion fees, I think hon. Members who have spoken on that have omitted to notice that part of the scheme is the acquisition of already existing works which two separate companies, one in each area, have already constructed. We propose to acquire those works from them and bring them into our general scheme. Hon. Members will notice on pages 3 and 4 of the note, that the acquisition of those works will cost in one case about Rs. 17,500 and in the other case very nearly Rs. 19,000; and most of the inclusion fees which it is proposed to be levied will be spent on these acquisition proceedings. That is one reason particularly in this case, why there is considerable justification for collecting these inclusion fees. Another reason is, Sir, that practically in the whole of this delta, except on the Godavari Eastern Delta where special reasons exist, these fees have been collected and also in the majority of cases have been paid very willingly by the ryots—those who are going to be benefited by any new scheme. I may take for instance the scheme which is going on now—the East Bank Canal. There, except in the case of two villages only, all the rest have willingly agreed to pay the inclusion fees and in this particular case the Collector has been assured that the ryots are willing to pay those fees. It seems to me that we cannot show any invidious distinction in these two cases in which without exaggeration, we do intend to improve very considerably the present situation of the ryots there. If the ryots find that the payment of this sum in one lump sum is inconvenient, Government will always be prepared to consider the collection, as we have done in some other cases of these inclusion fees, in instalments so as not to embarrass the ryots too much. As I say, our case rests on these two things—not only on the general principle that the inclusion fees are in most cases willingly paid by the ryots and have been paid in practically every case, but that we are actually acquiring existing works. If this cannot be met from inclusion fees, it will have to go into general estimates and thereby reduce our returns.

"May I also point out to hon. Members that if this cut motion is carried—it is only a token motion—the balance of the money will have to be found by reappropriation. If this cut motion is carried, the total sum we shall be entitled to spend on all these works will be Rs. 199. For these reasons, Sir, I must oppose this motion."

* The Hon. the PRESIDENT:—"Is the hon. Member pressing his motion?"

Mr. P. V. KRISHNAYYA CHOUDARI:—"I want to say something by way of reply . . ."

* The Hon. the PRESIDENT:—"I do not think on a cut motion like this the hon. Member has got a right of reply."

[29th October 1935]

Mr. P. V. KRISHNAYYA CHOUDARI:—"Because it is a very important question, Sir, I feel it is necessary for me in this case to say something.

12-45 P.M. "I just want to bring to the notice of the Hon. the Revenue Member that there are lands which cost only Rs. 50 or Rs. 75. I am prepared to produce the registered documents and other irrefutable proof in support of my statement. I feel that this is a grievance which ought to be redressed. But I do not want to press the cut motion and stand in the way of the present scheme. I beg leave to withdraw the motion."

The motion was by leave withdrawn.

* Mr. K. A. NACHYAPPA GOUNDER:—"Mr. President, Sir, I beg to move—

*'to reduce the token demand of Rs. 200 under Grant VI—
Irrigation (excluding Cauvery-Mettur Project)—Reserved by
Re. 1—*

- (i) *to discuss the policy of Government in undertaking such schemes and the scope for easy expansion of them;*
- (ii) *to elicit information about the total ultimate cost of each of the schemes including works, the water-rate to be charged in the area, the varying periods of the staff to be employed and such other information; and*
- (iii) *to point out the necessity of obtaining the written consent of the companies and others even before the grant is moved.'*

"The object of the cut motion is to elicit information which has not already been furnished in the explanatory note. It is said that Losarigutlapadu village has an area of 13,600 acres and it is proposed to provide irrigation facilities only in respect of 3,678 acres. With regard to the Vemuladevi area, out of 6,570 acres only 3,199 acres are to be brought under irrigation. I think that, all these being situated in the deltaic area on level ground almost, it should be possible to bring a much larger percentage of area under irrigation, and I would like to know if the Government have considered the possibility of expanding these schemes so as to give full benefit to the ryots of the area and thus earn an income. Even in respect of this limited area, the Government expect a return of 10·4 per cent in the one case and 8·9 per cent in the other. Since they are so highly remunerative, I wish to know if the Government cannot push up the schemes further so that a larger area may be brought under cultivation and the Government may get a more substantial income.

"Further, Sir, I am not able to know what water-rate the Government propose to collect in that area. I desire to ask the Government, as has been suggested by the hon. Member representing the West Godavari district whether it will not be possible to reduce the rates, seeing that the Government are able to get a considerably high percentage of income from these schemes.

29th October 1935] [Mr. K. A. Nachiyappa Gounder]

"Sir, with regard to the other expenditure on the scheme excluding the cost on establishments, I am not in a position to know it. I would like to know what the total amount that is to be incurred on this project is, including the works that are to be completed under the two schemes.

"With regard to the staff, I am not able to understand clearly why there are varying periods for the Public Works Department staff. They say that the Assistant Engineer is required for three years; but they want a staff of eight overseers for a period of seven months only and I do not also see why a staff of overseers is not provided for the Assistant Engineer after that period.

"The last point that I wish to raise is that the consent of the company ought to have been obtained before the Government came up to the House with these proposals asking for a grant. I would prefer the conditions being clearly set out and their consent obtained even before we were asked to accord sanction for the funds. If, ultimately it so happens that the conditions that are prescribed are not acceptable either to the company or to the individuals concerned, it may lead to a critical position that the scheme will have to be worked out at considerable difficulty and thrust as a bitter pill. I think that in order to avoid such a contingency it would have been better if their prior consent had been obtained earlier, before the project assumes a final shape and is sanctioned. It is with a view to making these few observations and for eliciting information on the points that I have raised, I move the cut motion."

* The Hon. Mr. C. A. SOUTER:—"Mr. President, I am a little doubtful what the intention of my hon. Friend is in moving the cut motion. The note seems to be pretty explicit and he could have seen that the cost of excavating a channel, works including special revenue staff, is Rs. 1,02,431. If you take off the cost of the special revenue staff from that you can get the net cost of the works. Again, the total cost of the works on the channel to Vemuladevi village is Rs. 1,18,630. This is given in the explanatory note itself.

"The water-rate to be charged is, I think, the usual rate charged in the deltas, namely, Rs. 6-4-0 an acre. That I think the hon. Member will agree compares very favourably with the water-rates charged in Salem and Tanjore and any reduction there would, I think, be properly resented in Tanjore or Salem. The rate in the Godavari and Kistna deltas is usually Rs. 6-4-0 an acre and that, Government consider, is not an excessive charge.

"The hon. Member asked why the staff is appointed for various periods. On page 3 of the note, he will see that the preparation of detailed estimates and the execution of the work necessitate the formation of a special work division. Necessarily some part of the staff would be employed for shorter periods than the others. I do not think there is anything very mysterious about this. The staff has been proposed in consideration of the length of time that each particular part of the staff would be required on the work.

[Mr. C. A. Souter] [29th October 1935]

"I may say that those ryots who are concerned in this area have been consulted in this matter and are perfectly aware of the conditions which will be imposed and in order to make the position of the Government safe, we propose as stated in pages 3 and 4 of the note to get the consent of the companies who are mainly concerned with these areas, before we actually start the work.

"Honestly, Sir, it is difficult for me to see what the reason for the cut motion really is. The necessary information has been given in the explanatory note and I am afraid I must oppose the motion."

The cut motion was by leave withdrawn.

The demand was put and carried and the grant was made.

* (2) GRANT XI—MINISTERS, CIVIL SECRETARIATS AND MISCELLANEOUS—TRANSFERRED.

* The Hon. Sir the RAJA OF BOBBILI:—"Mr. President, Sir, on the recommendation of His Excellency the Governor, I beg to move—

'that the Government be granted a further sum not exceeding Rs. 13,300 under Grant XI—Ministers, Civil Secretariats and Miscellaneous—Transferred.'

"This amount is required for meeting election expenses in panchayats. The usual practice is that the expenditure is, in the first instance, incurred by the Government and then recovered from the panchayat boards concerned. In past years, the amounts recovered from these panchayats were being adjusted in abatement of the charges actually incurred and only the balance was being shown. The Accountant-General has brought it to the notice of the Government that such a procedure is objectionable according to the audit rules and suggested that the recoveries should be credited as receipts under the proper head. The Government accepted the suggestion. But by the time this order was issued, the current budget has already been framed and it was not possible to make the necessary changes then and there. It is merely a question of adjustment of accounts which has made it necessary to come up before this House for the sanction of this grant."

* The Hon. the PRESIDENT:—"Notice of three cut motions in respect of this demand has been received. One deals with the general policy of conducting elections in non-panchayat areas, the second with the furnishing of electoral rolls at reduced cost and the third deals with the representation of depressed classes in non-panchayat areas. I think that, as the grant is mainly intended for making certain adjustments between the Government and the local bodies, the cut motions cannot usefully be discussed on this particular demand."

The demand was put and carried and the grant was made.

* Explanatory note printed as Appendix X on pages 120-121 infra.

29th October 1935]

(3) GRANT XXIX—CIVIL WORKS—WORKS—RESERVED AND TRANSFERRED.

* The Hon. Mr. P. T. RAJAN:—"On the recommendation of His Excellency the Governor, I beg to move—

'that the Government be granted a further sum not exceeding Rs. 100 under Grant XXIX—Civil Works—Works—Reserved and Transferred.'

"The reasons for constructing new buildings and the urgency therefor have been explained in the explanatory note^a. It is proposed to construct certain portions of the hospital this year and the amount required in the current year for this purpose, i.e., Rs. 10,500 can be met by reappropriation from the savings within the sanctioned grant for civil works expenditure. But the scheme as a whole costs us over 6 lakhs of rupees and as such it constitutes a new service.

"So it is proposed to move the demand for a token sum under Grant XXIX for Works. I do hope the House will accept the motion and pass it."

* The Hon. the PRESIDENT:—"Hon. Member Mr. Nachiyappa Gounder will be in order to move the second part of his amendment."

* Mr. K. A. NACHIYAPPA GOUNDER:—"I move to reduce the allotment of Rs. 100 by Re. 1, to elicit information about the disposal of the existing building since you say that I will have to confine myself to this part alone. It is stated in the explanatory note that the building is too old and that the hospital is in need of a new building. The disposal of the old building has not been mentioned anywhere here. I hope the Hon. Minister will furnish information as to what the Government propose to do with the present old building, whether it is to be put to some other use or demolished altogether. For want of such information I am moving this cut motion."

* Mr. P. PEDDI RAJU:—"I am supporting my friend who asks for some information. In congratulating the Minister in attempting to have a good hospital in Cocanada, I have to say this. Government has not tackled the question of building hospitals in any regular manner. The question is whether they have any definite scheme for the whole Presidency or are taking a hospital here or a hospital there according to individual fancy. Why I am asking this question is this. So far as the Cocanada hospital is concerned it is no doubt bad. But the hospital in Ellore cannot be called a hospital but a pig sty. The Hon. the Law Member knows the locality. (The hon. the Law Member: 'I know both.') It cannot be inhabited by human beings, much less by suffering people. I have raised this question oftentimes and the promise is always made that the matter will be taken up next year. So I want to know what steps are being taken up."

* The Hon. Mr. P. T. RAJAN:—"Sir, I am not exactly in charge of the department and so I am afraid I cannot give the answer in detail."

^a Printed as Appendix XI on pages 121-123 infra.

[Mr. P. T. Rajan] [29th October 1935]

I can say this much on behalf of the Government that whenever funds permit Government will certainly take up questions of putting up new buildings and giving all facilities, whether in Rajahmundry, Ellore or Erode. It is only a question of funds. I do hope that ere long when Government is in a prosperous condition they will be able to devote some funds for construction of hospitals elsewhere. The second point raised by Mr. Nachiyappa Gounder was with regard to the present building. I believe it will be sold or put to some other useful purpose. I hope this explanation will satisfy my hon. Friend."

The cut motion was, by leave, withdrawn.

The demand was put and carried and the grant was made.

(4) GRANT XXXII—FAMINE RELIEF—RESERVED.

* The Hon. Mr. C. A. SOUTER:—"Sir, on the recommendation of His Excellency the Governor I beg to move—

'that the Government be granted a further sum not exceeding Rs. 14,39,800 under Grant XXXII—Famine Relief—Reserved.'

"Here again, Sir, the explanatory note^a gives the reasons for this demand. The House is aware that there had been famine unfortunately in the districts of Anantapur and Bellary. When the budget was framed for the current year a sum of Rs. 1,25,000 was fixed for expenditure on famine. Very unfortunately, as we are all aware, famine lasted a considerable time and ended only with the rains which luckily fell in those districts during the months of August and September. The consequence is that we had to incur a further expenditure of Rs. 14,39,800 in these famine areas. This sum of course may be met, if this hon. House is pleased to pass the grant from the famine relief fund. The details of this expenditure would be found summarized at the very end of the note and it will be noticed there that something like 85 to 90 per cent of the money has been spent on actual relief works and gratuitous relief and only a little less than one lakh has been spent on establishment. I trust therefore this House will pass the demand. Sir, I move it."

* Mr. K. A. NACHİYAPPA GOUNDER:—"Sir, I beg to move—

'that the allotment of Rs. 14,39,800 under Grant XXII—Famine Relief be reduced by Rs. 100 to elicit information about the nature of the works done, estimated cost of the works, etc.'

"In this connexion I cannot refrain from congratulating the Hon. the Revenue Member for the bold and very sympathetic move he made for the relief of the famine stricken area. It is very generous of him and the Government to rise to the occasion and relieve the suffering humanity of those parts. It has been very good of the Hon. the Revenue Member to have exceeded the allotment a great deal. But here having appreciated his liberality I want to know whether any substantial

29th October 1935] [Mr. K. A. Nachiyappa Gounder]

works have been done in those areas or simply works like the putting up a road here and mending a tank there. That is the only point on which I like to have some information. So, Sir, I shall be quite satisfied if the Revenue Member furnishes such information as is available with him."

Mr. T. S. RAMASWAMI AYYAR:—"As regards this supplementary demand, Sir, we find that the supplementary demand is for a sum of Rs. 14 lakhs whereas the original demand itself is for something like a lakh. No doubt as the Revenue Member himself said, the prolongation of the famine conditions evidently necessitated the Government asking for a supplementary grant. I do not quarrel with the Government for asking the supplementary grant. But one fact that is noteworthy and that has to be taken into account by this Council is this. No useful purpose will be served by spending monies for famine relief by merely asking people to work on roads or tanks which just pays the labourers who are there. Government should have a special policy of preventing famine and trying to give relief when famine conditions prevail. Many hon. Members of this House have brought to the notice of the Government more than once that Government have not been following the right policy with regard to famine relief. In the Ceded districts there have been many projects which have not been taken up because the Government considered them as not remunerative. Criticism from this side of the House has always been, at least in the case of the Ceded districts which are considered a famine zone—a black spot in this Presidency—that the Government should not view the works merely from an economic point of view. Works should be taken up though they are not productive; they can be called protective works. This House will always be inclined to vote for large sums of money being spent if only Government will take up the execution of works in the Ceded districts which have been dropped merely because they are not productive and remunerative. From this, Government expects very big returns. It may be right in other cases, but where famine conditions prevail and you want to prevent famine, these principles should not be applied. I think, Sir, it is not right that in the twentieth century people should say that in the midst of plenty and when there is a fall in prices, one district should be suffering from want of foodstuffs. Now that the Tungabhadra Project is likely to be taken up, I am glad it will go a great way to relieve these districts in that area. But that is a very big project and will take long time to be finished. Meanwhile there are small projects and minor irrigation works which Government should take up immediately and execute. I find such works are not taken up by the Public Works Department because they do not come under the rules of the department. I think, Sir, these rules should be liberalized with a view to see that the Public Works Department spends money on irrigation works and not merely on quarrying or laying of roads. I think it is only tinkering with the main question. Government should certainly come forward with large schemes. When we have got ten-year plans and five-year plans put forward by Government, when large sums are available not only from

^a Printed as Appendix XII on pages 123-124 infra.

[Mr. T. S. Ramaswami Ayyar] [29th October 1935]

this Government but from the Central Government, I do not see why Government should be niggardly in this matter. I certainly join my friend in thanking the Revenue Member for the generous manner in which he has come forward to give relief to the districts. But this is not the only way in which relief can be given. It is a much bigger question and cannot be tackled in the form in which it has been presented. Therefore I feel that Government should have a bolder programme and a forward policy with regard to the Ceded districts."

Rao Sahib V. I. MUNISWAMI PILLAI:—"I rise to support this demand, but I would like to point out that the note as presented is not complete in itself. We would rather like to have fuller details in respect of the road works and bridges that have been constructed and other details concerning the various works that are undertaken as famine relief measures. If it is not possible now, at least in the future years it may be given."

1-15 P.m. * The Hon. Mr. C. A. SOUTER:—"Mr. President, Sir, I may inform my hon. Friends, Mr. Nachiyappa Gounder and Mr. Muniswami Pillai, that I have myself visited practically every work which engaged the people in the famine areas. A large number of works consisted in the making of roads and bridges, but I cannot give straight-away what the proportion of the expenditure was on these items. But this I can say, that under the very close supervision of the Executive Engineer and the Famine Commissioner, all these works were carried out in an extremely thorough manner. I motored many miles myself on these roads and was struck with the admirable way in which the work has been carried out and I may assure the hon. Members that no money will be wasted. But apart from these road works, a very considerable number of village works were also put through, such as, village water-supply and so on. Under my orders, a considerable number of supply channels were put in good order. Also there were village relief works carried on. They consisted to a large extent in repairing the existing irrigation works. I think hon. Members must realize that in famine works we are dealing mostly with unskilled labour and not skilled labour, and if such work is undertaken in which masons and carpenters have to work, it would be a sheer waste of money.

"It must be remembered that we are dealing with very unskilled labour. In the district of Bellary, in the famine areas which consist entirely of black cotton soil, hon. Members will realize at once that minor irrigation works are practically non-existent. There may be tanks, but they are vakkaranis or small drinking water tanks which are not used for irrigation purposes at all. That leads me to one other comment, which is that the carrying out of a large programme of minor irrigation works there would probably be infructuous. Money spent on these schemes in the past, to our sorrow, has been wasted, and therefore any large scheme of carrying out minor irrigation works has to be very carefully considered with reference to

29th October 1935] [Mr. C. A. Souter]

catchment area, rainfall and other things. These districts cannot be compared with the other districts in the Presidency and any general remarks would not apply to them.

"As one hon. Member said, if the Tungabhadra scheme comes to completion, it will solve our difficulty and we shall be able to have an unfailing supply of water which under the present conditions we cannot possibly have. Hon. Members unacquainted with these districts may not be able to realize these difficulties. I may point out that the Government in the course of three years will be spending something like 50 lakhs of rupees in repairing the existing sources of irrigation. I understand from the Board of Revenue that the allotment for this year comes to Rs. 14 lakhs; to Anantapur alone they have allotted not less than Rs. 75,000. That is in addition to any money spent during the famine operations. When the Collector attempted to carry out some of these minor irrigation works in Anantapur from the special grant he could not get labour which probably will be forthcoming when agricultural operations have ceased. The difficulties in these areas are not difficulties which we generally meet in other parts of the Presidency, and the Government do all they possibly can with the material at hand to put through such measures as are feasible and not likely to be a failure. I hope, Sir, with these remarks of mine I have answered those criticisms which hon. Members have put forward and that this grant will be passed."

* Mr. K. A. NACHIYAPPA GOUNDER:—"I beg leave to withdraw my motion."

The cut motion was, by leave, withdrawn.

The demand was put and carried and the grant was made.

The House then adjourned for lunch.

After Lunch (2-30 p.m.)

VIII.—A BILL FOR THE IMPOSITION AND LEVY OF LICENCE FEES ON THE SALE OF TOBACCO IN THE PRESIDENCY OF MADRAS (BILL No. 17 OF 1935).

* The Hon. Mr. C. A. SOUTER:—"Sir, I beg leave to introduce a Bill* for the imposition and levy of licence fees on the sale of tobacco in the Presidency of Madras (Bill No. 17 of 1935).

"Hon. Members will, I think, sympathize with me when I confess to a feeling of some diffidence in introducing a measure of taxation at a time when the general cry is for reduction of taxation; but I think this Honourable House, after hearing what I have to say, may perhaps think that my diffidence was misplaced (laughter) and that I have considerable justification in introducing this Bill, as I now do.

"In the Statement of Objects and Reasons attached to the Bill you have been given succinctly the Government's reasons for bringing

* Published in the Fort St. George Gazette, dated 8th October 1935.

[Mr. C. A. Souter]

[29th October 1935]

forward this measure. What I now propose to do is to expand those objects and reasons and to give you at some length, I am afraid, the reasons of the Government for introducing this measure. I understand my Hon. Colleague, the Finance Member, will in the course of the debate, explain to you the general financial situation of this Presidency. I do not therefore propose to go into the general aspect of that question, but to confine myself to the one or two items with which my department is particularly concerned and which between them bring in a large proportion of the revenues of this Presidency. I refer of course to the Excise Department and to the Revenue Department. As far as the Excise Department is concerned, although I have no personal part in its administration, yet, the Revenue Department is the collecting department for it and that is directly under my charge.

"Now, Sir, it must be obvious to anyone who has studied the revenues of this Province for the last four or five years that these two departments, which, as I have said, bring in between them something like 80 to 85 per cent of our total revenues, have ceased to be expanding departments. In other words, if the functions of Government which are expanding have to go on you cannot rely on either of these two departments to bring any revenues which will meet the growing needs of this Presidency in general. Indeed it is more than possible, it is even probable, that the revenues from these two departments, instead of expanding, will decrease. It is just possible, so far as the Excise Department goes, that if there is a wave of prosperity in the country we may get back the maximum revenue which we have got from that department in the past. But, so far as one can see, that time is very far distant. As regards the Revenue Department, on the contrary, the whole trend of thought now seems to be that that department has reached the limit of its expansion; in fact, in many quarters there is an insistent demand that the revenue from it should be reduced. This has been particularly noticeable this year and in the previous year. We all hope, of course, that the reason which actuated the demand for the reduction in land revenue will be only temporary, but we cannot possibly rely upon it and I think it is an undoubted fact that before we can get back to the position of the Revenue Department, say five years ago, prices will have to increase very considerably over what they are now. There are signs, definite and promising, that the prices of agricultural produce are on the increase, but, as a Government, we cannot possibly rely on that fact as showing that this increase will go on and that we can confidently rely on our present source of income from land revenue to the same extent as we have done in the past.

"As the House is aware, in consequence of this demand for a decrease in land revenue, the Government have for the last three or four years, granted lump sum reductions on the assessments which have varied between 50 to 65 lakhs. Now, this, you will admit, is a

29th October 1935]

[Mr. C. A. Souter]

very considerable cut in our revenues and, if Government is to function as a civilized Government and to expand its operations, I think it is pretty clear that this loss must be made good in some way or another.

"Again, in the Revenue department, we have always relied, as the House is aware, on periodic increases in our revenues from our re-settlements. Now, this re-settlement in the last year or years, has been attacked furiously in all parts of the presidency. I think, speaking generally, there was some justification (Mr. P. V. Krishnayya Choudari: 'Hear, hear') for it owing to, what I hope is, a temporary cause. But, as I said before, we cannot rely upon this temporary cause disappearing and ourselves getting back to the position where we were from which any increase of revenue from re-settlements will be feasible. In the circumstances the Reserved Half of the Government are put to this task. I do not, as Revenue Member, for one moment admit that the general principles on which we fixed our re-settlements are essentially wrong. On the contrary, speaking for myself, I think that those principles are intrinsically sound. But I can quite see that if we are going to follow those principles strictly and insist that in the present or future re-settlements we should take our full pound of flesh we should have a very unpopular Government, and there might be some justification for saying that we are not acting fairly in the present circumstances. Therefore we have decided that, so far as re-settlements go, we shall follow the principles which we have been following. If an increase on those principles is justified, we shall impose that increase periodically, but we shall not collect such increase until such time as the Government thinks that the circumstances warrant it. (Mr. P. V. Krishnayya Choudari: 'Hear, hear.')

"That seems to me on many grounds to be the safest course to pursue. In the first place we do not altogether cut off a possible source of revenue. And secondly I think, so far as the Reserved Half of the Government goes, we should be doing a very great injustice to our successors if by an act of ours we should prevent them at any future time from collecting a revenue which circumstances warrant their collecting. I think we should be highly unfair to the new Government if we adopted any other course. We propose therefore to adopt such a course as will not disturb the present conditions but will enable the future Government if they should think fit to impose such extra assessment as may become necessary. Well, Sir, considering these factors we have had to look round for possible sources of extra revenue. It has been suggested that we should scrap altogether our present system of land revenue and should put in its place some taxation on agricultural income. That proposal has certain attractions, but I think that if you consider the matter closely you will probably come to the conclusion that the sum total that you can get from agricultural income will not materially vary the income that you now

2-45
p.m.

[Mr. C. A. Souter]

[29th October 1935]

get from land revenue, and that it would be merely shifting the incidence of taxation from one shoulder to another. If we do that I very much doubt whether the result would be a material increase in the revenues of this Presidency. Is it worth while scraping a time-honoured system which has been understood by everybody? That is a matter which I should like the House to consider.

"Then, Sir, there is another possible source of income which ought to appeal to district boards and municipalities. I refer to the re-imposition of tolls. Now, here again we have, I know, conflicting opinions, very conflicting opinions. I myself am rather of the view that if I take each Member of this Hon. House separately into my room and ask him whether he thought that the toll might be re-imposed I should have 75 to 80 per cent of the Members say 'yes.' But if I came down here to the Legislative Council and put this proposal forward, I very much doubt whether 80 or 85 per cent would say 'yes.' That is the situation. So far as I can see at present, the re-imposition of tolls is not a workable proposition. I do not think such a proposal would be carried by this House.

"Then, Sir, with regard to the Bill which I have brought forward, I think I am right in saying that except India there are very few civilized countries in the world which allow the free sale of tobacco. Practically in every country in the world which is consuming tobacco, a sort of levy is made on the sale of tobacco. In France it is so. In England there is the licensing system as is proposed in this Bill. In India itself as the House is probably aware, in Bombay and Bengal Presidencies they have introduced certain acts. In Bombay the Act has been working for the last two years. There they have not only an Act applicable generally to the whole Presidency, but they have also a separate Act applicable to the city of Bombay itself. In Bengal, we have an act applicable, I understand, to the whole Presidency. Anyhow, I look upon it as a mere matter of precedent, if precedent for the introduction of such a Bill as this is wanted.

"Now when Government came to the conclusion that a tax on tobacco was a fair one, they had of course to devise measures for carrying this proposal out. Our first idea was we could do so by a system of monopoly. I need not go into details to explain this system to the House as it is by no means new to this Presidency. In the case of abkari revenue we had the old system of monopoly which gave way for our present system. So the system of monopoly by itself is not in any way new, and is quite well understood in this Presidency. But the difficulty is it is not possible for us to know exactly how many tobacco shops there are in the whole Presidency—because it is a very difficult matter and there are no statistics available now—and what is more important from our point of view is that there will be considerable opposition to such a course. But we do not want to cut out the possibility of monopoly altogether and therefore we came to the conclusion that we should introduce the system which is embodied in the

29th October 1935]

[Mr. C. A. Souter]

Bill, viz., the fixed fee system with the proviso that if the future Government should think it possible to introduce the system of monopoly they should have power under the Act to do so. And the intention of the Government is, if this Hon. House should pass this Bill, to introduce the fixed fee system of licensing the sale of tobacco. I will not go into details of the Bill. If permission is granted to introduce the Bill, subsequently in the Select Committee all points of detail can be thrashed out. But our idea is to license every one who sells tobacco. Our estimate of the revenue for the current year by the imposition of this licence fee is only 10 lakhs. It is difficult to know the number of shops in the Presidency. They must run into thousands. The House will, I am sure, understand that if we anticipate a revenue of only 10 lakhs from these thousands and tens of thousand shops, the licensing fee will only be very small. I think that this course is justified in that we are introducing a new form of taxation and therefore we should impose a burden which will not be felt and which will make the tax not unpopular. At the same time I think the House will understand that the increase in our general revenues will only be 10 lakhs, but everybody will realize and I think it is more than probable that in the course of years the sum which we may get from this taxation will increase considerably over 10 lakhs.

"As I have already said, the policy that applied with regard to our land revenue also applies here. We do not want to bind in any way the future Government of the Province from being in the position to increase its revenues should circumstances warrant. That is our general position. We are maintaining that position in our present Bill. Hon. Members, I think, have received statements of the revenues which we anticipate this year. I do not wish to say much on this point as my Hon. Colleague, the Finance Member, I have no doubt, will give a full statement on this subject. But it will be noticed that our revenues are not coming in as we anticipated. The consequence is of course that in the coming year we shall have little to spend on new schemes and unless we do get a certain source of revenue on which we can rely, I cannot see any possibility in future of large developments in what is commonly called nation-building departments, and that seems to me one of the essential reasons why we should try by all means in our power without inflicting any undue hardship on any particular caste or community to increase our revenues.

"One word more and I am done. It is this: Government are 3 p.m. solicitous that these taxes shall not in any way affect the grower. We do not want taxation which will result in increasing the burden of the ryots of this Presidency, and we think that this tax which is merely imposed on the sale of tobacco will fall either on the shopkeeper who at present bears very little of the burden of our revenues or on the consumer, who will suffer very little indeed from the imposition of this small tax. Indeed I go so far as to say this that probably the

80 A BILL FOR THE IMPOSITION AND LEVY OF LICENCE FEES ON THE
SALE OF TOBACCO IN THE PRESIDENCY OF MADRAS

[Mr. C. A. Souter] [29th October 1935]

result might be that where now you went into a shop and bought 12 beedies for a pice you might get 10. I do not think it will be anything more serious than that. But essentially the measure must be devised so as to protect the grower and if it is not so devised it must be revised in the Select Committee to that effect. We must see to it that the actual ryot is not made to suffer by the introduction of this extra taxation. With these remarks I beg to introduce this Bill and move that it be referred to a Select Committee. In doing so, Sir, under Standing Order 39 (2) I move for leave to fix the number of Members of the Select Committee at 17 consisting of the following names:—

The Hon. the Raja of Bobbili.
Sir William Wright.
Diwan Bahadur T. A. Ramalingam Chettiyar.
Mr. P. Peddiraju.
Mr. K. P. Raman Menon.
Mr. P. V. Krishnayya Choudari.
Mr. C. Ramalinga Reddi.
B. Pocker Sahib Bahadur.
Rao Sahib N. Siva Raj.
Mahboob Ali Baig Sahib Bahadur.
Mr. Daniel Thomas.
Mr. M. S. Sreshta.
Mr. H. R. Uzielli.
Mr. A. Harischandrudu.
Mr. V. T. Arasu.
The Raja of Khallikote.
The Mover.

* The Hon. Mr. G. T. H. BRACKEN:—"Mr. President, Sir, in rising to second the motion of my Hon. Colleague, the Revenue Member, I think it might be helpful to this House if I, to some extent, anticipated the Budget statement ordinarily to be made next February and took the House into the confidence of the Government as to the present rather serious financial situation. With this object I have already circulated a statement* of the probable revenue for the whole year based on the actuals of the first six months. At the time the statement was prepared, I was not sure that I could have the actuals of expenditure also. But I have those figures now ready. I propose first of all, to deal with the revenue and expenditure so far as can be estimated on the actuals of the first six months. The figures of revenue

A BILL FOR THE IMPOSITION AND LEVY OF LICENCE FEES ON THE
SALE OF TOBACCO IN THE PRESIDENCY OF MADRAS 81

29th October 1935] [Mr. G. T. H. Bracken]

are already before the House. As regards expenditure, expenditure in the first six months has been in proportion to our expectations. This House voted an additional amount for expenditure in the budget of this year and so, as might be expected, the expenditure for the first six months of the year is higher by some Rs. 15 lakhs than the expenditure before. With falling revenue and expenditure on a higher level, the net result must, I fear, inevitably be a deficit at the end of the current year. That seems to be inevitable. What exactly the deficit will be it is perhaps premature to forecast at the present moment. I think that the deficit might quite well be as much as Rs. 20 lakhs and might even be higher. So much for the current year.

"In connexion with the financial enquiry which is shortly to be conducted by Sir Otto Niemeyer, a financial forecast of the next five years has been worked out and on the basis of the recent figures, I am afraid that that forecast is not very promising. We have attempted forecasts in previous years, but they have all proved to be too optimistic, as indeed the budget statement of the current year has proved to be over-optimistic: the actuals have proved to be much worse than originally anticipated.

"The Hon. the Revenue Member has explained the position in regard to land revenue. In fact we cannot anticipate any considerable increase in land revenue in the next five years. Indeed it is possible that members of the next Provincial Assembly may wish to reduce land revenue even further. (Hear, hear.) One possible expanding source of revenue is the Cauvery-Mettur Project. As the project develops and more land comes under wet cultivation, it may be hoped that more revenue will come in. That again is rather problematic, for the new Provincial Assembly may wish to reduce the rates in the Cauvery-Mettur Project. (Mr. T. S. Ramaswami Ayyar: Even the present Council.) Under Mettur I do not think it will be wise to anticipate any considerable increase in the next five years. Stamps again have been doing badly. It would be unwise to expect anything much from stamps. The same applies to forests and registration. One source of revenue we have, which is an expanding source of revenue and that is Hydro-Electric Schemes. That is doing better than we hoped and we may hope to get an expanding revenue from this source. But the amount will not be considerable in any one year. The net result is, I am afraid, speaking generally, we have no real expanding source of revenue at all.

"On the expenditure side there are certain inevitable additions to expenditure which cannot be avoided as for example pension charges which must increase year to year. There are also the extra expenses connected with the introduction of the Reforms and that extra expenditure will continue as a result of the introduction of the new constitution. Thus there is a certain amount of inevitable new expenditure every year even on the present basis without attempting any new lines of what is known as nation-building.

* Printed as Appendix XIII on page 124 infra.

[Mr. G. T. H. Bracken] [29th October 1935]

“ I am afraid this picture is somewhat a gloomy one, but the facts have to be faced. Apart from the deficit this year on the basis of the figures before us, there will be no money available next year except for standing commitments. This means that grants that have been given almost every year for educational, medical and industrial institutions for building and equipment, grants for the betterment of depressed classes, grants to local bodies for water-supply and drainage schemes, roads and bridges, village water-supply and communications, grants for all these desirable objects for which a provision of about Rs. 20 lakhs used to be made every year—I may say a very modest provision—cannot be made in the next financial year. I am afraid the same thing will be the case in the following years also. Our financial forecast on the basis of the figures I have mentioned shows a continued deficit in each of the next five years, that is to say, unless we explored some new sources of revenue. That, Sir, is the justification of the introduction of this Bill. Nobody likes new taxation, least of all Government, and I can assure this House that Government would not have thought of this new source of revenue under the Tobacco Bill and the betting taxes unless they were convinced that it was in the interests of the Presidency both in the immediate future, that is, the next financial year and for the future Government of this Presidency to have one or two expanding sources of revenue. I am afraid the position roughly is this: if we do not have these expanding sources of revenue it may be necessary to cut down the land revenue concessions that have been granted in recent years to get a balanced budget and that is a very serious situation. I put it to the House whether it would not be better to impose what after all are luxury taxes on tobacco and betting rather than re-impose the burden of land revenue on the ryot. Tobacco is after all a luxury. I suppose those of us who smoke—I am one of them—would probably be very much better off in pocket and in health if we do not smoke at all. The same is the case with smokers, or chewers or sunff-takers in the Presidency. Such a tax does not impose any hardship on the population as a whole. The same applies, even more so, to the betting tax. There I suppose every one will be better off in pocket at any rate if they do not bet. I have taken the House into the confidence of the Government fully and entirely honestly and shown them what the position is and what is the justification for the imposition of this tax. It may perhaps be considered as the lesser of the two evils, the tobacco tax as against the removal of the land revenue concessions. But I do not want to harp on that point. I think this tax is justifiable on its merits, not only from the point of view of the benefit of the immediate future but also of the benefit of the future Government. I think there is the duty of the House to see that the new Government whatever it may be, starts on its career with a balanced budget and a fair prospect of some expansion of revenue to meet new demands for nation-building. On this ground, I would ask the House to consider the thing on its merits. Imposition of taxation may, in the opinion of some Members of this House, cost them some votes in the election if they vote for it. But

29th October 1935] [Mr. G. T. H. Bracken]

I would appeal to Members of this House to take a wider view and think of the good to the country as a whole and specially to the new Government—whatever it may be—that will shortly be inaugurated.”

* Rao Bahadur Sir A. P. PATRO:—“ Mr. President, Sir, with your permission, I shall reserve my general remarks in reply to the Hon. the Revenue Member and the Finance Member who have just now spoken, when I shall be able to meet the remarks made by them. But my immediate purpose is to raise a preliminary objection, to raise a point of order that this Bill is invalid and should not be considered by this House. That is my point of order. In the Statement of Objects and Reasons which is very clear and concise and which is often referred to by the Hon. the Revenue Member and the Finance Member, it is stated that this is a tax; there is no doubt about it. I wish to draw your attention to the Statement of Objects and Reasons. It is stated: ‘ No tax is now levied on tobacco in the Madras Presidency.’ The Taxation Enquiry Committee in paragraph 193 of their report has observed Then it is stated that ‘ it is accordingly proposed to raise some revenue from this source to the financial advantage of the Presidency.’ These are very important facts stated in the Statement of Objects and Reasons and they show what the real intention of the Government is in bringing forward this Bill. In the clause relating to definitions (15), it is stated that ‘ tobacco revenue ’ means revenue derived or derivable from any fee, fine or confiscation imposed or ordered and all sums accruing to Government, under the provisions of this Act. You may call a horse by any name; it is nevertheless a horse. Tobacco revenue cannot be otherwise than what it means to be. It is a tax proposed to raise revenue from this source to the financial advantage of the Presidency. This is the essential and the real object of this Bill. The previous sanction of the Governor-General has been obtained for this Bill. The existing Government of India Act, 1919, gives two schedules with regard to which the previous sanction of the Governor-General is not necessary. Schedule I refers to a tax on land put to uses other than agricultural, a tax on succession, a tax on any form of betting, a tax on advertisements, a tax on amusements, a tax on any specified luxury, a registration fee and a stamp duty. In this list ‘ tobacco ’ does not find a place. Section 80-A of the Government of India Act, 1919, states that ‘ the local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law imposing or authorizing the imposition of any new tax unless the tax is a tax scheduled as exempted from this provision by rules made under this Act.’ We must now consider the position that is created by the Government of India Act, 1935. List 2 of Schedule 7 of this Act relates to provincial subjects, duties of excise on the following goods manufactured or produced in the Province and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India, alcoholic liquors, opium, medicine, etc. Item 45 of List I—Federal subjects—refers to duties of excise on tobacco and

[Sir A. P. Patro] [29th October 1935]

other goods manufactured or produced in India. Therefore under the new Act this is a federal subject. The Act contemplates a saving clause in regard to provinces where the taxes which are included now for the first time in Schedule I under Federal taxes are being continued in other provinces. I wish to draw your attention to section 143 (2) of the new Act. It states that any taxes, duties, cesses or fees which, immediately before the commencement of Part III of this Act, were being lawfully levied by any Provincial Government, municipality or other local authority or body for the purposes of the province, municipality, district or other local area under a law in force on the 1st day of January 1935, may continue to be levied. This Bill has been introduced only recently and not before 1st January 1935. Therefore I say that this House and the Government will not have the right to levy or impose any duty, cess or tax on tobacco. The question of any distinction between a duty, tax or fee does not arise in this case, because it is clearly stated in the Statement of Objects and Reasons that the main object of this Bill is to augment the revenue of the province. The principal aim of imposing excise duty on internal products is to raise revenue, call it a fee or duty or tax. In this connexion I would like to draw your attention to the description of 'excise' under the Devolution Rules of the Government of India Act of 1919. At page 144 of the Legislative Council Manual, Volume I, this is the definition given of 'Excise':

'Excise, that is to say, the control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and licence fees on or in relation to such articles.'

It is therefore quite clear here as to what is meant by the Government of India Act. It does not mean that excise duties are separate from excise revenue. This Bill seeks to levy a duty on tobacco, and I submit that it is analogous to what is contained in item No. 16 of Part II of Schedule I to the Devolution Rules. This Bill, which is rather very clumsy—apart from its other defects which I will point out in my next turn—says in clause 3:

'Subject to the control and direction of the Local Government, the Commissioner shall superintend the working of this Act and the collection of tobacco revenue in all areas in the Presidency of Madras.'

Again in clause 4, it says:

'Subject to the control and direction of the Local Government and of the Commissioner, Collectors of districts shall be responsible for the collection of tobacco revenue and the carrying out of the provisions of this Act in all areas in their respective districts to which this Act is applied.'

So, the whole aim behind this Bill is not so much the control of licence as we have got in the case of the licence fees levied by the local boards as to augment the revenues of the Provincial Government. It is not intended to cover the charges of supervision or control that may be necessary. Generally a licence fee is levied where a licence is issued under certain conditions, e.g., that certain rules should be observed of sanitation, hygiene, public safety or morality, and where the licence is controlled by the authority issuing the licence, certain charges of

29th October 1935] [Sir A. P. Patro]

supervision and control have to be incurred, which are meant to be covered by the licence fee. As I said, the object of this Bill is not to have any such control over the vending of tobacco—such as that the tobacco trade or tobacco leaf has got a deleterious effect on the people. For the matter of that, it is just the other way; it is a necessity otherwise it will not be smoked by so many people. When that is so, this Bill simply creates a sort of monopoly in the trade—all monopolies ought to be discouraged. Well, I do not want to go into the merits of the Bill just at present, but my submission is this: that this Bill contravenes the provisions of the new Government of India Act, and not having been passed into law before 1st January 1935, it is invalid and inoperative.

I do not want to go into the legal aspect of the matter—how the High Court would interpret these matters heretofore. I know there are some decisions of Canada and the United States, which I can point out, to show that there is a distinction between 'fee' and 'tax'; but, as I said, in this case such a distinction does not arise at all, because ostensibly in this case the fee levied is for the purpose of augmenting the revenues. The consequence of this legislation, if it is passed into law, will therefore be that under section 143 (2) it will be invalid. Any court may at any time say that it is invalid. In such a case, what is to be the position of this House? And you, Sir, as the custodian of the rights and privileges of this House, have to decide it. We look up to you to protect our rights and the rights of the public in a matter like this. (Laughter.) It is a very serious matter. However much the Hon. the Revenue Member and the Hon. the Finance Member may try to explain, there is no gainsaying the fact that this Bill taxes the poorer classes and takes away a few pies from their daily wages. That is what it comes to. It is a tax on the general population, and this Council has no power to levy the tax now. The Government have come forward with this Bill without considering the consequences. All rules of procedure relating to this House and all your rulings are intended to prevent the Council from wasting its time in discussing invalid measures and motions. If you, Mr. President, are satisfied with what I submitted, viz., that this duty on tobacco is a federal subject under section 143 (2), not having been enacted before the 1st January 1935, it would not be available to this province. Not having been thought of by this Government all these years, even in times when we had deficit budgets—I can show from the Budget speeches that there was not a single year when the Finance Member gave us a bright view of the financial position of our province, every time it was said that our finances were in a deplorable condition and we were asked to show some indulgence in regard to the Budget—where is the necessity for bringing in this measure now which is invalid according to section 143 (2)? Would you, Sir, as custodian of the rights and privileges of this House, allow this invalid law to be passed? To-morrow, next year or in 1937, if Part III were brought into operation, what would be the position? Can you maintain this tax? You

[Sir A. P. Patro] [29th October 1935]

cannot. I therefore ask hon. Members to consider the whole position. I leave the matter, Sir, in your hands, and I submit, that this Bill cannot be considered by this House."

* The Hon. Sir K. V. REDDI NAYUDU:—" Mr. President, Sir, I am afraid that my hon. Friend—I have the greatest respect for him—is under a misapprehension and a misconception. The contention of my hon. Friend is two fold. In the first portion of his speech, and in fact, in the concluding portion also, he told us that this Bill is *ultra vires* of this Council and that we have no right to pass it into an Act, by virtue of section 143 (2) of the new Government of India Act. That is one misconception. The second misconception is this: that even assuming for a moment that we can pass this law, still it can be effective only till Provincial autonomy comes into operation, that is as soon as Part III of the new Act comes into force, automatically the proposed Act must cease to be in force in this province, in so far as it would not be possible for us to collect fees or tax under an Act on a subject which is in the Federal list.

" Let me first deal with the first portion. All that section 143 (2) says is that if any tax is being collected by a Local Government on a subject which is included in List I of Schedule VII, i.e., the Federal list, that tax the province will be allowed to continue to collect even after the date when Part III comes into force, provided that the tax has been collected under a Provincial Act passed before the 1st January 1935. This tax no doubt will not come under that, because it will be collected only after 1st January 1935; but what will happen to taxes which have been imposed subsequent to that date? The section does not say that these taxes will be illegal; it does not say that we have no right to pass this law."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Will you please address the Chair? "

The Hon. Sir K. V. REDDI NAYUDU:—" I thought the hon. Member would sometimes expect to hear me. I do not now address any individual; the hon. Member is mistaken in thinking that I am not addressing the House; I am addressing the House through the President."

Mr. P. V. KRISHNAYYA CHOUDARI:—" On a matter of personal explanation, Sir? "

* The Hon. the PRESIDENT:—" Order, order."

* The Hon. Sir K. V. REDDI NAYUDU:—" Will hon. Members please have a look at section 143? It says: I shall omit the words which are not necessary, Mr. President:

' Any taxes which were being lawfully levied by a Provincial Government under a law in force on the first day of January 1935, may, notwithstanding that those taxes are mentioned in the Federal list, continue to be levied and to be applied to the same purpose until provision to the contrary is made by the Federal Legislature.'

That is to say, if there are taxes that are already being collected on that date, the province will be allowed to continue to collect those

29th October 1935] [Sir K. V. Reddi]

taxes, unless the Federal Government intervenes and says: ' No, you shall no longer collect them; we shall collect them ourselves.' It does not say that the Acts passed after that date are illegal or that we cannot collect the amounts mentioned therein. My friend Sir Patro has put an absolutely wrong construction on the section. It does not take away the right of this Council to pass such laws as it pleases for the collection of taxes or fees or whatever you may call them. There is absolutely no doubt about that.

" Now, Sir, there is something to be said as regards the other question. My hon. Friend asked, though not expressly—I take him to have stated it to this effect—what is the good of passing this Act, if after Part III comes into operation, the Central Government or the Federal Government will step in and say: ' Well, Sir, this is in List I; it is no longer a Provincial Subject; section 143 does not protect you; therefore we will collect the fees ourselves or pass our own laws on the matter.' That is perfectly true.

" But, Sir, my contention is that the subject matter of this Bill is not in List I, but it is in List II. Hon. Members will remember that Schedule VII gives three lists; one is a Federal List, on the subjects contained in which only the Federal Legislature is competent to legislate and on which the executive Government of the Federation alone will act. List II is the Provincial List over which we have jurisdiction here in the autonomous provinces. List III contains subjects of concurrent jurisdiction, and we need not worry ourselves with it now.

" Now, turning to Lists I and II, my hon. Friend referred to item 45 of List I. Item 45 refers to ' duties of excise '—mark you, not all taxes, not all cesses as are found in section 143 which refers to taxes, duties, cesses, or fees of any kind; they may be excise duties, they may be customs duties, they may be licence fees and so on. This item 45 speaks only of ' duties of excise on tobacco.' Now, Sir, the question that arises is whether what we are now levying is excise duty or not. The argument of my hon. Friend will be valid if it is construed that it is excise. On the other hand, look at item 48 of List II of the same schedule, namely: ' taxes on sale of goods.' The question therefore arises whether this is ' excise ' or ' tax on sale of goods.' My submission to the House is that it is a tax on sale of goods. Any one who has read the Bill will clearly see that what is being taxed is the right to sell and not excise. What is the difference between the two? My hon. Friend read something from the old Act. He says that sales for export are included in excise. (Rao Bahadur Sir A. P. Patro: ' No.') I will read it. ' Excise,' it says, is ' control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and licence fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export.' Let us assume that that is so. That is excise of a particular kind for the purposes of that Act. But the definition of

3-45
p.m.

[Sir K. V. Reddi] [29th October 1935]

'excise' is entirely different when it is viewed in a general light and it is the general light that guides this section. Now, what is 'excise'? 'Excise' is a tax on goods and it depends upon the quantity of the goods allowed to be sold. Take the case of 'excise' in any other country you like. Excise is not a tax on the right to sell. Hon. Members will mark the difference between the two. One is a tax on the goods, which is not the case here. Here, what we are taxing is the right to sell. Now, Sir, if this distinction is correct, namely, that by 'excise' is meant a tax on the goods, that a man who sells ten pounds will have to pay so much and a man who sells 100 pounds will have to pay so much on the goods. Whereas, in the present Bill we have made provision only for the right to sell.

"Now, Sir, that this construction is correct is borne out by two circumstances. Here is an Act in my hand, the Bengal Act of 1935 which was passed in the month of May 1935 in the Bengal Legislative Council by the Bengal Government. Is it suggested for a moment that that this question was not considered by the Bengal Government or the Bengal Legislative Council? (Sir A. P. Patro: 'They have not seen through it.') Only one hon. Gentleman of this Council can see through it? If so, he can lay the flattering unction to his soul. (Mr. Basheer Ahmed Sayeed: 'When was that Act passed?') It was in May 1935, that is, after 1st January 1935.

"The other point that I wish to mention in this connexion is that both in the case of the Bengal Act and in regard to this Bill, the sanction of the Government of India has been obtained. Now, what does that sanction mean? If this is really a Federal subject and if section 143 could be applied to a case like this, can we honestly expect that the Government of India would have given their sanction to this Bill? (Sir A. P. Patro: 'That is a mistake.')

"Well, Sir, there are other provisions in the Act, to which I need hardly refer. There is yet another distinction which I wish to make. My hon. Friend was relying on Article 16 of Schedule I of Part II of the present Act. That is a list of provincial subjects in the Montagu Act. Hon. Members will realize that what is treated as 'excise' there is the control of sale, that is to say, control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor, etc. It is control of sale and not the sale itself. That is rather a nice technical subtlety, I admit. But in this Bill we are not controlling sales. Control of sale means, we can fix prices. That is not to be found in this Bill. Hon. Members will therefore realize that that distinction does not help my hon. Friend in the least. I therefore submit that it is really a misconception and a misunderstanding which I am sure the hon. Member will realize when he reads the section over again."

* The Hon. the PRESIDENT:—"The Chair has to decide only one point, whether the House is competent to pass a Bill like this and whether it will be valid. As the hon. the Mover of the point of order

29th October 1935] [The President]

himself has stated, under the existing Government of India Act the House is competent to deal with the Bill. This House exists under the provisions of the existing Government of India Act (Act of 1919); the Standing Orders and Rules made thereunder are being observed and they control the procedure of this legislature now. The new Government of India Act, 1935, has not yet come into operation. If this Bill becomes an Act, whether it will be operative after the 1935 Act comes into force, is not for us to decide. Until then, this Bill, if it becomes law, will be valid, and I think the House is quite competent to pass it.

"As regards the custodianship of the rights and privileges of the House which the hon. Member, Sir A. P. Patro, has referred to, I can only say that the Chair has no power to prevent any legislation of this type which the House is competent to enact.

"As regards the wasting of time which the hon. Member has referred to, I need not make any observation, because it is entirely within the competence of the House as a whole and of individual members not to waste the time of the House but to transact the business as quickly as possible.

"It is therefore my ruling that nothing prevents this House from proceeding with this Bill.

"The motion before the House is that Bill No. 17 of 1935 be referred to a Select Committee and that under Standing Order No. 39 (2) the number of members of the Select Committee should be limited to seventeen and that the Select Committee should consist of the following members:—

- (1) The Hon. the Raja of Bobbili.
- (2) Sir William Wright.
- (3) Diwan Bahadur T. A. Ramalingam Chettiyar.
- (4) Mr. P. Peddi Raju.
- (5) Mr. K. P. Raman Menon.
- (6) Mr. P. V. Krishnayya Choudari.
- (7) Mr. C. Ramalinga Reddi.
- (8) Mr. B. Poeker Sahib.
- (9) Rao Sahib N. Siva Raj.
- (10) Mr. Mahboob Ali Baig.
- (11) Mr. Daniel Thomas.
- (12) Mr. M. S. Sreshta.
- (13) Mr. H. R. Uzielli.
- (14) Mr. A. Harischandrudu.
- (15) Mr. V. T. Arasu.
- (16) The Raja of Khallikote.
- (17) The Mover (the Hon. Mr. C. A. Souter).

Rao Bahadur Sir A. P. PATRO:—"Sir, your ruling shall prevail."

* The Hon. the PRESIDENT:—"May I just remind the hon. Member that we have got only two minutes before us as we have to take up the adjournment motion at 4 o'clock."

[29th October 1935]

Rao Bahadur Sir A. P. PATRO:—"Sir, if I begin now, I hope I shall have a right to continue my speech to-morrow."

* The Hon. the PRESIDENT:—"Even otherwise, the hon. Member will not be prevented from speaking to-morrow."

* Rao Bahadur Sir A. P. PATRO:—"Sir, in this case, the hon. the Mover rests his case upon the financial condition of the province and also the Hon. the Finance Member with his characteristic brevity and earnestness has placed before us a gloomy picture of the future prospects of this province in respect of its finance. I may say I do not agree with either of them that the finances of our province are such that we have to go out and find new sources of revenue. Sir, deficits there will be and that is not a new phenomena. We were in a flourishing state and got three crores by way of the release of the provincial contribution.

4 p.m. "That was the position. It seems to me that this is a question of history repeating itself. The Government have brought in this Bill with a view to raise fresh revenues."

IV.—ADJOURNMENT MOTION *RE* IMPRISONMENT FOR NON-
PAYMENT OF LAND REVENUE IN SOUTH KANARA *cont.*

The discussion of the motion for the adjournment of the business of the House was then taken up.

* Mr. U. C. SUBRAHMANYA BHATT:—"Mr. President, Sir, under Standing Order No. 19, I beg to move that the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the recent action of the Government in arresting and imprisoning respectable mirasdars of South Kanara district for non-payment of land revenue which has caused widespread panic and resentment in the district.

"My idea in bringing up this motion is to censure the Revenue officials and the Government who have, shutting their eyes to the condition of the people in the district, put in process these repressive measures of arrest and imprisonment of respectable pattadars. I want to censure their action in arresting respectable persons and holding them up for ransom which is virtually what they are doing and what they intend to do. Even in the worst days of the Civil Disobedience Movement when taxes were withheld for political reasons, these measures of arrest and imprisonment were not resorted to by the Government. I have not come across any instance within the whole Presidency where these provisions were invoked by Revenue authorities in the collection of land revenue till now. It is due to the economic reasons especially in that part of the district, the sub-taluka of Hosdrug that the pattadars have not been able to pay the tax, in addition to the world wide depression and to the special causes which are prevailing all over India owing to the unfortunate adverse ratio and the linking of the rupee with the sovereign. In

29th October 1935] [Mr. U. C. Subrahmanya Bhatt]

addition, we have special reasons. It is the fraudulent policy of the revenue settlement authorities, who, by their hat tricks and their mistaken calculations, have increased the assessment of the land even to the extent of cent per cent in some cases. This was what happened during the last settlement and those mistakes have been perpetuated by the present resettlement and enhanced by 12½ per cent. At the time of the resettlement, the people thought that justice would be done. But those questions were not at all gone into owing to the prevalence of very high prices till the years 1927 and 1928. The situation was eased and people were able to pay the assessment excessive though it was even then. But now there are steadily falling prices with an assessment increased by 12½ per cent, with the result that the people of South Kanara are hit very hard. Agriculture as an industry or as a trade is not paying. Land has lost its value. In addition to this there is one special feature about the sub-taluka of Hosdrug which makes conditions in that taluka really very unbearable. It is identical in all respects with Malabar, the adjacent district—the people are mostly Malayalees,—and the land tenure and crops raised are similar to the system prevailing in Malabar, the crops raised are the same, namely, pepper, but with this difference that the pepper growers in South Kanara have to pay bagayat rates while their brethren in Malabar pay dry rates which are lower and secondly they have also to pay taxes for waste lands and forests, which in Malabar are excluded from taxes. The pepper growers in the sub-taluk have to pay very much higher rates therefore than those obtaining in the adjacent district. In addition, the price of pepper has gone down from Rs. 600 to Rs. 120 with the result that the lands have ceased to pay even the amount which is necessary for the payment of the dues to the Government. It is purely an economic reason that is behind the non-payment of taxes, a fall in the commodity prices coupled with the invidious treatment of this sub-taluk in the matter of taxation. I am sure these points were brought to the notice of the Government during the last one and a half years during the course of the resettlement. The Government shut their eyes to the peculiarities saying that because they have been collecting all land revenue without arrears so long, the people can pay. Unfortunately, the ryot has always got the love for his land which has been owned by his ancestors and handed down by father to son. He felt that the land was not paying, but still the love for his land, for his homestead which had sustained his ancestors compelled him to sell his movables, his jewels and pay till now; but now the end has been reached and a situation arises wherein he has nothing else to pay his assessment with. What have the Government, the Revenue officials, done? They should have opened their eyes and come to the rescue of the ryots. Instead, the Revenue authorities seek to justify their original mistake of over-assessing the ryots by arresting respectable people and virtually holding them to ransom. I am going to prove this from this one instance and other threatened instances which are likely to crop up in future. They want to arrest respectable pattadars and put them in jails without giving

[Mr. U. C. Subrahmanya Bhatt] [29th October 1935]

them an opportunity to show cause why they should not be arrested or taking any explanation from them. They perhaps thought that their relatives or friends or whoever may be interested in them would pay up the ransom and get them released. This is virtually what is happening and it is against this policy of the Government that this House is now asked to give its verdict.

"The first victim of this policy is Mr. Kottoyil Ukkaran Nambiyar. My Hon. and Learned Friend, the Law Member, stated that it was a solitary instance and it was a legal exercise of the power given to the Government under section 48 of the Revenue Recovery Act and that there was no need to raise this adjournment motion. My submission is that a reading of the facts which I am going to narrate to the House will show in what illegal and unjustifiable manner the Revenue officials of the district have acted. Mr. Ukkaran Nambiyar belongs to one of the most respectable families of South Kanara paying an assessment of Rs. 5,000 a year. He respects his person more than anything else. He came into possession of the properties in 1922 as ejaman of his family and got the pattas changed to his name. In 1932 itself, some of the junior members of the family filed a suit for partition in the Subordinate Judge's Court, Mangalore (O.S. No. 144 of 1932). In that suit the junior members applied for the appointment of a receiver and the sub-court accordingly appointed Mr. K. P. Narayana Doss, an advocate, as receiver in 1934. This was in February 1934. This gentleman took possession of the properties and dispossessed Mr. Nambiyar. The Court Receiver paid the assessment in 1934 and also a portion of the assessment for 1935. The Revenue officials know that the properties were under the administration of the court through its receiver. There have been several correspondences which had passed through the receiver and the Tahsildar and the Deputy Tahsildar which show that the Revenue authorities in the district knew that Mr. Nambiyar did not possess the properties or collect a pie of the income. The Patel of Esthilleri where the major portion of the properties are situated was the fourth plaintiff in the above suit and the Shanbogh of Esthilleri and his son were the commissioners appointed by the court to effect the partition in the suit. With a knowledge of all these things, what have the Revenue authorities done. We find that they issued a warrant of arrest against him, arrested him and committed him to prison for two years. He was not given notice to show cause why he should not be proceeded with under the Revenue Recovery Act. He was simply arrested and imprisoned for two years. It was not even stated as to what class he was to be classed under, whether he was to be treated as a civil debtor or as a criminal convict. What happened was that he was treated as a convict. He was kept in Mangalore Sub-jail where there is no provision for civil debtors. All this occurred when the Revenue authorities know that he was not in possession of the properties and that he did not collect a pie of income from the properties and the properties themselves which were liable for the assessment were yet to be sold.

29th October 1935] [Mr. U. C. Subrahmanya Bhatt]

"Section 48 of the Revenue Recovery Act reads thus:

'When arrears of revenue with interest and other charges cannot be liquidated by the sale of the property of the defaulter or of his surety and the Collector shall have reason to believe that the defaulter or his surety is wilfully withholding payment or has been guilty of fraudulent conduct in order to evade payment, it shall be lawful for him to cause the arrest and imprisonment of the defaulter.'

"So, Sir, two conditions are absolutely necessary as conditions precedent to the use of section 48, this obsolete section 48. Sir, the properties must have been exhausted first and secondly there must be wilful default or neglect on the part of the pattadar. Now, Sir, the properties have not been sold; they were put up for sale on two days on the 22nd September and on the 28th of September. The properties have not been sold. Secondly, Sir, he has not collected a pie of income because he was not in possession of the properties at all. How can it be held that there was wilful refusal to pay the assessment? Just a few days before, a decree was passed by the Sub-Court partitioning the property into two shares and Mr. Ukkaran Nambiyar under the decree of the court was even deprived of the ejamanship and another junior member was put in possession as ejaman, even of the share allotted to his branch. There were several petitions before the Collector himself which referred to this decree and the facts leading up to it and its terms regarding which even evidence was taken by the Tahsildar before the arrest was ordered. I am not going into those details. There is the evidence, documentary evidence before the Collector from which he could be satisfied that the two branches are to pay the shares of land revenue in arrears in the ratio of 52 and 48 per cent as per the decree of court and Mr. Ukkaran Nambiyar was not to pay because the ejamans of the two branches were to pay. Yet this respectable gentleman without his even knowing anything, innocent as he was, was arrested all on a sudden by a warrant which was issued on the 16th by the Revenue Divisional Officer from Kasaragod and which directed production before the Tahsildar. Evidently it must have been in consultation with the Tahsildar and the Deputy Tahsildar that it was issued. The warrant was issued on the 16th and the man was arrested on the 17th. On the 17th he was brought to Kasaragod and kept in the lock-up for two days. This is a very important point. Why was he detained in Kasaragod? Evidently because the Tahsildar expected that some relative of his would pay this Rs. 3,000 which was due to the Government. It was in this expectation that he must have been detained for two days in Kasaragod. Money is a thing which in the villages of South Kanara was very rare. It is impossible to get even hundred rupees loan in the villages of South Kanara nowadays. That is the state of affairs. He could not get the amount and he was put in prison. On the 19th he was sent to the Sub-jail in Mangalore. On the 20th by the side of his cell he was heard raving. Barrister Mr. M. K. Nambiyar who heard that he was heard raving went in the morning and heard his raving but could not see him because he could not meet the Superintendent and get permission. He wrote a letter at 8 a.m. to the Superintendent asking for particulars about the health of Mr. Ukkaran

4-15
p.m.

[Mr. U. C. Subrahmanya Bhatt] [29th October 1935]

Nambiyar. At 1 o'clock the Superintendent wrote back that he was peculiar in his behaviour. But as a matter of fact, Sir, I was told that at 9-30 the very day he was discovered that he was suffering from paralysis. This fact was not disclosed in the letter at 1 o'clock and it was only said that he was suffering from lunacy and that he would be removed to the hospital. He was not treated as a paralytic patient but as a lunatic. In the hospital he was in the lock-up by the side of a lunatic. He was found sprawling on the ground with one side of the body completely paralysed and unable to articulate. That was the treatment meted out to him. On the 21st morning a petition was filed before the Revenue Divisional Officer pointing out the illegality of the arrest and detention and also intimating to him the condition, the bodily condition of the patient and asking him to pass orders. No orders were passed for two days together and on the 23rd evening at 2 or 3 o'clock an order was received refusing the release in spite of the illegality and the injustice which were brought to the notice of the Revenue Divisional Officer, evidently owing to orders from above his hands were tied and he had to refuse to release the man and passed orders accordingly. In the order it was mentioned that the Revenue Divisional Officer and the Tahsildar had no official knowledge, and though there was no fraud on the part of the prisoner the Patel's influence was the cause of the 3 unsuccessful attempts to sell the properties as also because the properties were in the interior and not easily accessible. This in short is the tale of suffering that has been caused by this policy of arrest. No doubt it is one man who has been arrested. His whole future has been ruined. No amount of apologies on the part of the Hon. Member from Government can bring back his body to his former condition. This no doubt, Sir, is one instance. But I understand and I am reliably informed that several notices have been issued and the people have not been locked up because the moment they heard of it they ran away from the district little knowing that it is only a question of time and that the arm of the British Government is long enough to reach anywhere in British India. Echikan Koran Nair is one of the other people who is a big janmamdar against whom another notice has been issued as I hear. The Revenue authorities are making enquiries seeing that the people are running away. They are just finding out the whereabouts of persons and immediately they are found they will be served with notices. That is the state of panic in which the people of the sub-talukas are in. Therefore with great respect I submit that the matter is not a matter which is not of urgency as suggested by the Hon. the Law Member but it is a very urgent matter for the whole sub-taluka of Kasaragod and the rest of the district is in a panic. They do not know what is in store for them; they are afraid that without their being heard, without an opportunity being given to them to explain their case they may be arrested and locked up in jail for two years as in this case, Sir. I should just incidentally answer one question

29th October 1935] [Mr. U. C. Subrahmanya Bhatt]

which the Hon. the Law Member had raised earlier in the day. He said that this is a judicial order. With great respect and deference . . .

* The Hon. Sir K. V. REDDI NAYUDU:—"On a matter of personal explanation, Sir. I never said that this is a judicial matter. I said there is a judicial remedy of obtaining a writ of habeas corpus whereby he can be released. I did not say that this is a judicial order."

* Mr. U. C. SUBRAHMANYA BHATT:—"Now, Sir, when all this has been taking place what have the Revenue officials from the Collector of the district downwards been doing all along? The Collector of the district has been receiving Rs. 2,500 per month while the people of the district have been suffering so immensely such untold hardships. He has not cared to see the condition of the people. He has not cared to place before the Government the real condition of the people. On the other hand he and his subordinates want to justify the wrongs of the Government the imposition of the excessive assessment by hook or by crook. By whatever means it is possible for him he wants to raise the revenue irrespective of the hardship that it causes to the people of the district. Surely we cannot expect anything better from a Collector who seems to have no sympathy to the public regarding this question of land revenues and who as would be seen from his own orders passed on a petition filed before him on 15th September 1935 by Mr. Kunhi Raman Nair, the karnavan of the other branch and by Mr. Govindan Nair the karnavan of the branch of Ukkaran Nambiyar, that they have got Rs. 1,200 with them to pay out of the Rs. 3,000 in arrears and for the balance they must be given three months time to raise a loan and pay. The order on the petition was: 'No time would be given; the parties must pay it from the capital.' Of course he was sure and it was certain that the income was not sufficient to pay and that it must be paid only from the capital. That is the order passed on the petition filed on the 15th by these people. From that order it is patent what the mentality of the Revenue officials of the district is. They are aware that the land is not producing enough. But what do they care? The landholder must pay from the capital. Every year it will diminish and within three or four years it will make them paupers and there will be no capital to pay the revenue. Certainly, Sir, from such a man, from such an unsympathetic attitude we cannot hope anything better. But my question is whether it is a right conduct he has taken. On the other hand he should have apprised the Government of the real state of affairs, that it was not possible to collect the revenue on account of the economic condition and the Government would certainly have come to the rescue of the people. Government would not have ordered arrest or Government would have written off the assessment. On the other hand he has been responsible for this conduct with little or no regard to the justice or legality of the way in which people are arrested and put in prison even, though I must

[Mr. U. C. Subrahmanya Bhatt] [29th October 1935]

4-30 p.m. admit in justice to Mr. Gawne that when he found the victim of his policy crippled and prostrate in hospital he lost no time in promptly ordering his release. Evidently, Sir, the Revenue officials are terrorising the people, the poor people who are already suffering very much. I appeal to this House to give a verdict on this question. No doubt, to-day it is the case of far off South Kanara, with which the rest of the Presidency may not have much in common, but what to-day is the fate of South Kanara, to-morrow may be the fate of every other district.

"The Government has been increasing the taxes; on the other hand the land does not give increased yield; it is subject to the law of diminishing returns. The Government has been trying to get as much money as possible from land but the land is refusing to keep pace with the exactions of the Government. It will be no wonder, Sir, if in the near future other districts also have to face the same problem. I therefore appeal to the other districts not to view this question as peculiar to South Kanara only. It is a question of principle.

"I should like to say one word more, Sir. These are days of insolvency; everybody is going in for loans. The rural indebtedness of this Presidency which was about 30 crores in 1930 has risen now to well nigh 200 crores. Rural indebtedness has become a very grave problem. The imperial legislature is considering the question of deleting the provision of imprisonment even in cases of civil debtors. Is it advisable, Sir, that these barbarous provisions in the Rent Recovery Act, which are obsolete, should be enforced in these days? It was this aspect of the question that I wanted to place before the House. With these words I commend this adjournment motion to the acceptance of the House."

Mr. K. P. RAMAN MENON:—Coming as I do from the sister district of Malabar, I feel it my duty to second this motion so ably moved by Mr. Bhatt. Sir, you need not go very far into the history of the case. You have simply to look at section 48 of the Rent Recovery Act, and the particular mode in which this gentleman was arrested. Section 48 of the Act unmistakably says that if it is not possible to raise the money by liquidating a particular land which is subject to the burden of the tax in question, and it further it is proved that the arrears are due owing to the wilful conduct of the pattadar, then and then alone the pattadar is liable to imprisonment. Both these conditions have to be fulfilled. In this particular case, the lands were advertised for sale on the 20th or 22nd September but the man was arrested on the 17th September. So the first condition that is necessary to attract the provisions of section 48 has not arisen. The second condition is it must be apparent to the Collector or the Revenue officer after any enquiry which he might make that the default was wilfully made. As to the interpretation of 'wilfully' there are various decisions to show that 'wilfully' means 'intentionally.' Here as was pointed out by Mr. Bhatt, Mr. Ukkaran Nambiyar was in

29th October 1935] [Mr. K. P. Raman Menon]

management of the family estate in 1934; this arrear is an arrear of 1935; not only was he deprived of the management of the estates in 1934, but there is also the fact that the Revenue authorities dealt with the person who was in actual management of the estate and collected taxes from him in 1934. So that, it is quite clear that the Revenue officials knew that Ukkaran Nambiyar was not in possession of the estates of the family which are liable to pay arrears of land revenue. Can it be said that he was acting wilfully or intentionally flouting the authority of the Government? Certainly anybody would agree with me in saying that this is not a case in which this old man flouted the authorities. You may take it from me that no ryot who is in his senses will flout the authority of the Government. Besides, the holding the ryot has is sacred to him. It is only in circumstances absolutely beyond his control that he allows it to be taken away. This truism applies to all landholders everywhere in this world. The position therefore is clear; so far as Ukkaran Nambiyar was concerned, he has not made any wilful default nor has it been shown that there was any fraudulent conduct on his part that by selling the property he has cheated the revenue authorities. In these circumstances, can it be said that it is a lawful arrest? No doubt the Hon. the Law Member is quite right that a civil action or writ of *habeas* is open to him. It is easy to say you have got a remedy in law. I put it to the Hon. the Law Member; suppose one fine morning he is arrested for some supposed dues (the Hon. Sir K. V. Reddi Nayudu: 'I will walk into the jail')—you need not walk into the jail, you will be compelled to walk into it. Of course, you may file a suit for damages for Rs. 50,000 and get it; but the wrong is there and cannot be repaired. Can any civilized Government be guilty of such wrongs? I ask the Hon. the Revenue Member to sift the matter and see where the wrong lies. As far as I can see from the papers, the Collector has acted very sympathetically. I will mention what he has done. This man was arrested and put in jail; he got a paralytic stroke; the Revenue Divisional Officer was obdurate; as soon as the Collector knew the condition of the man—I must say this in justice to him—he at once hastened to the place and released the man. In this he has acted very humanely, and I hope all officers will act like that. I do not blame any particular officer now, but I blame the system under which such a thing is possible. I say this section of the Act which really says that a man should be a bondsman to Government, must work out his debt to Government somehow or other, is an anachronism and should not find a place in the statute book. I further say that unless the taxes have risen to such a high level that it is impossible for persons to pay up, it is impossible to contemplate the sudden circumstance under which such a large amount of arrears could have become due. That again is practically due to the fact that the southern portion of the South Kanara district, which is really a part of Malabar has been treated for the purposes of assessment not on the same basis on which Malabar has been treated, but on a different basis. In Malabar, pepper gardens are assessed only on ordinary dry rate.

[Mr. K. P. Raman Menon] [29th October 1935]

There is a history behind it. The British Government tried to raise them to the level of regular gardens but the ryots were so unanimous that they cut down all the pepper vines. There was not one pepper vine anywhere. That was in 1805. A Commissioner who was specially appointed to meet the situation then reviewed the position and had a proclamation made by which taxes were reduced to dry rates, and then and then alone the ryots began to cultivate pepper. As a result of cutting the vines even to-day in some portions of South Malabar pepper has not been grown. I shall not be far wrong if I would ask the South Kanara cultivators to cut down all their pepper vines and plant cashew nut or something else. That will take the wind out of the sails of the Government. I would even suggest this drastic course to them.

"Now, it is perfectly clear therefore that this arrest was illegal under this section 48 and I hope the Hon. the Revenue Member will extend his sympathy to these people and find out exactly how this lamentable state of things had come to pass."

* Khan Bahadur MAHMUD SHAHINAD SAHIB Bahadur: "Mr. President, Sir, whatever the circumstances connected with this case may be, the law that empowers Revenue officers to arrest and imprison landholders is a very harsh law and it should have been abolished long ago. It is a pity that this obsolete law has been enforced in the present case. The legal aspect of the question has been explained by my Friend Mr. Menon and I do not want to touch that point. In South Kanara, there are many landholders who are not able to pay the assessment in time especially because the pepper gardens in the Hosdrug sub-taluk which bore the tax of one and two annas have been raised to the level of regular gardens. The assessment has risen from a small sum to Rs. 4,000 and Rs. 5,000. The last kist was due in May. Even now there are landholders who have not been able to pay their assessment fully. Even I could not pay the kist in time, although it was due last May. So it is high time that such a law is abolished."

* Mr. A. B. SHETTY:—"Mr. President, this adjournment motion has been moved in an elaborate speech by my Friend Mr. Bhatt and my hon. Friend from Malabar has seconded it in a well-reasoned speech like the able advocate that he is. Mr. Shahinad who is not an unfriendly critic of Government has come forward in support of the motion before the House. Sir, the facts of the case were briefly stated and published in the columns of the *Hindu* a few days ago by the Honorary Secretary of the Landholders' Association, South Kanara. I do now know, Sir, whether many people are aware that there is a section in the Revenue Recovery Act which makes it legal for Government to arrest and imprison defaulters. Government have ample powers under the Act to distrain movables and standing crops and to attach and sell immovable properties. They have not exhausted the means at their disposal in this particular case, and, as has been pointed out, the person arrested and imprisoned was not responsible for the payment of the kist. He has not also made any wilful default.

29th October 1935] [Mr. A. B. Shetty]

Under these circumstances, it is necessary for the Government to find out what justification there was for arresting and imprisoning him. The Government must be well aware that in the Hosdrug division of South Kanara there have been large arrears of revenue during the last few years. On account of phenomenal fall in the price of pepper in particular the ryots have been hard hit. The recent enhancement of revenue in spite of the unanimous protest of the people has reduced the ryots to a sad plight. To add to all this, the Government have begun to collect resurvey charges also from the people in this part of the district. In this sorry state of affairs I would like to know whether the Government intend to pursue this policy of using this new method of coercion for collecting the balance due to them. It is to draw the attention of Government to this matter and to the strong feeling that has been aroused in the district by the new policy which the Government seem to have adopted that this adjournment motion has been moved. I hope and trust, Sir, that the Hon. the Revenue Member will see what reparation can be made in this matter and tell the House whether Government intend to pursue this new policy of arresting and imprisoning people for any default in the payment of revenue."

Mr. M. S. SRESHTA:—"After the very clear exposition of the case from different aspects by the previous speakers, I do not think it is necessary for me to say much; but I would be failing in my duty if I do not join in what has been said by the previous speakers. Speakers from different parties, as stated by Mr. Shetty, were of the same mind as regards this matter. I would also join my hon. Friend, Mr. Raman Menon in saying that we cannot blame any particular individual. As regards the Collector himself, I must say that he is a very sympathetic gentleman. (A voice: 'Hear, hear.') I do not think, from what I have seen in the papers, that he is to be blamed. He took action as soon as he could. I do not know who is to blame in the matter. Perhaps the incident is due to some very enthusiastic official who wanted to get honour. With that object he probably tried to get the assistance of a forgotten section in the Revenue Recovery Act. When we hear all around us the cry that imprisonment for civil debt should be abolished and when, as a matter of fact, such imprisonment has almost been abolished in several countries, it is very extraordinary that this power which has not been used so far as revenue recovery is concerned for some years now, has been used on this occasion. This shows that officialdom must sometimes be kept in check. We had another instance about which we had discussion this morning. A certain person was flogged and two days afterwards he died of dysentery."

The Hon. Sir K. V. REDDI NAYUDU:—"Is it relevant, Mr. President, to the motion before the House? If he refers to it, I would have no right of reply."

Mr. M. S. SRESHTA:—"I do not know why the Hon. the Law Member seems to be very keen on this question. I think that he as a

[Mr. M. S. Sreshta] [29th October 1935]

Member of Government should be as anxious as we are to see that justice is done. If a man dies two days after he is flogged, it is very necessary that some stringent enquiry should be held."

* The Hon. the PRESIDENT:—"The hon. Member may limit his observations to the South Kanara business."

Mr. M. S. SRESHTA:—"I bow to your ruling, Sir. As I was saying, I do not blame any official in the matter. As a matter of fact, so far as the Collector is concerned, I have paid him a tribute. But all the same, some enquiry must be held to find out whether action should have been taken under this obsolete section and a person taken to jail where he stands the risk of losing his life."

"Sir, we have been told that it is an absolutely illegal action. That point has been fully explained to the House by my hon. Friends. But I may point out that there is no proof that an attempt has been made to liquidate this debt by bringing the property of the man for sale. A man has been straightaway arrested. I believe so far as civil law is concerned, if there is a mortgage debt, you have got this dual remedy. You must first proceed against the land. In the same way, so far as revenue recovery is concerned, you must first proceed against the land. This being so, it is clearly illegal and as such the matter deserves a careful enquiry. I have no doubt that the Hon. the Revenue Member who is also a very sympathetic official—he was himself in South Kanara and has got a great reputation for sympathy—will see that such acts are not repeated in the same district or elsewhere. This shows the desirability of officials having to be very careful in carrying out the provisions of any Act."

* The Hon. Mr. C. A. SOUTER:—"Mr. President, Sir, as I wanted to say this morning,—I was then ruled out of order—I know nothing about this case at all. As I have already told the House, I have asked for a report on the matter."

"In this connexion I have to say a few things about the speech of my hon. Friend, the Mover. I must say that I take great exception to the manner in which my hon. Friend the Mover, Mr. Subrahmanya Bhatt has referred to Mr. Gawne as Collector. Throughout his speech his reference to Mr. Gawne personally seemed to me to savour of a great deal of personal animosity."

Mr. U. C. SUBRAHMANYA BHATT:—"A word of personal explanation, Sir." (Cries of 'Order, order.')

The Hon. Mr. C. A. SOUTER:—"I do think, Sir, that those remarks ought not to be made on the floor of this House."

* Mr. U. C. SUBRAHMANYA BHATT:—"Sir, I may say that there is absolutely no personal animosity or anything of the sort. The reason I have made the remarks complained of is this: The Collector's order on the petition, dated 15th September says that though the property

29th October 1935] [Mr. U. C. Subrahmanya Bhatt]

has not produced enough and there is nothing to pay, he must pay from the capital. That shows that his bent of mind was unsympathetic towards that individual."

* The Hon. Mr. C. A. SOUTER:—"Mr. Bhatt has attempted an explanation. I can only say that the remarks of my hon. Friends, Messrs. Raman Menon, Schammad Sahib and Shetty do not bear out the character which he would impute to Mr. Gawne. As I said, Sir, I know nothing about this matter. I am making enquiries into it."

"It has been advanced that this is the Government policy. The Government knows nothing about this matter. It is not the Government policy. If in an isolated case like this a wrong has been done, it will be set right. All I can say is that during the 35 years of my service, although I knew of this provision in the Act, I have never used it. My Hon. Colleague, Mr. Braganza, who has been in this country for about the same period as myself, has also not used it. To say that it is Government policy to use this section is wrong. Well, if it is a question of having that section repealed, I have no objection at all to look into that matter. The section is there as a deterrent, but that is no reason at all for saying that it is being used in this manner. I cannot answer that point, because I do not know the facts of the case. All I can say is that I shall enquire into the matter and, if necessary, look into the question of amending section 48 of the Revenue Recovery Act."

* Mr. U. C. SUBRAHMANYA BHATT:—"One word in reply, Sir. With specific reference to the remarks made by the Hon. the Revenue Member regarding that portion of my speech which referred to Mr. Gawne, I may say, Sir, that as head of the district we expected him to show more responsibility towards the people. He ought to have realized the state of the people and apprised the higher authorities regarding the condition of the people and their inability to pay the kist. The very fact that he has not done that, the very fact that he as the head of the Government in the district has allowed these repressive measures under section 48 to arrest and imprison persons—a section which the Hon. the Revenue Member himself says has not been used by him or by any other official in this Presidency during the 30 years of their experience—shutting his eyes to the real cause of non-payment, is sufficient proof that sufficient sympathy has not been shown to the people. I appeal to the House on these facts to judge as to whether my remarks were not based on facts or whether they were based on any personal animosity. So far as I am concerned, I have no personal animosity towards the Collector. I move with him in the best of terms. I give this assurance to the House and I hope my Hon. Friend the Revenue Member will take it in the light in which it is offered. I do not mean any disrespect to the Collector or to anybody else. Here are the facts and, coupled with this conduct there is the order of the Collector on the petition, dated 15th September 1935 which says that irrespective of the fact whether the property yields the money or not, the amount must be paid out of the capital. Even this morning it

[Mr. U. C. Subrahmanya Bhatt] [29th October 1935]

was elicited in answer to a question that about Rs. 2,000 was collected from the district as process-fee on distraint warrants issued against defaulting pattadars. That shows the mentality of the officer who has passed that order. I am not going to say anything more. It is only as a reply to the accusation which the Hon. the Revenue Member has thought fit to make that I have made these remarks. The Hon. Member has not cared to get the information and place it before the House though this matter was published long ago and I myself had written to him about it. All that he still has to say is he knows nothing about it and he will enquire. Not a word is said about the larger question of excessive taxation which is the cause of this crisis or regarding the special hardships of the Subtaluka of Hosdrug referred to above."

The motion was put and declared lost.

Mr. U. C. Subrahmanya Bhatt demanded a poll and the House divided thus:—

Ayes 6.

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| 1 Mr. M. S. Sreshta. | 4 Mr. K. P. Raman Menon. |
| 2 " U. C. Subrahmanya Bhatt. | 5 " P. M. Thangal. |
| 3 Mrs. A. Rukmani Lakshminpathi. | 6 " P. V. Krishnayya Choudari. |

Noes 35.

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| 1 The Hon. Sir K. V. Reddi Nayudu. | 18 Mr. V. M. Ramaswami Mudaliyar. |
| 2 " Rao Bahadur A. T. Pan-
nirselvam | 19 " G. Ranganatha Mudaliyar. |
| 3 " Mr. C. A. Souter. | 20 " M. Devadasan. |
| 4 " Mr. G. T. H. Bracken. | 21 Rao Sahib N. Siva Raj. |
| 5 " Diwan Bahadur S. Ku-
maraswami Reddiyar. | 22 Mr. D. M. Reid. |
| 6 " Mr. P. T. Rajan. | 23 " W. K. M. Langley. |
| 7 " the Raja of Bobbili. | 24 " P. V. Rajagopal Pillai. |
| 8 Diwan Bahadur C. Natesa Muda-
liyar. | 25 " V. G. Vasudeva Pillai. |
| 9 Mrs. K. Alamelumangathayaramma. | 26 " J. M. Smith. |
| 10 Mr. W. Scott Brown. | 27 Rao Sahib V. Dharmalingam Pillai. |
| 11 " H. R. Uzielli. | 28 Rao Bahadur D. Krishnamurti. |
| 12 " C. E. Jones. | 29 Mr. M. G. Patnaik Mahasayo. |
| 13 " G. T. Boag. | 30 Diwan Bahadur A. M. M. Muru-
gappa Chettiyar. |
| 14 " R. Madanagopal Nayudu. | 31 Mr. G. Srinamalu. |
| 15 " T. B. Russell. | 32 Rao Sahib D. V. Narasimhaswami. |
| 16 " T. Sundara Rao Nayudu. | 33 " Pandit Ganala Rama-
murti. |
| 17 Khan Sahib Syed Tajuddin Sahib
Bahadur. | 34 Mr. K. Kesavaramamurti Nayudu. |
| | 35 " C. Basu Dev. |

Neutral 18.

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| 1 Mr. P. K. Ramachandra Padayachi. | 10 B. Pocker Sahib Bahadur. |
| 2 Khan Bahadur Mahmud Schammad. | 11 Mr. M. A. Manikkavelu Nayakar. |
| 3 Mr. M. B. Rangaswami Reddi. | 12 " P. Peddi Raju. |
| 4 Dr. P. Subbarayan | 13 " K. A. Nachiyappa Gounder. |
| 5 Diwan Bahadur T. A. Ramalinga
Chettiyar. | 14 " K. M. Duraiswami Reddiyar. |
| 6 Mr. Basheer Ahmed Sayeed. | 15 " J. A. Davis. |
| 7 " T. S. Ramaswami Ayyar. | 16 Rao Sahib V. I. Muniswami Pillai. |
| 8 " A. B. Shetty. | 17 Mr. S. M. K. Beyabani Sahib Baha-
dur. |
| 9 Khan Bahadur P. Khalif-ul-lah
Sahib Bahadur. | 18 Subadar-Major S. A. Nanjappa. |

Ayes: 6. *Noes*: 35. *Neutral*: 18.

The motion was lost.

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

29th October 1935]

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

* * 1 G.O. No. 1866, Revenue, dated 9th August 1935, remitting the suspended amount of land revenue in fasli 1344.

b † 2 Proceedings of the Finance Committee, dated 15th July 1935, and 5th August 1935.

c † 3 Communication to the Council with reference to the answer given to question No. 793 at the meeting of the Legislative Council held on 11th March 1935.

d † 4 List of posts on Rs. 500 per mensem and above created during the quarter ending 30th June 1935.

e † 5 G.O. No. 2272, Revenue, dated 26th September 1935, ordering the publication of certain amendments to the rules under the Madras Survey and Boundaries Act, 1923.

f 6 U.O. Note No. 2469-D/35-4, P.W. & L., dated 14th October 1935, with reference to the answer given to question No. 99 at the meeting of the Council held on the 7th August 1935.

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

* Laid on the table on 10th August 1935.

† Sent by post.

a Printed as Appendix XIV on page 125 infra.

b Printed separately.

c Printed as Appendix XV on page 126 infra.

d Printed as Appendix XVI on pages 127-129 infra.

e Printed as Appendix XVII on pages 129-130 infra.

f Printed as Appendix XVIII on pages 131-132 infra.

[29th October 1935]

APPENDIX I.

[Vide answer to question No. 225 asked by Mr. U. C. Subrahmanya Bhatt, at the meeting of the Legislative Council, held on the 29th October 1935, page 23 supra.]

"Prabhath," Mangalore, 23rd June 1935.

"Accusation against the Quetta military by Devaraj! No proper attention given to saving of life; imposition of restriction is wrong!";

The Quetta earthquake. an article which purports to be a reproduction from "S.K." in which Acharya Kripalani, the Congress Secretary, is reported to have made the following observations:—

Mr. Devaraj Sethi of the Servants of Peoples' Society, immediately on getting the news regarding the Quetta earthquake, had proceeded to the devastated area. From there he proceeded to Lahore on the night of the 7th by cart and while he was travelling he wrote to me a letter which will clearly show to everybody what has been going on in Quetta. His letter is as follows:—

"I met several people in the Indian Military Hospital and talked to them. I had a talk also with those on the race-course. I met some of the authorities and sought to make enquiries. I visited several parts of the city in a lorry and tried to acquaint myself with the situation with a dispassionate mind. Diwan Bahadur Muralidhar saw the Agent to the Governor-General yesterday and discussed matters with him for three hours. I met him on his return and ascertained the official view. On the whole, I came to the following conclusion:—

(1) The Government and the Military have done wrong in preventing non-official people from entering the devastated area. If these had been permitted, they would have rendered immense help.

(2) *Indifference of the military.*—The work of removing the debris should not have been stopped, nor the efforts in that direction slackened. I saw a child of three removed alive from under the debris after four days. Pandit Gyanachand has seen a man removed alive from under the debris after four days. If the debris had been removed expeditiously, hundreds of persons could undoubtedly have been rescued, as also property to the value of several lakhs. But the men of the Military department were greatly alarmed and they did not pay adequate attention to the saving of life.

(3) There was no lack of medical relief to the injured, but much more relief could have been given from non-official agencies.

[29th October 1935]

(4) It is reported that a certain expert of Simla has suggested that Quetta should be closed down for a period of twelve months. This news was published by beat of tomtom on the race-course. But Diwan Bahadur Muralidhar told me that this had not been finally decided upon. Another friend informed me that the matter will be decided on the 25th. But I think that our prime duty is to agitate for the prompt removal of the debris. This being an extremely hot month in Quetta, there could be no fear of any obnoxious smell. If we should succeed in getting the authorities to agree to the prompt removal of the debris, we shall have done adequate service to the survivors. I think it is absolutely necessary to do this. We should try to achieve this object forthwith by means of concerted action."

APPENDIX II.

[Vide answer to question No. 226 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 29th October 1935, page 23 supra.]

Statement.		
Name of the press or the newspaper.	Amount of security demanded.	Remarks
<i>Presses.</i>		
	RS.	
The Indian Express Press, Madras ..	2,000	
The Mangalore Press, Mangalore ..	2,000	Notice demanding security since withdrawn.
<i>Newspapers.</i>		
Dinamani, Madras ..	2,000	
Kistna Patrika, Masulipatam ..	2,000	
Trilinga, Madras ..	1,500	Notice demanding security since withdrawn.
Prabhat, Mangalore ..	2,000	Do.

[29th October 1935]

APPENDIX III.

[Vide answer to question No. 230 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 29th October 1935, page 27 supra.]

STATEMENT NO. I.—Statement showing the number of vacancies of Sub-Inspectors of Police in each district since 1930

District.	1930.	1931.	1932.	1933.	1934.
Ganjam	4	4	10	4	1
Vizagapatam	..	..	2	3	2
Jeypore	2	4	..	5	3
East Godavari	6	4	2	6	6
West Godavari	..	2	2	2	1
Kistna	4	5	5	1	3
Guntur	2	1	5	3	1
Nellore	2	1	1	5	3
Kurnool	6	3	3	7	3
Bellary	..	5	1	4	..
Anantapur	9	1	5	7	3
Cuddapah	3	3	1	1	2
Chittoor	11	1	1	6	6
North Arcot	8	5	5	7	2
Chingleput	1	1	2	2	1
Salem	9	9	3	5	2
Madura, North	4	4	2	7	4
Madura, South	1	1	..	1	1
Ramnad	4	1	1	1	3
Tinnevely	3	1	1	2	6
Coimbatore	4	6	2	3	1
The Nilgiris	1	1	2	..	1
Malabar	2	2	2	2	3
South Kanara	3	5	1	3	2
South Arcot	5	3	4	3	1
Tanjore	5	5	3	3	5
Trichinopoly	11	4	5	3	5

STATEMENT NO. II.—Statement showing the number of candidates selected for Sub-Inspector's posts during the years 1930-1934 communalwar.

District.	Number selected.	Non-Brahman Hindu.	Muham- madan.	Indian Christian.	Brahman.	Scheduled classes.	Total.
1930.							
Madras City	8	1	6	1	..	..	8
Ganjam	6	3	1	1	1	..	6
Vizagapatam	2	..	..	1	1	..	2
Jeypore	..	..	..	..	..	..	..
East Godavari	3	1	1	1	..	..	3
West Godavari	2	2	..	..	..	..	2
Kistna	1	..	..	..	1	..	1
Guntur	3	..	1	1	1	..	3
Nellore	1	1	..	..	..	..	1
Kurnool	3	1	1	1	..	..	3
Bellary	3	..	..	2	..	1	3
Anantapur	1	1	..	..	..	..	1
Cuddapah	3	1	1	..	1	..	3
Chittoor	2	2	..	..	..	..	2
North Arcot	3	2	..	..	1	..	3
Chingleput	5	2	1	..	2	..	5

29th October 1935]

Statement No. II—cont.

District.	Number selected.	Non-Brahman Hindu.	Muham- madan.	Indian Christian.	Brahman.	Scheduled classes.	Total.
1930—cont.							
Salem	2	2	..	..	..	..	2
Madura	3	..	1	..	2	..	3
Ramnad	5	4	..	..	..	1	5
Tinnevely	11	7	1	2	..	1	11
Coimbatore	3	2	..	1	..	..	3
The Nilgiris	1	..	1	..	..	..	1
Malappuram	..	..	..	..	..	..	..
Malabar	6	3	1	..	1	1	6
South Kanara	2	1	..	1	..	..	2
South Arcot	1	..	..	..	1	..	1
Tanjore	5	..	2	1	1	1	5
Trichinopoly	3	..	1	1	1	..	3
From outside the Presi- dency	1	..	..	..	1	..	1
Total	89	36	19	14	15	5	89

1931.							
Madras City	2	1	..	1	..	..	2
Ganjam	1	1	..	..	..	..	1
Vizagapatam	1	..	..	..	1	..	1
Jeypore	..	..	..	..	..	..	..
East Godavari	2	1	..	..	1	..	2
West Godavari	2	1	1	..	..	..	2
Kistna	..	..	..	..	..	..	..
Guntur	1	1	..	..	..	..	1
Nellore	2	1	1	..	..	..	2
Kurnool	..	..	..	..	..	..	..
Bellary	..	..	..	..	..	..	..
Anantapur	..	..	..	..	..	..	..
Cuddapah	..	..	..	..	..	..	..
Chittoor	..	..	..	..	..	..	..
North Arcot	2	2	..	..	..	..	2
Chingleput	1	..	..	1	..	..	1
Salem	2	..	2	..	..	..	2
Madura	2	2	..	..	..	..	2
Ramnad	..	..	..	..	..	..	..
Tinnevely	2	1	1	..	..	..	2
Coimbatore	..	..	..	..	..	..	..
The Nilgiris	..	..	..	..	..	..	..
Malappuram	..	..	..	..	1	..	3
Malabar	3	2	..	..	..	..	..
South Kanara	..	..	..	..	..	..	..
South Arcot	..	..	..	..	..	..	..
Tanjore	2	1	..	1	..	..	2
Trichinopoly	2	1	1	..	..	..	2
From outside the Presi- dency	2	..	..	..	1	1	2
Total	29	15	6	3	4	1	29

[29th October 1935]

Statement No. II—cont.

District.	Number selected.	Non- Brahman Hindu	Muham- madan.	Indian Christian.	Brahman.	Scheduled classes.	Total.
1932.							
Madras City	1	1	..	..	..	..	1
Ganjam	1	1	..	..	..	..	1
Vizagapatam	1	..	..	..	..	1	1
Jeypore	..	..	..	..	..	..	..
East Godavari	5	2	..	..	2	1	5
West Godavari	..	..	..	..	..	..	..
Kistna	1	..	1	..	..	..	1
Guntur	1	..	..	1	..	..	1
Nellore	2	1	..	..	..	..	2
Kurnool	2	..	2	..	..	..	2
Bellary	2	2	..	..	..	..	2
Anantapur	3	1	1	..	..	1	3
Cuddapah	..	..	..	..	..	..	..
Chittoor	..	..	..	..	..	..	..
North Arcot	2	..	1	..	1	..	2
Chingleput	3	..	..	1	..	1	3
Salem	..	..	..	..	1	1	3
Madura	3	1	1	1	..	..	3
Ramnad	..	..	..	..	..	..	..
Tinnevely	2	1	..	1	..	..	2
Coimbatore	1	1	..	..	..	..	1
The Nilgiris	..	..	..	..	..	..	..
Malappuram	..	..	..	..	..	..	..
Malabar	3	2	1	..	..	..	3
South Kanara	..	..	..	..	..	..	..
South Arcot	..	..	..	..	..	..	..
Tanjore	2	..	..	..	2	..	2
Trichinopoly	3	1	..	2	..	..	3
From outside the Presi- dency.	1	1	..	..	..	..	1
Total	39	15	7	7	6	4	39

1933.

Madras City	4	1	1	..	2	..	4
Ganjam	4	1	1	..	1	..	4
Vizagapatam	1	..	..	1	..	1	1
Jeypore	..	..	..	..	..	..	..
East Godavari	2	1	..	1	..	..	2
West Godavari	1	..	..	..	1	..	1
Kistna	..	..	..	..	..	..	..
Guntur	4	3	1	..	..	..	4
Nellore	2	2	..	..	..	..	2
Kurnool	2	1	..	1	..	..	2
Bellary	..	..	..	..	..	..	..
Anantapur	..	..	..	..	..	..	..
Cuddapah	2	1	..	1	..	..	2
Chittoor	1	..	1	..	..	..	1
North Arcot	1	..	..	..	1	..	1
Chingleput	2	1	..	1	..	..	2
Salem	1	..	..	1	..	..	1
Madura	1	..	..	..	..	1	1

29th October 1935]

Statement No. II—cont.

District.	Number selected.	Non- Brahman Hindu.	Muham- madan.	Indian Christian.	Brahman.	Scheduled classes.	Total.
1933 --cont.							
Ramnad	1	1	..	..	..	..	1
Tinnevely	5	2	2	1	..	..	5
Coimbatore	3	2	..	..	1	..	3
The Nilgiris	..	..	..	..	..	..	..
Malappuram	..	..	..	..	..	..	..
Malabar	3	1	1	..	1	..	3
South Kanara	3	1	..	2	..	..	3
South Arcot	..	..	..	..	..	..	..
Tanjore	4	3	..	1	..	..	4
Trichinopoly	1	..	..	..	1	..	1
From outside the Presi- dency	2	2	..	..	..	..	2
Total	50	23	7	10	8	2	50

1934.

Madras City	5	2	1	1	..	1	5
Ganjam	8	3	1	1	2	1	8
Vizagapatam	2	1	..	..	1	..	2
Jeypore	..	..	..	..	..	..	..
East Godavari	4	3	..	1	..	..	4
West Godavari	1	1	..	..	..	..	1
Kistna	2	2	..	..	..	..	2
Guntur	1	..	..	1	..	..	1
Nellore	1	..	1	..	..	..	1
Kurnool	3	..	1	1	..	1	3
Bellary	3	1	..	1	1	..	3
Anantapur	1	..	..	..	1	..	1
Cuddapah	2	..	..	1	..	1	2
Chittoor	4	2	2	..	..	..	4
North Arcot	6	1	1	..	2	2	6
Chingleput	..	..	..	..	..	..	..
Salem	2	..	2	..	..	..	2
Madura	4	1	2	..	..	1	4
Ramnad	2	1	..	..	1	..	2
Tinnevely	6	2	..	4	..	..	6
Coimbatore	3	1	1	..	1	..	3
The Nilgiris	..	..	..	..	..	..	..
Malappuram	..	..	..	..	..	..	..
Malabar	6	3	3	..	..	..	6
South Kanara	1	..	..	..	..	1	1
South Arcot	1	1	..	..	2	..	1
Tanjore	2	..	..	..	2	..	2
Trichinopoly	2	1	..	..	1	..	2
From outside the Presi- dency	2	2	..	..	..	..	2
Total	74	28	15	11	12	8	74

[29th October 1935]

APPENDIX IV.

[Vide answer to question No. 239 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 29th October 1935, page 34 supra.]

Name of taluk.	1932.						1933.						1934.					
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
		Number of cattle killed by wild animals.	Number of people killed by wild animals.	Number of rewards given for the destruction of wild animals.	Amount of reward given for the destruction of wild animals.	Number of cattle killed by wild animals.	Number of people killed by wild animals.	Number of rewards given for the destruction of wild animals.	Amount of reward given for the destruction of wild animals.	Number of cattle killed by wild animals.	Number of people killed by wild animals.	Number of rewards given for the destruction of wild animals.	Amount of reward given for the destruction of wild animals.	Number of cattle killed by wild animals.	Number of people killed by wild animals.	Number of rewards given for the destruction of wild animals.	Amount of reward given for the destruction of wild animals.	Number of cattle killed by wild animals.
Vellore	84	117	117	117	117	117	117	117	117	117	117	117	117	117	117	117	117	117
Arni																		
Polur																		
Tiruvannamalai																		
Chengam																		
Wandiwash																		
Cheyyar																		
Wallajah																		
Arkonam																		
Gudiyattam																		
Trupattur																		
Total	189	225	225	225	225	225	225	225	225	225	225	225	225	225	225	225	225	225

29th October 1935]

APPENDIX V.

[Vide answer to question No. 243 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 29th October 1935, page 36 supra.]

Name of District Board.	(1)	(2)	(3)	(4)	(5)	(6)
	RS.	RS.	RS.	RS.	RS.	RS.
Anantapur	3,16,594	99,826	4,16,420	4,76,070	+	59,650
Arcot, North	5,89,537	1,30,504	7,20,041	6,77,120	—	42,921
Arcot, South	6,79,881	2,26,911	9,06,792	8,02,640	—	1,04,152
Bellary	2,87,716	98,725	3,86,441	4,10,270	+	23,829
Chingleput	5,90,161	1,28,453	7,18,614	5,86,560	—	1,32,054
Chittoor	4,53,989	1,16,579	5,70,568	5,79,480	+	8,912
Coimbatore	11,31,953	3,15,646	14,47,599	13,56,480	—	91,119
Cuddapah	3,09,154	1,14,180	4,23,334	3,76,693	—	46,641
Ganjam	6,80,252	2,14,624	8,94,876	9,78,350	+	83,474
Godavari, East	6,78,900	3,24,738	10,04,638	9,81,327	—	23,311
Godavari, West	7,43,999	1,63,280	9,07,279	8,82,830	—	24,449
Guntur	10,23,738	2,12,611	12,36,349	9,70,970	—	2,65,379
Kanara, South	4,87,860	1,28,249	6,16,109	7,15,740	+	99,631
Kistna	8,33,826	1,82,271	10,16,097	9,31,120	—	84,977
Kurnool	3,80,963	1,25,514	5,06,477	5,17,960	+	11,483
Madura	8,38,721	2,30,765	10,69,486	10,66,300	—	3,186
Malabar	8,59,892	2,48,981	11,08,873	11,93,010	+	84,137
Nellore	6,08,667	1,86,480	7,95,147	6,61,520	—	1,33,627
Nilgiris †	2,39,285	2,39,285	2,39,285	2,66,627	+	27,342
Ramnadi	4,99,464	2,40,443	7,39,907	9,01,330	+	1,61,423
Salem	5,30,095	1,72,269	7,02,364	8,28,240	+	1,25,876
Tanjore, East	33,42,696	3,71,596	37,17,292	15,84,160	—	21,33,132
Tanjore, West	5,54,248	2,85,381	8,39,629	9,08,210	+	68,581
Tinnevely	6,63,581	1,87,491	8,51,072	10,77,720	+	2,26,648
Trichinopoly	6,23,755	2,26,512	8,50,267	8,07,523	—	42,744
Vizagapatam						
Bobbili						

* These figures include investments of Rs. 1.04 lakhs.

† Revised estimate not yet received. The budget figures have been entered.

‡ There were no taluk boards in this district.

§ This includes a sum of Rs. 20,87,970 being the loan from railway funds taken for metalling mud roads and adjusted as contribution in the General Account—Ordinary.

|| This is budget figure. This board was bifurcated with effect from the 17th December 1934.

[29th October 1935]

APPENDIX VI.

[Vide answer to question No. 249 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 29th October 1935, pages 41 and 42 supra.]

(1)

G.O. No. 1510, L. & M., dated 15th April 1935.

READ—the following papers:—

From the President of the Coimbatore District Board, dated 8th August 1934, No. 2229-D.B./34.

From the Accountant-General, dated 1st March 1935, No. P.V. 3274.
Order No. 1510, L. & M., dated 15th April 1935.

The presidents of district boards are informed that there is no objection to the payment of compensation pension under Article 426, Civil Service Regulations, according to the rates strictly admissible under Article 174, Civil Service Regulations, to the discharged employees of the late taluk boards whose services were pensionable under Article 802, Civil Service Regulations, and who have not been provided with appointments under the district boards at present. A statement showing the number of pensionable posts abolished consequent on the abolition of taluk boards and the savings thus effected should be furnished by the presidents of district boards direct to the Accountant-General.

2. They are also informed that such of the pensionable employees of the late taluk boards as have been provided with appointments under the district boards are eligible to draw compensation pension exactly in the same way as the employees referred to in paragraph 1 above, simultaneously with their pay in the district board service under Article 439, Civil Service Regulations, and that the limitations imposed in Article 514 (a), Civil Service Regulations, do not apply to their cases. Such employees shall be regarded as new entrants to the district board service and they are entitled only to subscribe to the provident fund in respect of their service under the district boards. The general permission accorded in G.O. No. 3941, L. & M., dated 5th September 1934, for the continuance of payment by the district boards of pensionary contribution on behalf of the employees of late taluk boards absorbed in the service of the district boards, is hereby cancelled, and the pensionary contribution paid up to date, if any, in pursuance of that Government Order will be refunded to the district boards concerned.

3. The powers now enjoyed by the presidents of district boards under Article 423 (1), Civil Service Regulations, to condone deficiencies in the qualifying service of officers up to a maximum of three months, will

29th October 1935]

be withdrawn so far as pensions to the employees of the late taluk boards are concerned, and the pensions (including gratuity) should be sanctioned only for the completed years of service qualifying for pension. Any cases of hardship (e.g., where a deficiency of few days might result in disproportionate reduction of pension) may, however, be submitted for the orders of Government.

(By order of the Government, Ministry of Local Self-Government)

T. B. RUSSELL,
Secretary to Government.

To all Presidents of District Boards.

„ all Collectors.
„ the Accountant-General (through the Finance Department).
„ the Finance Department.
„ the Revenue Department.
„ the Examiner of Local Fund Accounts.
„ the Inspector of Municipal Councils and Local Boards.

(2)

G.O. No. 3314, L. & M., dated 16th August 1935.

READ—the following papers:—

G.O. No. 3265, L. & M., dated 12th July 1934.

G.O. No. 4471, L. & M., dated 6th October 1934.

G.O. No. 1510, L. & M., dated 15th April 1935.

Order—No. 3314, L. & M., dated 16th August 1935.

In paragraph 2 of G.O. No. 1510, L. & M., dated the 15th April 1935, Government stated that such of the pensionable employees of the late taluk boards as have been provided with appointments under the district boards and are eligible to draw compensation pension, shall be regarded as new entrants to the district board service. With reference to this statement, the question has now been raised as to whether these employees have forfeited the leave which they could otherwise retain in terms of G.O. No. 4471, L. & M., dated the 6th October 1934, and whether they should be brought under the Madras Leave Rules, 1933. The Government are accordingly pleased to issue the following instructions:—

- (i) The ex-taluk board servants referred to above shall be regarded as new entrants only for purposes of pension, or in other words, their service on re-employment under local bodies will not count for pension. They will be eligible to subscribe only to provident fund under the rules in G.O. No. 4650, L. & M., dated the 2nd December 1931, without any restriction in regard to the contribution payable by the local body concerned, under rule 14.

[29th October 1935]

- (ii) The employees shall draw pay under district boards at the rates already fixed for them by Government and the concession relating to leave allowed to them in G.Os. No. 3265, L. & M., dated the 12th July 1934, and No. 4471, L. & M., dated the 6th October 1934, will continue to apply to them, regardless of the grant of compensation pension.

2. The presidents of district boards are requested to send to the District Inspectors of Local Fund Accounts concerned, for purposes of audit, a list of ex-taluk board servants who have been absorbed in district board establishment in substantive vacancies with the amount of leave carried forward.

(By order of the Government, Ministry of Local Self-Government)

T. B. RUSSELL,
Secretary to Government.

To all Presidents of District Boards.
" the Examiner of Local Fund Accounts.
" the Inspector of Municipal Councils and Local Boards.

APPENDIX VII.

[Vide answer to question No. 254 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 29th October 1935, page 45 supra.]

Statement of candidates belonging to Gounder, Vellala, Kamma, Golla, Reddi and Kapu communities (i) who applied and (ii) who were selected for the post of upper subordinates since 1930.

Selection.		Gounders.		Vellalas.		Kammars.		Gollas.		Reddis.		Kapus.	
		Number applied.	Number selected.	Number applied.	Number selected.	Number applied.	Number selected.	Number applied.	Number selected.	Number applied.	Number selected.	Number applied.	Number selected.
Upper subordinates, 1931.	November	1	1	3	3	..	..	..	..	..	..	..	..
Research Assistants, 1931.	November	1	Nil.	3	Nil.	..	..	..	..	1	Nil.	..	..
Upper subordinates, February 1934.		1	Nil.	4	1	3	2	..	..	4	4	4	3
Upper subordinates, December 1934.		..	..	8	1	1	Nil.	2	Nil.	1	1	1	..
Upper subordinates (advertised in 1935, selection not yet made).		1	..	5	..	1	..	2	..	..	..	1	..

NOTE.—There was no vacancy of the posts of upper subordinates in 1930 and no selection was therefore held.

29th October 1935]

[29th October 1935]

APPENDIX VIII.

[Vide answer to question No. 257 asked by Mr. M. S. Sreshta at the meeting of the Legislative Council held on the 29th October 1935, page 49 supra.]

Report of the Director of Agriculture.

The only method of controlling the pest is by killing the caterpillars in large numbers and thereby checking the rapid multiplication of the insect. To this end, all the coconut leaves infested with the pest are cut and burnt. The success of this method mainly depends on the speed with which the operations are conducted and the co-operation of the tree owners in the affected area. In localities where the Pest Act was in force during previous years, the pest has disappeared and the operated trees are in good condition.

During the hot weather of 1933, the pest appeared in a serious form in Mangalore town, especially near the Mangalore Railway Station. Immediately the garden owners were advised to operate the affected trees. From June to October, about 7,646 trees were operated in Mangalore town and the adjoining villages. During the rainy weather, the pest generally subsides and the spread of the pest is watched by the Demonstrators. It will be seen therefore that the garden owners have realized the benefit in carrying out the remedial measures advocated by the department, though there are a few here and there, who fail to do so.

APPENDIX IX.

[Vide item VII (1) at page 62 supra.]

(1) (a) EXCAVATING A CHANNEL TO THE LOSARIGUTLA-PADU VILLAGE IN THE GODAVARI WESTERN DELTA.

Grant.	Head of account.	Item of expenditure.	Ultimate cost.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)	(4)	(5)
VI. Irrigation (excluding Cauvery-Mettur Project)—Reserved.	55. Construction of Irrigation, etc., Works—Irrigation Works—Productive—Godavari Delta System.	Excavating a channel to the Losarigutlapadu village and special Revenue staff as shown below :—	1,02,431	Amount of supplementary grant required in 1935-36.
		Details of staff—	including special Revenue staff).	RS.
		One Deputy Collector on Rs. 250—700 for six months	1,500	
		One upper division clerk on Rs. 55—70 for six months.	330	
		One lower division clerk on Rs. 30—55 for six months.	180	
		One typist on Rs. 30 for six months	180	
		One attender on Rs. 19—30 for six months	114	
		Four clerks in the lower division on Rs. 30—55 each to enable four additional clerks in the district to be employed as Revenue Inspectors	720	

29th October 1935]

Grant.	Head of account.	Item of expenditure.	Ultimate cost.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)	(4)	(5)
			RS.	RS.
VI. Irrigation (excluding Cauvery-Mettur Project)—Reserved—cont.	55. Construction of Irrigation, etc., Works—Irrigation Works—Productive—Godavari Delta System—cont.	Details of staff—cont.		
		Seven peons on Rs. 12—17 for six months	504	
		Eight chainmen on Rs. 12 for six months	576	
		Travelling allowance, etc. ..	896	
		Total ..	5,000	
	41. e. Civil Works—Transferred—Establishments—E. Executive Establishment—Temporary.	Pay of officers—Voted ..		
		One Assistant Engineer (Rs. 200—30/2—380—40/2—500)—Average pay 353½ for three years	12,720	
		Pay of establishments—Voted—Upper and lower subordinates—		
		Two supervisors (Rs. 60—10/3—100) for two years and five months—Average pay Rs. 83-1/9	4,821	
		Two supervisors (Rs. 60—10/3—100) for six months—Average pay Rs. 83-1/9	998	
		Eight overseers on Rs. 50 for seven months	2,800	
		One draughtsman (Rs. 50) for six months (Division office)	300	
		One tracer (Rs. 28) for six months (Division office).	168	
		Office establishments—		
		One clerk, lower division, on Rs. 30 for seven months ..	210	
		Two clerks, lower division, on Rs. 30 for two years five months	1,740	
		Two peons, Rs. 12 each, for two years five months	696	
		Two peons, Rs. 12 each, for six months	144	
		Three peons, Rs. 12 each, for three years	1,296	
		One clerk, upper division, Rs. 55 for 2 years 5 months	1,595	
			27,488	
		Contingencies at 5 per cent	1,374	
		Leave allowance at 5 per cent	1,374	
		Travelling allowance at 10 per cent	2,748	
			32,984	
		Supervision charges at 5 per cent	1,649	
			34,633	
			or	
			35,000	

[29th October 1935]

Explanatory Note.

Losarigutlapadu is a large village situated in the south-east corner of Bhimavaram taluk in West Godavari district. Its area is roughly 13,600 acres. It consists mainly of waste lands interspersed with sandy ridges and swamps overgrown with low jungle. Except for an extent of 1,500 acres now under cultivation by the Circars Agricultural Development Corporation, Limited, Narasapur, and about 1,160 acres of land comprised in another scheme for extension of irrigation in the Godavari Western Delta, the rest of the area is lying waste.

As a result of the proposal to replace the 2 feet falling shutters over the Godavari anicut by 3 feet ones which has been approved by Government in March 1935 and for whose execution provision has been made in the current year's budget it will be possible to make extensions of irrigation in the delta. It is therefore proposed to provide irrigation facilities to the waste lands in Losarigutlapadu aggregating 3,678 acres. Of this extent about 1,560 acres belong to the Circars Agricultural Development Corporation, about 216 acres belong to individual ryots and 1,900 acres are waste lands at the disposal of the Government. As in the case of other inclusions in the ayacut it is proposed to levy an inclusion fee at the rate of Rs. 12-8-0 or Rs. 25 per acre according as the land has been under irrigation continuously for five years or not. It is also proposed to take over on payment of cost the company's channels, drains and other masonry works required for the project (including the land covered by these drains and channels), and lands required for widening the existing channels and drains. The cost of this which is estimated by the Chief Engineer for Irrigation at Rs. 17,431 (including 15 per cent solatium) will be set off against the inclusion fees payable by the company. The consent of the company in writing to all these conditions will be obtained before the Government are committed to any expenditure. Waste lands belonging to Government which will be included in the ayacut will be sold in public auction.

For the preparation of detailed estimates and for the execution of this and the Vemuladevi scheme (item 1 (b) on page 119 infra) it is proposed to form a special Public Works subdivision and employ Special Revenue staff for land acquisition work.

The scheme is expected to yield a net revenue of Rs. 16,701, equivalent to a return of 12.4 per cent, and is highly remunerative. It is therefore proposed to introduce the scheme in the current year by moving a demand for a supplementary grant for a token sum of Rs. 100 under "Grant VI—Irrigation (excluding Cauvery-Mettur Project)" for expenditure on the works in the current year. The expenditure for works in the current year (viz., Rs. 100) in excess of the token grant will be met by reappropriation. Rupees 5,000 required for establishment for this and the Vemuladevi scheme will also be met by reappropriation.

29th October 1935]

1 (b) EXCAVATING A CHANNEL TO VEMULADEVI SCHEME IN THE GODAVARI WESTERN DELTA.

Grant.	Head of account.	Item of expenditure.	Ultimate cost.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)	(4)	(5)
			RS.	RS.
VI. Irrigation (excluding Cauvery-Mettur Project)—Reserved.	55. Construction of irrigation, etc., works — Irrigation works — Productive — Godavari Delta system.	Excavating a channel to Vemuladevi village — Godavari Western Delta.	1,18,630 (works outlay).	100

Explanatory Note.

Vemuladevi village, in Narasapur taluk, West Godavari district, is situated on the right bank of the Vasista Godavari river near its confluence with the sea. Its area is about 6,570 acres. It consists mostly of waste lands interspersed with sandy ridges or mounds and uncultivable swamps. Garden and dry crops are raised on the ridges. The rest of the area is almost all lying waste. About 2,000 acres of these waste lands were assigned to the Narasapur Agricultural Company in 1921 on certain conditions.

The replacement of the 2-feet falling shutters over the Godavari anicut by 3-feet ones,—a proposal approved by Government in March 1935 and to carry out which provision has been made in the current year's budget—will make extensions of irrigation in the delta possible. It is therefore proposed to provide irrigation facilities to the waste lands of Vemuladevi village and the adjoining area. The lands will be commanded by a channel taking off from the Narasapur field sluice, an existing source of irrigation. The main channel (about 7 miles long) will be taken to the Vemuladevi area by an aqueduct (with flap shutters for the vents) which will be constructed across the Dharbarevu creek. The main channel will throw off distributaries and finally tail into the East Kukkaluru drain.

The proposals aim at bringing under irrigation an extent of 3,199 acres in Vemuladevi and the adjoining village in addition to the present ayacut of 940 acres under the existing irrigation source, making a total irrigable ayacut of 4,139 acres. This includes an extent of 1,596 acres of land held by the Narasapur Agricultural Company Limited. The company has not so far been able to bring under irrigation more than 150 acres. The present scheme will bring about 1,450 acres of the company's dry lands under irrigation. As in the case of other inclusions in the ayacut in the delta, it is proposed to levy an inclusion fee of Rs. 25 per acre on the dry lands of the company to be included in the ayacut and an inclusion fee of Rs. 12-8-0 on the minimum extent of the lands that have been irrigated in any year during the past five years with canal water. It is also proposed to take over the company's channels, drains and other masonry works required for the project (including the land covered by these drains and channels) as well as the land required for forming new project channels and drains, on payment of their value. The cost of this which is estimated by the Chief Engineer (Irrigation), at Rs. 18,630 (including 15 per cent solatium) will be set off against the inclusion fees payable by the Company.

[29th October 1935]

The consent of the Company in writing to all these conditions will be obtained before the Government are actually committed to any expenditure. Other waste lands belonging to Government which will be included in the ayacut will be sold in public auction.

For the preparation of detailed estimates and for the execution of this and the Losarigutlapadu scheme [item 1 (a) above] it is proposed to employ Special Public Works and Revenue Staff. The details of the staff are given in the summary to the note for the Finance Committee for the Losarigutlapadu Scheme.

The scheme is expected to yield a net revenue of Rs. 13,358 equivalent to a return of 8.9 per cent and is highly remunerative. It is therefore proposed to introduce the scheme in the current year by moving a demand for a supplementary grant for a token sum of Rs. 100 under "Grant VI—Irrigation (excluding Cauvery-Mettur Project)" for expenditure on the works in the current year. The expected expenditure in the current year (viz., Rs. 100) in excess of the token grant will be met by reappropriation.

APPENDIX X.

[Vide item VII (2) at page 70 supra.]

(6) CONDUCT OF ELECTIONS TO NON-UNION PANCHAYATS.

Grant.	Head of account.	Item of expenditure.	Ultimate cost.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)	(4)	(5)
			RS.	RS.
XI.—Ministers, Civil Secretariats and Miscellaneous—Transferred.	22. V. D. General Administration—Ministers, Secretariats and Miscellaneous—Transferred—Civil Secretariats—Elections to local boards and municipalities.	Conduct of elections to non-union panchayats.	16,000	1 300

Explanatory Note.

Under rule 1 (b) of Schedule V to the Madras Local Boards Act, 1920, election expenses payable by non-union panchayats have been fixed at a flat rate, common to all panchayats, which is at present Rs. 5 per panchayat for each ordinary election, being based on an estimate of charges of holding such elections. Till 1st April 1935 the amounts recovered from these panchayats on account of election expenses were being adjusted in abatement of the charges actually incurred on the conduct of the elections. The Accountant-General, however, advised the Government that under audit rules, the recoveries should not be taken in abatement of the charges and hence suggested that the recoveries should be credited as receipts under the head "XXXV—Miscellaneous—K. Collection of payments for services rendered." The Government accepted the suggestion and directed that the change in classification be brought into force from 1st April 1935.

It was not possible to foresee this change when the Budget Estimate for 1935-36 was framed and hence the budget provision under "22. V. D. 2. Charges recoverable from Government departments, etc.—Recoveries from local bodies" takes credit for the recovery of the entire

29th October 1935]

election expenses to be incurred in the current year. In view of the change in classification referred to, it has become necessary to provide under "22. V.D. 1. Elections to local boards and municipalities, the full amount of charges of holding election to non-union panchayats without a corresponding provision under "22. V.D. 2. Charges recoverable, etc.—Recoveries from local bodies."

It is therefore proposed to move a demand for a supplementary grant of Rs. 13,300 under "Grant XI.—Ministers, Civil Secretariats and Miscellaneous—Transferred," to cover the expenditure in the current year on the conduct of elections to non-union panchayats.

APPENDIX XI.

[Vide item VII (3) at page 71 supra.]

(3) CONSTRUCTION OF NEW BUILDINGS FOR THE HEAD-QUARTERS HOSPITAL, COCANADA.

Grant.	Head of account.	Items of expenditure.	Ultimate cost.		Amount of supplementary grant required in 1935-36.
			Recurring.	Non-recurring.	
(1)	(2)	(3)	(4)	(5)	(6)
			RS.	RS.	RS.
XXIX—Civil Works—Reserved and Transferred.	60. a. Civil Works—Not charged to Revenue—Transferred—Original works—Buildings—N. Medical—Major works.	Construction of new buildings for the Headquarters Hospital, Cocanada.	..	5,38,566 (or 5,38,600) in round figures.	
	32. b. Medical—Hospitals and dispensaries—Transferred—B. Mysal Hospitals and Dispensaries—	One woman Sub-Assistant Surgeon (65-7½-110-10/2-170).	1,340		
	2. Pay of establishments.	One midwife on (30-3/2-45-2/2-55).	507	..	
		Eight nurses on (65-5/2-120).	8,704	..	
		Eleven nursing orderlies on 15-1/2-10.	2,338	..	
		One compounder on Rs. 28-1/2-10.	400	..	
		Five totis Rs. 12 per mensem.	720	..	100
		Bonus, 5 (2).	120	..	
	3. Allowances and Honorary—Voted.	Other compensatory allowances—			
		Ration allowances (8 on Rs. 21-14-0).	2,100	..	
		Dholby allowance (8 at Rs. 2-10-0 per mensem and 1 at Rs. 1-12-0 per mensem).	273	..	
		Uniform allowance (8 at Rs. 56-4-0 and 1 at Rs. 22-8-0 per annum).	473	..	
	4. Contingencies	Pay of menials (1 waterman on Rs. 12).	144	..	
		Cleaning charges	24	..	
	6. Diet		4,465	..	
	7. Medicines and Hospital necessaries		5,661	..	
	8. Other petty supplies and services.	Other petty supplies and services—Bed linen, 8 (20) and furniture, 8 (150).	..	1,360	
		Total ..	27,269	6,02,852	

* NOTE.—This amount is exclusive of the cost of any additional staff which may be found necessary in connexion with the work.

[29th October 1935]

Explanatory Note.

The present buildings of the Headquarters Hospital, Cocanada, are in a dilapidated condition and are unfit for the purposes of a hospital. The necessity for constructing new buildings has long been admitted and an estimate of Rs. 1,40,000 was approved by Government so long ago as 1915, when the hospital was under municipal management. The work, however, could not be taken up, mainly on financial grounds. The Surgeon-General raised the question again in 1926 and suggested that a new hospital should be built on the site adjoining the Lady Havelock Hospital for Women and Children, Cocanada, which has now been taken over by Government from the District Board. The site of the existing main hospital was considered unsuitable as it is in one corner of the town cut off from the main portion of it and the railway station by a salt creek. It was also reported to be insanitary. The site adjoining the Lady Havelock Hospital is more central and the construction of a new hospital here will ensure efficient and economical management of the two institutions. In view of these considerations, the Government accepted the Surgeon-General's suggestion and asked for plans and estimates for constructing a new hospital on this site. Rough plans and approximate estimates were received but as the acquisition of the land required would take time, the Government considered that it would be preferable to proceed with the acquisition in the first instance. The land required for the purpose has been acquired at a cost of Rs. 70,300.

2. The construction of well-equipped up-to-date hospital buildings for the Headquarters Hospital, Cocanada, is an urgent necessity and the matter should therefore be proceeded with as expeditiously as possible. The Chief Engineer who was asked to submit detailed plans and estimates for the buildings for a new headquarters hospital has submitted only rough plans and approximate estimates. The total approximate estimate based on cubical measurements of the new buildings is Rs. 5,38,566 (or Rs. 5,38,600 in round figures).

3. The existing two hospitals in Cocanada provide accommodation as follows:—

(1) The District Headquarters Hospital caters for both males and females with 71 beds; and

(2) the Hospital for Women and Children with 14 beds.

The combined new hospital is intended to provide for men, women and children with the women and children's wing as a separate and distinct block utilizing the present buildings. The new hospital will have 167 beds in all, including the female ward. It is proposed to construct quarters for the following staff also:—

- 4 sub-assistant surgeons;
- 3 midwives;
- 12 nurses;
- 21 nursing orderlies; and
- 11 totis.

[29th October 1935]

The cost of the quarters will be restricted as far as possible on the basis of the standard rent leviable. The proposal also involves an ultimate recurring expenditure of Rs. 27,269 under "Establishment," "Diet," and "Medicines and Hospital necessities" and a non-recurring expenditure of Rs. 6,02,852 as detailed at the top of this note. In view of the special urgency of the scheme, it is proposed to start the work in the current year itself and take up for execution the out-patients, venereal and skin clinics for males and females and the compound wall. The amount required in the current year for this purpose will be Rs. 10,500 and it can be met by reappropriation from savings within the sanctioned grant for civil works expenditure. As, however, the proposed reconstruction of the hospital at a cost of about Rs. 6 lakhs constitutes a new service, it is proposed to move a demand for a supplementary grant for a token sum of Rs. 100 under "Grant XXIX—Civil Works." It is also proposed to debit the expenditure to "60. Civil Works—Not charged to Revenue" and to finance it from Provincial balances for the present as the estimated cost of the scheme exceeds Rs. 5 lakhs.

APPENDIX XII.

[Vide item VII (4) at page 72 supra.]

(4) ADDITIONAL APPROPRIATION TO MEET EXPENDITURE ON FAMINE RELIEF.

Grant.	Head of account.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)
		RS.
XXXII. Famine Relief—Resorved.	43. Famine	14,39,800

Explanatory note.

The budget estimate for 1935-36 under "43. Famine" was fixed at Rs. 1,25,000. Famine relief operations were started in 1934-35 in the Anantapur and Bellary districts and twenty-one relief works in the former and eight in the latter were opened for the relief of distress, the largest number of persons relieved being 90,654 per day, during the week ending 13th July 1935, in the Anantapur district and 38,125 per day, during the week ending 20th July 1935, in the Bellary district. There has however been a considerable improvement in seasonal conditions since then. Agricultural operations are being resumed and the number of persons on relief has fallen appreciably.

The total amount required under "43. Famine Relief—Voted" during 1935-36 is now estimated at Rs. 15,64,800 and excluding the amount of Rs. 1,25,000 for which provision has already been made in the Budget Estimate for 1935-36, the additional allotment now required is Rs. 14,39,800, as indicated in the appendix to this note. It is proposed to move a demand for a supplementary grant for this amount. The expenditure will be met by transfer from the Famine Relief Fund.

[29th October 1935]

APPENDIX.

	Total amount required for 1935-36.	Amount provided for in the budget estimate for 1935-36.	Additional allotment now required (figures rounded to hundreds).
43. Famine relief—			
Voted—			
(a) Salaries and establishments ..	RS. 99,580	RS. 18,000	RS. 81,600
(b) Relief works	13,49,738	77,000	12,72,700
(c) Gratuitous relief	73,975	10,000	64,000
(d) Miscellaneous	41,533	20,000	21,500
Total ..	15,64,806	1,25,000	14,39,800

APPENDIX XIII.

[Vide item VIII at page 80 supra.]

FINANCE DEPARTMENT.

Comparative statement showing actual receipts under the Principal heads of Provincial revenues in the first six months of 1934-35 and 1935-36, actuals for full year 1934-35, and Revised Estimate for the year 1935-36.

Revenue heads.	Six months' actuals.		Deterioration in 1935-36 [column (3) — column (2)].	Actuals for full year 1934-35.	1935-36.		Deterioration in Revised Esti- mate, 1935-36, as compared with budget [column (7) — column (6)].
	1934-35.	1935-36.			Budget estimate.	Revised estimate based on six months' actuals.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.
V. Land Revenue.	1,62.45	1,55.62	— 6.83	7,15.41	7,36.94	7,29.94	— 7.00
VI. Excise ..	2,03.57	1,96.13	— 7.44	4,23.12	4,23.71	4,09.71	— 14.00
VII. Stamps ..	1,07.86	1,03.02	— 4.84	2,17.11	2,17.84	2,08.84	— 9.00
VIII. Forest ..	23.94	22.03	— 1.91	44.34	44.00	42.09	— 2.00
IX. Registration.	16.58	16.30	— 0.28	31.92	31.45	31.15	Nil.
Total under the Principal heads of revenue.	5,14.43	4,93.10	— 21.39	14,31.90	14,54.03	14,22.03	— 32.00

The principal sources of Provincial revenues are Land Revenue, Excise, Stamps, Forest and Registration. These contribute about 88 per cent of the total revenues of the Province.

As compared with the collections from April to September 1934, those from April to September 1935 show a fall of Rs. 21.30 lakhs under these heads. The budget for the current year took credit for an increase of Rs. 22.13 lakhs over the actuals for 1934-35 under these heads, but the revised estimate as at present anticipated is likely to be below the budget by Rs. 32 lakhs and below the actuals of 1934-35 by Rs. 9.87 lakhs.

28th October 1935.

C. E. JONES.

29th October 1935]

APPENDIX XIV.

[Vide item IX (1) at page 103 supra.]

G.O. No. 1866, Revenue, dated 9th August 1935.

READ—the following paper:—

G.O. Press No. 68, Revenue, dated 10th January 1935.

Order—No. 1866, Revenue, dated 9th August 1935.

In G.O. No. 68, Revenue, dated 10th January 1935, the Government directed the suspension until fasli 1345 of—

- (1) a portion of the land revenue due for fasli 1344 on lands held on ryotwari tenure the assessment on which had been resettled in accordance with the ordinary rules of settlement;
- (2) a portion of the quit-rent due for fasli 1344 on enfranchised proprietary estates village service inams in proprietary estates; and
- (3) a portion of the charge for the use of water both in ryotwari and in proprietary areas, provided the water was not irregularly taken

It was stated that the question whether the whole or any portion of the revenue suspended under the orders mentioned above should be collected in this fasli would be decided on receipt of the Collectors' reports on the condition of crops and the economic situation prescribed in Board's Standing Order No. 14 (8). The Government are now of the opinion after consideration of the question, that in the particular circumstances of the present case it is unnecessary to obtain the prescribed report from the Collectors, and they direct that the revenue of fasli 1344 suspended under the orders noted above be remitted altogether.

(By order of the Governor in Council)

H. R. UZIELLI,
Secretary to Government.

To the Board of Revenue (Land Revenue and Settlement).

- „ the Accountant-General.
- „ all Collectors.
- „ the Finance Department.
- „ the Finance (Budget) Department.
- „ the Secretary, Legislative Council, with 175 copies for being placed on the Table.
- „ the Government of India, Department of Education, Health and Lands, with C.L.

Press.

[29th October 1935]

APPENDIX XV.

[Vide item IX (3) at page 103 supra.]

REVENUE DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

With reference to the answer given to question No. 793 at the meeting of the Legislative Council held on 11th March 1935, a copy of the G.O. No. 1761, Revenue, dated 17th August 1931, is laid on the table.

2. The number of Oriya Sub-Inspectors now employed is one in the Chicacole Circle, one in the Jeypore Circle and nil in the Berhampore Circle. The number of Oriya Sub-Inspectors employed in the Waltair subdivision (which comprises the Berhampore, Chicacole, Vizianagram, Vizagapatam, Jeypore, Parvatipur, Rajahmundry, Amalapuram, Godavari Agency, Ellore, Narasapur, Bezwada and Masulipatam Circles) is six. The fact that the required number of Oriyas has not been recruited is due to the paucity of qualified candidates.

H. R. UZIELLI,
Secretary to Government.

ANNEXURE.

G.O. Ms. No. 1761, Revenue, dated 17th August 1931.

READ—the following paper :—

From the Commissioner of Excise, dated 16th May 1931, R. No. 1133-Abk.

Order—No. 1761, Revenue, dated 17th August 1931.

The Government agree with the Commissioner of Excise that a fair proportion of Sub-Inspectors of Excise in the Berhampore and Chicacole Excise Circles of the Ganjam district and in the Jeypore Excise Circle of the Vizagapatam district should be Oriyas. In order to secure this object, the Government desire that when selections are made for admission to Class III of the Madras Excise Subordinate Service, the communal rotation prescribed in rule 5 of the general rules relating to the Subordinate Services issued in G.O. No. 712, Public, dated 2nd July 1929, should be so worked at present as to give to Oriyas, as far as may be possible, half the number of vacancies arising in these three Excise Circles.

(By order of the Government, Ministry of Education and Excise)

H. R. PATE,
Secretary to Government.

To the Commissioner of Excise.
„ Secretary, Madras Services Commission.
„ Public Department.

29th October 1935]

APPENDIX XVI.

[Vide item IX (4) at page 103 supra.]

FINANCE DEPARTMENT.

LIST OF POSTS ON RS. 500 PER MENSEM AND ABOVE CREATED DURING THE QUARTER ENDING 30TH JUNE 1935.

(a) PERMANENT.			
Department and designation of the post.	Pay per mensem. RS.	Date of creation.	Remarks.
<i>Public (Special) Department—</i> Joint Secretary to the Board of Revenue (Land Revenue and Settlement).	Pay in the senior time-scale of the Indian Civil Service subject to a maximum of Rs. 2,000 plus Rs. 200 special pay.	17th April 1935 ..	The post was sanctioned in the place of a superior post of Director of Land Records which has been abolished simultaneously. The arrangement was sanctioned by the Secretary of State for India in Council.
<i>Public Works and Labour Department—</i> One Engineer in charge, Pykara.	1,000—100/2—1,200.	1st April 1935 ..	....
(b) TEMPORARY.			
(i) Extension of previous sanction.			
Department and designation of the post.	Pay per mensem. RS.	Period of tenure.	Remarks.
<i>Public (Special) Department—</i> Deputy Secretary to Government, Public Department.	Pay in the senior time-scale of the Indian Civil Service plus a special pay of Rs. 200.	Up to 30th September 1935.	....
Deputy Secretary to Government, Law and Education Department.	Do.	Up to 31st March 1936.	....
Additional District Judge, East Godavari.	Pay in the regular line.	Up to 21st October 1935.	....
<i>Law Department—</i> Additional Sub-Judge, Devakottah.	650	For one year from 22nd April 1935.	....
Sub-Judge, Kurnool.	650	From 22nd April 1935 up to the commencement of the summer recess in 1936.	....

[29th October 1935]

(b) TEMPORARY—cont.

(i) Extension of previous sanction—cont.

Department and designation of the post.	Pay per mensem.	Period of tenure.	Remarks.
	RS.		
Law Department—cont.			
Additional Sub-Judge, Cocanada.	650	Up to the commencement of Christmas holidays for 1935.	....
Additional Sub-Judge, Ellore.	650	Up to the commencement of the summer recess for 1936.	....
Special Officer, Board of Revenue.	Indian Civil Service cadre.	Up to 31st July 1935.	For work in connexion with the enquiry into agricultural indebtedness.
Public Works and Labour Department—			
Public Works Department Executive Engineer.	625—1,375	Till the end of March 1936.	For the charge of the Ramnad Subdivision.
Public Works Department Superintending Engineer.	1,750—2,150	Till the end of September 1935.	For the charge of Dowlaiswaram Circle.
Public Works Department Executive Engineer.	625—1,375	Till the end of October 1935.	For work in connexion with famine relief works in Anantapur and Bellary districts.
Do.	625—1,375	Till the end of 30th June 1935.	For the charge of Kattalai Special division.
Local Self-Government Department—			
Special Engineer for Road Development.	Pay in the grade of Superintending Engineers plus an overseas pay of £13-6-8 per mensem.	Up to 1st July 1935.	....

(ii) Posts newly created.

Public (Special) Department—			
Joint Secretary to Government, Law and Education Department.	Pay and special pay admissible to Junior Secretaries to Government.	From 15th April 1935 to 31st March 1936.	....
Additional Sessions Judge, West Tanjore.	Pay in the regular line.	From 13th May 1935 to 7th September 1935.	....
Law Department—			
Sub-Judge, Cuddapah.	650	From the date of re-opening of the District Court after summer recess for 1935 till the commencement of the summer recess for 1936.	....

29th October 1935]

(b) TEMPORARY—cont.

(ii) Posts newly created—cont.

Department and designation of the post.	Pay per mensem.	Period of tenure.	Remarks.
	RS.		
Law Department—cont.			
Sub-Judge, Anantapur.	650	For six months from 1st July 1935.	....
Additional Sub-Judge, Masulipatam.	650	From 24th June 1935 to the commencement of the summer recess for 1936.	....
Public Works and Labour Department—			
One Engineer-in-charge, Construction and Civil Engineering Division.	625—1,375 plus £30 overseas pay plus Rs. 200 special pay	For three years from 1st April 1935.	....
One Executive Engineer (Civil and Hydraulic Construction Division), Mottur Hydro-Electric scheme.	500—50/2—850	For three years from date of employment.	....
Local Self-Government Department—			
Lay Secretary for the non-technical organization of the medical administration of hospitals.	750 + house rent allowance Rs. 100 per mensem + car allowance Rs. 75 per mensem.	One year from the date of taking charge of the officer.	....

APPENDIX XVII.

[Vide item IX (5) at page 103 supra.]

G.O. No. 2272, Revenue, dated 26th September 1935.

READ—the following papers:—

Reference from the Board of Revenue (Land Revenue and Settlement), No. G. 1513/35-1, dated 8th April 1935.

Memorandum to the Board of Revenue (Land Revenue and Settlement), No. 2248-E/35-3, dated 31st May 1935.

Reference from the Board of Revenue (Land Revenue and Settlement), No. G. 1513/35-3, dated 27th June 1935.

Memorandum to the Superintendent, Government Press, No. 2248-E/35-5, dated 19th July 1935.

Order—No. 2272, Revenue, dated 26th September 1935.

No objection or suggestion having been received in regard to the draft amendments to the rules under the Madras Survey and Boundaries Act, 1923, published at page 1063 of Part I of the *Fort St. George Gazette*, dated 30th July 1935, the amendment is now confirmed.

[29th October 1935]

2. The following notification will be published in the *Fort St. George Gazette*:—

NOTIFICATION.

In exercise of the powers conferred by clause (a) of sub-section (2) of section 26 of the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923), the Governor in Council is hereby pleased to make the following amendments to the rules published with Revenue Department Notification No. 313, dated the 15th December 1925, at pages 2402-2405 of Part I of the *Fort St. George Gazette*, dated 22nd December 1925, as subsequently amended.

AMENDMENTS.

In the said rules—

- (1) in the item against "Areas surveyed on the system of simple triangulation or on the town survey system" appearing under "Points" in clause (3) of rule 1 of the rules under the heading "Rules under clause 2 (a)," for the words "and poramboke subdivisions" the words "poramboke subdivisions, and subdivisions belonging to or vested in local bodies" shall be substituted; and
- (2) in item (1) against "All other cases" appearing under "Points" in clause (3) aforesaid, for the words "of poramboke survey fields, subdivisions, as also minor circuits," the words "of poramboke survey fields and subdivisions, of survey fields and subdivisions, belonging to or vested in local bodies, as also of minor circuits" shall be substituted

3. A copy of the amendment made will be placed on the table of the Legislative Council.

(By order of the Governor in Council)

H. R. UZIELLI,
Secretary to Government.

To the Superintendent, Government Press (with paragraph 2 for publication of notification).
 „ Board of Revenue (Land Revenue and Settlement).
 „ Law (Legislative) Department.
 „ Law (Drafting) Department.
 „ Legislative Council Office.

[29th October 1935]

APPENDIX XVIII.

[Vide item IX (6) at page 103 supra.]

PUBLIC WORKS AND LABOUR DEPARTMENT.

U.O. NOTE No. 2469 D/35-4, DATED 14TH OCTOBER 1935.

COMMUNICATION TO THE COUNCIL.

With reference to the answers given to question No. 99 at the meeting of the Legislative Council held on the 7th August 1935, the following statement is laid on the table:—

LEGISLATIVE COUNCIL QUESTION NO. 99 ANSWERED ON 7TH AUGUST 1935

Formation of Irrigation Panchayats.

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

(a) how many new irrigation panchayats have been started in each district after Collectors were given the power for organizing the same; and

(b) when they propose to start such panchayats in districts where they have not yet been started?

A.—(a) & (b) The Government have not the information asked for, but have called for it.

MR. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether the Government will place a copy of the report on the table of the House as soon as they get it? ”

THE HON. MR. C. A. SOUTER:—“ I think I had better see the report first.”

DIWAN BAHADUR M. GOPALASWAMI MUDALIYAR:—“ May I ask whether, as soon as the report is received, the Government will direct that similar panchayats should be formed in districts where they do not now exist? ”

THE HON. MR. C. A. SOUTER:—“ I cannot say without seeing the report.”

Statement.

After the Collectors of districts were given the power to constitute irrigation panchayats, two new panchayats—one in the West Godavari district and another in the Cuddapah district—were formed. The reports received from Collectors indicate that it has not been possible

[29th October 1935]

to form more panchayats as the ryots are in most cases satisfied with the existing longstanding customary arrangements and are not anxious for any change. In some cases they are diffident or even actively opposed to any change, fearing that control may pass into the hands of a few influential people to the disadvantage of the ryots generally. In other cases again, faction operates to prevent the formation of panchayats. The Board of Revenue has asked Collectors to issue instructions to Revenue Divisional Officers and Tahsildars to take a personal interest in the matter, do propaganda work and explain to the ryots the advantages of the formation of panchayats. The Government do not consider that any further action is possible at this stage.

W. SCOTT BROWN,
Secretary to Government.

To the Secretary, Legislative Council Office.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Wednesday, the 30th October 1935.

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

PRESENT :

Reddi Nayudu, <i>Kt.</i> , The Hon. Rai Bahadur Sir K. V.	Narasa Reddi, Mr. T.
Pannirselvam, The Hon. Rao Bahadur A. T.	Narasimhaswami, Rao Sahib, D. V.
Souter, <i>c.s.i.</i> , <i>i.c.s.</i> , The Hon. Mr. C. A.	Narayanan Nambiyar, Mr. V. P.
Bracken, <i>c.s.i.</i> , <i>c.i.e.</i> , <i>i.c.s.</i> , The Hon. Mr. G. T. H.	Natesa Mudaliyar, Diwan Bahadur C. Palat, Mr. R. M.
Raja of Bobbili, <i>k.c.i.e.</i> , The Hon. the.	Parthasarathi Ayyangar, Mr. C. R.
Rajan, The Hon. Mr. P. T.	Patnaik Mahasayo, Sriman M. G.
Kumaraswami Reddiyar, the Hon. Diwan Bahadur S.	Patro, <i>k.c.i.e.</i> , Rao Bahadur Sir A. P.
Abdul Hameed Khan Sahib Bahadur.	Pattagar of Palayakottai.
Alamelumangathayaramma, Mrs. K.	Peddi Raju, Mr. P.
Annamalai Chettiyar, Mr. S. A. A.	Pocker Sahib Bahadur, B.
Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T.	Premayya, Mr. G. R.
Ari Gowder, Mr. H. B.	Rajagopala Pillai, Mr. P. V.
Basheer Ahmed Sayeed Sahib Bahadur.	Raja of Paralakimedi, The.
Basu Dev, Mr. C.	Ramachandra Padayachi, Mr. P. K.
Beyabani Sahib Bahadur, S. M. K.	Ramakrishna Reddi, Mr. A.
Bhanoji Rao, Sri A. V.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Boag, <i>c.i.e.</i> , <i>i.c.s.</i> , Mr. G. T.	Ramamurti, Rao Sahib Pandit Ganala.
Davis, Mr. J. A.	Raman Menon, Mr. K. P.
Devadasan, Mr. M.	Ramaswami Ayyar, Mr. T. S.
Dharmalingam Pillai, Rao Sahib V.	Ramaswami Mudaliyar, Mr. V. M.
Duraishwami Reddiyar, Mr. K. M.	Rameswara Rao, Mr. G.
Jagannatham, Mr. H. M.	Ranganatha Mudaliyar, Mr. A.
Jayaram Nayudu, Rao Sahib C.	Ranganatha Mudaliyar, Mr. G.
Jones, <i>i.c.s.</i> , Mr. C. E.	Rangaswami Reddi, Mr. M. B.
Kesavaramamurti Nayudu, Mr. K.	Reid, Mr. D. M.
Khalif-ullah Sahib Bahadur, Khan Bahadur P.	Rukmani Lakshmipathi, Mrs. A.
Krishnayya Choudari, Mr. P. V.	Russell, <i>i.c.s.</i> , Mr. T. B.
Krishnamurti, Rao Bahadur D.	Sandana Gounder, Mr. I.
Kumararaja of Venkatagiri, The.	Schamnad Sahib Bahadur, Khan Bahadur Mahmud.
Kuppuswami Choudari, Mr. J.	Scott Brown, <i>i.c.s.</i> , Mr. W.
Langley, Mr. W. K. M.	Shetty, Mr. A. B.
Madanagopal Nayudu, Mr. R.	Simhachalam Pantulu, Mr. G.
Mahboob Ali Baig Sahib Bahadur.	Siva Raj, Rao Sahib N.
Manikkavelu Nayakar, Mr. M. A.	Smith, Mr. J. M.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Sreshtha, Mr. M. S.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.	Srinivasan, Rao Bahadur R.
Muniswami Pillai, Rao Sahib V. I.	Sriramulu, Mr. G.
Murugappa Chettiyar, Diwan Bahadur A. M. M.	Subbarayan, Dr. P.
Muthiah Chettiyar, Mr. M. A.	Subrahmanya Bhatt, Mr. U. C.
Muthu Chettiyar, Rao Bahadur P. C.	Sundara Rao Nayudu, Mr. T.
Nachiyappa Gounder, Mr. K. A.	Syed Tajuddin Sahib Bahadur, Khan Bahadur.
Nanjappa Bahadur, Subadar-Major S. A.	Thangal, Mr. P. M.
	Uzielli, <i>c.i.e.</i> , <i>i.c.s.</i> , Mr. H. R.
	Vasudeva Pillai, Mr. V. G.
	Vedachala Mudaliyar, Mr. M.
	Venugopal Nayudu, Rao Bahadur R. K.
	Yakub Hasan Sahib Bahadur.
	Zamindar of Bodinayakkanur, The.
	Zamindar of Kirlampudi, The.

[30th October 1935]

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Medical Administration

Representation of depressed classes in the cadre of District Surgeons and Assistant Surgeons.

* 271 Q.—Rao Sahib V. DHARMALINGAM PILLAI: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) the number of depressed class, non-Brahman and Brahman District Surgeons and Assistant Surgeons now in service of the Government; and

(b) whether it is a fact that the Services Commission has not called for applications from depressed class candidates for this service of District and Assistant Surgeons as it does in the case of Deputy Collectors and Deputy Superintendents of Police?

A.—(a) The following statement shows the number:—

	Civil surgeons.	Assistant surgeons.
Depressed classes	Nil.	Nil.
Non-Brahmans	13	65
Brahmans	16	101
Oriya	Nil.	1

(b) No applications have been called for from any community for selection of candidates for appointment as District Surgeons as there is no proposal to fill up such posts by direct recruitment.

The Madras Services Commission did not call for applications from candidates belonging to the scheduled classes for selecting candidates for appointment as Women Civil Assistant Surgeons.

* Rao Sahib V. I. MUNISWAMI PILLAI:—“ May I know from the Hon. Minister when the last appointment to the cadre of District and Assistant Surgeons was made? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I cannot say.”

Rao Sahib V. I. MUNISWAMI PILLAI:—“ May I know whether any applications for these posts were received from the depressed class candidates? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Applications from the scheduled class candidates were not called for at all.”

Mr. V. T. ARASU:—“ May I know, arising out of the answer given by the Hon. Minister, whether the Public Services Commission have at any time by means of a general notification called for applicants for

30th October 1935]

these posts with the necessary qualifications and whether among those applicants candidates from the depressed classes also applied? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I am not aware of that.”

Appointment of Honorary Physicians in the General Hospital, Madras.

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

(a) whether any vacancies in the post of Honorary Physicians in the General Hospital were recently filled up, and if so, how many;

(b) the names of the applicants and their qualifications; and

(c) the names of persons who were appointed and their qualifications?

A.—(a) Yes; one.

(b) (1) Mr. A. Srinivasan, L.M.P. (Mad.), M.B.C.P. (Lond.).

(2) „ P. S. Varadarajan, M.B. (Mad.), M.B.C.P. (Lond.).

(First in Honours Biology).

(3) Dr. K. C. Paul, M.D. (Mad.).

(4) Mr. T. K. Sundaram, M.B.B.S., obtained a University Diploma at Vienna.

(5) „ H. Chatterjee, L.M.S.

(c) Mr. P. S. Varadarajan (No. 2 above) was appointed.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know why the Government have selected a non-British subject, when there is already a qualified man who has also got experience as Honorary Physician in the Rayapuram Hospital? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The gentleman chosen is not at present residing in any Indian State. Besides the Government were advised that he was the most suitable candidate among the applicants.”

Rao Bahadur Sir A. P. PATRO:—“ Sir, he is a native of Mysore, resident of Mysore and everything of Mysore. Mysore has issued a prohibitory order against British Indians taking up appointments in their territory. May I ask whether the Government are aware of that? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I am not aware of what is taking place in Mysore. There is no prohibition in our rules from appointing people from Indian States as Honorary Physicians.”

Mr. V. T. ARASU:—“ May I ask the Hon. Minister whether that gentleman has ever served in the Madras General Hospital as Honorary Assistant Surgeon or Honorary Physician? ”

[30th October 1935]

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"He was an I.M.S. Officer for several years."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know why the Government have overlooked the claims of one of the applicants who is an honorary physician and who has served in the Royapuram Hospital? What are the reasons for Government overlooking his claims and appointing a non-British subject?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think my hon. Friend expects me to give a comparative statement of the qualifications of the candidates who applied for this post."

Rao Bahadur Sir A. P. PAIRO:—"Does the Hon. Minister mean that the Government did not compare the merits and qualifications of the respective candidates?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I did not mean to say that the Government did not compare the qualifications of the various candidates. What I meant was that it would not be in the interests of the candidates themselves to disclose all matters that were taken into consideration in making the selection."

Proposals, if any, for taking over local fund hospitals under Government management as a measure of financial relief to local bodies.

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

(a) whether there are any proposals now before the Government for giving more relief to the local bodies by taking over some of their hospitals under the control of the Government; and

(b) if not, what are the reasons for not doing so?

A.—(a) & (b) A proposal for the provincialization of the local fund and municipal medical institutions at taluk headquarters which have not yet been taken over by the Government, is under the consideration of the Government.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know how long it will take for the Government to provincialize the taluk headquarter hospitals in the Presidency?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot say, Sir."

S. M. K. BEYABANI SAHIB Bahadur:—"May I know from the Hon. Minister whether the proposal under consideration of the Government is with reference to taluk headquarter hospitals or any other hospitals?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The proposal now under consideration is with reference to taluk headquarter hospitals only."

30th October 1935]

Public Health

Government aid to non-official bodies engaged in health propaganda work.

* 274 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) what the attitude of the Government is towards non-official organizations engaged in doing health propaganda;

(b) whether the Government or the Director of Public Health has at any time tried to prepare a list of non-official organizations engaged in health propaganda;

(c) what assistance, if any, either the Government or the Director of Public Health is rendering to such bodies to encourage them in their work;

(d) whether the Health Propaganda Board and the National Health Association of Southern India applied to the Government for a grant; and

(e) if the answer to (d) is in the affirmative, what the amount of grant sanctioned is?

A —(a) & (c) Government make grants-in-aid in deserving cases where the need for such help is established.

(b) Yes; a list of non-official organizations in the City of Madras engaged in health propaganda was prepared in 1930.

(d) Yes.

(e) No grant was made to the Health Propaganda Board. The following non-recurring grants were made to the National Health Association of Southern India:—

Year.	Amount of grant. RS.
1930-31	5,000
1931-32	Nil.
1932-33	500 plus one set of the Temperance Propaganda Board's cinema apparatus costing about Rs. 2,000.
1933-34	3,000
1934-35	Nil.
and	
1935-36	

Agriculture

Scheme, if any, for village investigation by the Agricultural department.

* 275 Q.—Mr. K. A. NACHIYAPPA GOUNDLER: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any village investigation scheme has been sanctioned under the Department of Agriculture and, if so, when;

[30th October 1935]

- (b) what the objects are of the scheme, and who the persons appointed as investigators are;
- (c) whether a copy of the order passed in this behalf will be placed on the table;
- (d) in which of the places the investigation is going on;
- (e) what the annual expenditure of this scheme is and how it is financed;
- (f) whether the persons employed in this scheme are taken from Government service, or whether new people were recruited; and
- (g) whether the new people, if any, employed in this scheme will be given preference for Government service when vacancies occur?

A.—(a) A scheme of economic enquiry into the cost of production of crops in the principal sugarcane and cotton tracts in the Presidency spread over a period of 3½ years, mainly financed by the Imperial Council of Agricultural Research, is being conducted under the auspices of the Agricultural department. The scheme commenced from 1st April 1933.

- (b) The object of the scheme is the determination of the cost of production of crops, mainly sugarcane and cotton and incidentally of other crops grown in the same area in selected tracts, so that on the basis of an accurate and comparative estimate of the cost of production of the crops, the advantage of stimulating or extending the cultivation of remunerative commercial crops may be brought home to the ryots.

A list showing the names and qualifications of the staff employed on the scheme is appended * [vide Appendix I (1)].

- (c) A copy of G.O. Ms. No. 728, Development, dated 14th June 1933, is appended * [vide Appendix I (2)].

(d) A statement showing the districts, taluks and villages in which the investigation is carried on is appended * [vide Appendix I (3)].

- (e) The expenditure on the scheme is met from a grant of Rs. 52,290 spread over a period of 3½ years made by the Imperial Council of Agricultural Research. The attention of the hon. Member is invited to the estimates given on page 358 of the Civil Budget Estimates for the year 1935-36 under "S. Sugarcane Research." (The difference between the actual expenditure and the amount shown under "T. Charges recoverable from the Imperial Council of Agricultural Research during 1934-35 and 1935-36 is due to the fact that the Local Government

* Printed as Appendix I on pages 218-220 infra.

30th October 1935]

- have agreed to bear the excess expenditure consequent on the deputation of experienced Upper Subordinates on higher pay as District Supervisors to the scheme.)
- (f) The District Supervisors working on the scheme are persons deputed from the Agricultural Department. The Village Investigators are direct recruits.
- (g) The hon. Member apparently refers to service as Upper Subordinates in the Agricultural department. Recruitment to this class of the service is made by the Madras Services Commission and it is open to the Commission to give preference to persons with experience as Village Investigators when the prescribed qualifications are satisfied.

Industries

Rearing of silk-worms in the South Kanara district.

* 276 Q.—MR. M. S. SRESHTA: Will the Hon. the Minister for Public Works be pleased to state what the results are of the proposed experiments referred to in the answer to question No. 891 (b) of 24th February 1932?

A.—A parcel of mulberry cuttings was sent by the Director of Industries to South Kanara to be planted by a private party, but no reports on the results of the planting were received. Presumably the plant died owing to the excessive rainfall. As the sericultural staff was fully engaged on other work, the experiment could not be followed.

Registration

Representation by the residents of Elampillai village, Salem district, for opening a Sub-Registrar's office.

* 277 Q.—DIWAN BAHADUR S. ELLAPPA CHETTIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any representation was made to the Inspector-General of Registration by the residents of Elampillai village, Salem district, for opening a Sub-Registrar's office in the village; and

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

A.—(a) Yes.

(b) The question of opening an office at that centre was dropped on account of the financial stringency.

Facilities for Official Receivers in the mufassal to register documents by a letter of request to the Registering Officer.

* 278 Q.—MR. G. RAMESWARA RAO: Will the Hon. the Minister for Public Works be pleased to state when the orders referred to in question No. 146 were issued and whether the Government will place a copy

[30th October 1935]

of the orders on the table of the House, consideration of which was promised by the Hon. the Minister in supplementary question to question No. 146?

A.—A copy of G.O. No. 1996, Law (General), dated the 12th June 1935, is placed on the table of the House.*

Reduction of the fees of Sub-Registrars for attendance at the residence of parties.

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

(a) what amount was recovered by the Government during each of the last three years from fees charged for the attendance of Sub-Registrars at the residences of parties;

(b) whether my suggestion made in the Legislative Council on 12th March 1935 for a reduction of their fees has been considered by the Government; and

(c) if so, what decision has been arrived at?

A.—(a) The amount realized is as shown below:—

Year.	Amount. RS.
1932	73,760
1933	70,750
1934	70,717

(b) & (c) The suggestion is under consideration.

Promotion of clerks in Anantapur district to the cadre of Sub-Registrars.

* 280 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(a) how many clerks in Anantapur district are fully qualified for being placed in the list of persons eligible for Sub-Registrar's appointments;

(b) whether all of them are placed on the list; and

(c) how many from the Ceded districts have actually been appointed to the post of Sub-Registrars in 1934-35?

A.—(a) Eight—including one unpassed clerk.

(The number represents the clerks in the two revenue districts of Bellary and Anantapur, which form one registration district. As they are interchangeable, clerks of both the revenue districts have been taken into account.)

* Printed as Appendix II on page 220 infra.

30th October 1935]

(b) None of the clerks is in the list of clerks selected for admission to the Registration Subordinate Service. The list is prepared for the whole Presidency in consultation with the Madras Services Commission and is based on seniority and efficiency among all the qualified clerks in the Presidency subject to communal rotation.

(c) None.

Local Self-Government.

Swadeshi Exhibition at Salem.

* 281 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government are aware that the Hon. the Chief Minister opened the first Swadeshi Exhibition at Salem organized by a public committee of which Mr. C. Vijayaraghavachariyar was the chairman; and

(b) what the policy of the Government is regarding Local Self-Government institutions holding exhibitions?

A.—(a) An All-India Khadi and Swadeshi Exhibition was opened in August 1933 at Salem by the Hon. the Chief Minister.

(b) The Policy of Government is to encourage such enterprises provided they are purely non-political in character.

Mrs. A. RUKMANI LAKSHMIPATHI:—"May I know from the Hon. Minister whether the Government have any objection to supporting the All-India Khadi Exhibition when it is held in Madras in December next having in view the answer given to my interpellation, viz., 'the policy of the Government is to encourage such enterprises provided they are purely non-political in character'?"

The Hon. the RAJA OF BOBBILI:—"The policy of the Government is to encourage active participation of the department concerned in exhibitions of this kind as long as they continue to be non-political in their nature. Certainly the question of the Government co-operating in the ensuing All-India Khadi Exhibition when it comes up here will be considered on its merits."

Special grants to district boards to undertake works of public utility in order to relieve unemployment.

* 282 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether special grants have been made to district boards to undertake works of public utility for providing employment to the unemployed caused either by drought or economic depression;

(b) what the names of such boards and the amounts sanctioned for them are;

[30th October 1935]

(c) whether the district boards were required to complete the works by 30th June 1935;

(d) whether any of the district boards applied for either extension of time or further grants;

(e) if the answer to (d) is in the affirmative, what the orders of the Government are; and

(f) whether representations from the general public have been received requesting the Government to continue the works as the season had not improved?

A.—(a) Yes.

(b) .

Name of District Board.	Amount sanctioned during 1935-36.	
	Road works.	Water-supply.
	RS.	RS.
1 Anantapur	45,000	1,500
2 Cuddapah	50,000	2,000
3 Kurnool	20,500	3,500
4 Coimbatore	12,187	..
5 Trichinopoly	5,000	5,000
6 Tinnevely	27,500	..
7 Chittoor	Nil.	7,000

(c) Yes, originally.

(d) Yes.

(e) Extension of time was granted in the following cases:—

(i) in respect of road works—

Kurnool District Board .. } Up to the end of July
Trichinopoly District Board .. } 1935.

Cuddapah District Board .. } Up to the end of
Coimbatore District Board .. } August 1935.

An additional grant of Rs. 15,000 has been sanctioned for the Cuddapah District Board and an application for a further grant of Rs. 30,000 has just been received from the Anantapur District Board and is under consideration.

(ii) in respect of water-supply works—

Cuddapah District Board .. Up to the end of July
1935.

(f) A representation from the Ryots' Association, Anantapur, was received on 5th July 1935.

Allotment of funds to district boards from the Road Development Fund for execution of schemes approved by the Board of Communications.

* 283 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the schemes for which money from the Road Development Fund has been applied for by each district board this year;

30th October 1935]

(b) the schemes approved out of each such list by the Board of Communications; and

(c) the schemes for which funds have been allotted by the Road Development Fund and the amount granted to each district board this year?

A.—(a) The district boards do not generally submit separate lists of schemes to be financed from the Road Development Fund. From the applications for grants in 1935-36 received from them, items of work involving large expenditure have been selected for being financed from the Road Development Fund.

(b) A list of schemes approved by the Board of Communications is appended.^a

(c) A list of schemes for which grants have been allotted from the Road Development Fund is appended.^a

Repairs to the Kundah bridge, the Nilgiris.

* 284 Q.—Rao Sahib V. I. MUNISWAMI PILLAI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether representations were made by the Nilgiris District Board, the Engineer of the District Board and the public of the Nilgiris as to the dangerous condition of the Kundah bridge in the Nilgiris;

(b) the date or dates of the representations received by the Government; and

(c) what action the Government took or propose to take to put the bridge in safe condition?

A.—(a), (b) & (c) In November 1933, the Nilgiris District Board applied for a grant for the redecking of the Kundah Bridge which was reported to be in a dangerous condition. The application was received too late for consideration in connexion with the budget for 1934-35 and the Board was informed accordingly. The application was renewed in August 1934. As the bridge was on a road which was neither a trunk road nor a second-class road, it was not eligible for a grant from provincial funds, and a grant was therefore not sanctioned. The Government propose to apply to the Government of India for sanction to the debit of the expenditure to the Road Development Account.

Rao Sahib V. I. MUNISWAMI PILLAI:—" May I know under what class the road on which the Kundah bridge stands comes? "

The Hon. the RAJA OF BOBBILI:—" Third-class or village road."

^a Printed as Appendix III on pages 221-222 infra.

[30th October 1935]

Mr. J. A. DAVIS:—"Sir, the answer states 'the Government propose to apply to the Government of India for sanction to the debit of the expenditure to the Road Development Account.' May I know why the Government have delayed so much knowing full well that the bridge was in a dangerous condition? Will orders be issued closing the bridge to traffic temporarily?"

The Hon. the Raja of Bobbili:—"The answer was given some time back. We have already applied to the Government of India for sanction to the debit of the expenditure to the Road Development Account."

Proposals, if any, for the revision of the scale of pay of teachers employed in secondary schools under local boards and municipalities.

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

(a) whether there are any proposals to revise the scales of pay of the headmasters, teachers, and pandits employed in the secondary schools under the local boards and municipal councils in view of the great dissatisfaction of such employees in the introduction of the new scales of pay to them; and

(b) if so, what they are and at what stage they are?

A.—A copy of G.O. No. 3395, L. & M., dated 20th August 1935, is placed on the table.*

Refusal of sanction for opening the V Form in the Board High School, Edappady, Salem district.

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

(a) whether it is a fact that the Government have refused sanction for the opening of V Form in the Board High School at Edappady under the Salem District Board;

(b) if so, what the reasons are therefor and whether a copy of the order passed in the matter will be placed on the table;

(c) whether the proposal was supported by the Secondary Education Board, the District Educational Officer, Salem, and the Director of Public Instruction;

(d) whether the copies of the resolution of the District Board, and that of the Secondary Education Board, Salem, as well as those of the remarks of the District Educational Officer, Salem, and the Director of Public Instruction, the letters of the President, Salem District Board, and representations, if any, received in this behalf, will be placed on the table;

(e) what the additional expenditure anticipated for this new Form is;

* Printed as Appendix IV on pages 223-224 infra.

30th October 1935]

(f) what the cases are of new expenditure, which the President, Salem District Board, has so far brought before the Government for their sanction since 1st January 1935, and what the amount involved in each is; and

(g) in which of the cases the Government have refused their sanction, and for what reasons?

A.—(a) Yes.

(b) G.O. No. 2592, L. & M., dated 4th July 1935, is placed on the table.*

(c) The proposal was recommended by the Director of Public Instruction subject to certain conditions. The Government have no information whether the proposal was recommended by the District Secondary Education Board and the District Educational Officer.

(d) The Government consider that no useful purpose will be served by placing those communications on the table.

(e) Details of non-recurring expenditure were not furnished by the President, District Board. The recurring expenditure was estimated by the Board at Rs. 780.

(f) & (g) Opening of Form V in the Board High School, Attur, is one at a cost of Rs. 1,020, recurring. No details were furnished regarding non-recurring expenditure. Sanction was refused on educational grounds. The Government do not propose to collect information regarding the other cases.

Representations for the abolition of tax on cycles in municipal areas.

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

(a) whether representations have been received from Madras City or from any other municipality or from private individuals or associations urging for an enactment for the abolition of tax on cycles in municipal areas; and

(b) if so, from whom and how they have been disposed of?

A.—(a) & (b) Representations were received from the Corporation of Madras, a public meeting of the cyclists of Madras and the Triplicane Sociological Brotherhood requesting Government to drop the cycle-tax from the Madras City Municipal Amending Bill, but the Government did not accept the suggestion. No representation on the subject has been received from any mufassal municipal council.

* Printed as Appendix V on pages 224-225 infra.

[30th October 1935]

Mr. M. A. MANIKKAVELU NAYAKAR:—“ May I know what the income derived is from cycle-tax in the city? ”

The Hon. the RAJA OF BOBBILI:—“ I am not sure. Probably it will be Rs. 75,000.”

Alleged misconduct of Mr. Adisheshayya, ex-Special Officer, Bezwada Municipality.

* 288 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether allegations of grave misconduct have been made to the Government against Mr. B. Adisheshayya, ex-Special Officer, Bezwada Municipality, by Mr. C. K. Reddi, M.L.C.; and

(b) whether it is a fact that he postponed the election of the Chairman of the Bezwada Municipality in contravention of the orders passed by the Government?

A.—(a) Certain allegations were made against Mr. Adisheshayya by Mr. Reddi.

(b) The Special Officer adjourned the election on the ground that there was no valid notice to the councillors in respect of the election. The Government approved his action.

Amount of toll compensation paid to the District Boards of Coimbatore and Salem as the second instalment for 1935–36.

* 289 Q.—Diwan Bahadur S. ELLAPPA CHETTIYAR: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) what the actual income from tolls in the Coimbatore and Salem districts for the three years ending 1930–31 is; and

(b) what the amount authorized for payment in the second instalment for 1935–36 to the District Boards of Coimbatore and Salem under the Madras Motor Vehicles Taxation Act, 1931, is?

A.—(a) & (b) A statement^a is laid on the table.

Delay in the reconstitution of village panchayats under the Local Boards (Amendment) Act.

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

(a) how many elections to the village panchayats in each district after the introduction of the new Local Boards Act have not yet taken place;

(b) how many times each panchayat was extended without conducting the elections;

^a Printed as Appendix VI on pages 225–226 infra.

30th October 1935]

(c) how many special officers are still continuing on account of the same;

(d) what are the reasons for such continuance; and

(e) what steps the Government have taken to put a stop to such a state of affairs?

A.—(a) A statement^a giving the information is placed on the table.

(b) to (e) It is presumed that the question refers to panchayats which were abolished and constituted afresh, owing to the failure of the Special Officers concerned to hold elections within the time prescribed in sub-section (2) of section 240 of the Madras Local Boards Act, 1920, on account either of indifference on their part or on that of the villagers or on account of factions amongst the latter. There are 164 panchayats of this kind and in the case of all but one of them this step was resorted to once, and in the remaining case twice. The services of District Panchayat Officers are now being utilized to prevent a recurrence of such failures. No further action is called for on the part of the Government.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether it is a fact that the District Panchayat Officers are the persons who conduct elections for the village panchayats? ”

The Hon. the RAJA OF BOBBILI:—“ Generally the District Panchayat Officers are themselves directed to conduct the elections. In certain cases for the sake of administrative convenience, special officers are appointed as election officers.”

Famine Relief

Prevalence of acute famine conditions in certain parts of the Rayachoti taluk, Cuddapah district.

* 291 Q.—Mr. T. NARASA REDDI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government are aware of the fact that acute famine conditions are prevailing in Galivedu revenue firka of Rayachoti taluk, Cuddapah district;

(b) whether the Government have received a report from the local officers that a woman in Galivedu firka attempted to commit suicide not being able to maintain her children on account of the acute famine conditions prevailing in that firka of Rayachoti taluk, Cuddapah district; and

(c) whether any member of the Board of Revenue toured in Cuddapah district to investigate to what extent the famine has affected the various firkas of Cuddapah district?

^a Printed as Appendix VII on page 226 infra.

[30th October 1935]

A.—(a) A copy * of a report from the Collector on the condition of the season in Nulivedu firka (previously called Galivedu firka) is attached.

(b) No.

(c) The Commissioner of Land Revenue and Settlement toured in parts of the Cuddapah district on the 4th, 5th and 6th March 1935.

Applications from the ryots of Anantapur district for aid under Appendix F (i) of the Famine Code.

* 292 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Member for Revenue be pleased to state—

(a) whether any aid was asked by the ryots of Anantapur district under Appendix F (i) of the Famine Code; and

(b) if so, whether it was granted and on what terms and to what extent in this year?

A.—(a) & (b) The hon. Member is apparently referring to the provisions regarding aided private works which are contained in Appendix E to the Famine Code. The hon. Member himself suggested to the Government that use should be made of these provisions. The Government decided, after enquiry, that it was unnecessary to pursue the matter. As far as they are aware no other requests were made.

Mr. G. RAMESWARA RAO:—“ May I know from the Hon. the Revenue Member the nature of the enquiry conducted by the Government and the results of the investigations made thereunder? ”

The Hon. Mr. C. A. SOUTER:—“ We consulted the Collector and he reported that it was unnecessary to pursue the matter further.”

Mr. G. RAMESWARA RAO:—“ May I know whether it is not a fact that the Collector received a number of petitions and even after the receipt of those petitions the Collector came to the conclusion that it was unnecessary to pursue the matter? ”

The Hon. Mr. C. A. SOUTER:—“ I have no information.”

Mr. G. RAMESWARA RAO:—“ May I request the Hon. Member to go into the matter further in the interests of the ryots? ”

The Hon. Mr. C. A. SOUTER:—“ As there is no famine now in any part of the Anantapur district, the Famine Code is not now being applied.”

* Printed as Appendix VIII on page 227 infra.

30th October 1935]

Irrigation

Appropriation to irrigation works of the grant of the Government of India for village works.

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

(a) whether it is a fact that the Government of India grant of 50 lakhs for village works is proposed to be spent on irrigation works;

(b) whether in districts of Malabar and South Kanara there are any irrigation schemes ready for immediate execution; and

(c) whether in districts where no approved schemes are ready, Government propose to spend the money for any other purpose?

A.—(a) It is presumed that the hon. Member is referring to the comprehensive three-year programme for an expenditure of Rs. 50 lakhs on works to relieve unemployment among the rural population. No grant was made by the Government of India towards this scheme. The expenditure is to be met from loan funds or balances to the extent available. The entire amount is to be spent on irrigation works. An explanatory note on the scheme was placed before the Legislative Council in connexion with the further demand under Grant VI—Irrigation on 22nd March 1935.

The Government of India gave a grant of Rs. 14 lakhs for expenditure during 1935–36 on schemes of village uplift which include village roads, village water-supply and sanitation, anti-malarial measures, etc., but not irrigation works.

(b) The Board of Revenue has reported that there are no suitable irrigation schemes coming within the scope of the comprehensive special programme of 50 lakhs in the Malabar and South Kanara districts.

(c) The diversion of any part of the Rs. 50 lakhs to works other than irrigation would be opposed to the spirit and purpose of the special programme as outlined to the Government of India and Secretary of State and would be open to audit objection.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know which are the districts that are taken up under this scheme at present? ”

The Hon. Mr. C. A. SOUTER:—“ If my recollection is correct, all districts in the Presidency have been given a part of the grant in the present year except Malabar and South Kanara.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether the Government will be pleased to issue a communiqué giving the total amount to be spent for the information of the public? ”

[30th October 1935]

The Hon. Mr. C. A. SOUTER:—"I have no objection to give it for this year."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"May I ask the Hon. Member whether he will be pleased to publish not only the amount but also the actual schemes that have been sanctioned for each district?"

The Hon. Mr. C. A. SOUTER:—"That will entail a considerable amount of work. If the hon. Member will only look at the answer given in the appendix on page 230 in reply to question No. 301, he will find that in one district of Nellore alone the number of Public Works Department tanks comes to 29 and it would mean very much work to prepare a list of all such tanks in the Presidency including minor irrigation works."

User of the waters of the Palar by the Mysore Government in excess of the scale laid down in the agreement.

* 294 Q.—MR. C. R. PARTHASARATHI AYYANGAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government have finally settled the question as to how much of the Palar water is now being used by the Mysore Government in excess of the amount allowed to them according to the terms of the agreement; and

(b) if not, why not?

A.—(a) No.

(b) Because the Mysore Darbar has not yet furnished statistics of the irrigation under the Palar system in Mysore territory.

Mr. V. T. ARASU:—"May I know for how long this question has been pending settlement?"

The Hon. Mr. C. A. SOUTER:—"Many years, Sir."

Mr. M. A. MANIKKAVELU NAYAKAR:—"Possibly it is nearly two years since the information has been asked for from the Mysore Darbar and as far as I know no information has been made available to us. May I know what steps the Government took to get the information?"

The Hon. Mr. C. A. SOUTER:—"From my personal knowledge I may say that it is not only two years, but seven years, i.e., from 1928 to 1935. The Madras Government is in correspondence with the Mysore Government, a neighbouring friendly State, and have asked them to be good enough to expedite their answer."

Mr. M. A. MANIKKAVELU NAYAKAR:—"Will the Government be pleased to address the Government of India to induce the Government of Mysore to send us the necessary statistics?"

The Hon. Mr. C. A. SOUTER:—"We have already addressed the Mysore Government and we have on previous occasions addressed the Government of India."

30th October 1935]

Mr. V. T. ARASU:—"Will the Hon. Member be pleased to state 11-15 whether there are any special reasons why there should be such an a.m. inordinate delay on the part of the Mysore Government to send a reply to us?"

The Hon. Mr. C. A. SOUTER:—"I am afraid only the Mysore Government can give an answer to that question."

Progress of the Pennar-Kumudavathi Project in Hindupur taluk.

* 295 Q.—MR. G. RAMESWARA RAO: Will the Hon. the Member for Revenue be pleased to state—

(a) how far the Pennar-Kumudavathi Project in Hindupur taluk has progressed and when the actual work would be started;

(b) whether any representation has been received from the ryots of West Kodihalli and of Kalyandrug taluk regarding improvement of irrigational facilities; and

(c) if so, what action has been taken thereon?

A.—(a) Action is being taken to conduct gaugings of the Pennar for five years with a view to see whether there are available supplies in the river for irrigation under the proposed project. The consideration of the project will be taken up after the results of the gaugings are known.

(b) No.

(c) Does not arise.

Mr. G. RAMESWARA RAO:—"With reference to the answer to clause (b), does the Hon. Member assure me that even the Collector has not received any representations in this matter?"

The Hon. Mr. C. A. SOUTER:—"I have stated categorically that no representations have been received."

Mr. G. RAMESWARA RAO:—"I want to know whether even the Collector has not received any representations in this matter?"

The Hon. Mr. C. A. SOUTER:—"I have no information, Sir."

Mr. G. RAMESWARA RAO:—"May I request the Hon. the Revenue Member to look into the matter and find out?"

The Hon. Mr. C. A. SOUTER:—"I think perhaps if the hon. Member would go to the Collector, he would probably get a quicker answer than I can give him."

Report of Soil Survey regarding the Tungabhadra Project.

* 296 Q.—MR. G. RAMESWARA RAO: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the report of Soil Survey re. the Tungabhadra Project has been received by the Government;

[30th October 1935]

(b) whether any arbitration committee has been appointed regarding the sharing of the Tungabhadra Project; and

(c) what steps the Government are taking to expedite the matter?

A.—(a) No. The survey operations are expected to continue at least till the end of February 1936.

(b) & (c) No. If the hon. Member refers to the sharing of the Tungabhadra waters, his attention is invited to the answer given to question No. 152.

Mr. G. RAMESWARA RAO:—“ May I know whether any arbitration committee has been appointed and if so, when it is likely to begin its sittings? ”

The Hon. Mr. C. A. SOUTER:—“ I think I have already told this House that the matter is with the Government of India. We have made our recommendations and it is for them to take further action. The Madras Government cannot at present take any action of its own accord.”

Mr. G. RAMESWARA RAO:—“ I want to know whether any further action has been taken since? ”

The Hon. Mr. C. A. SOUTER:—“ Since when? ”

Mr. G. RAMESWARA RAO:—“ Since Question No. 152 was last answered.”

The Hon. Mr. C. A. SOUTER:—“ Not so far as I am aware, Sir.”

Publication of the report of the Special Officer appointed, in the first instance, to report on the possibility of providing irrigational facilities from the Mettur Reservoir to Salem.

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

(a) who the Special Officer is who has been deputed to investigate originally into the possibility or otherwise of providing water for irrigation in Salem district from the Mettur reservoir;

(b) for how long the investigation was made, and what the expenditure involved is;

(c) whether a copy of the original report made by him will be placed on the table;

(d) what the remarks of the Chief Engineer for Irrigation are on the said report, and whether a copy of it will be placed on the table; and

(e) what orders have been passed by the Government on the same, and whether a copy of it will be placed on the table?

A.—(a) M.R.Ry. V. Ayyadurai Ayyar Avargal, now Deputy Chief Engineer for Irrigation.

30th October 1935]

(b) (i) From 26th February 1929 to 31st December 1929.

(ii) Rs. 37,195.

(c) to (e) The attention of the hon. Member is drawn to G.O. No. 1214 L., dated 14th April 1930, which was placed on the table, on 6th November 1930.

Insufficiency of sluices in the Chepad project, Proddatur taluk.

* 298 Q.—Mr. T. NARASA REDDI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the ryots of lands under the Chepad project are complaining of the insufficiency of sluices to irrigate their lands;

(b) whether the Public Works Department has bestowed any attention to the above grievances;

(c) whether it is a fact that an uneven rate of water-cess is levied on the lands of the above Chepad project in Proddatur taluk;

(d) how many sluices have been sanctioned to be constructed in the above channel and when were they sanctioned; and

(e) whether it is a fact that there is yet a large area which can be irrigated under the project provided the number of sluices is increased in this channel?

A.—(a) Yes.

(b) Yes.

(c) The attention of the Hon'ble Member is invited to the rules for the levy of water-cess in the taluk. A copy of the rules is annexed.*

(d) Two additional sluices were sanctioned by the Chief Engineer for Irrigation in 1934-35. The existing sluice at mile 19-0-430 ft. has been ordered during the current year to be shifted to mile 18-7-520 ft. in the right bank of the channel and sanction given for forming a high level field channel in rear of it.

(e) The extent of land still to be brought under irrigation is about 3,000 acres. It does not seem necessary to increase the number of sluices in order to bring this extent under cultivation.

Publication of the rules regulating the supply of water under the Mopad reservoir.

* 299 Q.—Khan Bahadur YAHYA ALI SAHIB Bahadur: Will the Hon. the Member for Revenue be pleased (i) to place on the table of the House a copy of the water regulations now in force under the Mopad reservoir; and (ii) to state—

(a) whether it is a fact that in the year 1933-34 the sluices were opened for irrigation when the supply in the reservoir was 12 feet and in the year 1934-35 when it was only 10 feet;

* Printed as Appendix IX on pages 228-229 infra.

[30th October 1935]

(b) why it was not opened this year till now when the reservoir has a supply of 13 feet;

(c) when sluices were opened and closed for first and second crops in each year during the last five years; and

(d) how many times the reservoir surplussed after its construction?

A.—(i) No rules have been framed yet for the regulation of water issued from the Mopad reservoir. The matter is under the consideration of the local officers.

(ii) (a) The level of water in the reservoir was 15.9 feet in 1933-34 and 10.5 feet in 1934-35 when the sluice was first opened for irrigation.

(b) The sluice was opened this year on 18th July 1935 when the reservoir level was 12.75. The reservoir is generally opened only on the 15th July or later according to the supplies available. This year the opening was delayed by a few days as repair works had to be check-measured.

(c) As the first and second-crop seasons are continuous there are no separate dates of opening and closure for each crop. The dates of opening and closure during each of the last five years were—

		Date of	
		Opening.	Closure.
1930-31	.. .. .	27th August 1930.	15th May 1931.
1931-32	.. .. .	15th July 1931.	1st April 1932.
1932-33	.. .. .	5th July 1932.	31st January 1933.
1933-34	.. .. .	3rd Decem-ber 1933.	26th May 1934.
1934-35	.. .. .	15th July 1934.	27th March 1935.

(d) Three times, i.e., in 1922-23, 1925-26 and 1930-31.

The Survepalli Reservoir.

* 300 Q.—Khan Bahadur YAHYA ALI SAHIB Bahadur: Will the Hon. the Member for Revenue be pleased to place on the table of the House a comprehensive statement regarding the proposals for improving the Survepalli reservoir and the cost of those improvements?

A.—The detailed investigation of the scheme for improvements to the Survepalli reservoir was taken up last year and has been completed. Plans and estimates are under scrutiny by the local officers. Details of the proposals and their cost will become available only after the final report on the scheme is received.

30th October 1935]

Contracts for repairs to tanks in the Nellore district.

* 301 Q.—Khan Bahadur YAHYA ALI SAHIB Bahadur: Will the Hon. the Member for Revenue be pleased to state—

(a) the amount of money spent or proposed to be spent during the current financial year on repairs to Public Works Department tanks in the Nellore district—giving the list of tanks and the amount spent on or allotted to each tank;

(b) whether it is a fact that the Government have stipulated that the ayacutdars under each tank must have the right of getting contracts; if so, whether it has been observed all through;

(c) whether it is a fact that contracts were given to a few professional contractors in the name of some petty ayacutdars under each tank; if so, in how many cases it was done; and

(d) whether the Government will be pleased to call for investigation and report?

A.—(a) The hon. Member presumably refers to the works proposed to be carried out during the current year under the special accelerated and widespread programme of improvements to irrigation works. A statement giving the available information is laid down on the table.*

(b) Instructions have been issued by the Board of Revenue that the works selected should, as far as possible, be given on contract to the ayacutdars or to the chief persons selected by and from among them, or to village panchayats where they exist and are functioning.

(c) The Government have no information.

(d) The Government do not consider it necessary to do so.

MR. V. T. ARASU:—“ With reference to clause (b) may I ask whether the hon. Member will be pleased to issue instructions to the other districts also to the effect that where such works are being carried out, the contracts should be given as far as possible to the ayacutdars or to the chief persons selected by and from among them, or to village panchayats where they exist and are functioning? ”

The Hon. Mr. C. A. SOUTER:—“ These instructions of the Board of Revenue are general to all districts.”

Progress of the proposal for the construction of an anicut across the Pillapperu river in Nellore district.

* 302 Q.—Khan Bahadur YAHYA ALI SAHIB Bahadur: Will the Hon. the Member for Revenue be pleased to state—

(a) at what stage the question of constructing an anicut across the Pillapperu river in Nellore district is;

[30th October 1935]

(b) whether gaugings have been taken to ascertain the quantity of water usually flowing each year; and

(c) whether at the time of constructing an aqueduct over the river, such gaugings were not observed?

A.—(a) & (b) Gaugings of the river to determine the supply available are in progress.

(c) No gauging of the day-to-day flow of the Pillapperu were made while designing the aqueduct as they were not necessary for the purpose. Detailed gaugings are now necessary to know what amount of steady supply can be expected in the river during the irrigation season.

Progress of the Siruvani Irrigation Scheme.

* 303 Q.—Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) the stage at which the irrigation part of the Siruvani Water-supply Scheme stands;

(b) the extent of lands the scheme is intended to irrigate; and

(c) whether the scheme will irrigate lands which are now under dry or whether it will add to the existing source of irrigation for wet ayacut?

A.—(a), (b) & (c) Three schemes are under consideration of the local officers. They are—

(1) Excavation of a separate channel from the right side of the Chitrachavadi anicut for giving direct irrigation to 1,600 acres of new land;

(2) supplementing the supplies to the existing irrigation under tanks in the Noyyil basin; and

(3) supplementing the supplies to the Ukkulam tank so as to bring under irrigation an additional area of 750 acres.

The local officers are considering the question as to which of the three alternative schemes should be taken up.

Construction of gravel roads on the canal bunds of the Kistna Western division.

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

(a) whether in some canal bunds in Kistna Western division certain gravel roads, 4 feet wide, are being constructed;

(b) if so, what the reasons are for constructing roads only 4 feet wide; and

(c) how much money the Government have spent till now in each division in the Bezvada circle on such roads?

30th October 1935]

A.—(a) No gravel 'roads' are formed on canal bunds; but along the top of one of the banks of a few important channels gravel to a width of 2 to 4 feet is spread.

(b) The reasons for spreading gravel are—

(1) to preserve the top of the bank from deterioration,

(2) to facilitate inspection of channels, and

(3) to serve as a good towpath for towing inspecting officers' pinnaces.

It is unnecessary to make wider banks. If the banks were made wider, carts would be taken unauthorizedly by villagers and the banks damaged.

(c) Expenditure on this item forms part of the expenditure on special repairs which includes revetment of banks, etc. It is not possible to give separate information as to how much money has been spent on spreading gravel.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether the amount which they are spending for making these gravel paths are not coming from the amounts sanctioned by Government for the repairs of these irrigation channels and therefore the irrigation channels are not being properly repaired by them?"

The Hon. Mr. C. A. SOUTER:—"I do not think it follows."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I ask whether the Government are prepared to enquire into the matter and find out whether or not the department has spent over a lakh of rupees in this circle alone for making these gravel roads?"

The Hon. Mr. C. A. SOUTER:—"I do not think any advantage would be gained by making such an enquiry."

Land Revenue Administration

Lapse to Government of tasdik allowances due to temples in South Kanara during the last 30 years.

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

(a) the total of the tasdik due to temple and other religious institutions which have lapsed to the Government within the last 30 years in the district of South Kanara;

(b) the number and names of the said institutions and the amount which the said institutions were entitled to get;

(c) the reasons why they have lapsed; and

(d) the number of institutions to which the said grants of tasdik have been since restored and the amount so paid?

A.—(a) to (d) The Government have not the information and it cannot be collected without considerable labour.

[30th October 1935]

Mr. U. C. SUBRAHMANYA BHATT:—“ May I know whether the Government would consider the question of paying these lapsed tasdik amounts to the temples in case applications are made by them? ”

The Hon. Mr. C. A. SOUTER:—“ I think I have already informed either the hon. Member or this House that the Collector can readmit any tasdik allowance which has lapsed and that if he refuses to readmit it, the Board of Revenue can do so. It is within the power of every temple whose allowance has lapsed to make such an application.”

Secretariat

Representation of the Andhras on the Secretariat establishment.

* 306 Q.—Mr. P. PEDDI RAMU: Will the Hon. the Member for Revenue be pleased to state—

(a) the number of Andhras employed—

(i) in the Revenue Secretariat,

(ii) in the Law Secretariat,

(iii) in the Development Secretariat;

(b) the number of vacancies that arose after the 1st April 1935 up to date and the number of vacancies that are likely to arise in the next four months of the year; and

(c) whether any applications have been received from qualified Andhras with reference to such vacancies?

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

(c) The selection of candidates for appointment to the clerical establishment in the Secretariat is made by the Madras Services Commission and Government do not entertain applications from candidates for such appointment.

Control of Vehicles

Refusal to issue licences to taxis five years old in Madras.

* 307 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Home Member be pleased to state—

(a) whether the Motor Vehicles Licensing officers at Madras are refusing to allow taxis five years old from running as taxis; and

(b) whether vehicles with landau body alone are now being insisted on to run as taxis?

A.—(a) No.

(b) Yes, saloon cars are now insisted upon.

* Printed as Appendix XI on page 230 infra.

[30th October 1935]

Mr. G. RAMESWARA RAO:—“ May I know why saloon cars are insisted upon in the case of taxis when private owners are allowed to have any kind of cars? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ The reason why saloon cars are insisted upon in the case of taxis to be newly registered is this: From the point of view of the passengers it is much more convenient than the others. Moreover, most of the manufacturers are now adopting the saloon as the standard and it has also been found by experience that it is much easier to keep it clean and tidy. It is to suit the convenience and comfort of the passengers that saloon cars are insisted upon.”

Mr. M. A. MANIKKAVELU NAYAKAR:—“ May I know what is the test for licensing: is it the sound mechanical condition of the car or is it the number of years for which the car has run? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ The sound mechanical condition of the car.”

Mr. M. A. MANIKKAVELU NAYAKAR:—“ Then why do they not grant licences to cars more than five years old? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ The answer says, ‘ No.’ That means that licences are not refused to cars simply because they are more than five years old.”

Criminal Tribes

Application of the Criminal Tribes Act to the Padayachis of South Arcot.

* 308 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Home Member be pleased to state—

(a) the circumstances under which G.O. No. 2707 L., dated 10th December 1934, bringing under purview of the Criminal Tribes Act, the Padayachis (Vanniyakula Kshatriyas) of the district of South Arcot was issued;

(b) whether any recommendation was made by the District Magistrate of South Arcot to issue the order in question;

(c) whether before issuing the Government Order any opportunity was given to the Padayachis (Vanniyakula Kshatriyas) to state their objections, and whether the Government will be pleased to place the entire correspondence on the table of this House; and

(d) whether any representations have been made to the Government to rescind the Government Order and what action has been taken on them?

A.—(a), (b) & (d) The attention of the hon. Member is invited to the answer given to clauses (a), (c) and (d) of question No. 166.

(c) No objections were invited and there was no correspondence on the recommendations.

[30th October 1935]

Subadar-Major S. A. NANJAPPA Bahadur:—"There was a statement by Government that the name of the community would be changed. May I ask the Hon. the Home Member whether the Government is doing anything in that direction?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The matter is still under consideration."

Mr. M. A. MANIKKAVELU NAYAKAR:—"Is it not a fact that the District Magistrate has recommended that the order in question should be cancelled or modified?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I do not think I can communicate to this House the report of the District Magistrate to the Government which is of a confidential nature."

Depressed Classes

Persons competent to issue poverty certificates for fee remissions and scholarships.

* 309 Q.—Rao Sahib C. JAYARAM NAYUDU: Will the Hon. the Home Member be pleased to state—

(a) whether there is any specific order that all poverty certificates for fee remissions and scholarships to depressed and backward classes should be issued by Government officials only of the rank of District Labour Officers, Tahsildars, Deputy Tahsildars, Magistrates and not by Honorary Magistrates;

(b) whether it is a fact that poverty certificates issued by Honorary Magistrates are accepted by the Educational department;

(c) whether it is a fact that poverty certificates issued by Honorary Magistrates are rejected by the Labour department; and

(d) whether it is a fact that a recent Government Order requiring poverty certificates to be signed by Government officials was suspended on the agitation of the minority communities on account of the difficulty that will be experienced in obtaining such certificates from Government officials and whether such suspension is still in force?

A.—(a) No.

(b) The Government have no information to the contrary. Under the Madras Educational Rules poverty certificates signed by Honorary Magistrates should be accepted.

(c) The Government have called for a report.

(d) No Government Order has recently been issued requiring these poverty certificates to be signed by Government officials only.

Mr. V. T. ARASU:—"In answer to clause (c) the Government say they have called for a report. This answer was given about ten weeks ago. May I ask whether the Government have since received the report?"

30th October 1935]

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The report has been received. The answer to the question is in the affirmative. But necessary instructions have been issued since."

Administration of Justice

Selection of candidates for appointments to the Civil Judicial department by the Madras Services Commission.

* 310 Q.—Mr. M. DEVADASAN: Will the Hon. the Law Member be pleased to state when the Government are going to transfer the power of selecting candidates for appointments in the Civil Judicial department to the Public Services Commission?

A.—There is no proposal now to transfer the power of selecting candidates to the posts of District Munsifs and Subordinate Judges to the Madras Services Commission. The Government have authorized the Madras Services Commission to select candidates for the ministerial establishments of the mufassal civil courts and the arrangements to be made in connexion with the selection are under consideration.

Age-limit for admission into the Civil Judicial department.

* 311 Q.—Mr. M. DEVADASAN: Will the Hon. the Law Member be pleased to state—

(a) what the prescribed age for admission into the service of the Judicial department is;

(b) whether the Government have relaxed this age-limit in the case of the depressed classes, Indian Christians and Muslims as they have done in Revenue and other departments; and

(c) whether any representation was made to the Government for the relaxation of this age-limit?

A.—(a) The hon. Member presumably refers to the posts of clerks in the Judicial department. The present age-limit is 25.

(b) The question is under consideration.

(c) A memorandum was presented by the hon. Member to His Excellency the Governor on the subject.

Appointment of an Additional Judge to the City Civil Court, Madras.

* 312 Q.—Mr. M. DEVADASAN: Will the Hon. the Law Member be pleased to state—

(a) whether the Government propose to appoint an Additional Judge for the City Civil Court; and

(b) whether the Government have called for applications for the post?

[30th October 1935]

- A.—(a) The question is under correspondence with the High Court.
 (b) No. The post itself has not yet been sanctioned.

Report regarding batta and daily allowance payable to jurors and assessors.

* 313 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Law Member be pleased to state—

(a) whether the Government called for any report regarding the batta and daily allowance payable to jurors and assessors; and

(b) whether it can be placed on the table of this House, with the orders of the Government thereon?

A.—(a) Yes.

(b) As final orders have not yet been passed, the question does not arise.

Mr. G. RAMESWARA RAO:—“ May I know when the reports were received by Government and when final orders will be passed? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ As early as possible.”

Mr. G. RAMESWARA RAO:—“ I know that the Hon. Member will not delay matters, but I just want to have an idea of the time when final orders will be passed.”

The Hon. Sir K. V. REDDI NAYUDU:—“ The issue of orders will not be deliberately delayed.”

Policy of the Government regarding recruitment of Official Receivers.

* 314 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Law Member be pleased to state—

(a) whether the Official Receiver of Anantapur has been kept under suspension;

(b) whether any applications were called for before filling up the temporary vacancy;

(c) whether it is the policy of the Government to appoint only possible candidates for Munsifs' appointments as Official Receivers; and

(d) how far the recommendations of the Civil Justice Committee in regard to the recruitment of Official Receivers have been adopted by this Government?

A.—(a) Yes.

(b) Appointment to the posts of Official Receivers is made on the recommendation of the High Court which consults the District Judge concerned before making its recommendation. The Government have no information as to whether the District Judge called for applications.

[30th October 1935]

- (c) & (d) Official Receivers are not appointed from the list of candidates selected for the posts of District Munsifs. The Civil Justice Committee's recommendation that Official Receivers should be selected, as Munsifs are selected and, if possible, included in the Munsifs' cadre was considered in 1925, but dropped. The question whether the method of recruitment suggested by the Committee or some other method should be adopted is under consideration now.

Mr. G. RAMESWARA RAO:—“ The question of the method of recruitment is said to be under consideration. Sir, seeing that this question has been under consideration for the past six months, may I know when it will reach the final stage? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ The matter is under the consideration of the High Court and the Government. It is not only one party that is concerned.”

Mr. G. RAMESWARA RAO:—“ May I ask whether the Government will conclude the matter shortly or whether it is still in correspondence between them and the High Court? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ Yes, it is still in correspondence.”

Progress of the proposal for the construction of a post mortem shed at Sankari and Yedapadi, respectively.

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

(a) at what stage the proposal for the construction of post mortem shed attached to the local fund dispensaries of Sankari and Yedapadi is; and

(b) when it is expected to be accomplished and what the reasons are for the delay?

A.—(a) & (b) Provision for the construction of a post mortem shed at Yedapadi has been included in the Budget Estimate for 1935-36. For want of funds no provision could be made for one at Sankari.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask, Sir, for how long the proposal for the construction of a post mortem shed at Sankari has been under consideration? ”

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

Provision of post mortem sheds in the Nellore district.

* 316 Q.—Khan Bahadur YAHYA ALI SAHIB Bahadur: Will the Hon. the Law Member be pleased to state—

(a) how many allopathic dispensaries in the Nellore district do not have post mortem sheds attached to them;

(b) in how many cases they are in a dilapidated condition; and

[30th October 1935]

(c) how long they have been so and when the Government propose to reconstruct them?

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

Communal representation among the non-gazetted subordinates of the Forest department in the Tinnevely district.

* 317 Q.—Mr. M. DEVADASAN: Will the Hon. the Law Member be pleased to state—

(a) the number of non-gazetted subordinates in the Forest department in the district of Tinnevely; and

(b) the number according to the communities to which they belong?

A.—(a) & (b) A statement furnishing information in regard to the Tinnevely division is appended.*

Mr. M. DEVADASAN:—“ Sir, out of 53 forest guards only 4 belong to the depressed classes. Is that small proportion due to the fact that there was not a sufficient number of depressed classes coming forward as applicants? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I cannot answer that question. It may be one of the reasons. The other reason may be the want of the necessary qualifications.”

Mr. M. DEVADASAN:—“ I find from the answer to the next question that there were 39 applicants from depressed classes and Indian Christians? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ Yes, Sir. Of these 24 have been appointed.”

Forests

Appointment of Indian Christians and the members of the depressed classes to the Forest department in the Tinnevely district during 1930–35.

* 318 Q.—Mr. M. DEVADASAN: Will the Hon. the Law Member be pleased to state—

(a) how many applications were received by the District Forest Officer, Tinnevely, from 1930 to 1935 for the posts of guards, watchers, etc., from the depressed classes and the Indian Christians; and

(b) how many of the applicants were appointed?

A.—(a) Number of applications from 1930 up to 26th September 1935—

Depressed classes	...	...	...	20
Indian Christians	...	...	...	19
				—
Total	...	...	...	39
				—

(b) Twenty-four.

* Printed as Appendix XII on page 231 infra.

30th October 1935]

Principles guiding the prescription of grazing fees in Reserved forests and panchayat forests.

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

(a) on what principles the rates of grazing fees are fixed in respect of each reserved forest as well as each panchayat forest;

(b) whether these rates are uniform in all the forests at least in each district; and

(c) if they vary from place to place, what the reasons therefor are?

A.—(a) In the reserved forests, grazing fees are fixed with reference to the following principles:—

(i) though grazing fees contribute largely to the forest revenue, they are not looked upon primarily as a source of revenue;

(ii) their levy is made more with a view to regulate grazing in the interests of cattle and of its improvement for the prosperity of agriculture, so that grazing grounds are protected by limiting the number of cattle to be admitted to grazing; and

(iii) permission to graze is a concession of value the grant of which should be regulated with close reference to the betterment of the cattle of the ryots. In the case of Panchayat forests, the panchayats are allowed to fix the rates subject to the condition that the rates should not ordinarily exceed the departmental rates obtaining in the locality.

(b) No.

(c) The reasons for the variation are local and are due to climatic and economic conditions obtaining in the different areas, the amount of grazing available and the demand therefor.

S. M. K. BEYABANI SAHIB Bahadur:—“ With reference to the answer to clause (a), in view of the fact that in the Kurnool district there are vast areas of forests, may I ask whether the Government will consider the desirability of reducing the grazing fee in that district? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ These circumstances were taken into account when the fees were fixed.”

Disafforestation of the Lakkampatti reserve to provide lands for the people of Samballi village, Salem district.

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

(a) whether it is a fact that the Lakkampatti Reserve in Alamarathupatti village of the then Mettur taluk of Salem district was

[30th October 1935]

ordered for disafforestation for providing lands for the people of Samballi village which was submerged in the Mettur Reservoir;

(b) what the extent is of the whole forest and what the portion disafforested is;

(c) whether a copy of the order of disafforestation and assignment will be placed on the table;

(d) whether the assignment of the disafforested area has been completed and who the persons are who have been given the lands; and

(e) if not, at what stage it is and why the matter is kept pending?

A.—(a) There is no reserve by the name of "Lakkampatti Reserve."

(b) to (e) Do not arise.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask, Sir, what is the area that has been ordered to be disafforested in the village of Alamarathupatti?"

The Hon. Sir K. V. REDDI NAYUDU:—"I will be able to give it to the hon. Member a little later to-day."

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

II.—ELECTION OF A MEMBER TO THE COURT OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

* The Hon. the PRESIDENT:—"I have to announce that Messrs. Basheer Ahmed Sayeed and K. A. Nachiyappa Gounder were nominated for election of a member to the Court of the Indian Institute of Science, Bangalore. As Mr. Nachiyappa Gounder has since withdrawn his candidature, I declare Mr. Basheer Ahmed Sayeed duly elected by the Madras Legislative Council to the Court of the Indian Institute of Science."

III.—A BILL FOR THE IMPOSITION AND LEVY OF LICENCE FEES ON THE SALE OF TOBACCO IN THE PRESIDENCY OF MADRAS (BILL No. 17 OF 1935)—cont.

* The Hon. the PRESIDENT:—"The discussion of the Tobacco Bill will continue."

* Sir A. T. PATRO:—"Mr. President, Sir, only a few months back both the Hon. the Revenue Member and the Hon. the Finance Member introduced a proposal in this House for relieving the agricultural population from their chronic indebtedness and saving them from the clutches of sowcars. Steps were taken for the relaxation of the terms of the grant of takavi loans and for advancing loans to

A BILL FOR THE IMPOSITION AND LEVY OF LICENCE FEES ON THE SALE OF TOBACCO IN THE PRESIDENCY OF MADRAS (BILL NO. 17 OF 1935)

30th October 1935]

[Sir A. P. Patro]

agriculturists on favourable terms. We all rejoiced and were very thankful to the two Hon. Members for having come forward to give such relief to the poor ryots and cultivators. But so soon after this comes this measure which has not been before the public for a long time, nor has the public had any notice of it for many weeks. To bring forward this measure of taxation at this juncture seems to me to be very unwise and impolitic. It will be disastrous to the interests of the constitutional parties and it will be really placing the Ministerialists and the Constitutionalists, those who are supporting the Government, in a very difficult position. On the eve of the new Reforms you would be placing them in a very difficult position before the electorate. The electorate as at present extended consists of tens of thousands of people in the villages. Everywhere when you approach them in the villages what is it that they ask you? 'Will the new Reforms impose fresh burdens on the taxpayer?' That is the question that is universally asked by the voters. The Ministerialist and Constitutionalist parties in the country will have to face the situation and if it is the real and sincere desire of the Government to support the Constitutionalists and not support their opponents and the Congressmen, then I am afraid it is very untimely that this measure should be brought forward now. I know that the present policy of the Government is to approach Congressmen as much as possible. Even the Congress journals have now become very very moderate and I am not surprised at this attitude. No doubt certain Congress journals are in great favour with high authorities. Their political conscience is completely altered now. We find that Government measures and information about them are known to them. We find to-day that the Government have changed their attitude and their policy towards the Congress party. I am not one of those who are opposed to the real and true patriotism of the Congress. But I am opposed to the destructive policy of the Congress. Knowing as the Government do, the policy of the Congress, the attitude of the Government at this juncture places the Ministerialists and Constitutionalists under a great handicap and it seems to be a very unwise policy. They are digging a grave for the Justice party and the Justice movement in this province. Take this fact from me. You may say that you are taking steps to relieve the distress of the agriculturists, i.e., by remission of land revenue. Those attractions, those temptations, will not compensate the evil you are doing them now. The good that you do will be forgotten and the evil you do will survive, it will survive to destroy the Justice movement in this Presidency.

"Without pursuing this point further, I shall now say categorically my objections to this Bill. My first objection is this; hitherto many attempts were made in this direction in this province; in the West Coast the experiment was sought to be tried and it was given up. Secondly, there is no financial need at present to levy this new tax. Thirdly, the tax is inequitable and unjust and it will affect both the grower and the consumer. Fourthly, it is opposed to public opinion.

11-30
a.m.

[Sir A. P. Patro]

[30th October 1935]

Fifthly, the net yield is so small that it is not worth while to pursue this Bill; the game is not worth the candle, a revenue of Rs. 12 lakhs, in a budget of Rs. 17 crores; it is a very small income. My next objection is to the rule-making power; power is given to make rules for every section of this Bill; the Bill is only a skeleton; everything else, all the details, have to be filled up by the Secretariat or the executive authority. I am opposed to the principle of the Council delegating this power to the executive authority to make rules. On practically all vital points, the Bill is silent; they will be filled up by the executive authority, by rules made by the Secretariat. Then, Sir, my next objection is that it is unfair that taxation proposals should be taken up at the fag-end of the Legislative Council; we are practically disappearing in a few months; when we are disappearing, why should we give a present to the next Council? It may be the fortune of some of us to be returned; it may be the misfortune of others of us not to be returned. Is it wise that we should consider this Bill now? This is a great handicap to the Ministerial party, to the Constitutionalist party.

"I have stated my objections categorically. The financial position of the province is quite all right; I have already dealt with this point; I shall however make a few remarks on some of the points with a view to convince the House that this measure is not at all necessary to provide revenue to this province. This is not at all a useful measure. I shall refer now to the financial position of the province. I wish to draw the attention of the House to G.O. No. 7, dated 5th January 1928. I have been repeatedly asking, in my budget speeches, the Hon. the Finance Member and the Finance Department to account for the sum of Rs. 348 lakhs released to us by the Government of India by the cancellation of the iniquitous impost. We had to the advantage of this province the sum of 348 lakhs in the year 1925-26. What became of this sum? The Finance Secretary's memorandum shows that we are in a deficit now. The money has not disappeared; it is there in the budget; the complaint is only against the method and the manner in which the budget has been prepared all these years; the complaint is about the financial policy the department is pursuing. I would like to remind the House of the statement made in paragraph 11 of G.O. No. 7, dated 5th January 1928. 'It could be seen by an examination of the budgets of the last three years to see how this policy has worked out in practice. The year 1924-25, the last year in which the full provincial contribution of Rs. 348 lakhs was paid, closed with an expenditure of Rs. 23 lakhs in excess.' Finally, the budget speech states the position in the year 1928: 'Of the total increase of Rs. 273.88 lakhs in the expenditure since 1924-25, Rs. 176 lakhs represent additions to our recurring commitments. The balance left for further recurring expenditure is thus Rs. 123½ lakhs.' That is the position as stated in the Government Order, dated 5th January 1928. Then the Government Order says: 'In these three years our normal revenues have increased

30th October 1935]

[Sir A. P. Patro]

from Rs. 1,677.25 lakhs to Rs. 1,708.53 lakhs or on the average by Rs. 10½ lakhs a year.' This will show that a balance of Rs. 123½ lakhs was left at the end of the year 1927, for further recurring expenditure . . ."

The Hon. Mr. G. T. H. BRACKEN:—"May I correct the hon. Member on one point? Our revenue now is Rs. 15 crores, no longer Rs. 17 crores."

* Rao Bahadur Sir A. P. PATRO:—"I am referring to the Finance Secretary's memorandum annexed to in G.O. No. 7, dated 5th January 1928. I shall read out later on how our revenues have progressed and how our expenditure has decreased. I have not reached that point. The Hon. the Finance Member may have a little patience to listen to me. I beg to draw the attention of the House to the speech of the Hon. the Finance Member in connexion with the presentation of the budget for the year 1928-29. That speech is very accurate with regard to the financial condition of our Province . . ."

Mr. W. K. M. LANGLEY:—"It states the position as it stood at that time."

* Rao Bahadur Sir A. P. PATRO:—"I do not know what the hon. Member (Mr. Langley) will have to say when it is a question of counting rupees, annas and pies. The general financial position, as stated by the Hon. the Finance Member when introducing the budget for the year 1928-29, is this:

'We anticipate an opening balance in the revenue account of Rs. 312.58 lakhs, revenue receipts amounting to Rs. 1,697 lakhs and a total revenue expenditure of Rs. 1,747 lakhs. The excess expenditure will be met by drawing upon our opening balances to the extent of Rs. 50 lakhs.'

I would ask the hon. Member representing the Planters to note this statement. I am referring to this point in order to show that even if there is to be a deficit in our budget to-day, it is not to be met by fresh taxation but by drawing upon our revenue reserves. The Hon. the Finance Member further says—

'It will leave us with a closing balance in the revenue account of Rs. 239.05 lakhs at the end of the year 1928-29.'

The point which I wish the House to understand is this; even accepting that there is going to be a deficit, it is not very alarming and we need not bring forward a measure of fresh taxation; the alternative remedy is this; we will draw upon our revenue balances. This was what was done in the year 1928-29. Then I shall refer to the budget speech of the Hon. the Finance Member, the Hon. Mr. H. G. Stokes introducing the budget for the year 1934-35. He was then in favour of withdrawing the cut in salaries of Government servants. He said, 'we anticipate a comfortable surplus of Rs. 60 or Rs. 70 lakhs.' In connexion with giving relief to the officials whose salaries had been cut, he referred to this financial position of the province then. He said that they had got a revenue closing balance of Rs. 271 lakhs. When

[Sir A. P. Patro]

[30th October 1935]

he thought that Part II schemes had to be provided for, he stated that he could draw upon the revenue balances. It has been said that the speech of the Hon. the Finance Member last year is very optimistic. We have already seen that our expenditure is not much more than our revenues”

The Hon. Mr. G. T. H. BRACKEN:—“The financial position explained was in accordance with the original budget estimate and not in accordance with the revised budget estimate.”

* Rao Bahadur Sir A. P. PATRO: “If it is a correction, I accept it; but I do not think that it alters very much the facts before us.

11-45 a.m. “Then, Sir, in his last year’s speech, the Hon. the Finance Member says—

“The total amount to be drawn during 1934-35 from the revenue balances will thus be Rs. 88.95 lakhs. We expect to close the current year with a balance in the Revenue account of Rs. 268.87 lakhs. Deducting, on the other hand, the anticipated net expenditure on account of Part II schemes for next year (i.e., Rs. 25.37 lakhs) and the amount to be drawn from the balances for capital expenditure (Rs. 88.95 lakhs), the closing revenue balance for 1934-35 is estimated to amount to Rs. 184.38 lakhs.”

That is, we have practically about Rs. 2 crores to draw upon if any deficit occurs. This deficit which has been referred to by the Hon. the Finance Member is a temporary deficit.

“Then again, the speeches made by the Hon. the Finance Member in both the years, i.e., 1934 and 1935, took into consideration the question of revenue remissions, although the higher resettlement rates introduced in the Guntur and Salem districts were not taken into account. Nevertheless, we find in the Finance Member’s speech in paragraphs 6 and 7 that the question of revenue remissions to the extent of nearly Rs. 70 lakhs was taken into account. And having taken into account these considerations, the final conclusion he arrived at was that the ‘closing revenue balance for 1934-35 is estimated to amount to Rs. 184.38 lakhs.’ Sir, I have laboured this point only with a view to convince hon. Members that the taxation of tobacco is not the only source of revenue left to us. This tax will oppress the poor people and all the people generally. In order to avoid such hardship to the people, Government can safely draw upon the balances we already have. Why not draw on the balances in times of difficulty such as this, instead of creating difficulties for the people? That is the position I wanted to make out by reading the speeches of the Hon. the Finance Member all these years.

“A question was asked as to whether there has been any increase in the revenue of this province. I request the House to bear with me for a while and refer to page 8 of the Budget Memorandum for the year 1934-35. The figures given there have been readjusted and revised and

30th October 1935]

[Sir A. P. Patro]

are shown at page 9. I shall read the figures for the years 1930-31 to 1932-33:

							LAHRS.
1930-31	..	..	..	..	..	..	Deficit, Rs. 102.02
1931-32	..	..	..	..	..	..	Surplus, Rs. 4.32
1932-33	..	..	..	..	..	..	Surplus, Rs. 100.99

This is according to the revised statement. According to the first statement, the surplus was expected to be 77.21 lakhs. Therefore, I say, holding such balances in the bank, why should we rush forward with this Bill now, which is after all going to bring in a petty sum of Rs. 10 lakhs to be added to a budget of Rs. 17 crores? Could not the Government find means to scrap Rs. 20 lakhs or Rs. 15 lakhs from out of this year’s budget? Is it not practicable? (The Hon. Mr. G. T. H. Bracken: ‘No.’) Sir, if I am not presumptuous enough in the matter—I hope he will not take me as presumptuous—I am quite prepared to offer my assistance to the Hon. the Finance Member and show that we can scrap Rs. 15 lakhs from out of our budget, without affecting the standard of efficiency of the administration.

“Again, Sir, an experienced Finance Member, I think it was Sir Charles Todhunter, has laid down the policy that should guide us in these matters. He said:

“Our aim ought therefore to be to retain a minimum closing balance of half a crore of rupees as an insurance against these evils.”

“He thought that half a crore of revenue balance was quite sufficient for meeting any sudden changes that might take place. When Rs. 50 lakhs was found to be quite sufficient for the proper financial administration of this province, why not we now, when we have nearly Rs. 2 crores, draw upon our savings, instead of taxing the poor people?

“Sir, I have tried to explain the position from my point of view to show that there is no need for this taxation measure. It is a harassing tax, and after all, it is expected to bring in only Rs. 10 lakhs. It is not worth troubling the peasants and the poor people of the ryotwari and zamindari areas. Whom does it affect? It affects the labourers, peasants; there are of course representatives here who represent or pretend to represent the labouring classes. I do not see many of them here now, but anyhow I say to the labouring classes: beware: the cheroots that you and your friends buy in the villages, the tobacco they buy for chewing purposes after a hard day’s work, or after coming out from the fields—they are going to be taxed! Those people may not have even sufficient food to eat or even sufficient cloth to wear, but they must have the tobacco to chew. Every boy and girl and man and woman in the Northern Circars, especially in the Godavari, Kistna and Guntur districts, wants his or her smoking. Where is he or she to find the money from? (Interruption by Mr. Arasu.) My Friend, Mr. Arasu—representing, I do not know whom—does not perhaps know it quite well. He is a city bird, and

[Sir A. P. Patro]

[30th October 1935]

therefore he may not be able to see what it means to the poor cultivator in the villages. But the Hon. the Finance Member has been in the Ganjam, Vizagapatam and other northern districts and he knows the condition of the people there. He knows how far it is necessary for them. This tobacco is not a luxury but a necessity. Why do you want to deprive the poor peasants of this absolute necessity? I know Congressmen have been proposed for the Select Committee; I know the Leader of the Opposition also is there. (Dr. P. Subbarayan: 'I am not on the Select Committee.') I am glad that you are not there. But if the Congress party is represented on the Select Committee, I presume that the party accepts the provisions of this Bill. Otherwise, the Members would not agree to serve on the Committee. I see Rao Sahib N. Siva Raj who represents the Depressed Classes is there. I do not know whether he has any great concern for the poor struggling people of his community. I am sure if only he sees them in the villages, he won't consent to it; but I leave it to his discretion. And there are many other Members there who belong to one party or the other, the Justice party or the Justice Ministerialist party.

"My friends, I have said enough. I won't say more. Beware: you will be faced by many critics on the question of this Bill; they will say: 'this is the final achievement of the party in power; wipe them out; wipe out the party; we will come in and relieve you of every burden of taxation.' Sir, this is not a mere political view, but this is what will actually happen. Therefore, I say this Bill is untimely. Why not leave it to the new Council which will be formed next year or in 1937 or so? Let them take this responsibility if they want to balance their budgets. Why should this House which has survived now for four or five years unnecessarily—as is seen from the kind of interest taken by Members in such an important matter as this—take it up? Why not leave it to a more responsible House? Why should this dying House take up this measure? Therefore, Sir, I appeal to the Members on all sides not to be a party to the passing of this Bill. It is not a political expediency I am pointing out; what I have said will actually happen. Some of you no doubt may not care to contest the elections; but in the interests of my party, in the interests of the Justice movement in this Presidency, I appeal to you to consider seriously whether you will be justified at this juncture in burdening the tax-payer with this measure and then going and asking him to give you his votes."

MR. ABDUL HAMEED KHAN:—"Mr. President, Sir, I move that the Bill be circulated for the purpose of eliciting public opinion."

"Sir, this Hon. House is at this stage aware of the feeling in the country with regard to this measure. The hon. Member from Ganjam, Sir Patro, in his most effective speech, has already told the House that the people are not very much in favour of this fresh taxation. My first argument in support of my motion is that sufficient

30th October 1935] [Mr. Abdul Hameed Khan]

time has not been given to the people to consider the effect of this Bill on them. It will be noticed that the Bill was published in the Gazette of the 8th of this month. It is now only 18 or 20 days after the publication in the *Fort St George Gazette*. Sir, how many people are there who really benefit from any information that is vouchsafed to them through the medium of this Gazette? The number of such people is certainly very small, and particularly those people who are affected by this measure are not the people who utilize any information given to them by means of this *Fort St. George Gazette*. In view of the fact that the Government intend, by means of this Bill, to levy fresh taxation on a class of people who in one case are consumers and in the other case are manufacturers, it is necessary, in order that those people should be prepared for a measure like this, that sufficient publicity should be given to it, and sufficient time should be given not only for those people to understand the effect of this measure on them but also to enable the Government to know exactly how the people view this question.

"Sir, in every country in the world, if a measure for fresh taxation is sought to be introduced, sufficient publicity is given to it and the people are taken into confidence. Students of history may know how in other countries people have resorted to extreme measures in order to make the Government feel that they would not be justified in levying fresh taxes without taking the people into their confidence and without the consent of the people. Whereas here a Bill for fresh taxation is sought to be introduced without giving the people sufficient opportunity to give expression to their opinion on it. I therefore believe that useful purpose will certainly be served by giving the people who will be affected by this measure sufficient time to consider it and to express their opinion on it, and to be prepared to meet the effects of a measure of this character. It is with that object in view that I have tabled this motion. I am not opposed to this Bill on its merits, excepting for the fact that this measure being one for the imposition of fresh taxation, it is necessary that the people should say whether they will be able to bear the burden of fresh taxation, and also that Government should know what is the opinion of the people on the matter. When once the Government circulate the Bill among the people—whether among the consumers or the manufacturers whose number is certainly large—and they are spread over the whole of the province—Government will know that the country is certainly not prepared for this. It is possible that there may be differences of opinion, and it will certainly be to the interest and advantage of the Government to find out how many people are not in favour of this measure. If, on the other hand, Government find that there is a large volume of opinion in favour of this measure, their hands will be strengthened and they will certainly be justified in pushing this measure forward."

12
noon.

[Mr. Abdul Hameed Khan] [30th October 1935]

“ Sir, in regard to the other aspect of the matter, whether fresh taxation is necessary or not, the question was discussed in this House and of course the Hon. the Revenue Member and the Hon. the Finance Member have come forward with the view that additional sources of revenue have to be tapped. In view of the facts that Government had to give remissions and that their finances are dwindling, Government have to find out ways and means of augmenting their finances. But whether this is a proper measure for augmenting the finances of the Government is a question which the people have to decide.

“ Again, Sir, in regard to the opinion of this House so far as I could gather, some people think—and even the Hon. the Revenue Member also in his speech made us believe that the consumer will certainly not be affected. He gave an instance of the number of beedies one might be able to purchase for a pice; that is, according to this Bill, instead of seven beedies he will be able to get only six. I do not think the matter is so simple as that. If you examine the question thoroughly, you will find that instead of getting eight beedies as at present, ultimately the consumer will get not more than four beedies. The moment any tax is levied on any commodity or any manufactured article, though the tax may not be heavy or incommensurate with the price that the manufacturer puts up on the articles on the plea that additional tax has been levied on the commodity, I am afraid, on account of the tax, the price of the commodity will increase and the consumer will ultimately be the person who will have to pay not only the amount of the tax, but even four times the amount that is levied on the manufactured articles.

“ Then, Sir, we have to consider the standpoint of the wholesale merchants dealing in tobacco, both manufactured and raw. I know some of the merchants not only in the City but also in other parts of the province, on account of their long-standing business, have had to give large credits in the market. If we only calculate the credits they have given, I am sure the total will come up to thirty or forty lakhs of rupees on account of this business. The moment this Bill is passed, it is these merchants that will be the losers and all their credit amounts will be lost to them and they will not be in a position to recover all the amounts that they have advanced on this business.

“ The most objectionable portion of this Bill is the monopoly vend. Bombay Act I of 1933 does not contain this provision. It only deals with this matter by levying a fixed licence fee. Now, this Government, with a view to reduce the expenditure on collection, I am afraid, are likely to resort to this monopoly vend. This monopoly vend is something like what is obtaining under the Abkari Act. One can understand the Government resorting to monopoly vend so far as intoxicating liquors are concerned. In the Statement of Objects and Reasons the Government say that it is not their intention to restrict the use of tobacco. When

30th October 1935] [Mr. Abdul Hameed Khan]

they do not wish to restrict the use of tobacco, I do not know why they should put this commodity on a par with intoxicating liquors. If they resort to monopoly vend in this case, the merchants will not only suffer financially, but they will also undergo heavy losses. It will certainly not be advantageous to the merchants dealing in this commodity. I therefore believe that when a measure of this nature is introduced, sufficient time should be given to the people who will be affected by the passing of this measure in order that they may give expression to their grievances. If the Government find that sufficient support is forthcoming from the public for this measure, they may come forward and introduce it and get it passed in this House.”

* Mr. K. A. NACHIYAPPA GOUNDER:—“ Mr. President, Sir, I have much pleasure in seconding the motion so ably moved by my hon. Friend, Mr. Hameed Khan. This is a measure, Sir, which affects the people, I mean, the poorest classes in the rural areas, very greatly. This Bill was published in the *Fort St. George Gazette*, as has been already pointed out by the previous speaker, on the 8th October 1935 and I believe even many of the hon. Members of this House could have had their attention drawn to it only after seeing the agenda wherein it is mentioned that the Bill was published in such and such a gazette. There was therefore hardly time even for the Members of this Council to study the Bill in all its implications. When such is the case, it could not have attracted the attention of the general public who are greatly affected by this measure. When such a measure is brought in, it is quite necessary that the people who will be affected by it should have sufficient knowledge of it so that they may express their opinion. It is in this view that I am seconding the motion. Personally I should say, I am in opposition to this measure. Though it is stated that it is designed to derive income, I believe this measure will affect the people considerably and harass them. In the Statement of Objects and Reasons, I find it stated that tobacco is a conventional luxury and could be taxed and that some revenue could be got from it. But, as far as this part of the country is concerned, I will have to repudiate that statement. I say, Sir, that it is not a luxury, but it is a necessity for the poorest classes, as pointed out by my hon. Friend, Sir Patro. So, if this article is to be taxed, we will be really taxing the poorest classes of the people. It is stated that the incidence of this tax will not fall on the growers or the consumers but it will fall on the traders. I am not in a position to accept that statement; I am sure it will affect both the grower and the consumer to a very considerable extent. It is not desirable to tax them at this juncture when they are already being troubled in several ways on account of economic depression.

“ Then, Sir, apart, from the revenue aspect of the matter, this Bill gives scope for arresting persons and putting them to all sorts of troubles. Sir, this article is very largely used and many persons have got their stock of it and as a consequence of this Bill, they may be put to frequent

[Mr. K. A. Nachiyappa Gounder] [30th October 1935]

harassment by the authorities concerned by way of house-search and such other troubles. The Bill, of course, provides some remedy by way of punishment of officers for unnecessary persecution. But I think, Sir, the general tendency and the timid nature of the people are such that the officers will not be brought into trouble even if they go to the extent of harassing people unnecessarily. The ultimate result will be that the poor people will be put to great hardship by means of unnecessary persecution.

“Again, Sir, the provision for monopoly vend in this Bill will greatly affect the growers as well. Here I wish to cite the example of what is going on in regard to the new excise policy which the Government have adopted in the Salem district. There is already the monopoly vend by licensing and fixing a certain area for selling of liquor in each shop. Besides, Sir, at Salem this year, they are practising a method by which some five shops in the town and then shops in the surrounding area are grouped together and sold to a single individual. They adopt a policy that trees will not be marked in that area to any other shop. The result is that trees which have been fetching four to six rupees before are perforce now given for Rs. 1-8-0 or Rs. 2, since there is no competition and demand, thereby reducing the income from the tree to the owners, who in most cases are agriculturists. In the same way, if this monopoly vend is brought in, it will greatly affect the growers as well. Now, they are enjoying practically free trade in regard to tobacco and in every place there are a number of petty traders and they are not placed under any restriction with regard to purchasing or dealing in this commodity. But by this measure, it is sought to bring under control those traders. If this system of monopoly vend is introduced only a small number of traders will come forward to take to this kind of trade. There will not be any keen competition in price and the result will be that the price of the article so far as the agriculturists are concerned will considerably fall down. Thus it is a measure which greatly affects the grower and seller also by placing them under all sorts of control and restriction and at the tender mercies of officers. This measure is a grave one and has to be dealt with cautiously having regard to the considered opinion of the public and sufficient opportunity should be given to them to express their opinion.

“I wish also to emphasize the point made out by my hon. Friend, Sir Patro, that this Council, having outlived its time, is not morally competent to pass a measure of this nature and it would be well and good for the new legislature to tackle this subject.

“There is another aspect of this Bill which was dealt with yesterday, by my friend, Sir Patro. This is a federal subject and there is the fear that under the Reforms the revenue from this head will be taken over by the Federal Government. If such a thing should come to pass, I do not see why we should impose this sort of taxation for a short

30th October 1935] [Mr. K. A. Nachiyappa Gounder]

time and easily make it over to the Central Government. Even granting that this Government is entitled to this revenue as contended by the Hon. the Law Member, I may suggest that the Government may wait and consider this proposal after the Reforms are brought in, so that the public can, in the meantime, be awakened to the importance of the issue and their considered opinion on the point may be taken into account in bringing up such a measure.”

* Mr. D. M. REID:—“Mr. President, Sir, at the outset, I should like to say that the views which I have to express represent the views of all the members of the group to which I have the honour to belong. In the first place, I have to say that I definitely approve of the principle of a tax on tobacco in some form. Firstly, in spite of all we have heard from my hon. Friend opposite that there is no necessity for securing fresh revenue for the province, we are satisfied that it is likely, as things are at present, that we shall have a deficit this year. The Reforms are ahead of us and with regard to this, we have, both through the European Association and other commercial bodies with which the community is connected, already made our position quite clear and they cannot be undertaken unless they can be paid for. My hon. Friend Sir A. P. Patro contemplates utilizing the balances and I understand that it is not a new suggestion from him but that this has been his thought for many years. We, the European group, contemplate no such wild thing as that nor do we approve of the principle of leaving the trouble untackled for our successors. In no sense would it be right or just. We are satisfied that we are faced with a deficit and that it must be met by this Council now. On that fair ground alone, I think I have made it clear that we shall not oppose any reasonable taxation, whether it hits us more than any other community or not. We may not welcome it, but I personally will not oppose it, and we do recognize that it is a necessity.

“With regard to the proposal to tax the particular commodity—tobacco—we appreciate the reasoning of the Taxation Enquiry Committee; but I will not detail all that they say once again. Every other civilized country has found tobacco a suitable medium of taxation, being as it is a luxury, the use of which extends to all classes and I can see no good reason why India should affect a singularity in this respect.

“But I am not to be taken—and here I would ask the attention of the House—as expressing myself in favour of the indiscriminate taxation of tobacco and tobacco products. Nor do I approve the provisions of the Bill which leave it open to Government, by executive action, to impose any tax that it may think fit. It may only be the intention of the present Government, at the present moment, to impose a small licence fee by way of taxation. But there are certain principles to be observed in imposing a tax of this kind which will embrace all classes and sorts of tobacco-sellers, from the largest companies to the little village pedlar with his tray of beedies and sweetmeats.

[Mr. D. M. Reid]

[30th. October 1935]

"It is quite obvious that the tax to be imposed must be one which can be borne without undue hardship by the smallest vendor. I should oppose any tax which would have the effect of driving thousands of these poor people out of business. And it seems to me quite obvious that this House must not only be given the opportunity of approving the principle that some tax may be imposed, but also must be allowed some say in the amount of the tax and the maximum beyond which Government may not go without consulting the House again.

"For that reason, my approval of this Bill as drafted is subject to the qualification that Government must accept either a section or a schedule setting out the maximum fee chargeable. I understand that in Bengal, the licence fees chargeable are Rs. 6 per annum for a wholesaler, Rs. 3 for a retailer and Re. 1 for a hawker. I have been carefully into the figures, and I think that some such tax as that could reasonably be borne by the traders in Madras. But I am not prepared to say that a tax of two or three times those amounts could be borne; and for that reason I feel that no power, express or implied, should be given to Government to increase such tax unless this House has an opportunity of giving its approval at a later date.

"I now pass on to the attempt which has been made in the Bill to subdivide 'manufactured tobacco' in order to put into force both a licence fee system and a monopoly system. It should be noticed that with the definition of 'manufactured tobacco' standing in the Bill as it does at present, there is nothing to prevent Government from differentiating between class A and class B tobacco, and imposing different fees for the two classes.

"Whether it is their intention or not, I do not know; possibly they will explain later. If it is, I am opposed to it on principle. Such differentiation would, I feel, be unwarrantable.

"But from the practical point of view, the attempt to divide or grade tobacco products requires careful examination, and I hope the Select Committee will give this matter their careful attention. It seems to me that the intention of Government from the definition given of 'manufactured tobacco' is to divide it into A, the better class tobacco, and B, the inferior quality tobacco smoked or chewed by the labouring classes. There is, however, one serious deficiency in this definition. It will be seen that all cigarettes, of whatever grade, are ranked as class A. Now in the eyes of the tobacco trade, all tobacco shreds wrapped in paper for the purpose of being smoked are 'cigarettes.' I do not think there is anything abstruse about this; the position is the same from the point of view of laymen. And it is manifestly unfair to join together as one class of tobacco, cigarettes selling at Rs. 2-8-0 per hundred and those costing 8 annas a hundred. I understand from those engaged in the tobacco trade that the price-range of cigarettes is so wide, but with such small differences between the various prices, that it is hardly possible to make any arbitrary division and say that this cigarette costing

30th October 1935]

[Mr. D. M. Reid]

As. 9-6½ should be ranked as class A and that those costing 9 annas 6 pies and under should be classed under class B.

"One must also bear in mind that tobacco products of all kinds are handled by the same merchants and dealers. To subdivide mutually competitive branches of the tobacco trade for separate taxation purposes must be wrong in principle.

"I would request the Select Committee to give their most careful consideration to this matter, firstly from the point of view of the principle involved—whether it is proper to distinguish between different classes of tobacco at all and then, if they decide that it is proper, to give their consideration to the practical question of how to distinguish between the different classes.

"I now come to the most important criticism which I have to make of this Bill. There are certain clauses in the Bill which provide for the introduction of the monopoly vend system.

"The House is informed by the Hon. the Finance Member that it is not Government's intention at present to impose this system of taxation. That being so, I cannot possibly approve of the Bill as drawn.

"The effect of it is this: the House is being asked to approve of a principle which requires the very fullest and most careful consideration, and yet is informed that if it expresses its approval Government propose to take no steps to give this approval any effect.

"Looking at it from another point of view: we are asked to give Government the power by *future executive action* to impose a form of taxation which should never be made the subject of purely executive action. This is contrary to all the canons of legislative principle as we know it. If Government desire to introduce the monopoly system they should do so definitely by this Bill. We know where we are. The question of its introduction should certainly not be left to executive action. If Government do not intend to introduce the system now, they have no right to include any provision for it in the present Bill. Speaking generally, Sir, a permissive clause in regard to a matter of fundamental principle is bad in law and dangerous in practice. If, therefore, Government do not wish to apply the monopoly system at once, all clauses dealing with it should be deleted.

"I am not to be taken as expressing any opinion for or against the principle of the monopoly vend system. If Government are not intending to introduce this system, I am not called upon to express my views upon the principles of it. There are very strong arguments to put forward on both sides. They would involve a review not only of the principles underlying monopolies generally but also of their practical application to the tobacco industry.

"As I said, in view of Government's assurance that the monopoly system is not going to be introduced, I do not feel called upon to go

[Mr. D. M. Reid]

[30th October 1935]

into this matter. I should like, however, to emphasize once more the fact that I am not to be taken as committing myself at this stage either in favour of monopolies or against them.

"There are a good many details in the Bill relating to definitions, machinery, penalties and certain incidental clauses which require further examination by the Select Committee which will consider the Bill and I hope that a Member of this group will be included on the Select Committee who will press for such amendments as we consider necessary on points of detail.

"To summarise very shortly my attitude towards the Bill, it is this: I approve of the principles of a tax on tobacco, subject to the definite fixing of a maximum tax in the Bill and subject to the deletion from the Bill of all the clauses dealing with the monopoly system of taxation unless these are to be operative forthwith."

12-30
p.m.

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR: "Sir, I am glad that for once I am in agreement with the Knight from Ganjam in his opposition to this Bill. Sir, I do not really envy the position in which he is, because under the constitution, a Bill of this nature requires the joint deliberation and joint agreement of both parts of the Cabinet. I do not know what the contribution of the Ministers is to the evolution of this Bill and its future passage through this Council. I take it that the Ministers as representing the party to which the hon. the Knight from Ganjam belongs have given their consent to the introduction of this Bill and have also promised their support in its future stages. That I believe, Sir, was what was said in the Joint Report should be the procedure in the constitution under which we are now working and that procedure, I presume, has been followed in this case. So it is for the Justice Party about whose future Sir A. P. Patro expressed so much concern to-day, to justify their attitude both here and outside with reference to this Bill.

"Well, Sir, coming to the Bill itself it is unfortunate that the Government should have thought of introducing a Bill of this sort at this time. In spite of what the representative of the European group has said just now there is absolutely no need for a Bill of this sort at the present moment. It has been stated by the Hon. the Finance Member that there will be a deficit at the end of the year and therefore we ought to find ways and means by fresh taxation. That seems to be the view which has commended itself to the European group."

The Hon. Mr. C. A. SOUTER:—"May I interrupt the hon. Member? I have to leave the House—I hope hon. Members will not mistake it as want of courtesy—as His Excellency desires to see me."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Well, Sir, that position is not correct at all. The present financial position is due to various causes. Even according to the budget, we have agreed to forego a portion of the land revenue this year only. The deficit is due only to

30th October 1935] [Mr. T. A. Ramalingam Chettiyar]

the remission of land revenue. Government have not stated that this remission will be a permanent measure. If they will only make that statement in the House even during the passage of this Bill, I will be very grateful and I am sure people outside will be more grateful. Not only that, Sir. The Finance Member went further. He did not want even the settlements to be stopped. He wants the settlements to be made but only indicates that the increased rates won't be collected until circumstances warrant. The demand is going to be there; the demand will not be withdrawn; but unless the Government consider that the rates ruling in the market warrant it they will not collect the increase. Whether it is the future or the present Government that has to decide when the increased rate will be collected, it is immaterial. Unfortunately the question of helping of the future Government is being used in all sorts of ways by Government and those people who want to use it. I do not want this Government to be talking of helping the future Government as though the future Government will not know what to do. Their great solicitude for the future Government has been at the back of their doing things for which the people are not willing to give their support. So far as this province is concerned, there is no need for this great consideration for the future Government at the hands of the powers that are. In the normal course of things the revenue of this province is more than enough to meet the expenditure year after year. Not only that, I have been complaining year after year that a lot of money which ought to be financed from loans for capital expenditure is being spent from revenues. I have always been complaining that they have always been underestimating the revenue and overstating their expenditure with the result that we find that we have a lot of surplus money which we could have used for beneficial purposes. The result has always been that the Government paid back a portion of the debt or spent for capital expenditure. Sir, that has been the history of this province. With what result? When the last financial settlement came we had to pay a large portion of our revenue—as much as 348 lakhs a year for a number of years—for the use of the other provinces. Now we are going to repeat the same thing. What are we going to do? When every other province is showing a deficit, here a case is made out for imposing further taxation on the score of balancing our own budget. It amounts to saying that we do not want any help from the Imperial revenues. That will be the position that we will show when Sir Otto Neimeyer comes here. Already there is a portion of jute tax earmarked to Bihar and Bengal in the new Government of India Act. What is the position so far as we are concerned? We are probably the most heavily taxed province. (Hear, hear.) (Mr. C. Basu Dev: 'What proportion does the provincial revenue bear to the national income?') Labour forms a large majority of the population in Madras and it pays more than its share of revenue already. So far as land revenue is concerned, we are paying the highest in the whole of India. Next comes excise. There again per head we are paying the largest revenue in India. So far as stamp duty and court-fees are concerned, very early in the career of this

[Mr. T. A. Ramalingam Chettiyar] [30th October 1935]

Council we agreed to increase our rates by 50 per cent. Most of the other provinces have not followed us even after 15 years. So in every way we are taxed much more heavily than any province or State in the whole of India. Such being the case, is it necessary that we should add another tax to those that already exist? That is the question that I put.

“ Well, Sir, I have said already that the deficit, if there is any, is due to temporary causes. Our permanent income is more than enough to meet our permanent expenditure. There is absolutely no need to add one more item to the items of taxation already being paid. Our registration fee is much higher than what is paid in other provinces. In every way when we have been paying larger taxes than other parts of India, I do not see any reason why additional taxation should be imposed on our province. There will be time enough to consider what our commitments will be and what will be our expenditure when the New Constitution begins to work.

“ A proposition was enunciated that we should not depend on our surplus if there is a deficit. It is a strange proposition altogether. It will depend on what the position is and whether the deficit is due to a time of depression and what surplus is available. When we are over-taxed and we have accumulated a big surplus, is it wrong to meet the emergency by drawing on the surplus that we have accumulated? I can understand the other provinces, which have no surplus. When we have a surplus and when there is an emergency, I do not see any reason why we should not meet it from the surplus without resort to additional taxation. It is against all canons of taxation and against all canons of public finance, to resort to additional taxation to meet a temporary need. If, with the help of the surplus we can get over the emergency, the proper thing to do is to depend on the surplus and not to impose additional taxation. Already the country is suffering under depression. Trade has come to a standstill. Other countries are exporting their produce to our country and we are suffering heavily. It was only the other day that a deputation waited on His Excellency and stated that with reference to tobacco some sort of help ought to be given and that otherwise tobacco cultivation may suffer. Sir, for instance, the Ceylon tobacco is coming in large quantities to Malabar with the result that Coimbatore has lost its market in most parts of Malabar already. We used to depend largely on Malabar and to some extent on Gudiyattam for the tobacco we are growing in our district. Now the imports from Ceylon have seriously affected the sale of our tobacco. At a time like this, if you are going to impose this taxation on the business of tobacco cultivation and tobacco sale, what is going to be the situation? It is all very well to talk of the licence fee being low. I can also see the justification for the attitude of the European group that the licence fee should be the same in respect of all shops. In that case the essential doctrine of taxation that those who can afford ought to pay and those who cannot need not pay won't come into operation at all. The idea seems to be that the man at the street corner with a capital of Rs. 10 or

30th October 1935] [Mr. T. A. Ramalingam Chettiyar]

Rs. 15 should be charged in the same way as Spencer and Company with its huge sale of cheroots, cigars and all that, that both are to be treated alike, and the persons who would purchase from Spencer and Company should not be put to a greater sacrifice than the man who purchases from a shop at the street corner. If this is the principle that is going to be followed, I do not want to say anything more on it. Already we have been complaining and complaining loudly that it is the poor man that has to pay most of the taxes in this province, whether it is in the form of land revenue or in the form of excise revenue. Even in the case of court-fees and stamps, it is the under-dog, the debtor that pays and the comparatively richer and middle class people pay a very small portion of the taxation that is being raised in this province. So this will be only another instance in which the same injustice will be continued. As I said, the comparatively rich and the middle classes will reap the benefit of this taxation. It is all very well to talk about a luxury being taxed, but where does the line between luxury and necessity come in? Take for instance toddy. You say it is a vicious thing. But in how many cases it is a necessity? In how many cases the labourer, whether good or bad, spends his money on that? So also in the case of tobacco. He first purchases his beedi or cigarette and then with the balance goes in for the things necessary for him like rice. So ultimately it is the poor man who is going to be made to pay.

“ Then again, Sir, the point has been raised that before the next reformed Council comes in we ought to show them this additional source of revenue. The Finance Member nods his head. But he forgets that the new council may take a different view altogether from him; he forgets that the new council may think of finding money from other sources. For instance, it may think that the administration itself is too costly and set about finding ways and means for reducing the cost. That is a question on which every Indian, whatever his views may be on other matters, is very keen; every Indian feels that the cost of administration in India is very heavy, that we have been managing things on a scale out of all proportion to the conditions of the country, out of all proportion to what is necessary or what is useful. Then there will be no need for any additional taxation. This is not the time when I need mention a few items of expenditure out of which we can find the Rs. 10 lakhs. After all what is expected out of this Bill is only Rs. 10 lakhs. For the Rs. 17 crores that is being raised every year in this province (The Hon. the Finance Member: ‘ 15 crores.’) compared to the ordinary demand of Rs. 17 crores—I put it as ordinary demand—Rs. 10 lakhs is a mere fleabite. I do not think that will be taken as a serious contribution to the finances of the Presidency. In these circumstances, it seems to me that this Bill has absolutely no virtue in it to recommend it for our acceptance.

“ Then, Sir, let us imagine what the result of this Bill would be if it were passed. For one thing, if every shop is to be licensed, there will be a reduction in the number, even if the monopoly does not come

[Mr. T. A. Ramalingam Chettiyar] [30th October 1935]

in. If the monopoly comes in, as is stated by the Government in the Bill as introduced, things will become worse. Tobacco will have to be bought like ganja or opium. If that is not adopted, even then what will be the result? You cannot be issuing licences to the dozen shops in a street within a furlong or so. In almost every street there are two or three shops. What will be the turnover of these shops? These people deal not only in tobacco, but also in aerated waters, betels, nuts and things like that. Their total income for the whole month may not come to more than Rs. 7 or Rs. 8. In the villages, it may not be even that. If the licence fee is going to be what the Hon. Member told me just now, i.e., Rs. 5, I think many of the shops will go out of existence altogether; because the capital put in by many of the shop-keepers is only Rs. 10 or Rs. 15, and if you ask them to pay Rs. 5 in a lump sum, many of them will give up this business altogether. The result will be that the unemployment list will swell. The second thing is, as I said already, we are having imported tobacco from Ceylon and other countries. This sort of bringing under control the sale of tobacco will materially affect the trade. What is being done now is this. The agriculturist or some middleman who purchases this agricultural produce, keeps it for some time and sends it on when the market is favourable to places like Quilon or Alleppey. Of course the agriculturist need not have licence; but if he sends the tobacco to places like Quilon or Alleppey, he will be put to the same difficulty. That is also a matter to be considered. Whatever it is, as the trade is now carried on, the middleman goes to a village, purchases tobacco and keeps it in the pit for some time, for several months probably, and then sends it to Quilon or Alleppey. If you are going to license the vendor, how is it to be done? If the merchant is to be licensed, the number of those who trade in tobacco will grow less, for it is not likely that every merchant will care to go and take licence and carry on trade, because the trade is not a continuous one, it is not a business occupying him throughout the year. It is a business which is carried on for ten days in a period of six months and then for another ten days in the next six months. So any control of this sort would naturally tend to reduce the number of merchants, with the result that the agriculturists will have to deal with a lesser number of people and naturally suffer in prices. That will be the result of this legislation.

“As I said, there is no case made out for a Bill of this sort. If some people who are using tobacco are not paying taxes, if people who are going to be taxed are richer, if those conditions exist, then I can understand a legislation of this sort being brought in. But this tax is going to be paid by the very people who are paying most of the taxes. I do not see why an additional tax should be levied on the very same people. Therefore, there is no justification for this Bill, viewed from any standpoint. I will only state, Sir, that this boggy of placing the new Government and the new council on a satisfactory basis has

30th October 1935] [Mr. T. A. Ramalingam Chettiyar]

been taken too far. They are also people who can take care of themselves; they are also people who can look after their interests and they do not want the vanishing hand of this Government to support them. You can give them the credit of knowing their own business and arranging their own affairs. As has been said already, this Council has sat twice its term. I do not think any one will consider that the opinion of this Council is really representative in the sense that it is in close touch with the opinions of the electorate as existing at the present moment. Elections are held for the purpose of keeping persons steadily in contact with the electorate. It is not merely my representing this view or that view, it is a question of my being in contact with the electorate which elected me. I was elected six years ago for a term of three years and now twice that period has passed and I have never been called to account by that electorate. The electorate was not given an opportunity for that. Such being the case, if I express any view here, it is my personal view and at best the opinion of those with whom I have come in contact. But that is not, strictly speaking, representative opinion. Under these circumstances, I think that it is not fair for the Government to place this Bill before us and ask us to pass it, especially when the new council is soon coming into being. It can take care of itself, and after all, the want of an additional revenue of Rs. 10 lakhs will not make the Government feel the pinch if this Bill is not passed.”

* Mr. J. A. DAVIS :—“Sir, there can be no better illustration of how this Bill is going to affect the very poor than a reference to what happened when the salt tax was raised. All sorts of arguments were then put forward that the poor man would not be affected. We know very well that the price of salt which was about an anna per pound before the increase, rose to somewhere about annas three and all the poor were obliged to pay that much. Now if you are going to impose this new tax on tobacco, it will certainly again affect the poor man. He must have his chew and his beedi. You say that what is proposed is only a small levy and that it will not affect him. But I tell you that it will affect the poor man as much as the enhanced salt tax affected the poor man. He will have hereafter to pay ten times more for his indispensable beedi or his chew. You say that you have a deficit of Rs. 20 lakhs to make up. But I ask whose fault it is. Is it not your own making? Here those of us who have cars wanted to pass the toll-gates without having to make a payment and removed that tax. In consequence, enormous sums were lost to the public exchequer. Is the poor man to be blamed for that? Why did you take away that tax from the rich man owning motor cars? Why not you re-introduce tolls and collect the Rs. 20 lakhs you gave up? Now, in order to reimburse the treasury you are hitting upon this plan of levying a tax on tobacco. This will certainly affect the poor man and he will be deprived of his small beedi or chew. Such a measure therefore will not receive my approval.

“Sir, the European Member said that he would fix the amount of licence fee at Re. 1. Does he realize that in the market at Ooty there

[Mr. J. A. Davis]

[30th October 1935]

are a thousand tobacco merchants who, with baskets on their heads each containing a few annas worth of tobacco, earn only two or three annas per day? Are all these people to be taxed one rupee? And then, how are you going to collect it? If you harass him too much, you will drive him out of business altogether and deprive him of his means of living. Then, there is the question of the producer having to find out the person who has the licence to sell. This is all going to work unnecessary hardship on all concerned. One result of all this will surely be that tobacco-growing will be restricted at a time when tea planters have had to put on the quota system and to reduce the area under tea cultivation. By this Bill are you going to bring down the cultivation of tobacco also? You will be doing that if you tax the tobacco-grower, the tobacco-seller, the chewer and the smoker. I do not think the Justice Party will find any support in the country for a measure of this description. Moreover, most of the money proposed to be collected will have to be spent as charges for collection. Therefore without benefiting the State to any great extent, you are going to injure the tobacco cultivation in this Presidency and deprive the poor man of his chew and his beedi. On all these grounds, I oppose this measure."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur: "Sir, the Hon. the Revenue Member was quite right when he said yesterday that he had some diffidence in expecting the support of this House for this measure. I hope this House will not support a measure of this sort which will hit the poor labourer very hard. Who are the people who manufacture beedies, who are the people who sell them and who are the people that use them? They are all very poor people. Poor people with a couple of rupees begin the manufacture of beedies which they sell to petty merchants who sell them from some verandas or hawk them in the streets. Are you going to tax such people and tax also the smokers? Sir, there are very few people in this country who do not chew pansupari with tobacco. The poor man cannot work without his pansupari. It is on these poor people that this tax will fall. We are told that the income from this source will be about Rs. 40 lakhs. Perhaps it will be more. But it is the poor man that will have to bear the burden. This Bill is conceived on a wrong assumption. The Statement of Objects and Reasons begins with a quotation from the report of the Taxation Enquiry Committee. It says:—

'The absence of any internal taxation on tobacco is a feature which distinguishes the fiscal system of India from that of almost every other civilized country in the world. The considerations which have led in other countries to the selection of tobacco as one of the principal subjects for consumption taxation apply with equal force to India.'

This is wrong. This does not apply to India in the same manner as it applies to other civilized countries, because in other civilized countries pansupari is not used. (Laughter.) We in India chew pansupari with tobacco. Everybody in every home all over India uses it—I have seen in upper India also—even the poorest man and woman use it; they

[Mr. Mahmud Schamnad]

cannot attend to their work without pansupari in the mouth. The Taxation Committee was therefore wrong in assuming that this consideration applies to India. In the next sentence the Committee say: 'It is a typical instance of a conventional luxury whose use goes down to the poorest classes'. They thus admit that the poorest classes also use tobacco, but still call it a luxury. It is not a luxury at all. It is a necessity. Every member will concede that it is a necessity for the poor people and that not even the poorest man can do without his chew or his beedi. The Hon. the Revenue Member must have himself seen how largely tobacco is grown in South Kanara, especially in the Kasaragod taluk. In South Kanara, when he was there, he would not have travelled south of Kasaragod by train even without pressing his handkerchief to his nose in order to overcome the bad smell of fish manure used in the cultivation of tobacco. If this tax is imposed, the cultivation of tobacco will be restricted. Many of the merchants will have to give up this business on account of the licensing system now proposed.

"It is said that this eleventh hour measure is intended to provide sufficient funds for the new Government. As my hon. Friend, Mr. Siva Raj, remarks, the new Government will take care of itself. I do not think any wise man will think of starving himself for the sake of providing for future generations. (Laughter.)

"We are told there will be deficit this year. We have large revenue surpluses also and we know how the surpluses were applied last year and the year before last. The surpluses were not applied for purposes for which they should be applied, but for capital expenditure as well as for paying off debts which were incurred for capital expenditure. It was a very bad principle. Revenue surpluses should not be utilized for purposes of capital expenditure which ought to be financed from borrowed capital and not from our current revenues or revenue surpluses. Instead of doing that they could have applied part of this surplus for remission of land revenue. If there is any deficit this year, we can also utilize this surplus for wiping off the deficit. Sir Patro referred to the speech of a former Finance Member who said that an opening balance of Rs. 50 lakhs would be quite enough for meeting any future deficits. 1-15 p.m.

"Sir, this is a very untimely measure. It is a measure that will make the party in power and the Government very unpopular. I hope the Hon. the Revenue Member in the last years of his service will not create a bad impression in the minds of the people that he has oppressed the people by passing such a legislation. Perhaps on account of the brotherly feeling between the Reserved Half and the Transferred Half, they might have come to an agreement that the Transferred Half also should support this measure. But I would impress on the Reserved Half that they will be doing a disservice to the Transferred Half by insisting to pass this measure. We are suffering already on account of the poison administered by the previous Finance Member and others by helping the Transferred Half for the abolition of taluk boards. A

[Mr. Mahmud Schammad] [30th October 1935]

similar disservice will it be if this measure is passed. I hope that Government will not stand on their prestige, but will kindly consider the advisability of withdrawing the Bill. If the party in power—the Justice Party—is going to support the measure I may also vote for referring the Bill to a Select Committee for the sake of maintaining the party discipline. But I would appeal to the Hon. the Revenue Member not to press it and create such a situation by passing this measure.”

* Mr. V. T. ARASU:—“ Sir, I rise to welcome the general principles underlying the Bill which has been introduced by the Hon. the Revenue Member. My reasons for supporting this measure are very many and without wasting the time of the House I would only place before it two or three points which appeal to me most. The first and foremost reason is the fact that this taxation is only an indirect tax and that it is going to be derived from a class of people who are at present not paying any tax at all. The second reason is this: many of us in this Council have been pressing on the Government to reduce the burden of taxation on land and incidentally many of us have also suggested that Government should explore new sources of taxation. I have, Sir, a vague recollection that my hon. Friend, Sir Patro, for whom I have very great regard and respect, has been year after year in the course of his budget speeches in this Council, urging on the Government to find out new sources of revenue. Well, Sir, here is a measure which the Government have brought forward and have placed before this Council for its approval and sanction.

“ The third reason which appeals to me most is this: that this is an article of universal and I may also say of daily consumption by a large section of the population of this Presidency and judged from the canons of taxation, I think it will not be unfair to impose this taxation on an article which is capable of yielding more, while at the same time not oppressing or harassing the poor agriculturists or the consumers for whom much sympathy was expressed to-day. I can assure hon. Members that it is the only article that I can think of on which a tax can be levied without much inconvenience to anybody concerned. Fears were expressed by several hon. Members who preceded me, including my esteemed leader, Mr. T. A. Ramalingam Chettiyar, that this measure will affect the growers of tobacco in this Presidency. For his information and for the information of this House, I should like to point out that this measure does not in any way affect the producer. Take for instance clause 2 (7) where the definition of manufactured tobacco is given. This measure will only affect the persons engaged in the sale of manufactured tobacco, and will in no way affect the producer of raw tobacco, the agriculturists. The agriculturist will as usual be quite free to transport and stock his tobacco provided he does not convert it into one suitable for consumption. The fears that the price of tobacco will go down are also unfounded and are based on a misunderstanding and misreading of the Bill. I also submit that the fear expressed by some of the hon. Members who participated in this debate

30th October 1935] [Mr. V. T. Arasu]

is due to the fact that they have not fully understood the economics of the tobacco trade in this Presidency. This measure is going to affect mainly, as I will explain it presently, one class of people and that is the pan shop-keeper or betelnut shop man who deals in tobacco products. It is only that class of people that is going to be affected and it is only that class of people that will be called upon to bear the incidence of this taxation. Some hon. Members hinted that the incidence of this taxation will be transferred to the consumer. I submit that it is absolutely impossible for the shop-keeper to transfer this tax on to the consumer. Because, if you analyse the tobacco trade in this Presidency you will find that there is no clear-cut distinction between a retail trader and a wholesale trader, and usually the wholesaler also sells in retail. He sells in cases, in boxes of and in small packets containing five or ten cigarettes. According to the established principles of economics, it is impossible for one set of dealers, who come under the class of ‘retail dealers’ to transfer the tax on to the consumers, where the wholesaler also indulges in retail trade. For, if he does that, what will happen is this: the wholesale trader with a larger turnover will come in and sell at a competitive price and capture the business of the retail seller by selling at a price lower than that at which the retail seller is selling. Therefore I submit that it is impossible for the retail dealers to transfer the tax to the consumers. My hon. Friend, Mr. Davis, and my hon. Friend, Mr. Hameed Khan, said that whereas the consumer was getting 8 beedis per pice hitherto, he will, by the introduction of the licence fee, get only 4 or 5. If I have understood the Hon. the Revenue Member aright, he said that the tax would be very small, only Re. 1 or Rs. 2 per year. I submit that a tax of Re. 1 or Rs. 2 per year is not going to affect the consumer at all and it is not capable of being transferred to the consumer.

“ However, I think, I should point out to this House and to the Government that there are very many objectionable features in this Bill as introduced. My first and foremost objection to the Bill is the fact that it is merely a skeleton legislation. I think my hon. Friend, Sir Patro, has rightly taken exception to this kind of legislation which merely gives power to the executive, by means of the rule-making power to fix any rate of licence fee which they may deem fit. I join my hon. Friend, Sir Patro, in condemning this procedure of passing a skeleton measure. I would therefore call upon the Government to make this legislation as detailed as possible, and if possible add also a schedule fixing the rate of licence fee. In this connexion, I have to make one or two suggestions regarding the rate of licence fee that should be levied from the people who are dealing in manufactured tobacco. I think it was Mr. Reid who suggested that this licence fee should be on a graded scale. I am in entire agreement with him. I suggest in that connexion that the hawker, the man who goes from street to street hawking tobacco, betelnuts and things like that, should be taxed at the rate of As. 8 per year and the retail shop-keeper at the rate of Rs. 2 per year.

[Mr. V. T. Arasu]

[30th October 1935]

I would suggest that the wholesale dealer—by wholesale dealer I mean the man whose turnover per day is in hundreds or thousands of rupees—should be taxed Rs. 10 or Rs. 15. I think that these rates would be fair rates of licence fees. I think Government should definitely include this scale in a schedule to the Bill itself.

“My second objection to this Bill is the artificial division of tobacco products for taxation purposes into two classes ‘(a)’ and ‘(b).’ Sir, as was pointed out by my hon. Friend, Mr. Reid, it is very difficult to divide tobacco products into two classes. If the Hon. the Revenue Member would go down to the streets of Madras or for the matter of that to any village, he will find that the tobacconist, who is perhaps the only tobacco seller in that area or village, stocks all kinds of products manufactured from tobacco. He will find that that man stocks cigars, cigarettes, beedis, snuff, ball tobacco and so on. So I submit that it is very difficult to divide the tobacco products into two classes, viz., ‘(a)’ and ‘(b).’ I would therefore strongly urge that this division into two classes be given up and a uniform rate of taxation be resorted to. There are also other difficulties in the way of resorting to this kind of dual taxation.”

1-30 p.m. The Hon. Mr. C. A. SOUTER:—“One word of explanation. The two classes of tobacco under this Bill will only come in when the monopoly system is introduced and not before.”

Mr. V. T. ARASU:—“I am only speaking on the Bill as placed before the House. I am not prepared to take the intentions of Government into account. Nor do I know what the intention of the Government is. Taking the clauses of the Bill as they stand, I think that the division of the mutually competitive branches of tobacco trade into two classes for separate taxation purposes is essentially wrong in principle.

“There are also other reasons why this division of tobacco products into two classes should not be resorted to. Take for instance a village tobacconist. If he is asked to take out a licence for tobacco products in general, he will be in a position to understand what amount he will be called upon to pay. But if, on the other hand, as is proposed in the Bill, he is called upon to take out a licence for his cigars and cigarettes and take his supply of class ‘(b)’ products from a monopolist vendor, I submit it will be difficult for the man taxed to know exactly what he will be called upon to pay. This inexactitude, this vagueness about the rate of tax is, I submit, a direct negation of one of the well established principles of taxation. One of the principles is that it should be exact. On account of the dual system of taxation, the exactness disappears. Under the monopoly system, the monopolist may put up his prices. He may refuse to give his licence for certain tobacco products or he may favour another retailer.”

* The Hon. the PRESIDENT:—“Is the hon. Member likely to take a long time?”

30th October 1935]

Mr. V. T. ARASU:—“Yes, Sir.”

The Hon. the PRESIDENT:—“The House will now adjourn for lunch and reassemble at 2-30.”

(After Lunch—2-30 p.m.)

* Mr. V. T. ARASU:—“Mr. President, the third objectionable feature of this Bill is the introduction of the system of monopoly vend. It is rather puzzling why Government should have thought in terms of a monopoly system in respect of tobacco products or rather certain items of tobacco products. The only consideration which might have weighed with the Government in introducing this system appears to me to be the ease of collection. But I think that Government ought to realize that the disadvantages of this system outweigh whatever advantages it may have. Sir, I am not one of those who are opposed to the system of monopolies in any form or branch of human activity. I am perfectly aware that in certain branches of human activity such as transport services, and power-supply corporations, a system of monopoly will be more advantageous than a system of unbridled competition. But in a matter affecting a large section of the population and concerning a product which is needed for daily consumption, it is impossible to think in terms of a monopoly.

“The Hon. the Revenue Member in the course of his speech introducing the Bill said that the monopoly system is not new to this Presidency and that it has been in vogue in respect of Abkari. I submit, Sir, that the analogy is a far-fetched one. I can understand a system of monopoly in the case of an article which is considered to be dangerous and consequently the production and consumption of which ought to be prohibited or restricted. Admittedly, tobacco is not considered as a dangerous stuff. And therefore, it is impossible to conceive of a system of monopoly in respect of tobacco products. The possible objections to a system of monopoly in respect of tobacco products can be elaborated upon at considerable length. I do not, on this occasion, propose to do so, but would confine myself to bringing to the notice of the House only two or three salient objections to this system. The first is the case of the small man who makes and sells his own products. Fifty per cent of those engaged in this tobacco trade combine in themselves both the functions of the producer and the seller. If hon. Members go down to some of these *pan* shops they will find that the man in charge of these shops goes on making beedis or making snuff and at the same time selling them to the consumers.”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“Not beedis.”

Mr. V. T. ARASU:—“Yes beedis, rolling them.”

Mr. K. A. NACHIYAPPA GOUNDER:—“I am afraid there is no quorum in the House.”

[30th October 1935]

(The bell was rung and the quorum was formed.)

* The Hon. the PRESIDENT:—"The hon. Member may continue his speech."

* Mr. V. T. ARASU:—"I was saying, Sir, that the position of the small man who combines in himself the functions of the producer and seller will be very difficult under a system of monopoly. Secondly, Sir, there is nothing to prevent a monopoly vendor from subletting his privileges, say, to the members of his own family or to the members of his own community. What would be the result? Traders who are already well-established in the district or the area within the jurisdiction of the monopoly-vendor will be thrown out of business. I would leave it to the House to imagine what a catastrophe it would be if a large section of the people engaged in this business was thrown out of business consequent upon the introduction of a monopoly in any particular area or district. My next objection to this system of monopoly-vendors is this. A monopoly-vendor will certainly have undue control over the prices. He will naturally try to sell such products as will fetch him good profit irrespective of the fact whether the products sold are good for consumption or not. Besides, a system of monopoly will entail, I think, considerable disputes or litigation in respect of encroachment by one monopoly-vendor into the area reserved for another monopoly-vendor.

"Another objectionable feature of this Bill and I think a very important one is clause 22 of the Bill. Clause 22 reads as follows:—

'Whoever omits to keep such records or books of account as may be prescribed by any rule made under this Act, shall be punishable with fine which may extend to Rs. 200 and in the case of a continuing omission, with an additional fine

Just imagine for a moment a small shopkeeper dealing in tobacco products being called upon to maintain records and accounts in the manner prescribed by the Government! I ask the Hon. the Revenue Member whether he is aware of the fact that 75 per cent of those who are engaged in this tobacco trade are people who do not know even to read and write. When that is the fact, I cannot understand how Government can expect these people to keep records and accounts in the manner prescribed by them. This is a very pernicious clause and ought to be deleted.

Mr. President, these are some of the most objectionable features of the Bill. But I am sure the House will realize that they do not exhaust all the objections to this Bill. For instance there is the machinery for giving effect to this Bill and there are the penal and the incidental clauses.

"In conclusion let me reiterate what I have said. The Government should include a schedule to this Bill fixing definitely the rates of licence fee payable by these vendors. I also submit in this connexion that the

30th October 1935]

[Mr. V. T. Arasu]

fee should be as low as possible and should be capable of collection from as large a number of people as possible. The second point made out by me is that it is objectionable and wrong in principle to divide tobacco products artificially into two classes—class A and class B. The third is the objection to a monopoly vendor. The fourth is the objection to the retention of clause 22.

"Now, Sir, one word more and I am done. A very passionate appeal was made to this Hon. House by our esteemed friend Sir Patro, who, if parliamentary tradition is to be observed, should be termed as the father of this House. I should like, in my turn, to make one appeal to him and that is that we should act in this House as reasonable men. He knows as every one of us knows that shortly a democratic form of Government is going to be introduced in this country. A democratic form of Government implies an expensive Government and for conducting an expensive Government we ought to augment our revenues. Sir, everybody knows that our resources are limited and that they are inelastic and even shrinking. Is this not, I submit, a measure which would result in yielding to the coffers of the State a very fair and decent sum which would also be capable of being increased or decreased according to our requirements? Therefore I appeal to this House to consider this measure favourably and to welcome it and see that it is passed with necessary changes."

* Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President Sir, I did not mean to join in the debate on the Tobacco Bill. But I feel that I would be failing in my duty to the party to which I belong if I were to allow the sentiments expressed by my hon. Friend, Sir Patro this morning, go unchallenged. Of course I feel rather diffident to speak in the absence of the leader of my party who would perhaps be more competent to meet the arguments put forward by Sir Patro this morning. However, I feel it behoves me to answer Sir Patro. Perhaps the Government feels flattered by the advice given by Sir Patro that the Government should not support the Congress as it has been wont to. He said that the policy of the Government must be to oppose the Congress. As far as I remember and as far as the trend of events goes to show, the Government has never supported the Congress. On the other hand the Government under the regime of Sir Muhammad Usman when he was Home Member, showed no quarter whatsoever to the prisoners convicted during the civil disobedience movement, nor to those who were actually engaged in carrying on the civil disobedience movement. In fact it was Sir Muhammad Usman who used the big stick against the Congress when they were engaged in carrying on warfare against the Government. It has been the consistent policy of the Government to crush the Congress, to annihilate it completely and not to support the Congress as Sir Patro put it this morning. Again Sir Patro said that the Government has been supplying information to nationalist papers, and papers with nationalist views."

2-45
p.m.

[30th October 1935]

Mr. C. BASU DEV: "I am rather reluctant to interrupt the hon. the lady Member. But I am on a point of order. May I know if the hon. Member's remarks are relevant to the subject under discussion?"

The Hon. the PRESIDENT:—"I was equally anxious to find out the relevancy of the remarks. Since the hon. Member Sir A. P. Patro made certain observations, the hon. the lady Member is trying to answer them."

* Mrs. A. RUKMANI LAKSHMIPATHI:—"It is due to the efficiency of the nationalist journals that they have been able to supply accurate and full information to the public much earlier than other journals. It is not due to the support that the Government has given them."

"Coming to the Bill, Sir, we must consider it on its own merits and not as a party question. Who are the people whom this Tobacco Bill will affect? They are the very poor people, the consumers of tobacco, the growers and manufacturers of tobacco. I am not bothered about the manufacturers of tobacco products. But the growers of tobacco will be very largely affected if this Bill were put on the statute book. We have also to consider the taxable capacity of the ryot. You will be creating under this Bill a class of monopolists, monopolists who will artificially regulate the price of tobacco. The monopolists will keep the entire tobacco trade in their hands and the grower, though entitled, according to the provisions of this Bill, to sell his produce to other growers or other manufacturers will be at the mercy of the monopolists. This Bill will therefore create a class of monopolists who will artificially dictate their own terms and the grower will be absolutely at the mercy of the monopolist and will not be able to sell his produce according to the rates prevailing in the market."

"Then, Sir, both the Hon. the Revenue Member and the Hon. the Finance Member said in the course of their remarks yesterday that there has been a deficit in the finances of the province to the extent of Rs. 32 lakhs—if I remember right—and that this deficit in the budget has got to be met by fresh taxation; and that tobacco has to be taxed. As the Hon. the Finance Member put it, no other source is available from which fresh or extra taxation can be raised as more revenue cannot be got either from stamps, registration or any other head. Sir Patro pointed out in the course of his remarks that the deficit can be met by making use of the remitted provincial contribution. After all, this Bill seeks to raise an income of Rs. 10 lakhs by putting a licensing fee on tobacco. It is indeed a very small amount; this sum of Rs. 10 lakhs is only a small fraction of the huge and enormous expenditure that this province incurs. The Hon. the Finance Member stated that if this taxation is not resorted to, and if licensing fee is not levied on tobacco, our finances will become poorer and large amounts could not be allotted for nation-building purposes. I ask of this Government why it should not think of retrenchment, for which we have been

30th October 1935] [Mrs. A. Rukmani Lakshmipathi]

asking in various departments. I am sure, out of Rs. 10 lakhs, Rs. 5 lakhs would go towards the supervision charges and other items of expenditure and only Rs. 5 lakhs perhaps will be left over.

"May I point out both to the Hon. the Revenue Member and the Hon. the Finance Member that the provincial contribution was remitted fully, with a view to reduce land assessment. Landholders, mirasidars and ryots have always been urging 'since there has been complete remission of the provincial contribution, why not the Government reduce the land assessment?' That has been the perpetual cry of the landholders. That should be done if the Government means to be popular with the people; it cannot in any way be popular with the people if it is not the policy of the Government to look after the interests of the people but just to burden them with fresh taxes. The object of any tax is to see that the people get a corresponding relief. If it is done for that purpose, I can quite understand the policy underlying this Bill. I see no such proposal to bring about any ameliorative measures."

"Sir Patro in the beginning started by giving a political colour to his speech. He said that if the Government were to get this Bill passed into law, it will be digging the grave of the Justice party. I know that Sir Patro spoke this morning with much feeling, after having experienced bitter reverses in the recent elections to the Legislative Assembly and in the by-elections to this House. He spoke with great vehemence."

"I may on the floor of this House tell Sir Patro that there is no 3 p.m.
chance whatever for the Justice party to be returned at the next general election; because the Justice party has been out and out a tool in the hands of the Government. They have been consistently supporting the Government in their acts of commission and omission. Therefore, how could the Justice party expect to be returned at the general elections? I also agree with Sir Patro, when he said that this Bill will dig the grave of the Justice party."

The Hon. Mr. C. A. SOUTER:—"Sir, I hate to interrupt a lady; but is this very relevant?"

* The Hon. the PRESIDENT:—"When at the beginning the hon. the lady Member made certain remarks on the observations of Sir A. P. Patro, I thought there was an end of it; but the hon. the lady Member has once again reverted to the same. I hope that she will conclude her speech with her observations on the Bill itself."

* Mrs. A. RUKMANI LAKSHMIPATHI:—"Well, Sir, I have said what I have got to say, except that I could not understand the strange logic of Sir Patro, when he said that the Government were supporting the Congress Party. I could not also understand the self-contradictory

[Mrs. A. Rukmani Lakshmipathi] [30th October 1935]

statements he made. He began by saying that this was a political question, but in the end he said that it was not a political question that we were discussing.

"With these few remarks, Sir, I oppose the motion. I have not studied the Bill properly and it was not my intention to speak on this Bill; but I do feel that this is a reactionary measure which will hit hard the growers of tobacco in particular. I therefore oppose the motion."

Mr. P. V. KRISHNAYYA CHoudari:—Mr. President, before making a few observations on the Bill, I feel it my duty to thank the Hon. the Revenue Member and the Hon. the Finance Member for giving a little relief to the people of the Guntur and other districts by agreeing to put off the collection of the resettlement rates for a period of four or five years, or by leaving it to the future Government to decide the question. The people in these districts should be very grateful to them both for this relief, and I as a representative of the Guntur district, thank them for the same.

"Sir, this Tobacco Bill has been before the public since May last. Although it was published in the newspapers some time back that the Bill would not come up before the House now, it has come before us. Unfortunately, however, we are at the fag-end of our term, and I think it is not fair that the Government should now introduce legislation of this kind. Nor, so far as I know, is there any emergency necessitating this fresh taxation.

"Before proceeding further, I want to know what steps the Government have taken to improve our finances, before resorting to additional taxation. The Finance Member has not stated anything about that.

"Again, some four or five years ago, the Government appointed a Retrenchment Committee which made certain recommendations with regard to the subordinate services, the Provincial services and the listed posts. May I know what has been done all these years with regard to the listed posts in this province, for adopting the new scales of pay which were recommended?

"Further, we have borrowed large amounts of money from the Government of India at high rates of interest. We are now in a position to get loans in the open market at much cheaper rates of interest. If the Madras Government are short of funds, they might as well get the previous permission of the Government of India for floating a loan at lower rates of interest and thereby save a few lakhs of rupees by way of interest that we are now paying to the Government of India. Even if the Government of India are not willing to give us such permission, we can still ask them to float an additional separate loan for

30th October 1935] [Mr. P. V. Krishnayya Choudari]

us in the open market, and after discharging the old loans which we have taken from them at high rates of interest, we can save for ourselves a few lakhs of rupees. Such a course will obviate the necessity for this fresh taxation. In fact, I am sure we can save a much greater amount that way than by resorting to this Bill.

"Another important point is this; if it is a fact that the Government are going to have a deficit this year,—it is said that it is Rs. 32 lakhs—it is their duty to take immediate steps to put a stop to unnecessary expenditure which is being incurred. For example I know, as a member of the Finance Committee—I do not know if I can divulge the information I got as a Member of that Committee, but still because I am a member of this Council, I do not think I should keep it confidential—that the Government when they wanted to appoint a special officer for amending certain Bills or Acts, brought forward a proposal to appoint an outsider, a retired officer, on a salary of Rs. 400 or Rs. 500, while as a matter of fact, they could have appointed an officer in service and paid him an allowance of Rs. 100 or so. I can give several such examples. If the Government have endeavoured to avoid all such unnecessary expenditure and then have come to us with this Bill, it will be our duty to support them; but so long as the Government have not done their duty, I think it is our duty not to support any measure for additional taxation. That is why, Sir, I oppose this measure.

"A further important point to be remembered is this: that it is nowhere specified as to what amount of licence fee is going to be fixed, what will be the approximate realization as a result of this Bill and what expenditure is likely to be incurred on such realizations. Unless this information is given to us, we will not be in a position to know whether it is worth while proceeding with this Bill at all.

"Several hon. Members, while speaking on this motion, wanted to know whether the Bill was going to affect the growers; but the Hon. the Finance Member simply nodded his head. I want to point out that there are several varieties of tobacco grown in the province, at any rate in the Guntur district, such as the Virginia quality, etc. There are certain varieties which are exported for cigarette manufacture, while there are others which are used locally for purely smoking purposes; it seems even in the case of the latter, the ryots would have to obtain a licence for selling. In Chebrolu, for instance, we grow a particular variety which sells at even Rs. 400 per candy; nobody buys a candy at a time; generally only one or two maunds are bought at a time. If for selling such varieties also, a licence has to be obtained, it will be most unreasonable.

"Again, many hawkers go about the villages with beadloads of tobacco worth about a few rupees, selling the same and making a few

[Mr. P. V. Krishnayya Choudari] [30th October 1935]

annas profit. If at least these people are exempted from taking a licence, I think it will be well and good

"The Bill also introduces two kinds of monopoly: the A and the B classes. If it is intended that the growers should sell tobacco only to licenceholders, then every seller will have to watch whether a particular buyer is a licenceholder or not. This will be a difficult task. I am told that in the Bengal Act, there is no restriction that the grower should sell tobacco only to licenceholders. If the grower is permitted according to this Bill also, to sell tobacco to whomsoever he pleases, I think it will be some relief.

"Government are not at present giving any kind of help for tobacco-growing in this province. In Guntur district, there is the Imperial Tobacco Company, which spends about a lakh of rupees in growing seedlings and supplying them to the agriculturists. Although Guntur district is noted for tobacco-growing, the Government have not so far taken any steps to supply seedlings themselves. If they do so, I am sure, they will get a profit of about a lakh of rupees on this account alone. The company has appointed about half a dozen officers on about a thousand rupees per mensem, who are in charge of these seedlings and who supply them to the ryots. If only the Government can take up this business, charging a nominal fee, I am sure it will be a great relief to the ryots while at the same time the Government will profit to a great extent.

"With these observations, Sir, I think it is not advisable for the Government to come forward with a Bill of this nature, especially when they have not attempted to effect any retrenchment in their various departments."

3-15
p.m.

* Mr. C. BASU DEV:—"Mr. President, Sir, of the volume of eloquence to which this House has been treated this day, I welcome one aspect, and that is the general expression of anxiety and sympathy for the poor labourer. I would certainly have been sincerely grateful had I not at the back of my mind some doubt as to the sincerity of this expression. I feel, Sir, that this sympathy is not unalloyed, but that the labourer as usual has been dragged out to cover some ulterior motive calculated to enure to either personal or political advantage. I leave it at that. (Mr. B. Pocker Sahib: What is your motive?) If my hon. Friend will bear with me for some time, I will try to explain my position.

"Mr. President, throughout the speeches that have been made in opposing this Bill, I have not come across even one statement suggesting that in the expenditure by the provincial Government there has been any item wrongly or improperly spent. Hon. Members are aware that on account of the great depression to which we, in common with the rest of the world, have been subjected, many of the nation-building

30th October 1935] [Mr. C. Basu Dev]

departments have had to be starved and that budgets have been balanced on this starvation diet. The State has got to expand its activities and for such expansion we must find new sources of revenue. Sir, only yesterday, the Hon. the Home Member was taken to task for not making any attempt to solve the question of the educated unemployed. Again, the same Hon. Home Member was criticized by some of the depressed class members and rightly too, for not extending the beneficial activities of the Labour department to the other districts of this Presidency. I know, Sir, from personal experience to what trouble and difficulty the depressed classes have been put in the absence of the Labour department. If only the Government had provided funds, if only this House had voted for measures of this type, the Government would certainly have come to the rescue and the relief of the depressed classes and the unemployed.

"Then, Sir, there is the great question of the education of the millions of this province. I am sure there is no member of this House who will come forward to say that he is satisfied with either the quantity or quality of the education that is at present imparted. The money that we are now spending on education is nothing when compared with the money we have got to spend if we are to claim credit as a civilized administration. To meet the increasing demand for the education of the millions of children, we certainly want more money. Where are we going to find that money? One hon. Member said that the men who will hereafter come to the new Council can be trusted to look after the business well and satisfactorily. From what we have seen of the work of the hon. Members of this House and from the solicitude they have shown to the poor worker struggling hard for his daily bread and groping in the darkness of ignorance and illiteracy,—the invariable victim of every tub-thumping orator misrepresenting and misleading the public mind—we are not justified in sitting with folded hands. We will have to do something to ensure that our children may not have cause to curse. I am sure that the worker will vote not for one but for hundreds of measures of new taxation if only he is assured that the proceeds of such taxes will be devoted entirely or at least largely for affording proper and adequate educational opportunities for his children. What percentage of the national income of this province does our provincial tax draft constitute? I do not know, nor does the hon. Member from Coimbatore know but certainly it is not as much as it is in any civilized government. Whatever it may be, hon. Members of this House will understand that the vicissitudes of the tax—rupee must be traced if you are to find out if the tax is properly spent, not only when it leaves the tax payer's pocket but also as it reaches back the tax payer's pocket. The tax goes into salaries and wages and from there circulates in the payment of rent, in the payment for clothing, for food, for tramway and bus charges and other innumerable items of the economic system of the country. To cut down the salaries of the employees of Government will be to stop this

[Mr. C. Basu Dey] [30th October 1935]

circulation and to that extent check the enterprise of the Province and throw thousands of persons out of their occupations. Therefore, Sir, I feel that any opposition to measures of new taxation will not be of the right type, though it may suit party purposes. It is wrong economy and unpatriotic obstruction. In deciding upon such issues as this we want our leaders to direct us with bold intelligence and not to mislead and stampede the country and the public with blind hysteria.

"So much with regard to the objection to the principle of new taxation. Now, coming to the Bill itself, I join with my hon. Friends, in voting against the inclusion of the provision relating to the monopoly vend. It is certainly not a desirable thing to do. I heartily endorse all the arguments that have been advanced against the inclusion of this provision. I also agree with my hon. Friend from Guntur that in regard to the question of hawkers, some of the growers themselves would come under the provisions of this Bill. Most of the growers of tobacco owning an acre or two of land generally sell a portion of their tobacco to meet their immediate needs and the balance they sell in small bundles at the various shandies. I hope that at the Select Committee stage hon. Members will examine this aspect and see that such growers are exempt from the operation of this Bill.

"My hon. Friend from Coimbatore stated that this Council has outlived its time and is not a representative body. This is not the first time we hear this story. I am sorry that the hon. Member had gone further to confess that he was not in touch with his constituency. If a reactionary Government had continued this Council beyond its term there was nothing in the way of the hon. Member resigning his membership and seeking re-election in order to get a fresh mandate from his constituency. That, Sir, would have been the correct conduct of the hon. Member but instead of that, he continues to take advantage of what according to him is a reactionary procedure adopted by the Government, and flings missiles from his comfortable seat in the House. He is a very popular member of the Legislative Council and of his constituency, but the irony of it is that he had to disown facts to enable him to indulge in meaningless tirades.

"Sir, I am sorry that a stray remark of Sir Patro, not quite relevant to the subject under discussion, should have been taken advantage of by the hon. lady Member to read us a lecture better fitted for Tilak Ghat. It was unfair to indulge in tirades or indictments against parties or persons and thus abuse the time of the House. With these few words I strongly support the motion to refer the Bill to a Select Committee."

* Sriman M. G. PATNAIK Mahasayo:—"Sir, from the Statement of Objects and Reasons we find that the use of the tobacco is considered a conventional luxury. If it is a conventional luxury, of course it may be taxed. But is it really so? I submit it is not so at all. For a very long time people have been using tobacco in some form or other in this country, and the only thing that has come into use as a conventional

30th October 1935] [Sriman M. G. Patnaik Mahasayo]

luxury is the use of cigarettes and cheroots. Those costly things have come into this country from other countries. Therefore, if you want to tax any kind of tobacco at all, it must be the cheroots and the cigarettes. If really Government want to follow the recommendations of the Taxation Enquiry Committee, they ought to tax only cigarettes and cheroots the use of which can be described as a conventional luxury. So far as the use of the other kinds of tobacco is concerned, it is not at all a conventional luxury.

"In other countries, we know that drinking is a common habit with the people. In India it is not so. In other countries smoking may be considered a conventional luxury, but not in India. Instead of drinking, here in India people use tobacco in some form or other. Therefore, it cannot be said that it is a conventional luxury. The poor man after a hard day's labour comes out and chews a bit of raw tobacco or smokes or takes a little snuff. (An hon. Member.—"Why not they take to drink?") Oh, you want them to drink. Supposing the use of tobacco is made more difficult for these poor people, then the result of this Bill will be that people will give up smoking and take to drinking. Probably the Government will then gain both ways. They will then realise some money by the sale of tobacco and also the income from excise will go up. I was saying that it was not the object of the Mover of the Bill or of the Government, to discourage the use of tobacco. I cannot see how the Government can make good the deficit which they estimate would come to about 25 lakhs.

"We find that the Hon. the Finance Member expects to get from 5 to 10 lakhs of rupees from this source. He does not expect the whole deficit to be made up. Sir, we have to take into consideration the fact that this is not the first time that the deficit is expected in the budget. The Government knew the recommendations of the Taxation Enquiry Committee and I desire to know the reason why the Government did not come forward previously with such a Bill. The Hon. the Revenue Member has, with his characteristic frankness, told the House that the Bill is intended to raise money. But, Sir, I cannot accept it. The better thing would have been to regulate taxation in proportion to the profits realized by the sellers of tobacco. The Government cannot realize much money by imposing a flat rate of licence fee. Their object could be better achieved by adopting my suggestion. I am sure that the Hon. the Finance Member, the Hon. the Revenue Member and their Secretaries would have discovered that much money cannot be raised according to the plans formulated in the Bill. Therefore, I think there ought to be some other thing behind all these proposals. The whole question turns on whether we are to believe the Government or not even though the Government have not taken the House into their confidence. Both from the Statement of Objects and Reasons and from the statements made on the floor of the House, one cannot accept that this Bill is intended to raise money or to make good the anticipated deficit in the Budget. There ought to be some other reason and I have a suspicion

[Sriman M. G. Patnank Mahasayo] [30th October 1935]

that this may have something to do with Sir Otto's enquiry. That is only my suspicion. I fear there is something of Kumbakonam behind all this. (Laughter.) Otherwise one cannot understand how they are going to achieve their object by imposing the same rate on a man making three thousands and another earning three rupees. I do not think it is right. That apart, the non-imposition of a tax in proportion to the profits, leads me to think that the object of the Bill is not what is professed to be. I think the principle on which the Bill is framed is wrong and ought to be corrected altogether and another Bill introduced.

"My submission is that, Sir, if the House believes the Government—it is my opinion that we have not been taken into their confidence,—that the Bill is intended for the benefit of the people and the province, then let us vote for it. But if we feel that something bad will come out of it, let us throw out the Bill. (An hon. Member: Do you trust them or not?). That is another matter.

"There is another thing, Sir. There is no doubt that the grower will be severely affected because the number of prospective purchasers will be reduced and the competition between them will be minimized if there is to be monopoly.

"My hon. Friend, Mr. Arasu, drew upon his knowledge of books without practical experience. After the depression in the country I have found very little use in books of economy and their conclusions have been found by every day experience and observation, to be utterly incorrect. Sir Patro has explained the whole thing very clearly and I do agree with him in all that he said. But still, Sir, I will only say 'vote for the Bill if you believe the Government and do not, if it is otherwise'; but I have no reason to think that they are undertaking this Bill for any motive other than the good of the country."

* DR. P. SUBBARAYAN:—"Mr. President, Sir, I do not join with my hon. Friend, Mr. Ramalingam Chettiyar, in saying that he found himself in the happy position of agreeing with Sir Parasuramadoss once in a way. I find myself very often in agreement with Sir Parasuramadoss. Whenever he attacks a measure he draws the whole attention of the House to his remarks and, whatever anybody may think, his arguments do hold the field.

"I personally feel that this is a wrong moment for any Government to bring in a Bill to raise taxation for any purpose. The Hon. the Finance Member reviewed the difficulties the Government are under with regard to their finances; but as Sir Patro pointed out, they may draw from their balances if really they have to do so. Besides, in times of stress, when they find that it is not possible to raise any taxation, they ought to retrench and impose a cut in salaries which, I know, is anathema to the Hon. Members of Government. I entirely agree with them when they say that there ought to be a contended service but at the same time, members of the service will also realize

30th October 1935] [Dr. P. Subbarayan]

that in times of stress, a cut in salaries is necessary and it has been found necessary not only in this country but in other countries. In times of economic depression, when Governments have not been able to meet their deficit, a cut in salaries has been imposed and these have been given back when they got into a flourishing condition. If this Government are of opinion that they have reached a stage when their finances do not cover their expenditure, they ought to look for cut rather than impose special taxation at this moment. I feel that this is a wrong moment. This Council has outlived its time by more than three years already in the expectation that the new election would be held year after year. Every time the life of the Council has been extended the reason has been given to hon. Members that perhaps next year the time will come for the elections to be held under the Reforms. What has been the result? We have waited for three long years; and I should not be surprised if this Council is extended by another year before any steps are taken for the new elections. You see in constitutionally-governed countries, the Government generally, when they feel that they have outlasted their time declare for an election even before the period, for which Parliament has been elected, has come to an end. We, in this country, on the other hand, have been fed with hopes of extension time after time for reasons best known to the authorities. I know there are many hon. Members fondly hoping that this time next year perhaps elections will be held under the new Reformed Constitution. I said three years ago, when it was said that the Reforms will come in time, that it was better not to anticipate and to take the clue from Lord Willingdon's plan when he dissolved the Legislature under the Minto-Morley Reforms even though he knew only eleven months remained for the introduction of the Montague-Chelmsford Reforms. But such boldness was not found in the Government when the first extension was made. They have been expecting the coming of the Reforms and I hope as has happened to Governments who have hung on to their places in spite of their terms coming to an end, a lesson will be taught by the electorate when the next elections take place.

"Mr. President, coming to the merits of the Bill, I am in agreement with the hon. Member representing the European group, Mr. Reid, whose speech I heard with very great care and I congratulate them on the very able way in which their case was presented by the hon. Member representing them in this Council. I feel with him that in a measure of taxation it is impossible to give a blank cheque to the executive. It is a well-understood principle of a democratic constitution that the executive should not be armed with powers by which by a mere fiat they can raise the pitch or level of taxes and do what they feel right. I think it is right that the amount which is to be collected should be fixed by this Council and the hand of the executive should be tied to that extent that they cannot go outside the four walls of the Statute.

"I do not know who drafted this measure at the Secretariat. Perhaps my hon. Friend, the Revenue Member, is responsible for it

[Dr. P. Subbarayan] [30th October 1935]

himself. I feel it is a very ill-drafted piece of legislation. (The hon. Member nodded assent.) I am glad to find that the hon. Gentleman is in agreement with me in this statement. If that is so, I am surprised that my Hon. Friend should have thought it fit to introduce this measure into this House without so getting it into shape as at least to appeal to his drafting and artistic sense. I hope whatever may be the fate of the measure with regard to the Select Committee, hon. Members would at least see that when this Bill emerges out of the Select Committee, the objections that my hon. Friend, Mr. Reid, raised with such force this morning are met. It will, I hope, realize that they are not to give a mere blank cheque to the Government.

“ Mr. President, I am not questioning your ruling of yesterday, but I do feel that the gallant knight from Berhampur was right, though not technically correct, when he said that the motion was out of order and that we did not know whether the Government of India will not afterwards annex this tax. I know my Hon. Friend, the Leader of the House, tried to get out of it by saying that in the schedule with regard to provincial taxation there is a phrase by which tax can be levied on the sale of goods. But, in spite of all three of us, the Hon. the Leader of the House, Sir Parasuramdas and myself being lawyers, I should not be surprised if one of the first things the new Federal Court which may be established with the coming of Part III of the Constitution will consider will be whether the Hon. the Leader of the House is right or Sir Parasuramdas is correct.

3-45
p.m.

“ Because I think it is a very doubtful point. I myself looked up Kieth's Responsible Government in the Dominions and there have been decisions in the Supreme Courts of Australia and of Canada. And if you read some of those decisions you will find the Supreme Courts in Canada have taken a different view from the Supreme Courts in Australia with regard to what is a provincial subject and what is not. I know there is this distinction between the two constitutions, viz., the question of residuary powers. It is not the case under the present Government of India Act because there is no such thing as residuary power left. But even then a question of conflict between the Provincial and the Central Governments might arise. It is bound to arise. It will be eventually decided by a Federal Court. It was said that this is a question of tax and not an excise on tobacco. That is a question which will have to be decided by argument and perhaps the Leader of the House may be free to argue his own point of view on behalf of the then Government of Madras and my friend Sir Parasuramdas may be also free to argue on behalf of the then Government of India. (A voice: ‘ What about you? ’) I hope I may also be free . . . (A voice: “ To judge between the two.”) (Laughter.) I do feel that there is this doubt and that Sir Parasuramdas was quite correct when he raised it. Why this hullo-bullo? Why make noise over a trivial sum of ten lakhs when you want crores? When the expenditure of

30th October 1935] [Dr. P. Subbarayan]

Madras is considered, 10 lakhs is merely a flea-bite. When such is the case I cannot see the need for the haste with which the Government want to rush this measure. I do feel that it is not right; that it is not the function of a legislature which has come to the end of its natural term to try and impose taxation on the people without really going before the electorate and finding out what their intentions are. I am not one with Sir Parasuramdas in the matter of the next elections. If you do feel that this is a correct measure you must vote and take the responsibility for it. But at the same time I do feel that this House which is moribund, which has come to the end of its natural term is not a place to consider or pass a measure of taxation. It is better if really deficits have to occur that you leave the matter into the safe hands of the next Government whoever they may be, because it will be their ultimate responsibility to undertake measures of taxation for the financing of the problems that may arise before them. Do not tie their hands; do not make it impossible for them to lay down their policies in fields unexplored. That is what you are trying to do by the methods you are trying to adopt. I do feel if you think that democracy is going to work and work on a proper basis then it is not either your function or your business to tie their hands. Because with such a measure before them they may not know what they want. Leave them free to tackle the problem. It may be we are financially badly off. It may be that the next Government may find ways and means of finding fresh sources of income. For the past 15 years, since the introduction of the Montague-Chelmsford Reforms we have been trying to play with democracy, with a reserved half, who are really the responsible half of the Government, without any power either to influence or to direct the policy of the Government and when to-morrow you are going to be fully in charge of the affairs of this province, is it right, is it fair and is it statesmanlike to take away from their hands the right to decide what is a lawful tax and what ought to be the expenditure they ought to provide for? I have heard it said, ‘ we want to leave a clean slate for the next Government.’ I am sure no next Government worth its name will consider it a clean slate for the simple reason it is for them to decide what a clean slate is. What you think a clean slate may not be clean to others. Policies may differ. They may have different views on taxation. I wish in the name of democracy, in the name of all you Englishmen believe in this country you would leave it alone to the new Government to tackle the problem before them.”

* Mr. K. P. RAMAN MENON:—“ I do not propose to detain the House with a long speech with reference to this matter. First of all, Sir, to justify an additional taxation it must be shown that it is absolutely necessary. Sir Patro has very lucidly explained the financial situation this morning and he has shown as plainly as possible that without fresh taxation the Government can get on. Then again all

[Mr. K. P. Raman Menon] [30th October 1935]

the amount that this taxation is supposed to yield is another ten lakhs and what is ten lakhs to a Government which deals with crores of rupees. As has been pointed out by the other speakers that, out of this ten lakhs, for supervision charges, collection charges and other things a large portion may have to be spent and that the balance may be practically negligible. Under those circumstances, Sir, can it be said that it is absolutely necessary to have this taxation? It has been said again on behalf of the Government that they are so very anxious about the coming Government, that they want to give them sufficient funds to run the Government. Personally I am sceptic about the solicitude which the Government evince. (The Hon. Mr. C. A. Souter: I may assure you.) You may assure me; but my scepticism remains. The more this argument is trotted out the more sceptical I grow. Then there are other points raised by the previous speakers that have to be answered. For example Mr. Arasu said that the incidence does not fall on the cultivator. It is quite plain, Sir, that if you demand a licence fee from the dealer, the dealer must have it out of his profits. Do you expect, Sir, any person to be so altruistic as that? He has necessarily to transfer the burden to the person who buys. Who are the persons that buy tobacco? It is the ryots. The person who raises the crop will be the person who uses the stuff. That person will have necessarily to pay the licence fee. The dealer will then transfer the burden on the ryot. It is absurd to suppose that a dealer will if his profit is Rs. 100 and has to pay Rs. 15 towards the licence fee will be content with Rs. 85. This Rs. 15 he will have to find from persons who purchase the tobacco from him. It must be known, Sir, to almost all members of the transferred half that almost every individual in this country from the merest coolie to the richest zamindar uses tobacco in some form or another. In Malabar except children below 16 or 17 every man and woman use tobacco. They chew tobacco; they use it in a medicated form and sometimes as snuff and, those who are Anglicized, smoke. In South Kanara snuff is used by almost all and I am told in the other districts like Guntur tobacco is extensively used. As a matter of fact therefore one must suppose whether it is a tax or licence fee call it whatever you will it will ultimately fall on the head of the ryot who has to purchase his tobacco. I cannot understand how Mr. Arasu has persuaded himself into the belief that this tax will not be a burden on the finances of the ryot. As has been said how can you avoid to touch the ryot because the ryot has to find money which has to be paid the dealer? Finally the burden will fall on the ryot. That is an aspect which must be considered. I feel that this is not a time to introduce fresh taxation. It has not been proved that it is not possible to carry on the Government without it. Therefore I have to oppose it."

* Mr. M. A. MUTHIAH CHETTIYAR:—"Coming at the fag end of the discussion on the subject I am one of those persons who have been benefited, especially by those who raised the legal issues. They have

30th October 1935] [Mr. M. A. Muthiah Chettiyar]

raised serious doubts as to the use of this Act after the advent of the Federation. It has been stated that this taxation would yield only about ten lakhs and it has been rightly pointed out from the Statement of Objects and Reasons that it is a tax and not a licence fee. The Government have come forward with the proposal not because they want to control the trade in tobacco but because they want to raise revenue. It has been made clear from the speech of the Hon. the Revenue Member that they want to augment the revenues. Myself and many others in this Council share the opinion of the Hon. the Revenue Member and the Hon. the Finance Member that the revenues of this Government should be augmented. But while doing so we should consider whether such a taxation measure should be rushed through in this manner and whether it will not be beneficial to take some time and elicit public opinion. I should definitely say that the House will be benefited by the adoption of such a course. There is no doubt that this Bill is going to affect all concerned. I am one of those who agree that tobacco is a luxury and may be taxed. But in doing so whether it will prove a hardship or not has to be considered. Would it not benefit us and the members of the Select Committee if the Government is to agree to move to refer this Bill to a Select Committee at a later stage and in the meantime consult the public who are greatly concerned?"

* The Hon. the RAJA OF BOMBILI:—"At the beginning of the discussion, I thought that probably it would not be necessary for me to participate in this debate, but now, having seen how much of the time of the House has been taken up, not on the merits of the proposed Bill under discussion, but on the political consequences that are expected to follow on the passing of this measure by this House, I feel it my duty to place my views and the views of my Party before the House. I may state at the outset that nobody welcomes this measure nor is a taxation measure ever popular; it is not for that reason we ask this hon. House to support this measure but on stronger grounds, namely, the necessity for providing the funds required for carrying on the administration satisfactorily. We are not in the happy position of my friends sitting opposite who have dealt only with one side of the question and have put forward the plea that as this House has practically come to the end of its life, it should not deal with any measure of taxation. We, being in office and responsible for the administration of the country, are brought face to face with the realities of the situation and to meet the present financial position.

"Hon. Members of this House are no doubt aware that agriculture is the greatest industry in our country, and that in the present state of economic depression, it is the agriculturist that needs the greatest amount of relief and assistance. If we support this measure of taxation to-day, it is because we feel that the agriculturist needs relief and because we want to be in a position to give him the necessary relief. It has been stated that there is no justification for undertaking any

[The Raja of Bobbili] [30th October 1935]

measure of additional taxation during a period of financial depression through which the country is passing at present. I may state that if the present policy of our Party is to give adequate relief to the agriculturist and ultimately to evolve a more equitable land revenue system, it is certainly necessary to find alternative avenues of taxation. I therefore, submit, Sir, that it is not quite correct to assume and argue that this is an additional form of taxation or, in other words, another way of adding to the burdens of the people; it is because we feel that this measure is necessary in order to enable the Government to continue the land revenue remissions and also other reliefs granted by them that we have undertaken to support this measure during the lifetime of the present Council. I may mention one instance: the Act known as the Motor Vehicles Taxation Act, has resulted in the abolition of tolls, is giving relief to the agriculturists to the extent of about 30 lakhs of rupees. If all these beneficial measures which are calculated to benefit those classes of the rate-payers who are in greatest need of relief are to be continued, and if the present standard of administration is to be maintained, I submit to this House that it is absolutely essential that a measure of this kind should be passed.

"Of course, it has been stated by several speakers and also by my hon. Friend, Sir A. P. Patro, that it is most unwise that any political party should undertake a measure of taxation on the eve of the elections. But I may state that, as a party which has had administrative experience and which has always stood for constructive statesmanship, we do not believe that it will be possible to carry on either the nation-building departments or the key services without adequate funds. We do not belong to that school of thought which believes that it will be possible to carry on the administration by a substantial reduction in the pitch of land revenue assessment without exploring other sources of revenue. Our appeal has always been to that section of the electorate who can discriminate and who will not be led away by a spectacular programme, not backed by constructive proposals. If we say that our policy in the sphere of land revenue administration is to continue to press for land revenue remissions and also see that during this period of depression there should be no resettlements undertaken afresh, it is also our duty at the same time to explore alternative avenues of taxation which could ultimately be expanded to take the place of or to replace the loss in our land revenue which has so far been the main source of provincial revenues. It therefore follows that if we are supporting this measure to-day, it is with a view to having an alternative source of taxation which could be expanded and made to take the place of part of land revenue until a more equitable system of land revenue is adopted in future.

"Therefore the case before the House is that this measure should not be considered or construed as a mere taxation measure and should not be judged on that count alone but must be considered together with other measures of relief which Government have been able to give

30th October 1935] [The Raja of Bobbili]

during the last few years of economic depression. And if they strike out the balance, I am sure hon. Members will realize that the sum total of the beneficial proposals made are really calculated with a view to give relief to the agriculturist who, I am sure all of you will agree, is the class of tax-payer who is most in need of such relief. Of course it has been stated that it is none of our business to think about the future and that it is for the future Government or whichever party may be in office under the new Constitution to set their house in order and that we should not take the responsibility of safeguarding our financial position. As a responsible Minister, I regret I am not able to subscribe to that view. Though we are on the eve of constitutional changes, still the responsibility of so managing our finances as to leave our financial position in as sound a condition as it had been in the past lies on us, whether we are at the fag end of the life of this Legislative Council or at the beginning of a new Legislative Council. I may also mention for the information of hon. Members of this House that similar measures have been carried both in the provinces of Bombay and Bengal, and in all other countries taxation on tobacco has always been one of the chief sources of revenue to Government.

"I may repeat that the main intention of Government in bringing forward this measure is to enable them to continue the present relief to agriculturists which they have been giving during the last few years. 4-15 p.m.

"As regards the various political issues that have been raised, I may say, at the risk of repetition, that as a party working on constitutional lines and with administrative experience for a number of years, when we put forward proposals that there should be no further resettlement, we will be pressing for the present remissions which are being granted to the agriculturists. We feel it our duty at the same time to explore alternative measures of taxation which may ultimately be expected to take the place of the revenues given up. I therefore once more wish to state that our appeal to the country has always been on practical and constructive lines and in carrying out our policies, as we hope to do, I have no doubt we will have the support of the electorate as in the past. We would not be scared away by the threats that a measure of this kind will have serious effects on the future, because if the Government of the country is to be carried on efficiently, any political party that puts forward a spectacular programme without at the same time showing ways and means for carrying it out will not carry weight with the electorate which we represent."

* The Hon. the PRESIDENT:—"Before I ask the Hon. the Revenue Member to reply to the debate, I should like that the amendments to add certain names to the list of the Select Committee Members given notice of by hon. Members are moved."

Mr. G. R. PREMAYYA:—"Sir, I move that two more names, viz., that of Mr. P. M. Thangal and that of Mr. Mahmud Schamnad be added to the list."

[30th October 1935]

Mr. P. V. KRISHNAYYA CHOUDARI:—"I move that Sir Patro's name may also be added."

Mr. R. MADANAGOPAL NAYUDU: "Sir, I move that the names of the Raja of Parlakimedi, Mr. C. Jayaram Nayudu and Mr. Dharmalingam Pillai be added to the list."

* Dr. P. SUBBARAYAN: "Sir, I am afraid it has become the practice of this hon. House, when an agreement has been come to between the various parties and the Member in charge of a Bill has given a list of Members of the Select Committee, to move for the addition of names to the Select Committee. I think this is not a proper course to take. I am glad that my hon. Friend (Mr. Manikkavelu Nayakar) sitting on this side of the House, in deference to my wishes, did not move for the inclusion of the two names he wanted to. In view of this, I would appeal to the hon. Members who moved for the addition of these five names to withdraw their motions. When the Government themselves say that they are in a bad financial plight and that they want to save money, I think the Council ought to set a lesson in the matter of economy and see that we do not add to the expenses of the Government by bloating our Select Committees with a large number of Members. Under the circumstances I would make an earnest appeal to the hon. friends who have moved these motions suggesting additional names to the Select Committee to withdraw their motions. I find that all parties are represented on the Select Committee as per the list given by the Hon. the Revenue Member and I think they will be able to go into the question of this Bill, if it goes to a Select Committee and to shape it in a way that may carry out the wishes of hon. Members who have proposed various amendments."

Mr. R. MADANAGOPAL NAYUDU:—"Sir, I wish only to state that I gave notice of my motion only after I heard that other names were being proposed. If Mr. Manikkavelu Nayakar is not moving his motion and if the others are withdrawing the names suggested by them, I shall also withdraw my motion."

* The Hon. the PRESIDENT:—"The hon. Member is at liberty to set an example for them." (Laughter and cries of 'Hear, hear'.)

Mr. R. MADANAGOPAL NAYUDU:—"I beg leave to withdraw my motion, Sir."

The motion was by leave withdrawn.

Mr. G. R. PREMAYYA:—"In view of the opinion expressed by the hon. the Leader of the Opposition, I also beg leave to withdraw my motion, Sir."

The motion was by leave withdrawn.

Mr. P. V. Krishnayya Choudari's motion was also, by leave, withdrawn.

30th October 1935]

* The Hon. Mr. C. A. SOUTER:—"Mr. President, Sir, I am afraid the debate has taken a course which may necessitate my keeping the House for some considerable time."

* The Hon. the PRESIDENT:—"May I interrupt the Hon. Member for a second? If the Bill is to be put to vote now, the discussion should come to a close allowing 15 minutes for the division to take place."

* The Hon. Mr. C. A. SOUTER:—"Thank you, Sir, I think I shall finish by that time."

"The opening remarks that I made when I moved for the introduction of this Bill that I was diffident in doing so seem to be justified, because there seems to be a considerable amount of opposition to the Bill from various parts of the House. I think, Sir, my best course will be to take the salient points which I have noted and to answer them intending at the same time to answer all individual Members who at one time or another raised those points."

"First of all, of course, I must reply to the lady Member who, I think, started or at any rate followed up the idea that this Bill was going to have considerable influence on the future elections. (Diwan Bahadur T. A. Ramalingam Chettiyar interrupted.) I said, 'followed it up.' I think that my Hon. Colleague the Chief Minister has given a satisfactory answer to that. So far as I am concerned, and I think I can speak for my Hon. Colleagues on the reserved half, whether this Bill is going to influence the elections or not, hardly entered our heads. That was not a matter which we considered as having an intimate bearing on the question whether this proposed taxation is necessary or not. I hope hon. Members will take my assurance for that. All that we on the reserved side intend by this measure is that the finances of this presidency shall be bettered. What its effect is going to be on this Member or that Member is, to my mind at any rate, entirely irrelevant."

"Now, Sir, I will proceed to reply to the various criticisms which have been made against this measure on financial grounds. Here, Sir, I much regret that a very considerable number of mis-statements have been made. I made a categorical enough statement earlier to the effect that although we propose to carry out the re-settlements in accordance with the principles on which we have carried them out in the past, we do not propose definitely to increase the incidence of land revenue in any particular district now, but will leave it for the future Government to impose such conditions if and when they think it necessary. I trust, Sir, that that statement is categorical enough to dispel the apprehensions of I think my hon. Friend Mr. Ramalingam Chettiyar."

Mr. T. S. RAMASWAMI AYYAR:—"What about the reclassification in the Cauvery Delta?"

[30th October 1935]

* The Hon. Mr. C. A. SOUTER:—"That is not a re-settlement question. If my hon. friend remembers my statement I think I referred to this case and to Guntur in particular.

"Now, Sir, it has been generally assumed that our revenues amount to something like 17 crores. In view of the land revenue concessions and so on, our total revenues have shrunk to 15 crores and, if we are to carry on at all adequately, at any rate some portion of it must be found otherwise. That is actually the situation. After careful examination we have come to the conclusion that in the next five years, at any rate in our present sources of revenue, we can see no prospect of any substantial increase.

"Again, Sir, in consequence of retrenchment we cannot see there is any scope for further economy to any large extent there and there is no question about it that the new Constitution must involve additional expenditure.

4-30
p.m.

"Then, again, references were made to surpluses. We cannot possibly subscribe to the idea that our balances can be used to tide over difficulties caused in future years on account of capital expenditure. I doubt whether the opinion of many hon. Members who subscribed to the view that our balances could be used for such purposes as mentioned above is a sound one, but even if it were their considered judgment to use our balances for that purpose, I am very much afraid that in a very short time the chances are that these balances, whatever the causes may be, will very largely be dissipated. It is anticipated that our balances at the end of the year will be round about 2 crores. Now supposing that the new constitution comes into force say about April 1937, i.e., 18 months from now, we shall have before that time to make a minimum deposit in the Reserve Bank and that must be a standing deposit. We have already intimation given to us that that deposit has to be made. What is the amount of it we yet do not know but I think that it will have to be very considerable and that it has to come from our balances. Sir, if we get provincial autonomy we have to recollect that this Government will have to find its own ways and means. Let me take one example. We have to maintain a minimum amount of money in the various treasuries and sub-treasuries. If one recollects that the revenue of the province comes in only in the course of three or four months and during the rest of the year no revenues come in, one will agree that ways and means will have to be found from fluid money at our disposal and that will have to be met probably from our balances. That is a second item which is bound in my opinion to affect our balances.

"Thirdly it is more than possible that when the new Orissa Province is inaugurated we will be asked by the Government of India to pay a lump sum towards that inauguration and if we are asked to pay that lump sum, I may assure hon. Members, it will not be a negligible sum. And that lump sum again must come from our balances. Say

30th October 1935] [Mr. C. A. Souter]

by the end of the year or by the time the new constitution is introduced we should be in this position: that our balances of 2 crores will be reduced to something small and that on them we cannot possibly rely to tide over any period of difficulty.

"I have taken the House into my confidence in these matters, but I do so in order to show that we have explored all possible sources of revenue before we introduced this Bill for extra taxation.

"Now, again, Sir, speaking generally, when Sir Otto Niemeyer comes to Madras what will be his attitude? It seems to me that the questions which he will put to Provincial Governments will be something like these—

- (1) Is the Province taxed adequately?
- (2) Has the Province been economic in its overhead charges?
- (3) Has the Province retrenched its expenditure adequately in this period of economic depression?

"It seems to me that any Financier enquiring into the financial position of a Province is bound to ask himself and is bound to ask the Province concerned these questions. It is more than probable that Sir Otto Niemeyer will himself enquire in each Province as to possible sources of revenue and, having the recommendations of the Taxation Enquiry Committee before him, one of the sources of taxation which he is bound to enquire into will be that on tobacco. If he finds that Bengal and Bombay, and not only that, the two neighbouring States of Cochin and Travancore, have introduced such a tax, he will naturally enquire why Madras has not done so. If he finds we have not done so, naturally we are going to get a bad report.

"Further, take this fact into consideration. As we all know excise on tobacco is a Federal subject. Supposing we do not introduce this taxation now—of course my hon. Friends Messrs. Dr. Subbarayan and Sir A. P. Patro said that this House is not competent to introduce it now but I think personally that we are perfectly competent to introduce it—it is more than probable that the Government of India will introduce it"

Dr. P. SUBBARAYAN:—"On a point of personal explanation. I never questioned the competency or otherwise of this House. I only said 'is it wise if afterwards it is going to be taken away by the Government of India'."

* The Hon. Mr. C. A. SOUTER:—"I accept the correction. For the word 'competency' I substitute the word 'wisdom'.

"All I can say is: is it not likely that the Government of India will turn round and impose an excise duty on tobacco in this Presidency whereby the chances are that the incidence of such a taxation will be very much greater than the incidence arising out of this measure.

[Mr. C. A. Souter] [30th October 1935]

These points, although they seem to be commonplace, deserve to be put very prominently before this House, and these we consider as a very real danger.

"Now, there have been some apprehensions as regards the amount of this tax. I stated before that we think that we should be able to raise this year 10 lakhs of rupees and that the tax will be small. But I am perfectly prepared when this Bill goes before the Select Committee to see that the amount of tax is fixed and I should go even as far as this, viz., that I should be prepared to say, at any rate in the first year of introduction, that the maximum of tax should not be more than Rs. 5. I am perfectly prepared to say that. If we calculate on that basis it will be possible for us to raise our 10 lakhs of rupees.

"Then, Sir, I think it is my hon. Friend Mr. Raman Menon who suggested rather unkindly that we do not bring forward this measure out of solicitude for the future Government. May I tell him that if it was not solicitude that actuated us how was it that we wished, which Sir Patro and some other hon. Members seem to think may be the consequence, that the Justice Party should be wrecked. (Laughter.) Again, Sir, do you think that I personally would have been prepared to spend the best part of the last two days in this House and to strain not a too strong throat in explaining the necessity for a measure of this sort merely with some ulterior motive and not out of solicitude for the future Government?

"I have listened with very great interest to Mr. Reid's speech, especially with regard to his criticism of the monopoly. I think myself that monopoly is not a very pleasant thing. I have read too much of history not to know where monopoly may lead to. But we do not intend, categorically I say so, to introduce monopoly now. What the Bill says is that if in the future the Government of that day consider that monopoly may be introduced, they should have power to do so. But knowing the feelings against monopoly, I should be prepared to go as far as this and say that in the Bill itself provision should be made that the Government of the future shall not introduce this monopoly unless it has the approval of this House; and I should have no objection at all in the Select Committee to having such a provision made in the Bill itself. That I think ought to remove any danger of introducing monopolies at a wrong time or with wrong motives.

"Then, Sir, as regards the various details of the Bill, I do not think it is necessary to discuss them here as I sincerely hope that this House will accept my motion to refer the Bill to the Select Committee where all the details can be gone into. I think it will be a good thing in the Select Committee if we intimate the various bodies who are interested in tobacco trade and so on to send their representations to the Select Committee as to their objections and otherwise and I give a promise to this House that the Select Committee, before it meets, shall announce to the public that such and such a date shall be the last day for the receipt of the criticisms of the Bill.

30th October 1935] [Mr. C. A. Souter]

"In other words, we shall be able then to consider all points of view and any reasonable objections which may be raised to the Bill.

"Then, Sir, some remarks were made as to the very small amount we expect to raise under this Bill and it was added that probably the costs of collection would absorb a very large amount of this sum. As regards the first part of the objection, all I have to say is that this measure is a measure, we hope, of expanding revenue and that this ten lakhs ought not to be considered as fixed once for all. If it had been, I quite agree that it would have been practically useless to introduce a measure of this kind. There again it may be possible for the Select Committee to empower the Government to increase such fees as necessity arises. I should also be perfectly prepared to introduce in the Bill a definite provision that any increase in such fees must have the approval of this House. And we are all harping on the unrepresentative character of this House. We hope that when this Bill is in working order the House may become truly representative and whatever party may be in power, if the House as so representative at that time considers that the Government of the day requires more money it will be within the competence of the House to enable the Government to raise it. I think that answers most of the criticisms levelled. I have not on purpose gone into great detail but confined myself generally to the main provisions of the Bill. I sincerely trust that in view of the consequences of such action as I have pointed out, the House will not summarily reject the Bill. Believe me, the impression created by such act would be definitely a disadvantage to this Province. I trust therefore that this House will permit this Bill to be referred to a Select Committee."

Mr. Hameed Khan's motion was by leave withdrawn.

The question that the Bill be referred to a Select Committee consisting of the following seventeen members was put to vote and declared carried:—

- (1) The Hon. the Raja of Bobbili.
- (2) Sir William Wright.
- (3) Diwan Bahadur T. A. Ramalingam Chettiyar.
- (4) Mr. P. Peddi Raju.
- (5) Mr. K. P. Raman Menon.
- (6) Mr. P. V. Krishnayya Choudari.
- (7) Mr. C. Ramalinga Reddi.
- (8) Mr. B. Pocker Sahib.
- (9) Rao Sahib N. Siva Raj.
- (10) Mr. Mahboob Ali Baig.
- (11) Mr. Daniel Thomas.
- (12) Mr. M. S. Sreshta.
- (13) Mr. H. R. Uzielli.
- (14) Mr. A. Harischandrudu.
- (15) Mr. V. T. Arasu.
- (16) The Raja of Khallikote.
- (17) The Hon. Mr. C. A. Souter (Mover).

4-45
p.m.

[30th October 1935]

A poll was demanded and the House divided thus—

Ayes.

- | | |
|------------------------------------|--------------------------------------|
| 1 The Hon. Sir K. V. Reddi Nayudu. | 24 Mr. P. V. Rajagopal Pillai. |
| 2 „ Rao Bahadur A. T. Pan- | 25 „ V. G. Vasudeva Pillai. |
| nirselvam. | 26 „ J. M. Smith. |
| 3 „ Mr. C. A. Souter. | 27 „ G. Simhaachalam Pantulu. |
| 4 „ Mr. G. T. H. Bracken. | 28 Rao Sahib V. Dharmalingam Pillai. |
| 5 „ Diwan Bahadur S. Kuma- | 29 Rao Bahadur D. Krishnamurti. |
| raswami Reddiyar. | 30 Rao Sahib Pandit Ganala Rama- |
| 6 „ Mr. P. T. Rajan. | murti. |
| 7 „ the Raja of Bobbili. | 31 Mr. M. B. Rangaswami Reddi. |
| 8 Diwan Bahadur C. Natesa Mudali- | 32 Rao Sahib C. Jayaram Nayudu. |
| yar. | 33 „ D. V. Narasimhaswami. |
| 9 Mrs. K. Alamelumangathayaramma. | 34 Mr. G. Sriramulu. |
| 10 Mr. Scott Brown. | 35 „ J. Kuppuswami Choudari. |
| 11 „ H. R. Uzielli. | 36 Khan Bahadur Mahmud Schamnad |
| 12 „ C. E. Jones. | Sahib Bahadur. |
| 13 „ G. T. Boag. | 37 Mr. A. V. Bhanoji Rao. |
| 14 „ R. Madanagopal Nayudu. | 38 Diwan Bahadur A. M. M. Muru- |
| 15 „ T. B. Russell. | gappa Chettiyar. |
| 16 „ Sundara Rao Nayudu. | 39 The Zamindar of Bodinayakkanur. |
| 17 Khan Sahib Syed Tajuddin Sahib | 40 Sriman M. G. Patnaik Mahasayo. |
| Bahadur. | 41 The Kumararaja of Venkatagiri. |
| 18 Diwan Bahadur A. Appadurai | 42 Mr. G. R. Premayya. |
| Pillai. | 43 „ C. R. Parthasarathi Ayyangar. |
| 19 Rao Sahib N. Siva Raj. | 44 „ P. V. Krishnayya Choudari. |
| 20 Mr. M. Devadasan. | 45 „ I. Santhana Gounder. |
| 21 „ D. M. Reid. | 46 „ Mahboob Ali Baig. |
| 22 „ W. K. M. Langley. | 47 „ C. Basu Dev. |
| 23 The Raja of Parlakimedi. | |

Noes.

- | | |
|----------------------------------|-----------------------------------|
| 1 Rao Bahadur Sir A. P. Patro. | 10 Mr. B. Pocker Sahib. |
| 2 Dr. P. Subbarayan. | 11 „ M. A. Manikkavelu Nayakar. |
| 3 Mr. Yakub Hasan. | 12 „ P. Peddi Raju. |
| 4 Diwan Bahadur T. A. Ramalingam | 13 „ K. A. Nachiyappa Gounder. |
| Chettiyar. | 14 The Pattagar of Palayakottai. |
| 5 Mr. Abdul Hameed Khan. | 15 Mr. S. M. K. Beyabani Sahib. |
| 6 „ Basheer Ahmed Sayeed. | 16 „ U. C. Subrahmanya Bhatt. |
| 7 „ T. S. Ramaswami Ayyar. | 17 Mrs. A. Rukmani Lakshmiopathi. |
| 8 „ A. B. Shetty. | 18 Mr. K. P. Raman Menon. |
| 9 Khan Bahadur P. Khalif-ul-lah | 19 „ P. M. Thangal. |
| Sahib Bahadur. | |

Neutral.

- | | |
|-------------------------------------|---------------------------------|
| 1 Mr. V. T. Arasu. | 7 Mr. T. Narasa Reddi. |
| 2 „ M. A. Muthiah Chettiyar. | 8 „ A. Ramakrishna Reddi. |
| 3 „ M. S. Sreshta. | 9 „ H. M. Jagannadham. |
| 4 „ K. M. Duraiswami Reddiyar. | 10 Subadar-Major S. A. Nanjappa |
| 5 „ J. A. Davis. | Bahadur. |
| 6 Rao Sahib V. I. Muniswami Pillai. | |

Ayes 47. Noes 19. Neutral 10.

The motion was carried.

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

30th October 1935]

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

- * 1. *Resettlement Scheme Report of the Kurnool district.*
- * 2. *Comparative statement showing actual receipts in the first six months of 1935-36, actuals for full year 1934-35, and Revised Estimate for the year 1935-36.*

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

* Printed separately.

* Laid on the Table on 29th October 1935 and printed as Appendix XIII on that date.

[30th October 1935]

APPENDIX I.

[Vide answer to question No. 275 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 30th October 1935, page 138 supra.]

(1)

A list of men employed as Village Investigators and District Agricultural Supervisors on the Economic Enquiry Scheme with their qualifications is furnished below:—

Name.		Designation.	Qualifications.
VIZAGAPATAM DISTRICT.			
1	M.R.Ry. V. Achyutaramiah.	District Supervisor (Headquarters—Anakapalle.)	L.Ag.
1	" K. Krishna-murti.	Village Investigator, Chettupalli ..	B.Sc.Ag.
2	" G. Venkata Sastri.	Do. Baligattam ..	Do.
3	" M. Somayajulu..	Acting Village Investigator, Thummapala.	S.S.L.C.
4	" N. V. Tirumala Rao.	Village Investigator, Bhurja ..	Do.
5	" N. Viranna ..	Do. Peda Bondapalli.	B.Sc.Ag.
6	" A. Subrahmanyam.	Do. Pakirsahibpeta.	Do.
BELLARY DISTRICT.			
1	M.R.Ry. V. N. Subbana-charya.	District Supervisor, Bellary ..	L.Ag.
1	" M. S. Krishna-murthy.	Village Investigator (acting), Kampli.	S.S.L.C.
2	" M. Narayana Rao.	Village Investigator, Yalpi-Kaggal ..	Do.
3	" K. Siddappa ..	Do. Harivanam ..	Do.
4	" M. R. Ramaswami.	Do. Bantanahal ..	Do.
5	" N. Sri Rama Reddi.	Do. Hospet ..	B.Sc.Ag.
6	" V. Ranganatha Rao.	Do. Siruguppa ..	S.S.L.C.
COIMBATORE DISTRICT.			
1	M.R.Ry. M. Subrahmanya Pillai.	District Supervisor ..	L.Ag.
1	" C. Abbu Nayudu.	Acting Village Investigator, Athipalayam in place of Mr. S. Krishna-murthi (B.Sc.Ag.) on leave.	S.S.L.C.
2	" S. Lakshmanan..	Village Investigator, Vellakinar ..	B.Sc.Ag.
3	" K. Kondaswami.	Do. Annur ..	Do.
4	" N. Ganesamurti.	Do. Perumanallur.	Do.
5	" K. R. Muthugopalan.	Do. Udampalpet ..	Do.
6	" S. Muthuswami..	Do. Anthiyur ..	Do.
MADRAS DISTRICT.			
1	M.R.Ry. S. Venkatramana.	Village Investigator (Headquarters—Madras.)	B.Sc.Ag.
2	" K. V. Chalapathi Rao (for checking of Crop Ledgers).	Do.	B.A., B.Sc.Ag.

30th October 1935]

(2)

G.O. Ms. No. 728, Development, dated the 14th June 1933.

The Government are pleased to accept from the Imperial Council of Agricultural Research a grant of a sum of Rs. 52,290 spread over a period of 3½ years in pursuance of a scheme of Economic Enquiry into the cost of production of crops in the principal sugarcane and cotton tracts.

2. In exercise of the powers conferred by rule 44 of the Civil Services (Classification, Control and Appeal) Rules, the Governor acting with the Minister is hereby pleased to sanction the creation of three posts of Upper Subordinates on Rs. 75—7½/2—105 to do the duties of District Supervisors for the period 1st April 1933 to 30th September 1936 as temporary additions to the cadre of the Madras Agricultural Subordinate Service—Class I. The officers actually deputed from the department will draw the pay admissible to them in the regular line. The Director of Agriculture is required to keep the total cost of the scheme within the grant made by the Council.

3. The Government also sanction 18 posts of village investigators on Rs. 30 each per mensem for the same period. They will be appointed by the Director of Agriculture as and when they are required according to the crops to be studied.

4. The District Supervisors will be eligible for ordinary travelling allowance under the Madras Travelling Allowance Rules in lieu of fixed travelling allowance subject to a maximum of Rs. 60 per mensem and will be required to tour for not less than twenty days in a month.

5. The Director of Agriculture is permitted to correspond direct with the Imperial Council of Agricultural Research on all matters of technical detail pertaining to this enquiry.

(By order of the Government, Ministry of Public Works)

C. A. HENDERSON,
Secretary to Government.

To the Director of Agriculture with a copy of letter.
" Accountant-General through Finance Department (with copies of letters).
" Finance Department.

[30th October 1935]

(3)

Economic Enquiry Scheme—Madras Province—Villages finally selected for enquiry—(Revised list as on 10th August 1933).

	Taluk.	Village.
I. Vizagapatam district	1 Anakapalle	Thummapala.
	2 Viravalli	Pakirahibpeta.
	3 Parvatipur	Peda Bondapalli.
	4 Golconda	Ballighattam.
	5 Golconda	Chettupalli.
	6 Palakonda	Bhurja.
II. Bellary district	1 Siruguppa	Siruguppa.
	2 Hospet	Mudlapuram.
	3 Hospet	Kampili.
	4 Bellary	Yalpakagga.
	5 Alur	Bantanahal.
	6 Adoni	Harivanam.
III. Coimbatore district	1 Coimbatore	Vallakinar.
	2 Udumalpet	Budinatham.
	3 Palladam	Perumanallur.
	4 Avanashi	Annur.
	5 Coimbatore	Athipalaiyam.
	6 Udumalpet	Anthiyur.

APPENDIX II.

[Vide answer to question No. 278 asked by Mr. G. Rameswara Rao at the meeting of the Legislative Council held on the 30th October 1935, page 140 supra.]

G.O. Ms. No. 1996, Law (General), dated 12th June 1935.

The Government are advised that it is not necessary for an Official Receiver to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed in his official capacity or to sign as provided in section 58 of the Indian Registration Act, 1908.

(By order of the Governor in Council)

C. GOVINDAN NAIR,
Joint Secretary to Government.

To the Hon'ble the Chief Justice (with C.L.).
„ Inspector-General of Registration.
Copy to the Law (Drafting) Department.

[30th October 1935]

APPENDIX III.

[Vide answer to question No. 283 asked by Mr. K. A. Nachiyappa Goundar at the meeting of the Legislative Council held on the 30th October 1935, page 143 supra.]

(i)

List of schemes approved by the Board of Communications.

- 1 Diversion of the Great Northern Trunk Road *via* Vizianagram-Nellimerla and Jagannadharajapuram (Vizagapatam district).
- 2 Special repairs to the road from Kodaikanal road station to Kuruvanath (Madura district).
- 3 Bridge across the Bhavanasi river at mile 143/5-6 of the Kurnool-Chittoor Trunk road.
- 4 Special repairs to the Great Southern Trunk road between Tirumangalam and Ramnad Frontier.
- 5 Comprehensive improvements to road No. A-4, section VIII (Mongam to Kuttalangadi-Malabar district).
- 6 Re-metalling the Madras-Calicut Trunk road, sections III and IV (Olavakkote to Mannarghat, Malabar district).
- 7 Re-metalling the Madras-Calicut Trunk road, sections I and II (Walayar to Kalmandapam, Malabar district).
- 8 Construction of a bridge over the Korapuzha river (Malabar district).
- 9 Construction of a bridge across the Murat river (Malabar district).
- 10 Bridge across the Tambraparani at Murappanad on road No. 3 (Tinnevelly to Tuticorin, Tinnevelly district).
- 11 Converting the arched bridge of 10 vents into a girder bridge of 20 vents over the Sarada river at mile 465/1 of the Great Northern Trunk road (Vizagapatam district).
- 12 Re-construction of heavy retaining wall at mile 58/4 of the Coimbatore-Hassanur Trunk road (Coimbatore district).
- 13 Re-construction of four weak bridges and a culvert on the Mangalore-Mysore Trunk road (South Kanara district).
- 14 Re-decking the Kundah bridge (The Nilgiri district).
- 15 Construction of a bridge across the Sadam at mile 27/2 of the road from Punganur to Pulicherla (Chittoor district).
- 16 Special improvements to the Mangalore-Mercara road up to mile 14/7 (South Kanara district).
- 17 Experimental road surfacing on the Great Northern Trunk road (Chingleput district).
- 18 Improved surfacing of roads over bridges (Bellary, Ganjam and Trichinopoly districts).

[30th October 1935]

(ii)

List of works for which grants have been allotted from the Road Development Fund during 1935-36.

Name of district and work.	Provision in the Civil Budget Estimate for 1935-36.	
	RS.	RS.
North Arcot—		
1 Construction of a bridge across the Ponnai river at mile 76 of the Madras-Bombay Trunk road	1,50,000	
2 Special improvements to the Tiruvalam-Katpadi road to bring it up to the trunk road standard	20,000	
		1,70,000
Guntur—		
3 Construction of a bridge across the Musi river on the Great Northern Trunk road	1,000	
Kurnool—		
4 Construction of a girder bridge across the Vakkileru at mile 147/7-8 of the Chittoor-Kurnool Trunk road	16,996	
5 Bridge across the Bhavanasi river at mile 143/5-6 of the Kurnool-Chittoor Trunk road	* 30,000	
		46,996
Malabar—		
6 Comprehensive improvements to the Madras-Calicut Trunk road, first section, from Calicut southwards	35,000	
7 Comprehensive improvements to the Madras-Calicut Trunk road, section VIII (Mongom to Kuttilangudi)	* 50,000	
8 Remetalling the Madras-Calicut Trunk road, sections III and IV (Olavakote to Mannarghat)	* 88,000	
9 Remetalling the Madras-Calicut Trunk road, sections I and II (Walayur to Keelmandapam)	* 58,000	
10 Construction of a bridge over the Korapuzha river	* 20,000	
11 Construction of a bridge over the Murat river	* 20,000	
		2,71,000
The Nilgiris—		
12 Improvements to the Gudalur-Vayitri-Calicut Trunk road.	33,293	
Vizagapatam—		
13 Construction of a girder bridge across the Kandivalasa gedda at mile 96/2-3 of the Great Northern Trunk road.	3,817	
14 Construction of a girder bridge across the Budameru gedda at mile 108/7-8 of the Great Northern Trunk road	3,657	
15 Construction of a girder bridge across the Paradi gedda at mile 33/2 of the Vizianagram-Central Provinces road	10,000	
16 Conversion of the arched bridge of ten vents into a girder bridge of twenty vents over the Sarada river at mile 465/1 of the Great Northern Trunk road	* 1,00,000	
		1,17,474
Tinnevely—		
17 Construction of a bridge across the Tambraparni at Murappanad on the road from Tinnevely to Tuticorin	2,00,000	
Chittoor—		
18 Construction of a girder bridge across the Muthirevel river at mile 5/4 of the Chittoor-Kurnool road	* 50,000	
Madura—		
19 Special repairs to the Great Southern Trunk road between Tirumangalam and Ramnad frontier	* 30,000	

* The sanction of the Government of India is awaited.

30th October 1935]

APPENDIX IV.

[Vide answer to question No. 285 asked by Mr. K. A. Nachiyappa (founder at the meeting of the Legislative Council held on the 30th October 1935, page 144 supra.)]

G.O. No. 3395, L. & M., dated 20th August 1935.

READ—the following paper:—

G.O. No. 4619, L. & M., dated 20th October 1934.

Order—No. 3395, L. & M., dated 20th August 1935.

In G.O. No. 4619, L. & M., dated 20th October 1934, the Government fixed certain scales of pay for the staff in secondary schools under the control of district boards, including the existing incumbents. With reference to representations since made to Government that these scales are not adequate and require revision, they examined the question carefully further in consultation with the Director of Public Instruction and consider that only the following changes are called for in the scales already fixed by them, viz.:—

- (1) the scale of salaries for the headmasters of middle schools should be the same as that fixed for L.T. assistants, viz., Rs. 65—5/2—100;
- (2) pandits who are holders of titles in oriental learning should be given a salary of Rs. 45—2/2—75, while those who hold merely certificates of proficiency in oriental learning should be given a salary of Rs. 30—2/2—50;
- (3) physical training instructors who are holders of a completed Secondary School-Leaving Certificate and have undergone one year's professional training at the Y.M.C.A. College of Physical Education, Saidapet, should be given a salary of Rs. 30—2/2—50 and those who have not had this training Rs. 25—2/2—45; and
- (4) commercial instructors should be given a salary of Rs. 30—2/2—50.

2. The above alterations in the scales of pay will be fixed with reference to section 67 (3) of the Madras Local Boards Act, as amended by Madras Act II of 1934, and will be brought into force from 1st November 1934.

[30th October 1935]

3. The Government do not see adequate reason to accept the suggestion that the existing incumbents should be exempted from the operation of the revised scales of pay.

(By order of the Government, Ministry of Local Self-Government)

T. B. RUSSELL,
Secretary to Government.

To all Presidents of District Boards.
„ all Executive Authorities of Municipal Councils (through Chairmen of Municipal Councils concerned).
„ all Collectors.
„ the Director of Public Instruction.
„ the Examiner of Local Fund Accounts.
„ the Inspector of Municipal Councils and Local Boards.
„ the Commissioner (through the Mayor, Corporation of Madras).
„ the Law (Education) Department.
„ the Revenue Department.

APPENDIX V.

[Vide answer to question No. 286 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 30th October 1935, page 145 supra.]

G.O. Ms. No. 2592, L. & M., dated 4th July 1935.

READ—the following:—

From the President, District Board, Salem, dated 27th February 1935,
R.O.C. No. 9211/33.

Endorsement of the Director of Public Instruction, dated 27th
February 1935, R.C. No. 9211/33.

From the Director of Public Instruction, dated 19th June 1935,
R.C. No. 1092-C.

Order—Ms. No. 2592, L. & M., dated 4th July 1935.

According to the budget of the Salem District Board for 1935-36 the ordinary receipts (Rs. 8,01,750) fall short of the ordinary expenditure (Rs. 8,73,930) by Rs. 72,180. The credit taken in the budget under "Tolls compensation" is Rs. 1,08,000 whereas the amount admissible is Rs. 1,40,500. No provision has been made in the budget for the repayment of the loan taken from the Railway-cess fund. A provision of Rs. 30,000 should be made for this purpose. If the

30th October 1935]

alterations indicated above are taken into account the deficit will be Rs. 69,680 as shown below:—

	RS.
Ordinary receipts	8,01,750
„ charges	8,73,930
Deficit	72,180
Additional credit under tolls compensa- tion	+ 32,500
Repayments of Railway-cess loan	— 30,000
Net ordinary deficit	69,680

2. In view of this unsatisfactory condition of the Board's finances the Government regret that they cannot approve its proposal to open Form V in the Board High School, Yedappady.

(By order of the Government, Ministry of Local Self-Government)

M. V. SANKARA VARIAR,
Assistant Secretary to Government.

To the President, District Board, Salem.
„ Director of Public Instruction.

APPENDIX VI.

[Vide answer to question No. 289 asked by Diwan Bahadur S. Ellappa Chettiyar at the meeting of the Legislative Council held on the 30th October 1935, page 146 supra.]

A

Net income from tolls for three years ending 1930-31.

	1928-29.	1929-30.	1930-31.
	RS.	RS.	RS.
Coimbatore district—			
Coimbatore District Board	3,70,492	4,66,805	4,14,548
Coimbatore Municipal Council	50,268	52,901	50,901
Dharapuram do.	37,500	21,496	20,972
Erode do.	33,723	34,013	36,376
Pollachi do.	84,252	54,904	69,641
Tiruppur do.	50,443	18,157	44,277
Udamalpet do.	40,840	15,716	36,273
Total	6,67,518	6,63,992	6,74,888
Salem district—			
Salem District Board	2,93,285	2,81,174	2,69,400
Salem Municipal Council	57,239	90,806	76,731
Total	3,50,524	3,71,980	3,46,131

[30th October 1935]

B

Amount of toll compensation authorized for payment in the second instalment of 1935-36 under the Madras Motor Vehicles Taration Act, 1931.

	RS.
Coimbatore District Board	65,547
Salem District Board	52,769

APPENDIX VII.

[Vide answer to question No. 290 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 30th October 1935, page 147 supra.]

Statement referred to in answer to clause (a).

Name of district.	Number of par-chayats which elections have not yet been held.	Name of district.	Number of par-chayats to which elections have not yet been held.
1 Chingleput	22	14 Anantapur	3
2 Coimbatore	34	15 Bellary	5
3 Arcot, North	4	16 Cuddapah	2
4 Arcot, South	39	17 Chittoor	1
5 Madura	16	18 Ganjam	..
6 Malabar	7	19 Godavari, East	35
7 Nilgiris	3	20 Do. West	22
8 Salem	4	21 Guntur	31
9 South Kanara	35	22 Kurnool	33
10 Tanjore	10	23 Kistna	13
11 Tinnevely	5	24 Nellore	42
12 Trichinopoly	27	25 Vizagapatam	..
13 Ramanad	10		

30th October 1935]

APPENDIX VIII.

[Vide answer to question No. 291 asked by Mr. T. Narasa Reddi at the meeting of Legislative Council held on the 30th October 1935, page 148 supra.]

Letter from M.R.Ry. Rao Bahadur K. C. Manavedan Raja Avargal, B.A., Collector of Cuddapah, dated the 31st July 1935, No. Ref. A-2-3561/35.

[Season—Rayachoti taluk—Nulivedu firka (old Galivedu firka)—Present condition—Report submitted.]

Rainfall.—The statistics of rainfall during the past five years for the months of June and July are given in the margin. The rainfall this year has not only been sufficient but general and widespread in the taluk. The irrigation sources in Nulivedu firka have, however, not received sufficient supplies to raise wet crops or to irrigate the entire ayacut for dry crops. More rain is, of course, required to raise crops in the wet ayacut and to fill in tanks.

Standing crops.—Sajja, groundnut, castor, horsegram, and pulses have been sown in a large scale in dry lands. The crops are all fair and weeding operations also said to be going on. In wet lands protected by wells, paddy, ragi, korra and cholam have been raised in the affected villages also on a small scale.

Pasture and fodder.—Fodder is, of course, not available as there was no harvest of paddy in the previous fasli, but pasture is said to be available throughout after the recent rains.

Labour.—Labour was hitherto made available in road works and in repairs to irrigation sources and drinking water wells. The workers are now resorting to labour in agricultural operations. Nulivedu firka (Galivedu) is a thinly populated tract with no considerable number of floating population such as coolies. As these are also now engaged in agricultural operations contractors are finding it difficult to get workers at present on the wages they hitherto paid. There is thus no need for providing labour in the firka or in other affected villages of the taluk. Repairs to irrigation sources and roads in the locality are, however, going on and workers in need of labour may go in for it.

In any case the present situation does not warrant any other remedial measures in Nulivedu firka or in other villages of the taluk.

[30th October 1935]

APPENDIX IX.

[Vide answer to question No. 298 asked by Mr. T. Narasa Reddi at the meeting of the Legislative Council held on the 30th October 1935, page 153 supra.]

Rules for the levy of water-cess on dry lands irrigated from Government sources other than the Kurnool-Cuddapah canal in the Jammalamadugu, Proddatur and Cuddapah taluks of the Cuddapah district.

I. When water is supplied to dry lands in Government villages the following rates of water-cess will be charged :—

- | | |
|--|---|
| (1) For a single wet crop | The difference between the wet and the dry rates at which the land is assessed. |
| (2) For a second or third wet crop. | One-half of the charge shown against item (1) plus half the dry assessment. |
| (3) For a first, second or third dry crop. | One-third of the charge shown against item (1). |
| (4) For sugarcane, betel, plantains, etc., other wet crops which ordinarily remain on the ground for more than six months. | The sum of the charges specified against items (1) and (2). |
| (5) For dry crops which ordinarily remain on the ground for more than six months. | One and a half times the charge shown against item (3). |

Note.—(1) Where the settlement register does not show the wet taram and rate of any dry land, such taram and rate shall be determined by the Collector.

(2) On lands under doruvu and desabandam wells, a single charge of half the difference between the appropriate wet and dry assessments will be charged irrespective of the nature or number of the crops grown. A remission of half this charge will be allowed when water has to be lifted by baling.

II. When water is supplied from first-class sources other than the Chepad system to dry lands in whole inam villages the following rates will be charged :—

PER ACRE.	
	RS. A. P.
(1) For sugarcane, betel, plantains and turmeric	6 0 0
(2) For paddy, first crop	4 0 0
(3) For paddy, second or third crop	2 0 0
(4) For chillies, sweet potato, onion, brinjal and similar garden crops	3 0 0
(5) For indigo crop standing on the ground for more than six months	2 8 0
(6) For indigo crop standing on the ground for not more than six months	1 4 0
(7) For mundlavari paddy	2 0 0
(8) For korra, cholam, cumbu, ragi, arika, blackgram, horsegram, coriander and cummin seed	1 0 0

Note.—Three-fourths of the above rates will be charged when water is supplied from second-class sources.

30th October 1935]

II-A. When water is supplied from the Chepad system to dry lands in whole inam villages, the following rates will be charged :—

PER ACRE.	
	RS. A. P.
(1) For sugarcane, betel, plantains and turmeric	8 0 0
(2) For paddy, first crop	5 4 0
(3) For paddy, second or third crop	2 12 0
(4) For chillies, sweet potato, onion, brinjal and similar garden crops	4 0 0
(5) For indigo crop standing on the ground for more than six months	3 8 0
(6) For indigo crop standing on the ground for not more than six months	2 8 0
(7) For mundlavari paddy	2 12 0
(8) For korra, cholam, cumbu, ragi, arika, blackgram, horsegram, coriander and cummin seed	2 0 0

II-B. Irrigation from the Chepad system will be governed by the same rules as regards applications for water as have already been prescribed in Appendix I-C to Board's Standing Order No. 4 for irrigation from the Kurnool-Cuddapah canal.

III. When water is taken from the Kurnool-Cuddapah canal or the Chepad system without the prescribed application, an extra charge of one-half of the rate specified in rule I, II, or II-A above will be made for the extent so irrigated.

IV. When water used for irrigation cannot be obtained without raising it by baling or by some mechanical contrivance the water-rate charged will be three-fourths of the rate specified in rules I, II and II-A.

[30th October 1935]

APPENDIX X.

[Vide answer to question No. 301 asked by Khan Bahadur Yahya Ali Sahib Bahadur at the meeting of the Legislative Council held on the 30th October 1935, page 155 supra.]

List of Public Works Department tanks in Nellore district proposed to be repaired during 1935-36 under the special accelerated and wide-spread programme.

Taluk.	Name of tank.	Amount of estimate.
(1)	(2)	(3)
		RS.
Kandukur ..	Kondapi tank ..	2,500
	Pokur tank ..	13,000
Kanigiri ..	Maohavaram tank ..	20,000
	Nandanavaram tank ..	11,700
Kavali ..	Timma-amudram tank ..	7,950
	Chamadala tank ..	1,800
	Musunur tank ..	9,700
	South Mopur tank ..	2,680
Nellore ..	Madmanur tank ..	2,100
	Veerakanakapur tank ..	5,230
	Idamapalli tank ..	5,600
	Rajavolu tank ..	2,310
Atmakur ..	Korimerla tank ..	4,300
	Kaluvai tank ..	1,300
	Perugodu tank ..	970
Gudur ..	Chedimala tank ..	1,500
	Kurukonda tank ..	620
	Reddipalem tank ..	3,000
Rapur ..	Rapur Dabuli tank ..	2,600
Sulurpet ..	Rapur large tank ..	21,500 *
	Damanallur tank ..	3,000

* Not more than Rs. 5,000 will be spent during 1935-36.

APPENDIX XI.

[Vide answer to question No. 306 asked by Mr. P. Peddi Raju at the meeting of the Legislative Council held on the 30th October 1935, page 158 supra.]

Department.	Number of Andhras employed.	Number of vacancies	
(1)	(2)	that arose from 1st April 1935 to date shown in column (2).	that are likely to arise in next four months.
		(3)	(4)
Revenue ..	Four on 8th August 1935 ..	2	None.
Law ..	Four on 15th August 1935 ..	10	None.
Development ..	Three on 9th August 1935 ..	4	None.

30th October 1935]

APPENDIX XII.

[Vide answer to question No. 317 asked by Mr. M. Devadasan at the meeting of the Legislative Council held on the 30th October 1935, page 164 supra.]

List showing the number of non-gazetted Government servants in the Forest Department in Tinnevely division according to communities.

Serial number and particulars of posts.	Sanctioned strength.	Non-Brahman Hindus.	Mussalman.	Indian Christians.	Scheduled classes.	Brahmans.	Total.	Remarks.
<i>A. Permanent.</i>								
1 Clerical staff ..	15	5	..	1	..	8	14*	
2 Rangers ..	4	1	..	3	..	..	4	
3 Foresters (permanent and temporary).	10 + 1	9	..	2	..	..	11	One on other duty in the Madras Forest College. No acting hand is working at present.
4 Forest guards ..	53	41	1	4	4	..	50	Three posts are vacant.
5 Peons (permanent and temporary).	6 + 2	8	..	..	..	..	8	
Total ..	91	64	1	10	4	8	87	Four posts vacant.

B. Acting (in Nos. 1 and 4).

Clerical staff ..	2	..	1	..	2	5†
Forest guards ..	7	1	..	1	2	11†

* One permanent post is vacant.

† Acting hands working on the date of this report in the place of permanent men on short leave arrangements, other duty and in the permanent vacancies.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Thursday, the 31st October 1935.

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

PRESENT :

Reddi Nayudu, Kt., The Hon. Rai Bahadur Sir K. V.	Natesa Mudaliyar, Diwan Bahadur C. Palat, Mr. R. M.
Pannirselvam, The Hon. Rao Bahadur A. T.	Parthasarathi Ayyangar, Mr. C. R.
Souter, c.s.i., l.c.s., The Hon. Mr. C. A.	Patnaik Mahasaya, Sriman M. G.
Bracken, c.s.i., c.l.e., l.c.s., The Hon. Mr. G. T. H.	Patro, k.c.l.e., Rao Bahadur Sir A. P.
Raja of Bobbili, k.c.l.e., The Hon. the Rajan, The Hon. Mr. P. T.	Pattagar of Palayakottai, The.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.	Peddi Raju, Mr. P.
Abdul Hameed Khan Sahib Bahadur.	Poeker Sahib Bahadur, B.
Annamalai Chettiyar, Mr. S. A. A.	Premayya, Mr. G. R.
Appadurai Pillai, Diwan Bahadur A. Ari Gowder, Mr. H. B.	Rajagopala Pillai, Mr. P. V.
Basheer Ahmed Sayeed Sahib Bahadur.	Raja of Parlakimodi, The.
Basu Dev, Mr. C.	Ramachandra Padayachi, Mr. P. K.
Beyabani Sahib Bahadur, S. M. K.	Ramalinga Reddi, Mr. C.
Bong, c.l.e., l.c.s., Mr. G. T.	Ramakrishna Reddi, Mr. A.
Bhanoji Rao, Sri A. V.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Devadasan, Mr. M.	Ramamurti, Rao Sahib Pandit Ganala.
Dharmalingam Pillai, Rao Sahib V.	Raman Menon, Mr. K. P.
Duraismami Reddiyar, Mr. K. M.	Ramaswami Ayyar, Mr. T. S.
Jagannatham, Mr. H. M.	Ramaswami Mudaliyar, Mr. V. M.
Jayaram Nayudu, Rao Sahib C.	Rameswara Rao, Mr. G.
Jones, l.c.s., Mr. C. E.	Ranganatha Mudaliyar, Mr. A.
Kesavaramamurti Nayudu, Mr. K.	Ranganatha Mudaliyar, Mr. G.
Khalif-ullah Sahib Bahadur, Khan Bahadur P.	Rangaswami Reddi, Mr. M. B.
Koti Reddi, Mr. K.	Ratnavelu Thevar, Mr. P.
Krishnayya Choudari, Mr. P. V.	Reid, Mr. D. M.
Krishnamurti, Rao Bahadur D.	Rukmani Lakshminpathi, Mrs. A.
Kumararaja of Venkatagiri, The.	Russell, l.c.s., Mr. T. B.
Kuppuswami Choudari, Mr. J.	Sandana Gounder, Mr. I.
Langley, Mr. W. K. M.	Schamnad Sahib Bahadur, Khan Bahadur Mahmud.
Madanagopal Nayudu, Mr. R.	Scott Brown, l.c.s., Mr. W.
Mahboob Ali Baig Sahib Bahadur.	Shetty, Mr. A. B.
Manikkavelu Nayakar, Mr. M. A.	Simbachalam Pantulu, Mr. G.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Siva Raj, Rao Sahib N.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.	Smith, Mr. J. M.
Muniswami Pillai, Rao Sahib V. I.	Sreshtha, Mr. M. S.
Murugappa Chettiyar, Diwan Bahadur A. M. M.	Srinivasan, Rao Bahadur R.
Muthiah Chettiyar, Mr. M. A.	Sriramulu, Mr. G.
Muthu Chettiyar, Rao Bahadur P. C.	Subbarayan, Dr. P.
Nachiyappa Gounder, Mr. K. A.	Subrahmanya Bhatt, Mr. U. C.
Nadimuthu Pillai, Mr. A. Pl. N. V.	Sundara Rao Nayudu, Mr. T.
Nanjappa Bahadur, Subadar-Major S. A.	Syed Tajuddin Sahib Bahadur, Khan Sahib.
Narasa Reddi, Mr. T.	Thangal, Mr. P. M.
Narasimhaswami, Rao Sahib D. V.	Thomas, Mr. Daniel.
Narayanan Nambiyar, Mr. V. P.	Uzielli, c.l.e., l.c.s., Mr. H. R.
	Vasudeva Pillai, Mr. V. G.
	Vedachala Mudaliyar, Mr. M.
	Venugopal Nayudu, Rao Bahadur R. K.
	Wright, Sir William.
	Yakub Hasan Sahib Bahadur.
	Zamindar of Bodinayakkanur, The.
	Zamindar of Kirlampudi, The.

[31st October 1935]

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Civil Law

Reasons for the omission of certain appendices from the Special Officer's Report on Agricultural Indebtedness.

* 321 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Law Member be pleased to state the reasons for omitting certain appendices from the published report of the Special Officer on Agricultural Indebtedness?

A.—When the report was printed the appendices had not been received. The Government have since received the appendices and have decided, on an examination of them, that it is not essential to print them. Further the expenditure involved will be very heavy.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether the Government are prepared to place, at least now, the appendices on the table of the House, so that the House may be benefited by them? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I have no objection to show them to the hon. Member.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ I am also concerned about other Members of the House.”

The Hon. Sir K. V. REDDI NAYUDU:—“ Any hon. Member who wants to see them will be at liberty to look into them.”

Electricity

Consumption of electricity in the municipal areas of Erode and Salem respectively.

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

(a) what the quantity of electric current consumed in each of the municipal areas of Erode and Salem in each month since January 1935 is; and

(b) what the quantity consumed is in the corresponding months of 1934, 1933 and 1932?

A.—(a) & (b) A statement* giving the information required is attached.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know, Sir, whether the statement given in the appendix is with regard to the total number of consumers, or the number of units consumed? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ The hon. Member will find the information from the wording used in the horizontal headings, i.e., total consumers, etc.”

* Printed as Appendix I on page 322 infra.

31st October 1935]

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask, Sir, whether the heading ‘ number of consumers ’ is a mistake for the number of units that has been consumed? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ It is consumers; I do not think it is a mistake.”

Progress of the scheme for the electrification of Tiruchengodu, Salem district.

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

(a) at what stage the electrification of the town of Tiruchengodu in Salem district is;

(b) whether it is a fact that a draft agreement has been obtained from the local panchayat in this behalf, and, if so, whether a copy of it will be placed on the table;

(c) when the work is likely to be undertaken;

(d) what the estimated cost is; and

(e) when the actual supply of current will be made to that town?

A.—(a) The town is in the area of supply of Messrs. The Salem-Erode Electricity Distribution Company. The Chief Engineer for Electricity has reported that the licensees have been negotiating with the local panchayat board for the supply of electricity to the town.

(b), (c), (d) & (e) The Government have no information.

Mr. K. A. NACHIYAPPA GOUNDER:—“ The answer was sent on 10th August 1935. May I ask, Sir, whether the Hon. Member can furnish further information on the matter if any since received? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ The hon. Member can ask for it.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ Will the Hon. Member be pleased to state whether it is a fact that the licensees in that area have told the local panchayat that it is not likely that they would undertake the scheme because it will not adequately pay them? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ We have no information.”

Progress of the scheme for the electrification of Sankari, Salem district.

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

(a) at what stage the electrification of the town of Sankari in Salem district is;

[31st October 1935]

(b) whether it is a fact that a draft agreement has been obtained from the local panchayat in this behalf and, if so, whether a copy of it will be placed on the table;

(c) when the work is likely to be undertaken; and

(d) what the estimated cost is and when it is to be completed and the actual supply made to the town?

A.—(a) The town is in the area of supply of Messrs. The Salem-Erode Electricity Distribution Company. The Chief Engineer for Electricity has reported that the licensees have been negotiating with the local panchayat board for the supply of electricity to the town.

(b), (c) & (d) The Government have no information.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask, Sir, whether any definite information can be furnished now, as the answer was sent long ago? May I know at what stage the matter now is? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ Negotiations are going on between the consumers and the licensees. ”

Mr. K. A. NACHIYAPPA GOUNDER:—“ Have they reached any definite stage? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I am not aware. ”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Will the Government enquire whether these companies are progressing properly or not? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ There are conditions in these licences. The Government will take care to see that these conditions are properly observed. ”

Progress of the scheme for the electrification of Edappadi, Salem district.

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

(a) at what stage the electrification of the town of Edappadi in Salem district is;

(b) whether it is a fact that a draft agreement has been obtained from the local panchayat in this behalf; if so, whether a copy of it will be placed on the table; and

(c) when the work is to be undertaken; what the estimated cost is of the work and when will the actual supply of current be available in the town?

A.—(a) The town is in the area of supply of Messrs. The Salem-Erode Electricity Distribution Company. The Chief Engineer for Electricity has reported that the licensees have been negotiating with the local panchayat board for the supply of electricity to the town.

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

[31st October 1935]

Mr. K. A. NACHIYAPPA GOUNDER:—“ Will the Hon. Member be pleased to state whether the company is not willing to take the distribution of energy to these towns as its period of contract has sufficiently advanced and states that it is not desirable for them to incur much by way of capital expenditure. And if so, will the Government see their way to have the distribution made by themselves? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ There is no information so far as the first part of the question is concerned and the second part does not arise. ”

Progress of the scheme for the electrification of Musiri, Turaiyur, Namakkal and Rasipur.

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

(a) at what stage the electrification of the town of Musiri, Turaiyur, etc., in Trichinopoly district, and Namakkal, Rasipur, etc., in Salem district is;

(b) whether the agreement has been approved in this case;

(c) whether a copy of the agreement will be placed on the table;

(d) when the work is to be undertaken; and

(e) what the estimated cost is, and when the actual supply of current is made to each of these towns in this scheme?

A.—(a) A line connecting Kattuputhur, Musiri and Kulittalai with a possible extension to Turaiyur in the Trichinopoly district and an extension of the 22 K.V. line to reach Rasipuram and Namakkal in the Salem district are under contemplation. A load survey has been made and the reports are under scrutiny by the Chief Engineer for Electricity.

(b) No agreements have been executed by any of the local bodies concerned.

(c) Does not arise.

(d) & (e) The scrutiny of the schemes by the Chief Engineer is not completed. If they are found to be paying their inclusion in the Chief Engineer's proposals for next year will be considered.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know whether in this case the Government are proposing to have the distribution made by themselves or are contemplating to give it to any private company? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ As at present advised, the Government would try to introduce it themselves, wherever possible. ”

[31st October 1935]

Forests

Alleged irregularity on the part of the District Forest Officer in the Mudumalai forest range bribery case.

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

(a) whether there was a case of bribery some two years back in Mudumalai forest range of the Nilgiri district;

(b) how many persons were involved in the case;

(c) what the specific charges against each individual concerned are;

(d) whether the bribery case was proved and, if so, what action has been taken against the briber and the persons concerned;

(e) whether the District Forest Officer delayed the submission of the appeals of the accused in this case, against his orders to the Conservator of Forests; if so, what are the reasons for such delay;

(f) whether the memorial submitted to the Government by the accused regarding the unnecessary delay made by the District Forest Officer in submitting the appeals was withheld by the Chief Conservator of Forests, and, if so, on what grounds; and

(g) whether the appeals have been finally disposed of, when and in what way?

A.—(a) Yes. It was a case rather of extortion.

(b) Nine.

(c) The specific charges framed and proved against each individual were as follows:—

Serial number and name.	Charges.
1 Ranger, K. P. Benjamin ..	(i) Hushing up a case of shooting in reserved forest. (ii) Receiving illegal gratification for hushing up the shooting case. (iii) Breach of trust in holding an improper enquiry into a complaint connected with the case and deliberately misleading the District Forest Officer in connexion therewith. (iv) Writing a false diary and drawing travelling allowance on a false claim. (v) Conspiring with clerks of the District Forest Office and with members of the public to conceal official information from the District Forest Officer and to stay the course of justice.
2 Aruldoos Pillai, forester.	(i) Joining with other subordinates and extracting a bribe from the accused in a forest offence and receiving a portion of the bribe money for his own use. (ii) Hushing up the forest offence which should have been reported to the District Forest Officer and illegally returning seizures to the accused. (iii) Giving a false statement when the Range Officer enquired into the bribery complaint and writing a false diary for 21st August 1932, the date of the forest offence, with a view to deceive superiors and stay the course of justice.
3 A. Gopal Nayar forest guard	(i) Making false statement with a view to hush up a forest offence and a case of bribery. (ii) Receiving an illegal gratification for assisting to hush up the case.

31st October 1935]

Serial number and name.	Charges.
4 V. Achutha Nayar, forest guard.	(i) Joining with other subordinates in extracting a bribe from the accused in a forest offence which was then hushed up. (ii) Making false statement in a departmental enquiry by the Range Officer, Mudumalai.
5 J. J. Pakianathan, acting Accountant, District Forest Office.	(i) Leaving his jurisdiction without permission. (ii) Divulging official information to the public. (iii) Gross misconduct and breach of trust in discussing with the public and in endeavouring to settle behind the District Forest Officer's back a charge of bribery laid against Government servants which was awaiting orders by the District Forest Officer. (iv) Endeavouring to influence the District Forest Officer's action by preparing an office-note in the case in such a way as to help the person who laid the charge and attending the District Forest Officer's enquiry with the same object.
6 V. Maruthachalam Pillai, typist, District Forest Office.	(i) Leaving the jurisdiction without permission. (ii) Divulging official information to the public. (iii) Gross misconduct and breach of trust in discussing with the public and in endeavouring to settle behind the back of the District Forest Officer a charge of bribery laid against Government servants, which was awaiting orders of the District Forest Officer.
7 Daniel Kodan, clerk, District Forest Office.	(i) Leaving his jurisdiction without permission. (ii) Abetment of concealing bribery case from the head of his office.
8 M. Subramaniam, range clerk, Mudumalai Range.	(i) Joining with other subordinates and extracting a bribe from the accused in a forest offence which was then hushed up and receiving a portion of bribe money for his own use.
9 Thukarama Rao, acting second range clerk, Mudumalai.	(i) Conspiring with other subordinates to hush up a case of illicit shooting. (ii) Receiving a bribe in connexion with the case. (iii) Giving a false statement in a departmental enquiry.

(d) Yes. No action was taken against the person from whom the gratification was taken presumably because it was extorted. All the accused were punished according to the gravity of their offences. Seven of them were in the first instance dismissed.

(e) Yes, in some cases. The delay was due to pressure of other urgent work and the voluminous records of the case.

(f) Yes. The memorial was withheld under Rule XV (2) of the Memorial Rules.

(g) Five of the nine accused appealed against the orders of the District Forest Officer. One appeal is pending with the Government. The remaining four appeals have been disposed of, one in October 1934 and three in March 1935. Three appeals were dismissed and in one appeal the order of dismissal was reduced to one of suspension.

Mr. K. A. NACHIYAPPA GOUNDER:—"It is stated in the answer that the delay was due to pressure of other work. May I ask, Sir, how long it was delayed?"

The Hon. Sir K. V. REDDI NAYUDU:—"I cannot say off-hand."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, which of the cases have been disposed of and which are the cases that are pending?"

[31st October 1935]

The Hon. Sir K. V. REDDI NAYUDU:—"I cannot say off-hand. I shall be very glad to give the information to the hon. Member."

Prisons and Prisoners

Resolution passed by the public of Tinnevely recommending Mr. Devanayagayya, to be placed in the 'B' class.

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

(a) whether the Government have received a copy of a resolution passed by the public of Tinnevely at a meeting requesting the Government to change the class of Mr. S. A. Devanayagayya, Member, Tamil Nadu Congress Committee, now a prisoner in the Trichinopoly Central Jail, from C to B class; if so, on what grounds was the recommendation made; and what the reply of the Government was; and

(b) whether it is a fact that he has been keeping ill-health?

A.—(a) Yes. It was urged that a change in the class was necessary in the interest of justice and humanity. The Government saw no reason to classify the prisoner in "B" class.

(b) The Government have no information.

Mrs. A. RUKMANI LAKSHMIPATHI:—"Will the Government call for information regarding the present state of health of Mr. Devanayagayya?"

The Hon. Sir K. V. REDDI NAYUDU:—"I have no objection."

Mrs. A. RUKMANI LAKSHMIPATHI:—"Will the Government consider it an act of kindness to see that the classification of this prisoner is changed?"

The Hon. Sir K. V. REDDI NAYUDU:—"It is not a question of any kindness. It is a question of the observance of the rules."

Mrs. A. RUKMANI LAKSHMIPATHI:—"Kindness in view of the fact that the present state of health of the prisoner is not satisfactory?"

The Hon. Sir K. V. REDDI NAYUDU:—"If his present state of health is really not satisfactory, that matter will be considered."

Irrigation

Proposals for the improvement of irrigation sources in Malabar and South Kanara.

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

(a) whether the Government have called for proposals from the Collectors of Malabar and South Kanara for the improvement of irrigation sources in those districts;

(b) whether the Government have approved of any minor irrigation schemes in the two districts and, if so, what they are and what the amounts sanctioned for them are;

31st October 1935]

(c) whether the grant received from the Government of India for the development of minor irrigation is not available to undertake works calculated to provide better facilities for the utilization of natural sources of supply of water for irrigation purposes; and

(d) whether proposals to undertake such works have been called for or received from the Collectors of South Kanara and Malabar?

A.—The attention of the hon. Member is invited to the answers given to question No. 216 and the supplementary questions thereunder on the 10th August 1935, and also to the answer to question No. 293. In submitting proposals for the selection of works to be included in the special accelerated and widespread programme of improvements to minor works of irrigation to be financed from the sum of Rs. 50 lakhs set apart for the purpose on a 3-year plan, the Board of Revenue observed that the scheme did not benefit the districts of South Kanara, Malabar and the Nilgiris as there were no irrigation works in those districts, and asked the Collectors of those districts to suggest schemes, if any, for providing employment for the rural population in their districts. Proposals were submitted by the Collectors concerned to the Board of Revenue which examined them and concluded that there were no schemes suitable for inclusion in the programme. Subsequently the Collector of South Kanara suggested that though there were no irrigation works in his district, other public works such as roads, bridges, etc., might be undertaken, but the proposal was not accepted by Government as the funds earmarked for the special programme could not be utilized for other purposes.

Mr. A. B. SHETTY:—"It is stated in the answer that there were no schemes suitable for inclusion in the programme. May I know what proposals were submitted in the first instance by the Collector of South Kanara?"

The Hon. Mr. C. A. SOUTER:—"I think I should clarify the position as regards the sum of Rs. 50 lakhs. I should like the House to understand definitely that the sum is to be spent on improvements and repairs to the existing works of irrigation. New irrigation works cannot be financed from this sum of Rs. 50 lakhs. Any schemes outside the programme of improvements or repairs to the existing irrigation works cannot be considered in connexion with this grant. I may say at once that if any other schemes are feasible on other grounds for which other money may be spent, I am willing to consider them."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"May I ask whether the Hon. Member will be pleased to tell us whether the Collector or the Landholders' Association or the district board or the municipality or any other body has reported to the Government that there are any schemes for South Kanara which can be financed out of this money?"

[31st October 1935]

The Hon. Mr. C. A. SOUTER:—"I think my answer to the previous question covers this too."

Belated supply of water to Tanjore from the Mettur Reservoir.

* 330 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Tanjore District Delta Mirasidars' and Landowners' Association made urgent representations to the Collector and the Superintending Engineer about the precarious condition of crops due to insufficient supply of water;

(b) whether it is a fact that the Public Works Department authorities announced to open the Mettur Dam on the 1st of June 1935;

(c) whether it is a fact that water was let down from the Mettur Dam only on the morning of the 22nd July 1935 and what the delay is due to; and

(d) whether it is a fact that on account of failure to let down water in due time the irrigated fields have got dried up resulting in serious loss to landowners?

A.—(a) Yes.

(b) No.

(c) No. Water was let down from 12th June 1935. That was four days earlier than the date fixed in rule 2 of the draft rules published with G.O. No. 2671 L., dated 6th December 1933.

(d) There has been a reduction in the supply of water for irrigation in the Tanjore delta this season; as the storage in the reservoir at the beginning of the season was very low and slips in the revetment of the low-level channel on three different occasions necessitated a reduction in supply for about seven days. The Chief Engineer for Irrigation who toured in the delta from the 2nd to the 6th August 1935 in that connexion has reported as follows:—

"From the impression I formed during the tour, I am of opinion that in the portion of the delta south of Mayavaram, no appreciable damage has been done to the kuruvai crops, kuruvai seedlings or samba seedlings, except postponement of the kuruvai transplantation by about four to seven days in the lower reaches. At the tail end portions of the delta to the north of Mayavaram and east of railway line, a portion of the kuruvai seedlings would have withered and it was to hasten up the transplantation here that special steps were taken to force down water to the Cauvery lower reaches and the Palavar."

31st October 1935]

Mrs. A. RUKMANI LAKSHMIPATHI:—"May I ask whether the information published by the Mirasidars' and Land-owners' Association in their journal that water was let down only on the morning of the 22nd July 1935 is wrong?"

The Hon. Mr. C. A. SOUTER:—"If *The Mirasidar* made that statement, I am afraid it was misinformed."

Mrs. A. RUKMANI LAKSHMIPATHI:—"Does the Hon. Member mean that such a responsible journal as that of the Mirasidars and Land-owners made such a misstatement of facts?"

The Hon. Mr. C. A. SOUTER:—"I understand that water was let down as stated here. Then there was an interval and again water was let down afterwards."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether water from the Mettur dam was let down on 12th June 1935 to all the lands which are supposed to be irrigated in the Tanjore district?"

The Hon. Mr. C. A. SOUTER:—"I want notice of that."

Mr. K. A. NACHIYAPPA GOUNDER:—"When letting down or stopping water, may I ask, Sir, whether the requirements of the Tanjore district alone were taken into consideration and not those of the Trichinopoly and Salem districts?"

Failure of the guaranteed quantity of water-supply to Tanjore.

* 331 Q.—Mr. V. NADIMUTHU PILLAI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether he has received representations from the mirasidars of the Tanjore district complaining about the inadequate supply of water and the consequent loss of kuruvai seedlings;

(b) whether any enquiry has been made in respect of such complaints;

(c) whether the Government intend taking any action thereupon to avoid such recurrence in future;

(d) whether it is a fact that the guaranteed supply of water has not been given from the 15th of July to the mirasidars in the Tanjore district; and if so, why; and

(e) whether complaints have been received about the same and, if so, what action the Government propose to take thereon?

A.—(a) to (e) Yes. A copy of the reply^a sent to the Tanjore District Delta Mirasidars' and Landowners' Association is placed on the table.

Irregular and inadequate supply of water to the old deltaic area in Tanjore.

* 332 Q.—Mr. G. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether any representations have been received from the mirasidars of Tanjore district, complaining about the inadequate and

[31st October 1935]

irregular supply of water for cultivation during the months of June and July and the consequent loss of kuruvai seedlings and whether any enquiry has been made in respect of such complaints;

(b) the cause of such inadequate and irregular supply of water when the ryots of Tanjore have been assured by the Government of steady and regular supply of water for cultivation after the construction of the Mettur Dam; and

(c) whether it is a fact that even the available water in the Cauvery has been let down in the Mettur Project canals in the new project area of the Tanjore district to the detriment of the old deltaic area in the district; if so, the reasons for the same?

A.—(a) & (b) The attention of the Hon. Member is invited to the answer to question No. 331.

(c) No.

Inadequate and irregular supply of water to Tanjore.

* 333 Q.—Mr. K. S. SIVASUBRAHMANYA AYYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the guaranteed supply of water has not been given from the 15th of July to the mirasidars in the Tanjore district;

(b) if the answer to (a) is in the affirmative, the reasons for the same;

(c) whether any representations have been received from the mirasidars of the Tanjore district complaining about the inadequate supply of water and the consequent loss of kuruvai seedlings;

(d) whether any enquiry has been made in respect of such complaints; and

(e) if the answer to clauses (c) and (d) be in the affirmative, what steps the Government propose to take to prevent a recurrence in the future?

A.—(a) to (e) The attention of the Hon. Member is invited to the answer to question No. 331.

Complaints against the raising of the sill-levels in the feeder channels in the Tanjore district.

* 334 Q.—Mr. V. NADIMUTHU PILLAI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether he has received complaints about the raising of the sill-levels in the feeder channels in the Tanjore district consequent upon the remodelling system; and

(b) what action the Government have taken in the said matter?

A.—(a) Yes.

(b) An extract from the report of the Chief Engineer (Irrigation) on the subject is placed on the table of the House.* The Government do not consider that any further action is called for in the matter.

* Printed as Appendix III on page 324 infra.

31st October 1935]

Complaints against the raising of the sill-levels in the feeder channels in Tanjore.

* 335 Q.—Mr. G. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government have received complaints about the raising of the sill-levels in the feeder channels in the Tanjore district consequent upon the remodelling system;

(b) what action they have taken in the said matter; and

(c) whether they have issued instructions to the Department of Public Works authorities to lower the sill-levels in cases of suffering?

A.—(a), (b) & (c) Attention of the hon. Member is invited to the answer to question No. 334.

Complaints against the raising of the sill-levels in the feeder channels in Tanjore.

* 336 Q.—Mr. K. S. SIVASUBRAHMANYA AYYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether any complaints have been received against the raising of the sill-levels in the feeder channels in the Tanjore district consequent on the remodelling system; and

(b) if the answer to (a) be in the affirmative, whether any action has been taken in the matter?

A.—(a) & (b) The attention of the hon. Member is invited to the answer to question No. 334.

Landlords and Tenants

Fee leviable for transmission of the notice of transfer to the landholder under section 145 (2) of the Madras Estates Land Act, 1908.

* 337 Q.—Sriman M. G. PATNAIK Mahasayo: Will the Hon. the Member for Revenue be pleased to state—

(a) whether any publication regarding the fee for transmission of the notice to the landholder prescribed in section 145 (2) of the Madras Estates Land Act, as amended by Madras Act VIII of 1934, was made by Government; and

(b) if not, why not?

A.—(a) Yes. The attention of the hon. Member is invited to the Law (General) Department Notification No. 451, dated 2nd May 1935, published at page 903 of Part I of the Fort St. George Gazette, dated the 18th June 1935.

(b) Does not arise.

[31st October 1935]

Land Revenue Administration*Representations against the enhancement of water-rates in Tiruturaipundi and Mannargudi.*

* 338 Q.—**Mr. V. NADIMUTHU PILLAI:** Will the Hon. the Member for Revenue be pleased to state—

(a) whether he has received any representations from the mirasidars of Tiruturaipundi and Mannargudi taluks praying that the enhancement of water-rates owing to the reclassification of irrigation sources be postponed on account of the defective drainage system in the said taluks; and

(b) if so, whether the Government will be pleased to place on the table all the representations received so far and the action taken by the Government?

A.—(a) The Government have received several representations on the subject.

(b) The Government have exempted irrigation sources from reclassification wherever it was reported that the lands suffered from drainage difficulties. No useful purpose will be served by placing the representations on the table of the House.

Decision of the Government to restrict the operation of the Madras Agriculturists' Loans (Amendment) Act, 1935, to certain districts.

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

(a) whether it is a fact that the Government propose to restrict the operation of the Madras Agricultural Loans (Amendment) Act, 1935, to certain districts, in the Presidency of Madras;

(b) if so, what the districts selected by the Local Government are for that purpose;

(c) what the special reasons are for selecting those districts; and

(d) which of the districts in the Presidency are heavily indebted?

A.—(a) to (c) The Government do not propose to restrict the operation of the Agriculturists' Loans (Madras Amendment) Act, 1935, to any particular district. It is proposed as an experimental measure to start the work in two divisions in the Presidency, viz., the Chingleput division of the Chingleput district, and the Rajahmundry division of the East Godavari district. These areas are considered the most suitable for the experimental working of the scheme.

31st October 1935]

(d) The attention of the hon. Member is invited to Chapter IV of the report of the Special Officer on Agricultural Indebtedness, which has been placed at the disposal of the Press in G.O. No. 2942, Law (General), dated 12th September 1935. The Government are not in a position to state the exact extent of indebtedness in each district.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I ask why the Guntur district was not selected for conducting the experiment, especially as Mr. Strathie, who is the Collector now, was Registrar of Co-operative Societies for a very long time? ”

The Hon. Mr. C. A. SOUTER:—“ I think, Sir, that the hon. Member should just have a little patience. The case of Guntur also will be considered shortly.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know, Sir, on what basis the suitability of these areas selected was fixed? ”

The Hon. Mr. C. A. SOUTER:—“ The suitability was fixed on the report from Mr. Gopalaswami Ayyangar, Member, Board of Revenue, who visited these places and several other places and after his visit he considered that for experimental purposes these two divisions were the most suitable.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ How long will the experiment continue and when will the provisions of the Act be applied to other districts? ”

The Hon. Mr. C. A. SOUTER:—“ I think I informed the House yesterday that I am unable to give an exact answer to that question. All I can say is the Government's intention is to extend the benefit of this amending Act to the whole of the Presidency as soon as they possibly can.”

Mr. G. R. PREMAYYA:—“ With regard to answer (b), may I know whether the Government would not get information from the Special Officer with regard to the indebtedness of the Guntur district? I gather from the report that Guntur is heavily indebted.”

The Hon. Mr. C. A. SOUTER:—“ We have no information here. The information we have is from what the Special Officer has reported. He has given us only the total indebtedness in the Presidency. I suggest to the hon. Member that he should write to Mr. Sathianathan and ask him whether he has got any figures for the Guntur district.”

Mr. G. R. PREMAYYA:—“ Cannot the Government find out from any other source whether Guntur is heavily indebted or not? ”

The Hon. Mr. C. A. SOUTER:—“ I do not think so.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know, Sir, why the report of the Special Officer has not been supplied to the Members of this House as yet, though it has been placed at the disposal of the Press on 12th September 1935? ”

[31st October 1935]

The Hon. Mr. C. A. SOUTER:—"There is no objection, Sir, to supply the hon. Member with a copy. My Hon. Colleague says that it has been supplied to Members."

Mr. K. A. NACHIYAPPA GOUNDER:—"We have not received copies."

The Hon. Mr. C. A. SOUTER:—"I shall see that every Member gets a copy."

Mr. K. A. NACHIYAPPA GOUNDER:—"In answer to clause (d), it is stated, Sir, that the Government are not in a position to state the exact extent of indebtedness in each district. May I know, Sir, whether the Government are not preparing such figures?"

The Hon. Mr. C. A. SOUTER:—"No, Sir."

Alleged attempt to close the foot and cart-tracks leading up the Kadri Hill, South Kanara.

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

(a) whether it is a fact that there are some mamul foot and cart-tracks leading from the public road on the Kadri Hill, northwards to the warg lands in Kadri village;

(b) whether it is a fact that the Collector of South Kanara is attempting to close the said public mamul ways; if so, for what purpose and under what right; and

(c) what action the Government have taken or propose to take in the matter?

A.—The Government have no information but have called for a report.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the information has since been received?"

The Hon. Mr. C. A. SOUTER:—"No, Sir."

Mr. U. C. SUBRAHMANYA BHATT:—"Will the Hon. Member be pleased to place the information on the table of the House, when received?"

The Hon. Mr. C. A. SOUTER:—"I shall consider it after I have seen it."

Proposal to build a church and provide a cemetery on the Kadri Hill.

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

(a) whether there is any proposal to build a church on the Kadri Hill above the Kadri temple and Kadri Mutt, Mangalore, near the cement concrete cross now put up by the Bishop of Mangalore and whether the Bishop or anybody else has made an application for grant of land for the same;

[31st October 1935]

(b) whether the Collector has given his sanction for the construction of the same;

(c) whether a cemetery is also going to be attached to the said church; if so, whether the Government are satisfied that the health of the people down below and the purity of the water of the tanks below will not be jeopardised; and

(d) whether the Collector has consulted the opinion of the temple and math authorities and of the Hindu public in the neighbourhood before according sanction, if any, or granting lands for the same?

A.—The Government have no information but have called for a report.

Mr. U. C. SUBRAHMANYA BHATT:—"May I ask whether the information has been received since?"

The Hon. Mr. C. A. SOUTER:—"No, Sir."

Mr. U. C. SUBRAHMANYA BHATT:—"Will the Hon. Member be pleased to place the information on the table of the House, when received?"

The Hon. Mr. C. A. SOUTER:—"The answer is the same as for the last question, viz., that the question will be considered after seeing the report."

Public Service

Recommendation of the Lee Commission to increase the number of listed posts of District Judges by two.

* 342 Q.—MAHBOOB ALI BAIG SAHIB Bahadur: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Lee Commission recommended an increase in the number of listed posts of District Judges by two more appointments; and

(b) if so, whether the Government have given effect to the said recommendations; if not, why not?

A.—The Lee Commission made no specific recommendation as to the number of posts of District and Sessions Judges that should be 'listed.' They merely recommended that 20 per cent of the recruits to the Indian Civil Service cadre should be obtained by promotion from the Provincial Civil Services. The number of posts of District and Sessions Judges that should be 'listed' to give effect to this recommendation have already been 'listed.'

MAHBOOB ALI BAIG SAHIB Bahadur:—"May I know when the recommendations were given effect to?"

The Hon. Mr. C. A. SOUTER:—"Notice, Sir."

[31st October 1935]

Representation of the Jain community in the public services.

* 343 Q.—MR. U. C. SUBRAHMANYA BHATT: Will the Hon. the Member for Revenue be pleased to state whether there are any proposals before the Government to give adequate representation to the Jain community in the public services of this Province?

A.—No.

MR. U. C. SUBRAHMANYA BHATT:—“ May I know whether the Hon. the Revenue Member is aware that in South Kanara there is a large body of very influential Jain people who are neither Brahmans nor non-Brahmans according to strict rules of classification, and if so, whether he would consider if any direction should be given for these people being given adequate representation? ”

THE HON. MR. C. A. SOUTER:—“ I am not prepared, Sir, to give separate representation to any particular community like this.”

MR. U. C. SUBRAHMANYA BHATT:—“ I did not mean separate representation; I said that direction might be given for special consideration being shown to these people in making appointments.”

THE HON. MR. C. A. SOUTER:—“ I am very averse from giving directions to the Public Services Commission.”

Commerce*Measures for the total prohibition of the import of foreign paddy and rice into the Presidency.*

* 344 Q.—RAI SAHIB C. KOLANDA REDDI: Will the Hon. the Member for Finance be pleased to state—

(a) whether it has been brought to his notice that there are heavy imports of paddy, rice and broken rice into this Presidency;

(b) whether it is a fact that the low import duty on broken rice has had no deterrent effect;

(c) whether it is a fact that heavy increase in imports of paddy and rice is only recent and that it has affected the paddy price in local markets a great deal; and

(d) what steps the Local Government have taken or propose to take to impress upon the Government of India the necessity and the urgency of entire prohibition of all imports of foreign paddy and rice (broken or whole)?

A.—(a) There were heavy imports during 1934–35 but the imports in 1935–36 have decreased considerably.

(b) The duty on broken rice appears to have arrested the increase of import.

(c) The answer to the first part of the question is in the affirmative, but the imports during the current year do not appear to have been so far large enough to affect appreciably the prices of local products.

(d) The Government are watching the situation and will take steps when necessary.

31st October 1935]

Reforms*Facilities to the Legislative Council for the discussion of the proposals of the Delimitation Committee.*

* 345 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Member for Finance be pleased to state whether the Government propose to give an opportunity to the Council for the discussion of the Delimitation Committee's proposals?

A.—Yes.

Elections to the provincial legislatures.

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

(a) at what stage the proposals for the preparation of electoral rolls and the conduct of elections to the provincial legislatures are; and

(b) when the elections are likely to come up and be completed?

A.—(a) Such preliminary steps as are possible for the preparation of provisional electoral rolls have been taken.

(b) No decision has yet been arrived at.

MR. K. A. NACHIYAPPA GOUNDER:—“ May I know, Sir, when the preliminary electoral rolls will be completed with a view to make them final, for the coming elections? ”

THE HON. MR. G. T. H. BRACKEN:—“ The dates have not yet been settled and we are ourselves awaiting the final decision of the Government of India.”

MR. K. A. NACHIYAPPA GOUNDER:—“ May I at least know the month in which these rolls may be expected to be prepared? ”

THE HON. MR. G. T. H. BRACKEN:—“ I am afraid I know no more than the hon. Member.”

Local Self-Government*Number of panchayats at work in each district.*

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

(a) what the number is of panchayats now working in each district;

(b) how many district panchayat officers have been employed in each district; and

(c) how many assistant panchayat officers are or are proposed to be employed in each district?

A.—(a) A statement ^a is appended.

(b) One district panchayat officer has been employed in each local fund district excluding East Tanjore.

^a Printed as Appendix IV on page 325 infra.

[31st October 1935]

(c) The attention of the hon. Member is invited to the Appendix to G.O. No. 2216, L. & M., dated the 11th June 1935, which was placed on the table with the answer to clause (a) of question No. 61 delivered on 6th August 1935.

Mr. K. A. NACHIYAPPA GOUNDER:—"In the answer to clause (b), I find that district panchayat officers have been appointed to all districts excluding East Tanjore. May I know what are the reasons for not making an appointment in that district?"

The Hon. the RAJA OF BOBBILI:—"The candidate who was appointed declined the appointment."

Mr. K. A. NACHIYAPPA GOUNDER:—"In the case of appointment of assistant panchayat officers, may I know whether they are appointed on the basis of the number of panchayats in a district or on any other principle?"

The Hon. the RAJA OF BOBBILI:—"Generally the basis is the number of panchayats."

Mr. K. A. NACHIYAPPA GOUNDER:—"In the district of North Arcot I find that the number of panchayats is much greater than in Salem district; may I know, Sir, why the number of assistant panchayat officers appointed to that district is less than those appointed to Salem if the appointments are made on the basis of the number of panchayats."

The Hon. the RAJA OF BOBBILI:—"Perhaps the difference in their size has been also taken into account."

Representation of Vanniyakula or Agnikula Kshatriyas in the cadre of panchayat officers and assistant panchayat officers.

* 348 Q.—Subadar-Major S. A. NANJAPPA Bahadur: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the names of all the district panchayat officers appointed till now, the communities to which they belong and the stations to which they have been posted;

(b) the names of all the assistant panchayat officers appointed till now, the communities to which they belong and the places where they are working; and

(c) the number of Vanniyakula Kshatriyas or Agnikula Kshatriyas appointed as district or assistant panchayat officers in the Presidency till now?

A.—(a) A statement ^a is appended.

(b) The appointments of assistant panchayat officers are being made by the presidents of district boards concerned and Government have no information about them on the points mentioned.

^a Printed as Appendix V on pages 325-326 infra.

31st October 1935]

(c) The Vanniyakula Kshatriya or Agnikula Kshatriya is a sub-sect of the Non-Brahman (Hindu) community and the total number of the Non-Brahmans now working as district panchayat officers is 20.

Subadar-Major S. A. NANJAPPA Bahadur:—"I see that no Vanniyakula Kshatriya has been given any appointment throughout the Presidency. May I know why it is so?"

The Hon. the RAJA OF BOBBILI:—"Vanniyakula Kshatriyas are classified among non-Brahmans. So far, the Inspector has not sent names of any of them to the Government."

Subadar-Major S. A. NANJAPPA Bahadur:—"May I know whether any deputation waited on the Chief Minister to urge on him the claims of these Vanniyakula Kshatriyas to be appointed to these posts of panchayat officers?"

The Hon. the RAJA OF BOBBILI:—"I have received deputations from many backward communities. When future vacancies arise, I shall ask the Inspector to bear in mind the claims of all the backward communities."

Mr. M. A. MANIKKAVELU NAYAKAR:—"No doubt this community is a sub-sect of the non-Brahman community; but is it a fair attitude for the Government to say that no communal justice should be shown to this community on that score?"

The Hon. the RAJA OF BOBBILI:—"I do not follow what the hon. Member means; Government consider that no injustice has been done to any community."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask, Sir, whether the Hon. Minister is aware that this community is a predominant community and that it should be given proper representation in the services?"

The Hon. the RAJA OF BOBBILI:—"The Government believe that all backward communities should be encouraged; but it will not be found possible by definite rules to give representation to all the numerous backward communities."

Appointment of Indian Christians and the members of the depressed classes as district panchayat officers.

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

(a) how many district panchayat officers have been appointed since 12th March 1935;

(b) what communities they belong to;

(c) whether applications were received from Indian Christians and depressed classes for the posts of district panchayat officers;

[31st October 1935]

(d) how many of them have been appointed; and

(e) how many of them were rejected and whether the orders were communicated to them?

A.—(a) Four.

(b) Non-Brahman (Hindu)—3.

Indian Christian—1.

(The Indian Christian declined the appointment.)

(c), (d) & (e) Under the regulations governing the service of district panchayat officers, recommendations for appointments to the service are being made by the Inspector of Municipal Councils and Local Boards who receives applications. Government have therefore no information on the points referred to in these clauses.

Mr. M. DEVADASAN:—"Out of four applicants for appointment, one was a Christian. Was any Christian appointed in the place of the Christian who declined the appointment?"

The Hon. the RAJA OF BOBBILI:—"That vacancy has not yet been filled up."

Mr. G. R. PREMAYYA:—"May I know on what grounds he resigned or declined to accept the appointment?"

The Hon. the RAJA OF BOBBILI:—"I have not seen the letter myself, but probably he declined for personal reasons; he preferred to practise at the bar, I suppose."

Mr. M. DEVADASAN:—"I find that Government have got information in regard to clauses (a) and (b) of the question, while they have no information with regard to clauses (c) to (e). May I know why they have not obtained information in regard to (c) to (e) when they obtained information in regard to (a) and (b)?"

The Hon. the RAJA OF BOBBILI:—"We got the information about appointments made since 12th March 1935 and about the communities to which the persons appointed belonged; but the other information is not available."

B. POCKER SAHIB Bahadur:—"How many more vacancies are there of district panchayat officers yet to be filled up?"

The Hon. the RAJA OF BOBBILI:—"Only one which has been caused by a candidate who was selected having declined the appointment. That is in regard to East Tanjore."

B. POCKER SAHIB Bahadur:—"Are not the services of more district panchayat officers required to satisfy the needs of the districts?"

The Hon. the RAJA OF BOBBILI:—"At present there is no intention of increasing the number of posts."

31st October 1935]

Communal representation in the cadre of assistant panchayat officers.

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

(a) what the total number of the assistant panchayat officers that are working in the province is; and

(b) to what communities they belong?

A.—(a) & (b) Of a total number of thirty-seven assistant panchayat officers sanctioned to district boards (vide Annexure to G.O. No. 2216, L. & M., dated the 11th June 1935, appended to the answer to question No. 61 delivered on 6th August 1935), the post sanctioned to the Nilgiris District Board has since been kept in abeyance as there is at present no work for an officer in that district. The appointments to these posts vest in the presidents of district boards concerned and Government have no information as to the number of the officers actually working now, or the communities to which they belong.

Mr. M. DEVADASAN:—"The answer says that 'appointment to these posts vests in the presidents of district boards' and therefore the Government have no information. Will the Government call for the information in view of the fact that the Government have undertaken to observe communal rotation in regard to services under the local boards?"

The Hon. the RAJA OF BOBBILI:—"It is not possible for Government to obtain information in regard to all classes of appointments made by the presidents of district boards and local boards. I may also state that in regard to assistant panchayat officers, a good many of the posts recently sanctioned are being filled by men who are already in the service of the district boards and those occupying posts of rural reconstruction officers in panchayat areas, etc."

B. POCKER SAHIB Bahadur:—"Is the principle of these communal Government Order applicable to these appointments?"

The Hon. the RAJA OF BOBBILI:—"As far as the officers are concerned, the communal Government Order is not being applied."

Duties of district panchayat officers.

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

(a) what the work assigned to the district panchayat officers is;

(b) whether a copy of the order assigning work to them will be placed on the table;

[31st October 1935]

(c) under whom are they to work;

(d) whether it is a fact that they are given other work also by the presidents of district boards, which is quite outside their purview;

(e) whether any complaint or reference has been made by any of the district panchayat officers in this behalf; and

(f) if so, from whom and in what way they have been disposed of?

A.—(a) The various items of work assigned to the district panchayat officers relate to—

(i) Organization and supervision of panchayat boards;

(ii) Enquiry into the defects, maladministration, etc., of panchayat boards and guidance in all matters pertaining to their general administration; and

(iii) Conduct of elections to panchayat boards.

(b) The Government have not issued any orders defining the duties of these officers beyond stating that they were to guide and supervise the work of panchayats on the spot. A copy ^a of G.O. No. 3139, L. & M., dated the 9th August 1932, is laid on the table.

(c) District panchayat officers are working under the immediate supervision of the Inspector of Municipal Councils and Local Boards subject to the control of the Local Government.

(d), (e) & (f) The Inspector of Municipal Councils and Local Boards who was consulted in the matter reports that district panchayat officers are not given by presidents of district boards, work outside their legitimate sphere and that no complaint or reference had been made so far by any of the district panchayat officers in this behalf.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, whether it is not possible to define the duties of panchayat officers in clear terms so that they may be helpful in promoting the better supervision of the panchayats? "

The Hon. the RAJA OF BOBBILI:—" From the experience so far gained, the present position is quite clear. There seems to be no need to further define their duties."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, what duties are assigned to the assistant panchayat officers who have been recently appointed? "

The Hon. the RAJA OF BOBBILI:—" The assistant panchayat officers generally assist the district panchayat officers."

^a Printed as Appendix VI on pages 326-328 infra.

31st October 1935]

Municipalities to which the appointment of Commissioners is still due.

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

(a) what the municipalities are for which Commissioners have not so far been appointed;

(b) what the income and population are of each of these municipalities; and

(c) whether there are proposals for the appointment of Commissioners for these and, if so, when?

A.—(a) & (b) A statement ^a is appended.

(c) Yes; the appointments will be made in due course.

Appointment of a Commissioner to the Vizagapatam Municipality.

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

(a) whether a Commissioner has been appointed to the Vizagapatam Municipality;

(b) if so, when, and whether a copy of the order of appointment will be placed on the table;

(c) who the person appointed is, what his qualifications, pay, scale of pay and allowances are;

(d) what the previous post held by him is and also the pay and scale of pay drawn by him; and

(e) what the reasons are for postponing the appointment for such a long time?

A.—(a) Yes.

(b) The Commissioner was appointed last month. A copy of G.O. No. 3655, L. & M., dated the 9th September 1935, is placed on the table.^b

(c) M.R.Ry. K. Sanyasi Raju Garu who was appointed to the post on a salary of Rs. 400 per mensem in the scale of Rs. 300—25—500, with a conveyance allowance of Rs. 40 per mensem subject to the maintenance of a motor car, is a Graduate in Arts and in Law.

(d) The substantive post held by him before his appointment as Commissioner was that of Secretary of the Vizagapatam District Board and he was drawing Rs. 400 in the scale of Rs. 300—25—500 attached to that post.

(e) The attention of the hon. Member is invited to the answers to the supplementary questions on his question No. 981 delivered on 22nd March 1935. The appointment was kept unfilled pending the return of Mr. Sanyasi Raju from his special duty as Personal Assistant to the ex officio President of the Bobbili District Board.

^a Printed as Appendix VII on page 328 infra.^b Printed as Appendix VIII on pages 328-329 infra.

[31st October 1935]

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, why the appointment of a Commissioner to this municipality was delayed till the last month? "

The Hon. the RAJA OF BOBBILI:—" If the hon. Member will please refer to the answer to clause (e), he will find out the reason."

Reversion of the hands lent by the Revenue Department for employment as Commissioners of Municipalities.

* 354 Q.—Rao Sahib V. I. MUNISWAMI PILLAI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the men lent from the Revenue Department who are working as Commissioners in the several municipalities are to be reverted to their regular departments after their three years' service in the Local Self-Government;

(b) if the answer to the above be in the affirmative, how the Government propose to fill up the vacant posts of the Commissioners; and

(c) whether there are any Municipalities which have expressed their discontent with their Commissioners in the open Council meetings?

A.—(a) No, unless the officers are not suitable for reappointment as Commissioners or unless they prefer to revert to their regular line after the expiry of their term of appointment as Commissioners.

(b) In case of any reversions, it is open to Government to fill the resulting vacancies by the appointment of persons who are in active Government, Municipal or Local Fund service—vide section 12-C (8) of the Madras District Municipalities Act, 1920.

(c) The answer is in the affirmative.

Inter-district transfer of teachers of high schools maintained by district boards and municipalities.

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

(a) how many transfers of teachers the Government have made since the passing of Madras Act IV of 1935 which provided inter-district transfers among the teachers of high schools (district boards and municipalities);

(b) whether the Government have received any requests for such transfers from the presidents of district boards, chairmen of municipalities or teachers;

31st October 1935]

(c) if so, how many; and

(d) what orders have been passed by Government thereon?

A.—(a) Nil.

(b) & (c) Yes. One from the Headmaster, Municipal High School, Pollachi.

(d) The applicant was told to address the President, District Board concerned, direct.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know why the applicant should be told that he should apply to the district board president direct, when the Government themselves have got the power of transferring teachers? "

The Hon. the RAJA OF BOBBILI:—" Generally these transfers are made in consultation with the local boards concerned. Before a mutual transfer is made, it is usual to consult both the boards."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Is it not necessary that the Government should forward the application themselves instead of the applicant applying directly to the district board? "

The Hon. the RAJA OF BOBBILI:—" I think it amounts to the same thing."

Agriculture

Protests against the introduction of the Cotton Pest Act in Pollachi taluk.

* 356 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether representations have been received from the people of Pollachi taluk, protesting against the extension of the Cotton Pest Act to certain of their parts where the Act was not till then introduced or extended; and

(b) what action was taken on them and how they have been disposed of?

A.—(a) & (b) Memorials were received by Government from ryots in certain villages in this taluk. The date fixed for pulling out the cotton plants has been extended by Government from the 1st September 1935 to the 21st October 1935 as a special case in the villages of Vettai-karanpudur, Kaliyapuram, Kottur-Malayandipatnam, Angalakkurichi and Toraiyur and portions of Odaiyakulam and Periyapadu villages. The question whether it is necessary to exclude these villages from the area to which the Pest Act is applied is under further consideration.

[31st October 1935]

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, for how long this area has been enjoying the non-application of the Cotton Pest Act? "

The Hon. Mr. P. T. RAJAN:—" I cannot give the exact date."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, what impelled the Government to introduce the Act in that area in spite of various special difficulties of the ryots? "

The Hon. Mr. P. T. RAJAN:—" The department found that the incidence of the disease was getting higher."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, if there are any proposals before the Government to repeal the Cotton Pest Act in that area as it is a difficult problem for them? "

The Hon. Mr. P. T. RAJAN:—" The matter is under the consideration of Government."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether the Government are issuing statements every year as to how the Act is working? "

The Hon. Mr. P. T. RAJAN:—" I do not know exactly what the hon. Member means."

Co-operation

Discontinuance of the annual departmental conference of Deputy Registrars of Co-operative Societies.

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

(a) whether any annual departmental conferences of Deputy Registrars of Co-operative Societies are being held now; and

(b) if not, why this system has been stopped?

A.—(a) No.

(b) The system was stopped as a measure of retrenchment in accordance with the recommendations of the Retrenchment Committee.

Mr. A. B. SHETTY:—" May I know whether these annual departmental conferences were found to serve any useful purpose in the past? "

The Hon. Mr. P. T. RAJAN:—" I think so."

Mr. A. B. SHETTY:—" If so, may I ask the Government to be pleased to consider the question of reviving these annual conferences? "

The Hon. Mr. P. T. RAJAN:—" It is purely a question of finance; if finances permit, we shall consider the question of having these annual conferences."

[31st October 1935]

Alleged obstruction on the part of unions to the rectification of co-operative societies.

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

(a) whether any cases of unions obstructing the rectification of co-operative societies have come to the notice of the Government; and

(b) whether the Government have under consideration any scheme for improving the working of unions or any proposal to liquidate bad unions?

A —(a) The answer is in the negative.

(b) The policy of the department has been to liquidate financially weak and bad unions. In March last, the Government accepted the suggestions of the Registrar that supervision of societies should be undertaken by central banks assisted by local co-operative unions and that officers of the department should keep themselves in personal touch with the unions and stimulate them to exercise vigorous supervision. There is at present no general scheme regarding unions under the consideration of the Government.

Mr. A. B. SHETTY:—" May I know whether action has been taken on the suggestion made by the Registrar? "

The Hon. Mr. P. T. RAJAN:—" I think so."

Mr. A. B. SHETTY:—" May I ask whether the officers of the department have succeeded in stimulating the unions to exercise vigorous supervision? "

The Hon. Mr. P. T. RAJAN:—" The experiment was started only this year, and as far as I know, there is a fair amount of progress."

Proposals for the substitution of a new agency for the existing unions to ensure better control and supervision of co-operative societies.

* 359 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Public Works be pleased to state whether instead of unions the Government are considering proposals to have any other agency for the better control and supervision of co-operative societies?

A.—No.

Mr. A. B. SHETTY:—" May I know whether the Government are satisfied with the control and supervision now exercised by the unions? "

The Hon. Mr. P. T. RAJAN:—" I am afraid I cannot answer this question which is too general in character."

[31st October 1935]

Mr. A. B. SHETTY:—" May I request the Hon. Minister to find out? "

The Hon. Mr. P. T. RAJAN:—" It is too general a matter to be looked into."

Payment of subsidies to Loan and Sale Societies on account of their working expenses.

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

(a) whether the Government are giving subsidies to any Loan and Sale Societies for their working expenses as they have done in the case of the Central Land Mortgage Bank;

(b) whether any loans are being given for building warehouses for these societies as recommended by the Provincial Banking Enquiry Committee; or

(c) whether help in any other way is being given?

A.—(a) No. The Registrar of Co-operative Societies has sent proposals for making subsidies to enable these societies to rent godowns and to meet the cost of marketing agents, propagandists and clerical establishment employed by such societies. These are under the consideration of the Government.

(b) The Government had already been granting long-term loans to these societies to build godowns up to 50 per cent of the cost of construction of godowns. Up to the end of 1929-30 a sum of Rs. 14,750 was lent to societies for the construction of godowns at Orattanad North and South in Tanjore, Ambur in North Arcot, Nandyal in Kurnool, Madurantakam in Chingleput, Maripudi in Guntur and Nangavaram in the Trichinopoly district. No loans were granted in subsequent years. It is understood that there has been no appreciable demand for such loans from societies for the reasons that these societies were not able to secure sufficient business to keep their godowns fairly full throughout the year and to enable them to repay out of their income, the loans raised for the construction of godowns.

(c) The Government have employed 24 senior inspectors of co-operative societies for the supervision of non-credit societies in the Presidency which include loan and sale societies. They have also employed eight junior inspectors for the intensive supervision of select loan and sale societies in some districts in their initial stages.

31st October 1935]

Proposals for the inauguration of Women's Thrift Societies.

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

(a) whether the Registrar of Co-operative Societies had suggested last year the starting of Women's Thrift Societies as in the Punjab and the appointment of honorary women organizers for this purpose; and

(b) whether the Government have taken any action in the matter?

A.—(a) In October 1933 the Registrar proposed the appointment of a lady organizer for starting special types of societies for women in the Madras City.

(b) In the existing state of the movement, the Government did not think it desirable to start new activities.

Mr. A. B. SHETTY:—" May I know whether the Government propose to start any new activities in view of the present state of the co-operative movement? "

The Hon. Mr. P. T. RAJAN:—" No, Sir."

Industries

Persons selected for receiving foreign scholarships during 1935 by the Department of Industries.

* 362 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(a) who the persons are who have been selected for foreign scholarships during this year in the Department of Industries;

(b) how many applications have been received for such selection; and from whom;

(c) what the qualifications are of each of the applicants;

(d) whether there is any committee in existence for making such selections and recommending names to the Government; and

(e) if so, who the members are of the Committee?

A.—(a) (1) Muhammad Mumtaz Farookhi.

(2) B. Jagannatha Hegde.

(b) & (c) Eighty applications were received.

No useful purpose will be served by reciting the names and the qualifications of all the candidates.

(d) Yes.

(e) The members are—

(1) The Director of Industries.

(2) The Director of Public Instruction.

(3) A member nominated by the Madras Chamber of Commerce.

[31st October 1935]

- (4) A member nominated by the South Indian Chamber of Commerce.
- (5) The Chief Engineer, Madras and Southern Mahratta Railway.
- (6) Sir S. Radhakrishnan, Kt., Vice-Chancellor, Andhra University, Waltair.
- (7) Diwan Bahadur B. Mahabala Hegde, B.A., B.L., Mangalore.
- (8) Diwan Bahadur S. Ellappa Chettiyar, M.L.C.
- (9) A. Hameed Khan Sahib Bahadur, M.L.C.
- (10) Mr. W. B. Horrocks, Managing Director, Messrs. Massey & Co., Ltd., Madras.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask the Hon. Minister as to how many persons have been selected by the committee for these scholarships? "

The Hon. Mr. P. T. RAJAN:—" There were three candidates recommended for each of the two items; that is my recollection."

Mr. V. P. NARAYANAN NAMBIYAR:—" May I know whether the Government are aware that gentleman No. 2 mentioned was not one of those who were originally called by the committee and that he was overaged? "

The Hon. Mr. P. T. RAJAN:—" His name was certainly one of the three recommended by the committee, Sir."

B. POCKER SAHIB Bahadur:—" May I know whether the second gentleman mentioned is related to any of the members of the committee? "

The Hon. Mr. P. T. RAJAN:—" I have no information on that point; but the Government came to select this man on no such extraneous consideration."

Mr. M. S. SRESHTA:—" How long ago were the non-official members of the committee appointed? "

The Hon. Mr. P. T. RAJAN:—" I am afraid I do not know; as hon. Members know, the portfolio came into my hands only recently."

Mr. V. P. NARAYANAN NAMBIYAR:—" May I know whether in the order of preference, the candidate No. 2 was the third? "

The Hon. Mr. P. T. RAJAN:—" I can say, Sir, that the candidate was third in the order of preference; but the committee recommended that he belongs to a particular community which has had no opportunities before. So, this candidate was preferred."

Mr. M. S. SRESHTA:—" Will the Hon. Minister consider the desirability of having the Indian Christian community represented on the committee? "

The Hon. Mr. P. T. RAJAN:—" When the committee comes up to be constituted again, Sir, yes."

31st October 1935]

Public Works

Representation from the Municipal Council, Vellore, regarding the opening of a wicket gate on the southern side of the Fort.

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

(a) whether the Government or the Board of Revenue received any representation from the Municipality of Vellore regarding the opening of a wicket gate on the southern side of the Fort;

(b) if so, what action has been taken by the Government;

(c) from what time this wicket gate was open and when it was closed and why; and

(d) whether the Government will be pleased to place on the table of this House the correspondence between the district officials and the Government, and the grounds on which such action was taken?

A.—(a) The Board of Revenue received a representation in May 1935.

(b) The Board agreed with the Collector that no inconvenience was caused to the public by the closure of the entrance. The matter did not come up to Government.

(c) & (d) There is no information to show from what time the gate was open. It was closed in 1931. The Collector's letter, dated the 5th June 1935, explaining the circumstances in which the gate was closed is placed on the table.^a

Mr. M. A. MANIKKAVELU NAYAKAR:—" The main objection for opening the wicket gate is that loafers are loitering in the place and so on. May I know from the Hon. Minister whether that could not be prevented by posting a constable on duty at the place? "

11-30 a.m.

The Hon. Mr. P. T. RAJAN:—" The easier of the two alternatives was the closing of the gate."

Electrification of the District and the Sub-Court premises of Salem.

* 364 Q.—**Mr. K. A. NACHIYAPPA GOUNDER:** Will the Hon. the Minister for Public Works be pleased to state—

(a) why the buildings of the Judicial Department in Salem, especially the premises of the District and the Sub-Judge's Courts are not provided with electric lights and fans when the town has been electrified long ago; and

(b) when they are likely to be electrified, and what will be the approximate cost of the scheme?

A.—In July 1934, the Government approved an expenditure of Rs. 6,970 on the electrification of the following buildings:—

District Court-house buildings, Salem.

Principal District Munsif's Court at Salem.

District Munsif's Court, Sankari at Salem.

The work will be carried out when funds become available.

^a Printed as Appendix IX on pages 329-330 infra.

[31st October 1935]

Mr. K. A. NACHIYAPPA GOUNDER:—"In the answer it is stated that the work will be carried out when funds become available. May I ask the Hon. Minister whether the work will be taken up in the coming year and whether any provision has been made in the budget for the coming year in this behalf?"

The Hon. Mr. P. T. RAJAN:—"I am sorry I cannot answer the question off-hand."

Mr. M. S. SRESHTA:—"Is it not the policy of the Government to electrify public buildings wherever electricity is available?"

The Hon. Mr. P. T. RAJAN:—"Wherever electricity is available and whenever funds are available, certainly it has been the policy of the Government to electrify public buildings."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, why this building alone has been left out while all other Government offices in Salem have been electrified?"

The Hon. Mr. P. T. RAJAN:—"Probably plans and estimates were not ready at the time."

Education

Latest date prescribed this year for the receipt of applications for admission into the Queen Mary's College, Madras.

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

(a) what was the date fixed for sending applications for admission into the Queen Mary's College this year;

(b) whether it is a fact that the applicants have to give in their application forms the marks obtained by them in the S.S.L.C. examination;

(c) what was the date on which the S.S.L.C. registers were given to the students by the headmasters of high schools; and

(d) how many applications were rejected this year for the reason that the applications were received after the due date and to what districts the rejected candidates belong?

A.—(a) June 15th, subsequently changed to June 25th.

(b) Yes.

(c) The Government have no information.

(d) Seven, the number being distributed as follows:—

Malabar	...	...	...	...	...	1
Guntur	...	...	...	...	...	1
Kistna	...	...	...	...	...	1
Tanjore	...	...	...	...	...	1
Madras	...	...	...	...	...	1
Nellore	...	...	...	...	...	1
North Arcot	...	...	...	...	...	1

7

[31st October 1935]

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know, Sir, what the reasons are for fixing 15th June first and then changing it to 25th?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Because it was found that certificates would not reach the students in time."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether the Principal of the Queen Mary's College was aware of the change of date before returning the applications?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I have no reason to doubt that she was."

B. POCKER SAHIB Bahadur:—"With regard to the answer to clause (c) I want to know whether the Council is not entitled to the information as to the date on which the S.S.L.C. registers were given to the students by the headmasters of schools?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Unless we ask all the headmasters of all the schools in the presidency, that information cannot be obtained."

Mr. V. P. NARAYANAN NAMBIYAR:—"May I know, Sir, whether the Government are aware that the change of date was in the interests of the students?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I should think, so, Sir."

Medical Administration

Application from the District Board, Salem, for a half-grant for the construction of a suitable building for the dispensary at Yedapady.

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

(a) whether the District Board, Salem, has applied for half-grant for constructing a suitable building and digging a well for the local fund dispensary at Yedapady which is badly in need of such a one;

(b) if so, what orders have been passed by the Government in the matter; and

(c) whether a copy of it will be placed on the table?

A.—(a) Yes.

(b) & (c) The matter is under consideration.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether the Government are aware that a building for the said hospital is an absolute necessity?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Oh, yes. A building is necessary for this hospital as for so many other hospitals in the presidency."

[31st October 1935]

Public Health

Proposal to take over by Government Dr. Muthu's Tuberculosis Institute at Tambaram.

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

(a) whether it is a fact that Dr. Muthu's Tuberculosis Institute at Tambaram is to be taken over by the Government;

(b) if so, on what conditions it is to be taken over;

(c) whether it is to be run in addition to the Government Tuberculosis Institute at Madras or whether both of them are to be merged; and

(d) what the savings or extra cost in this scheme is?

A.—The matter is under consideration.

MR. K. A. NACHIYAPPA GOUNDER:—“ May I know what are the terms proposed for taking over the sanatorium by Government? ”

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—“ No terms have yet been settled. The matter is under the consideration of Government.”

MR. P. V. KRISHNAYYA CHOUDARI:—“ Is it not advisable to take over the sanatorium when the Governor himself was prepared to address the Government on the matter? ”

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—“ As I have already stated, the matter is still under the consideration of Government.”

DIWAN BAHADUR T. A. RAMALINGAM CHETTIYAR:—“ May I know whether the Government is aware that patients cannot remain in the sanatorium comfortably for more than three or four months in the year? ”

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—“ I cannot say.”

DIWAN BAHADUR T. A. RAMALINGAM CHETTIYAR:—“ Will Government make enquiries before finally deciding to take it over? ”

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—“ The whole question is before a committee who will take all matters into consideration before arriving at a decision.”

Injections to out-patients attending leprosy clinics.

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

(a) what injections are being given to out-patients in leper clinics in Government hospitals;

(b) whether this treatment has been found to be efficacious;

[31st October 1935]

(c) if so, whether there are any Government hospitals and dispensaries in which this treatment is not available;

(d) if so, why this treatment is not available there;

(e) in what Government hospitals and dispensaries, if any, this treatment is not available;

(f) whether the Government have considered the desirability of making this treatment available in every Government hospital and dispensary; and

(g) whether statistics are available showing the incidence of leprosy in every taluk in this Province?

A.—(a) Injections of Creosotted Hydrocarpus oil and its Esters.

(b) Yes.

(c) & (e) It is available in all Government hospitals and dispensaries except institutions intended for treatment of specific diseases, such as mental hospitals, tuberculosis and ophthalmic hospitals.

(d) & (f) It is not desirable to treat leprosy in institutions intended for the treatment of specific diseases.

(g) Up-to-date statistics are not available. Efforts are being made to obtain such figures.

MR. M. S. SRESHTA:—“ Is the Hon. Minister aware that there are several dispensaries, such as the one in Shirwa in South Kanara where leper clinics are maintained at the cost of non-official organizations like leprosy committees? ”

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—“ No, Sir.”

MR. M. S. SRESHTA:—“ Will the Government please make enquiries into the matter? ”

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—“ I do not know if any useful purpose will be served by it.”

MR. A. B. SHETTY:—“ With reference to the answer to clause (g), may I know what were the efforts made to obtain up-to-date statistics? ”

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—“ Notice, Sir.”

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

II.—A BILL TO PROVIDE FOR THE LEVY OF A TAX ON CERTAIN FORMS OF BETTING IN THE PRESIDENCY OF MADRAS (BILL No. 20 OF 1935).

* THE HON. RAO BAHADUR A. T. PANNIRSELVAM:—“ Mr. President, Sir, I beg to introduce the Bill^a to provide for the levy of a tax on certain forms of betting in the Presidency of Madras (Bill No. 20 of 1935) and move that the Bill be taken into consideration at once.

^a Published in the *Fort St. George Gazette*, dated 22nd October 1935.

[Mr. A. T. Pannirselvam] [31st October 1935]

"In doing so, I think very few words are necessary from me at this stage. I may state at once that this Bill is entirely a fiscal measure calculated to raise a certain amount of tax. When the other day when the Tobacco Bill was under discussion, some hon. Members emphasized that as only a very small amount was likely to be raised by that measure, there was no necessity for a Bill of that type, I must confess that I began to feel a bit nervous about the attitude which hon. Members of the House might adopt towards this Bill. Whereas the Tobacco Bill contemplated an income of ten lakhs, unfortunately by this Bill I cannot promise the House more than a lakh of rupees a year. I feel, however, that after listening to the very clear and explicit statements made by my Hon. Colleagues the Hon. the Revenue Member and the Hon. the Finance Member about the financial position of our province, with ever-contracting revenues and ever-expanding expenditure, the House will be at one with the Government in its desire to find out fresh sources of taxation, however little might be the amount which any such source might give; and it is in that hope that I approach this House with this Bill and I do hope that it will receive a very sympathetic consideration at the hands of the hon. Members of this House.

"I might also state that the Bill is so limited in its scope and has so few provisions in it that all hon. Members would have had an opportunity and the time to go through it in detail and would be with me in thinking that there is no need for a reference to Select Committee for a detailed examination of the provisions contained therein, and would give me permission to go on with the Bill at once.

"Apart from the very few number of provisions which this Bill contains, I might also state that it is based almost wholly on the provisions of the Acts which are to-day in force and have been in force for a fairly large number of years in three other provinces—Bombay, Bengal and Burma. Those Acts have been in force in some cases for a period of about ten years and in others a bit less, but nevertheless for a large number of years, and obviously those Governments have found the provisions to be workable and practicable. The measure which I now introduce is based, as I have already stated, mostly on the provisions contained in those three Acts; and if I refer to them, it is only to point out that it is some guarantee, that the provisions of this Bill, even if not perfect and even though they may require consideration at a later stage, are for all practical purposes workable and could be brought into force at once. Another reason why I am not in favour of its being referred to a Select Committee is that, unless the Act is brought into force at as early a date as possible, we would not be able to derive any benefit out of the Act during the current year. If we do not pass this Bill into law during the present sitting, the next racing season in Madras would have passed before we could enforce the Act and when that season is passed, we will not be able to get any income at all under this Bill. As, to begin with, we propose enforcing the Act only as

31st October 1935] [Mr. A. T. Pannirselvam]

regards the Madras Races, if we do not bring it into force before the end of the Madras race season, it will mean that this year we shall not be getting any income under this tax. That means we shall be foregoing about a lakh of rupees of revenue. It is on these considerations that I would appeal to my hon. friends who have given notice of a motion to refer the Bill to a Select Committee not to press their motion, but to allow me to go on with the Bill straightaway. With these few words, I move that the Bill be taken into consideration at once."

* Mr. V. P. NARAYANAN NAMBIYAR:—"Mr. President, I beg to second the motion before the House and I congratulate the Hon. the Home Member in having brought forward such a measure in spite of his good friends like me."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Mr. President, I thought that, this being a new measure of taxation, it would be better if it was referred to a Select Committee so that they might go through the provisions carefully and suggest improvements if necessary. Since the Council is going to sit for a long time yet, I thought that during the interval in one or two days the Select Committee might consider the Bill; but since I hear from the Hon. the Home Member that this Bill closely follows the other Acts which have worked sufficiently well in other provinces, I do not mean moving my motion for referring the Bill to a Select Committee."

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

(Clauses 1, 2, 3 and 4 were put and carried.)

Clause 5.

Mr. P. V. KRISHNAYYA CHODARI:—"Mr. President, I move that instead of 4 per cent maximum, it should be $6\frac{1}{4}$ per cent minimum and $12\frac{1}{2}$ per cent maximum. My reason for moving this amendment is this. The Government are anxious to have extra income as could be inferred from the speeches made both yesterday and to-day by the Hon. the Revenue Member and the Hon. the Finance Member and they have to find out new sources of taxation. This Bill is really one which seeks to tax luxury. Betting is really a luxury and nobody should grudge paying one anna in the rupee. When they get sixteen annas, they should not grudge to pay one anna by way of tax.

"I therefore move the following amendment:—

"For the proviso of clause 5 (2), substitute the following:—

"Provided the rate shall not exceed $12\frac{1}{2}$ per cent and shall not be less than $6\frac{1}{4}$ per cent of the sum paid out by a book-maker to a winning backer, the amount of the bet being excluded."

"I want to fix one anna in the rupee as the minimum. It is not a tax which has to be paid by every person; only the person who wins 11-45 a.m.

[Mr. P. V. Krishnayya Choudari] [31st October 1935]

pays it. But the argument may be raised that such a person would have lost already. But, Sir, on the analogy of assessment to income-tax which only takes note of profits earned and does not give any credit to losses sustained, this one anna in the rupee may be taken from the winners by way of tax. It is purely a luxury and people who go to the races can afford it for the sake of their hobby. I feel that one anna could be ungrudgingly given by a person who wins one rupee. I think such a tax is very essential and the Hon. the Home Member deserves our special thanks for bringing forward this sort of legislation in our province, copied though it might have been from other provincial Acts. The Government expected a return of one lakh from this tax but if my amendment were accepted, it will be much more.

"I also understand on reliable authority that they are going to increase the value of the ticket on a horse in the second enclosure from Rs. 2 to Rs. 2-8-0. On the pretext of the imposition of this tax, the race authorities have increased the value of the tickets. That is the very reason why I am moving this amendment.

"If the Government accept 12½ per cent as the maximum tax which can be levied, they would lose nothing. On the other hand it will constitute a reserve which in an emergency they can draw upon, instead of restricting themselves to 4 per cent. Of course the argument may be adduced that it is just like killing the goose that lays the golden eggs. But I will reply to it by stating that we are only imposing a tax on the amounts won. Yesterday we agreed in principle to the further taxation of the ryot. I fear that our *bona fides* will be questioned if we do not accept this amendment. The *bona fides* of the Government could be better understood by the public if they support this amendment. Their intention is to raise revenue and in that they were supported by the party *en bloc* yesterday. This amendment, seeking as it does to bring in more money to the treasury, will, I hope, be accepted by the Government. I hope the Hon. the Home Member who is always sportive will accept the amendment."

Mr. H. M. JAGANNATHAM:—"Mr. President, Sir, I beg to second the amendment."

* Mr. V. P. NARAYANAN NAMBIYAR:—"Mr. President, Sir, I beg to oppose the amendment. The hon Member representing Guntur, in moving the amendment, spoke about the anxiety of the Hon. the Revenue Member and the Hon. the Finance Member to augment the resources of the province. That being so, they would have fixed the figure after very careful consideration. I oppose the amendment of my hon. Friend fully realizing that I am not at all doing any injustice to the ryots whose cause my friend has so much at heart."

* Mr. W. K. M. LANGLEY:—"Mr. President, I oppose the amendment and I do so for very definite reasons. This is purely a fiscal measure as the Hon. the Home Member just now pointed out. We

31st October 1935] [Mr. W. K. M. Langley]

are not concerned in the slightest degree whether racing or betting is good or bad. We are merely concerned with a fiscal measure and we have to examine the amendment under discussion to see if it can make a suitable contribution to our revenues. We have, therefore, to consider such an amendment extremely carefully because unless it is thought out most properly and thoroughly it might completely wreck the whole effect of the Bill. Far from producing enormous revenue, as my hon. Friend the Member for Guntur seemed to imagine, on the other hand, so far as my information goes, it would have the effect of producing probably no revenue at all. I think my hon. Friend for Guntur who speaks frequently on financial matters and who is a high authority is fully aware of the law in connexion with fiscal matters, which is known as the law of diminishing returns. It has been proved by actual practice that in connexion with betting taxes, you have to go extremely carefully and remember that as the tax rises and goes beyond a certain point, it would no doubt have the effect of steadily diminishing the return until we reach a minimum when, I am credibly informed, no revenue whatever would be produced.

"I notice that the hon. Member's amendment is solely with regard to book-makers. Now the book-makers, though they make themselves heard clearly enough on the course, unfortunately cannot make themselves heard here. I hold no brief for them but I feel I can speak on behalf of them here because nowadays I have nothing to do with them. Now the book-maker, put at the very lowest form of argument, is a necessary evil on the race course and I will tell you why. Big trainers and owners who generally bet on a large scale do not generally like to go to the totes for special reasons which I need not go into at the present moment. So they employ the book-makers. If the officials of the race course wish to keep racing absolutely clean, they curiously enough have to depend very largely on the book-makers. The book-makers are licensed by the race course authorities and their books are open to inspection and consequently if there were any in and out running or any suspicion of malpractice of any kind in connexion with any particular race, the best source that the official of the race course can go to in order to prove that their suspicions are well-founded is the book-makers' books. The stewards of the Madras races, all experienced men, can at a glance tell whether there is any probability of any particular malpractice or sharp practice of any kind. In that way, the book-makers exercise a very healthy function in connexion with racing and I have not the slightest doubt that the suggestion of my hon. Friend from Guntur would undoubtedly have the effect of putting all the book-makers out of business. What would then happen? Other countries—they are trying to do without book-makers in, for example, New Zealand—have experimented with it and they have all learned their mistake. What happens in New Zealand is that all the betting money is collected by the book-makers' representatives, and is telegraphed to Australia and the money all goes to Australia where it is perfectly impossible for the officials of New Zealand to exercise any sort of control and therefore, that inevitably leads to malpractices on

[Mr. W. K. M. Langley] [31st October 1935]

the race courses. What happened in Bombay? Sir George Clarke adopted the method suggested by the hon. Member from Guntur and put a tax on the book-makers and finally did away with them altogether by legislation. The result was that racing in Bombay became a byword for corruption and bucket shops sprang up in every corner of Bombay and reaped a glorious harvest as a result of it. Unsatisfactory practices also cropped up on the race course and the Government finally was so concerned with its effect on the morals of Bombay that they proceeded by legislation to allow book-makers to ply their trade once more. As I have said, I hold no brief for book-makers; but I do hold a brief for honest sport and clean and satisfactory racing. And curiously enough, book-makers are the custodians in a way of clean racing on the turf. I am convinced that the amendment of my hon. friend for Guntur would have the effect of entirely abolishing book-makers and leading to unsatisfactory racing and spoiling a clean and healthy sport. I strongly oppose the amendment."

12 noon. * Mr. M. S. SRESHTA :—“ In opposing the amendment I feel there must be a limit to this taxation. If a minimum of 6½ per cent is insufficient I do not see why my hon. Friend did not ask that the minimum should be raised to 25 per cent. He is apparently guided by the fact that betting is immoral. That is perhaps the feeling of a large number of people. I myself bring to bear on the question a judicial indifference as I do not bet myself. I feel that the Hon. the Finance Member and the Hon. the Home Member are right in trying to exploit all possible sources of revenue. So long as betting is allowed and so long as racing is allowed I do not see why Government and the tax-payer should not benefit by it. I only make the suggestion that the Hon. the Finance Member will spread the net wider and try to catch all kinds of betting that are going on and on which no revenue is derived by Government. It was my own privilege or misfortune to move a resolution some years ago in which I said that there should be a sweepstake run by Government so that some revenue may be derived by Government by exploiting this instinct in human nature for betting. But unfortunately the Finance Member of that day, Mr. Bracken's predecessor, thought my proposal was very pernicious and immoral and said that my resolution should not be supported. I am glad however that the Government has now changed its mind and is not quite prepared to ignore this instinct and, recognising that such an instinct does exist and cannot be resisted, tries to get some revenue out of that instinct as much as possible. As I said, I make the suggestion to the Hon. the Home Member to spread the net wider and try to tax all the betting going on. We know what a lot of money is going away to Ireland, Goa and Indian States by way of tickets to sweepstakes. So far as South Kanara is concerned something like Rs. 5,000 is sent every month to Goa. This is an enormous inroad on the resources of the people. If the Government consider it immoral to have sweepstakes, they must bear in mind that Ireland and other countries are taking away a lot of money from this province. Let therefore

31st October 1935] [Mr. M. S. Sreshta]

Government legalize betting and sweepstakes and levy a small tax on them. With this suggestion to Government, I oppose the amendment."

* Dr. P. SUBBARAYAN :—“ Mr. President, Sir, I also rise to oppose this amendment. I do not think I need add many words because Mr. Langley has put in his arguments very clearly and I cannot but repeat most of the arguments he has advanced. But there is one thing. If really Government are keen in getting some revenue, they will be killing the goose that lays the golden eggs if the percentage is put at a higher rate, because, it will lead to the race course closing down, since the race-going people will not be able to bear the tax. One more word. (The Hon. the Finance Member: Hear! Hear!) The Hon. the Finance Member says ‘Hear, hear.’ The Hon. the Finance Member is for augmenting the revenue, but I hope he will not kill the goose that lays the golden eggs. Also, I would like to point out that if there is a heavy tax, the bucket shops will rise in every corner of the city whether you like it or not and you will have to incur expenditure on police to put down illegal betting. Therefore, I would appeal to Mr. Krishnayya Choudari to leave it there. Government know their business. Government know what they are doing in the matter and it will not be right to raise the percentage as to really dry up this source of revenue.”

* Mr. YAKUB HASAN:—“ Mr. President, Sir, I rise to support the amendment. (Laughter.) I do not see why my support should raise a laughter. I am surprised that there is so much opposition to the amendment. That shows some people in this House are so fond of racing that any supposed impediment to it is opposed so vigorously. Sir, the Hon. the Home Member need not have been apologetic in introducing this Bill. This does not stand on a par with the Tobacco Bill. The bigness or smallness of the amount of tax should be no consideration at all. If I support this, it is not because of the one lakh that the tax will bring in but I support it on moral grounds. All people who make income from whatever source, the Government ask them to pay a part of their income by way of tax. But the people who are making income from betting are the only people who are let alone without any taxation whatsoever. That is iniquitous. I welcome this Bill because such people will also be brought in and taxed. When you are taxing, you should tax properly and not levy merely a small amount. Their burden of taxation should be equal to the burden of others. Two annas in the rupee or 12½ per cent is not such a big thing that people may be afraid of killing the goose that lays the golden eggs. Sir, Mr. Langley said that owing to some action on the part of Government in Bombay the book-makers' business was not profitable at one time with the result that bucket shops and others came in and betting was done in an improper way. Sir, if betting is a good thing, what does it matter if it is done through bucket shops? (Laughter.) If betting is only to be indulged in in a proper form through the book-makers, the book-makers should be made to pay a tax on the income of the profession that they are following:

[Mr. Yakub Hasan] [31st October 1935]

I do not see why you should think that the payment of 12½ per cent will drive the book-makers away out of the business. The tax will not make any difference in the book-making trade whatever. Supposing such a thing takes place, you can deal with the bucket shops in the proper manner. That fear should not be allowed to affect this question. We have dealt with the bucket shops before and we can deal with them again. When the new Government which will have an elected majority comes in, they will deal with it in a more drastic manner than in the Legislative Council where the elected members are not in a majority. We need not be anxious on that score. Therefore, I ask the Members of this House to consider this matter in the light in which it should be considered. I am surprised to see that people have opposed this motion. I do not ascribe any motive to them. They think that racing is a good thing and a sport. Let it go on. I do not do anything to put a stop to it or propose any sort of obstacles to it. But at the same time, you must consider that any leniency shown to the book-maker is out of the way. I think 6½ to 12½ per cent is a very proper tax to be levied on them and I hope the House will support this amendment."

* Sriman M. G. PATNAIK Mahasayo:—"Mr President, Sir, the question of raising money is not the only question that has to be considered. My hon. Friend Mr. Langley has clearly avoided the question whether betting is moral or immoral. He did not like to address himself to that question. If he had done so, he would have condemned it as immoral. That is the reason why he avoided that."

* Mr. W. K. M. LANGLEY:—"Sir, on a point of order. I could deal with betting and I could deal with racing also. But I did not feel called upon to do so on this amendment. The only question before the House is the extent to which the book-makers should be taxed. I am quite willing to give the hon. Member a lecture on betting or on racing at any time if he wishes it."

* Sriman M. G. PATNAIK Mahasayo:—"That consideration also should count with the Members of this House in coming to a conclusion on this question. That was avoided by Mr. Langley and I repeat it again and Mr. Langley's explanation has not met my point yet. Therefore, there are two things. What is the duty of this Government? First of all, the Government has to see whether betting should be encouraged or discouraged. If they are going to encourage it, they will begin by imposing a slight tax to encourage it. But if they want to discourage it, then of course, they must put a very heavy tax. I think that has been the policy of Government with regard to matters which are pernicious to public morals. That is what the policy of Government is with regard to excise. I do not see how on principle this betting differs from their policy in regard to excise. It is a pernicious practice. No doubt, one thing must be said. Many persons highly placed do take part in racing. But that is a reason why it should be condemned all the more. I think it ought to be condemned

31st October 1935] [Sriman M. G. Patnaik Mahasayo]

more because the influence of such persons spreads the contagion more readily than other kinds of pernicious practices. I am very sorry that the Hon. the Leader of the Opposition should assert that it is a hen which lays the golden eggs. Whatever it may be, this is not a golden egg. Of course it is a poisonous egg. (Laughter.) So the policy of Government should certainly be, if they want to impose light taxation, to encourage it. If they want money they can encourage many malpractices. There are many other things also of such character. (Laughter.) Then Mr. Sreshta said that the previous Finance Member said that he was entirely against any money being raised on sweepstakes, I think the Government ought to get more money and discourage it. That is the policy in regard to excise. My friend's amendment ought to be supported and if they do not do it, I will only say that they are encouraging betting."

* Sir WILLIAM WRIGHT:—"Mr. President, the two members who 12.15 p.m. supported this amendment have obviously supported it, not because it would bring in more revenue, but because they wished to attack betting itself. It seems to me somewhat illogical that they should support the motion and attack betting as far as book-makers are concerned whilst there is nothing in this amendment to oppose betting on the totalisator. We can only conclude that these hon. Members who object to betting in the ring with the book-makers have no objection to punters walking a few yards and putting their money on the totalisator."

"Now, Mr. President, the Mover of this amendment referred to the golden duck, the Leader of the Opposition referred to the golden goose, and the last speaker to the golden hen. I have no objection at all to these various birds being brought into this debate, because I should like to point out that it is not a question of one egg only; there will be many golden eggs lost as revenue to Government as the outcome of this amendment if passed by the House. Because as my friend Mr. Langley has pointed out, if you are going to do away with book-makers by introducing legislation which would penalize backers so highly as suggested by the Mover of this amendment, you will probably make it impossible for racing to be carried on in Madras at all and you will lose all your golden eggs. With your permission, Sir, I should like to give some information to the House about these eggs. As far as Madras is concerned, the labour employed in the race club during the last year received in pay very nearly Rs. 1,73,000. In addition to that, as you know, a very large clerical staff has to be employed temporarily and a large staff all the year round. The expenditure on wages annually comes to Rs. 2,37,000. All this money is naturally spent in and around Madras. The club itself pays income-tax amounting to Rs. 61,000. That perhaps does not interest us but it certainly interests the Government of India. Then the club pays entertainment tax to the local municipalities of Rs. 20,000 per annum, which we understand is going to be increased this year. The

[Sir William Wright] [31st October 1935]

railways also obtain a very large amount of revenue which they will not get otherwise, from the very large number of horses that are brought to Madras and from the large crowds that go out by train to Guindy to enjoy the fresh air. The large number of horses that are brought to Madras during the racing season of course have to be fed, a large number of syces, grass-cutters, riding boys, etc., have to be employed and the cost of maintenance of men, horses all means more money spent locally. So I will appeal to the House not to accept this amendment which would possibly kill racing in Madras and make it impossible in future."

* The Hon. Rao Bahadur A. T. PANNIRSELVAM :—" Mr. President, Sir, I am very sorry I am unable to accept the amendment moved by my Friend, Mr. Krishnayya Choudari, though he was good enough to pay me a compliment. Whatever that might be, I can only say I am sportsman enough not to spoil the sport of others by accepting this amendment. As I began by saying and as has been emphasized by Mr. Langley, this is a measure which does not concern itself with the morality or otherwise, the beneficial nature or otherwise, of betting generally. We are concerned here wholly with the means of raising some additional revenue to our exchequer; and paradoxical as it might appear, I may say that I have put down this low figure of four per cent for the purpose of raising the maximum revenue that we can. As far as the question of morality is concerned, as I said, we have nothing to do with it, though personally speaking—and I state not as a Member of Government—to give vent within limitation to mere human instinct can under no circumstances be said to be immoral, and wagering, I believe is found in most human natures and the Government as such, I think, is very little concerned, or at least ought to concern itself very little, with immorality of individuals provided it does not affect the public morality. And the best method of safeguarding public morality would be to see to it that this natural instinct, whether it be of wagering or of having an occasional stimulant by way of taking some alcohol or some such thing, is regulated into right channels rather than completely stopped. Because if you stop it, you will drive it underground and the mischief will be all the greater. Here, I think we are doing the right thing by allowing betting under certain rules and regulations because if we do away with it altogether, evil consequences will flow from it which Mr. Langley has so graphically described as having arisen in Bombay. My hon. Friend, Mr. Yakub Hasan, asked, if betting on the race-course is allowable or permissible or laudable, why not have it in bucket shops also? The only answer I can give is this. Within the licensed area of the race-course we can control it, but outside it, in an undefined area, we shall not be able to exercise any control; there would be frauds and other malpractices which cannot be brought to light and which cannot be effectively dealt with. That is why I say we allow people to give vent to a natural instinct which within limitations does no harm to anybody and which if given vent to in greater degrees,

31st October 1935] [Mr. A. T. Pannirselvam]

might lead to the disaster of all individuals, against which the individuals themselves must be safeguarded and it is up to the State to regulate such practices.

"As I said, we are not concerned with that matter at all here; we are concerned with the sole question as to what amount we could get by this legislation. Being myself not much or anything at all of a race-goer, I felt like my Friend, Mr. Krishnayya Choudari, and like anybody else who imposes a tax which he himself has not to pay, I aimed at a high figure and considered that 6½ per cent would be a reasonable maximum. I also thought that for purposes of administration it would be easier if we put it at one anna in the rupee. I may state that after calling for opinion from people who are competent to offer advice and suggestions, I had to convince myself against my own inclination that 6½ per cent would not bring the return which we could expect, and that it would have the effect of completely drying up this source of revenue, and I put down four per cent as the maximum. I might however state that we do not propose to levy anything more than 1½ per cent to begin with; and it is this 1½ per cent which we expect would give a lakh of rupees. The maximum of four per cent may seem a low figure to Mr. Krishnayya Choudari. So, even within this limited area, there is the possibility, if things prove encouraging, of realizing anything between three to four lakhs, and purely from the point of view of finance it would be unwise to raise the maximum which we have prescribed and which we do not propose to avail ourselves of immediately. I may also state that the rates of tax in Bombay and Bengal, where I believe the position, financial and otherwise of the race clubs is very much sounder than what it is in Madras, have nowhere reached the figure which Mr. Krishnayya Choudari would put down as the minimum. In Bengal the rate is four per cent, in Rangoon it is only 2½ per cent. In Bengal they have had the Act for 14 years and they have raised it only to four per cent. In Bombay, the Act has been working for 16 years, and at the end of 10 years they are putting four per cent. In Rangoon, the Act has been in force for six or seven years, and the rate has gone up to only 2½ per cent. Before we can reach even the maximum of four per cent we have prescribed to ourselves, I believe it will have to be some years, because, as pointed out by Mr. Nachiyappa Gounder, it is a new source of taxation we are trying to tap and we cannot be overcareful and over-cautious. In the case of arrack we found that by putting up the price, the income went low and therefore we have now had to reduce the prices, and that ought to be a lesson to us for not aiming too high. So, apart from appealing to the House not to accept this amendment, I would make a personal appeal to my Friend, Mr. Krishnayya Choudari, reasonable as I know him always to be, to withdraw the amendment he has moved."

Mr. P. V. KRISHNAYYA CHOUDARI :—" In view of the Hon. Member's statement, I beg leave to withdraw the amendment. (A voice: 'In view of the flattering compliments.') It is not for the flattering

[Mr. P. V. Krishnayya Choudari] [31st October 1935]

compliments, but because in the Statement of Objects and Reasons he has not stated that $1\frac{1}{4}$ per cent will give us $1\frac{1}{2}$ lakhs. If I had known that, probably I might not have given notice of this amendment. Now having got this information, and because the Leader of the Opposition is himself a race-goer and a member of the club and says that the tax should not be levied, for it would be an indirect tax on him, I withdraw the amendment in order to show some respect to the Leader of the Opposition." (Laughter.)

12-30 p.m. The amendment was, by leave, withdrawn.

Clauses 5, 6, 7, 8, 9 and 10 were put and carried.

The preamble was then put and carried.

* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" Mr. President, Sir, I beg to move that the Bill (No. 20 of 1935) be passed into law. In doing so, I might state that, while I feel considerably flattered by what was said by one or two hon. Members about my being responsible for imposing this tax—though my Friend, Mr. Krishnayya Choudari, would make it a sort of lefthanded compliment by saying that it is a copy of the Bengal or Bombay Act—whatever credit is due for the introduction of this measure, a great portion of it should go to my Hon. Colleague, the Finance Member, who is really the father of the Bill though I am here as its foster father. The thanks of the House are due to him mainly for this Bill being accepted by the House.

"Next, I have to offer my thanks to all hon. Members of the House for having been so considerate towards this Bill as to have it passed so rapidly. Finally, I think I should be failing in my duty if I do not offer my meed of tribute to the persons or to the institution which is going to be most affected by this Bill. The readiness with which the Race Club authorities came forward not merely to accept the tax that is going to be imposed upon them but also to offer every possible help at every stage to the Government to make the Act practicable and workable, deserves praise. I must acknowledge here the very valuable suggestions which had been conveyed to the Government by the Race Club authorities in the various communications which they were good enough to send us. I might state that if, unlike other sources of income where we always anticipate or budget for very much more than we do actually realize, in this case I stand on firmer ground in anticipating the probable return to the Government, thanks must be due mainly to the Race Club authorities. With these few words I move that the Bill be passed into law."

The Hon. Mr. P. T. RAJAN:—" I second it."

* Dr. P. SUBBARAYAN:—" I am indeed very thankful to the Hon. the Home Member for the compliment he paid to the Race Club authorities. I can assure Hon. Members of the Government that it has been always the practice of the Race Club to co-operate with the Government as much as they can and I am indeed glad to learn that

31st October 1935] [Dr. P. Subbarayan]

the help that the Race Club authorities gave with regard to the passing of this measure has been very valuable to the Government. I am sure the figures have been worked out carefully and the Hon. Member is not wrong when he says that he could safely rely on those figures and that it would not be very difficult for the Government to collect this tax.

" I am indeed thankful to my hon. Friend, Mr. P. V. Krishnayya Choudari, for having withdrawn his amendment. I am sure if he had known that $1\frac{1}{4}$ per cent would bring in one lakh of revenue, he would not have moved his amendment. I am sure that all Members of this House are obliged not only to the Hon. the Home Member but also to the Hon. the Finance Member for the interest he has taken in this purely fiscal measure leaving all questions of morality aside."

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

III.—THE MADRAS PUBLIC SERVICE COMMISSION BILL^a (BILL NO. 19 OF 1935).

* The Hon. Mr. C. A. SOUTER:—" Mr. President, Sir, I beg to introduce the Madras Public Service Commission Bill (Bill No. 19 of 1935) and move that the Bill be taken into consideration at once.

" At page 5 of the printed Bill, hon. Members will find the Statement of Objects and Reasons for this Bill. I may state briefly that, although we have a Public Service Commission Act now, when the new Government of India Act comes into force, that Act will automatically lapse. The constitution, etc., of the future public service commissions not only in this Province but in the Federal Government and in the other Provinces will be regulated by Chapter III of Part X of the Government of India Act of 1935. Hon. Members who read sections 264 to 268 of that Act will see that that chapter in itself contains full provisions for the constitution and functioning of the public service commissions. They will also notice if they read those sections carefully that the Act which has been in force in this Presidency for the last three or four years is in many respects *ultra vires* the new Government of India Act. Although it is quite possible for us to carry on under the present Services Commission Act until the new Government of India Act comes into operation in this Presidency, I think it is better that we amend the Act suitably and that is the reason why the Government have thought it necessary to bring forward this Bill. My reasons for stating that it will be a mistake to continue our present Act until the introduction of the Reformed Government are briefly these: Under the present Act we have, in accordance with its provisions, made a large number of rules and conventions with the Commission for carrying on the provisions of that Act in a manner which, as I have said, is inconsistent with the provisions of the new Government of India Act. We can carry on under these conditions until the new Act comes into force, but is it not much

^a Published in the Fort St. George Gazette, dated 22nd October 1935.

[Mr. C. A. Souter]

[31st October 1935]

better and will it not be to the great advantage of the future Government of this Presidency that we should, during the comparatively short interval which I hope will take place between now and the introduction of the new Government of India Act, have a Service Commission to carry on its business in accordance with what it will have to do after the Government of India Act comes into force? Is it not better also that we revise our rules in the meantime in such a way that they will not be repugnant to any of the provisions of the Government of India Act? The revision of these rules, I may inform hon. Members, is not an easy matter. It is a matter which will take very considerable time, and if the new Government, whenever it comes, is to be saddled with the duty of revising these rules, it will find that a great deal of its time will be taken up which might have been spared if the present Government had brought in an Act of this sort and framed the rules which, then, by a stroke of the pen, could be made applicable to the new Government of India Act. Those, Sir, are the main reasons which actuated this Government in bringing forward this Bill.

"It may possibly be asked, and I think rightly, why it is that the Madras Government should have thought it fit to bring forward such a measure as this when other Governments in India have not done so, so far as we are aware. The answer, Sir, is simple: it is that we alone of all the Provinces of India have a Public Service Commission. Having that Public Service Commission, it seems to us far better that it should continue under the new Government and that there should be no necessity for reconstituting it and adopting other measures when the new Government comes into being.

"As regards the provisions of the Act itself, we follow almost literally in most respects, the actual sections of the Government of India Act. We are introducing nothing in our present Bill which is in any way contrary to the provisions of that Act; and I would ask hon. Members, before they make up their minds on the present Bill, to study those sections of the Government of India Act and the clauses of this present Bill, and they will notice how very close the one is to the other. I assure this hon. House that there is no ulterior motive—I think it is a phrase which is very often used here—in the introduction of this Bill. It is only done to facilitate the work of the new Government which is coming into being and for no other reason whatever. With these words I once again move that this Bill (No. 19 of 1935) be taken into consideration."

The Hon. Mr. G. T. H. BRACKEN:—"I second it."

* Dr. P. SUBBARAYAN:—"Mr. President, I am sure the Hon. the Revenue Member will not charge me with saying that he has any ulterior motive behind this proposal. I do not at all suspect that. I have carefully read sections 264 to 268 of the Government of India Act of 1935 which deal with public service commissions in general,

[31st October 1935]

[Dr. P. Subbarayan]

both Federal and Provincial. As I said yesterday with regard to the Tobacco Bill, my complaint is that this Government who are almost on their last legs—and they can of course be kept alive for the next few years by extension—are trying to rush legislation through this House on all matters which might very easily be left to their successors in this House. After all, the Government of India Act of 1935 has laid down everything in very careful terms—and I believe I will not be contradicted when I say that whatever may be the opinion on the measure of self-government granted to this country by this new Act, nobody can complain about the draftsmanship of the Act. I think it is one of the most carefully drafted measures that I have ever read and I think from the point of view of legal draftsmanship whenever one reads the sections of this Act, one is pleased with its draftsmanship, even though the safeguards that have been put in there might tighten the smooth working of the Act and put every obstacle in the way of development of self-government in this country. It is a very carefully drafted measure and I do not see why this Government should try to improve on the provisions of the Government of India Act and whether this Council passes this Bill or not, a Public Services Commission with regard to this Province will have to be appointed and the appointment of such commissioners would entirely be at the discretion of His Excellency the Governor. The rules and regulations with regard to the functioning of such a commission should also be left to the discretion of His Excellency the Governor under the provisions of the Government of India Act of 1935. I would like to ask the Hon. Gentleman who is sitting on the Treasury Bench to-day 'why this undue haste; why not leave it to His Excellency the Governor and his Council of Ministers whom he may select after the next elections to deal with this measure?' Now this Government has got a Commission of their own, and it has done its work well. But now I ask why this haste when there is a specific and explicit provision in the new Government of India Act and why this Government should be so anxious to tie the hands of their successors? As I said yesterday, I do not think their successors will thank them for their undue haste. It is for the Ministers of His Excellency's future Government to put through a measure which would carry out the wishes or the objects which this Bill has in view, viz., that the services should not be under the political influence of any Ministry that might be in office. Therefore that safeguard which is absolutely necessary in any form of democracy is already provided for in the Government of India Act. Therefore, I personally feel that this particular anxiety which the Hon. Gentlemen on the Treasury Bench are showing to-day for their successors is quite unnecessary and unwarranted and it is much better that this solicitude for the position of their successors is given up here and now and they leave it to their successors to do what they think fit, because under the new constitution, Mr. President, the Government is going to be one wholly responsible to the Legislature of this Province and through the Legislature to the people of this Province. The four Hon. Gentlemen who are sitting on the reserved side of the Treasury

[Dr. P. Subbarayan] [31st October 1935]

Bench to-day, however eminent they may be, are not responsible to anybody in this country. They are not responsible to the Legislature or the people of this country."

The Hon. Sir K. V. REDDI NAYUDU:—"They are responsible to the British Government and to the British Parliament."

* Dr. P. SUBBARAYAN:—"If the Hon. Member had kept quiet for a moment, he would have heard what I was going to say. They are responsible to some authority somewhere, but they are responsible to nobody in this country which is a fact and which the Hon. Member cannot deny. They may be responsible to the Governor and through the Governor to the British Parliament. But you are not responsible to anybody in this country and that is my point. I do not understand why this irresponsible Government which is not responsible to anybody in this country should be so anxious to pick the chestnuts out of the fire for the next Government. The Hon. the Leader of the House for whose ability I have got very great respect cannot deny the fact that he is not responsible to a single person in this country. My complaint is why this irresponsible Government which cannot be turned out by a vote of this House should be so anxious to legislate for the future. I would therefore appeal to Hon. Members on the Treasury Bench to leave well alone the Public Services Commission Act under the old Government of India Act and leave the responsibility of bringing in legislation of this kind in consonance with the provisions of the Government of India Act of 1935 to those that might take office in this House under the new constitution."

* The Hon. the PRESIDENT:—"There is an amendment in the name of Mr. Basheer Ahmed Sayeed."

Mr. BASHEER AHMED SAYEED:—"The amendment that stands in my name is for a reference of this Bill to a Select Committee of this House. But before I make that motion, my inclination is to oppose this measure at the very initial stage of the Bill itself. As the Leader of the Opposition has pointed out,—and I entirely agree with him—it is quite unnecessary for the present Government to forestall their views on the future Government which might be constituted under the Government of India Act of 1935."

"Now, Sir, coming to the Bill itself, the Hon. the Revenue Member has told us that the clauses which are contained in the Bill that has been moved are nothing but a copy of the sections of the Government of India Act itself. If that were the case, perhaps the Hon. the Revenue Member has forgotten that the Government of India Act has not yet come into force. Particularly these sections which he has referred to, viz., sections 264 to 268 are not to come into force until His Majesty's Government fixes a date when they shall come into force under section 477 of the Government of India Act. The date has to

31st October 1935] [Mr. Basheer Ahmed Sayeed]

be fixed by His Majesty as to when the Act is to come into operation. This is what clause (2) of section 477 says:—

'477 (2). The remainder of this Act shall, subject to any express provision to the contrary, come into force on such date as His Majesty in Council may appoint and the said date is the date referred to in this Act as the commencement of Part III of this Act and referred to in Part XIV of this Act as the commencement of that part.'

That being the case, I do not know how far the Hon. the Revenue Member is justified in saying that he is enacting this measure under these sections of the Government of India Act at all. I say that it is not competent for him to say that he is enacting this measure under the provisions of the Government of India Act. Very well, the Hon. the Revenue Member is denying that he is enacting this measure under the sections of the Government of India Act which deal with the constitution and establishment of the Services Commission. Now, Sir, apparently he admits that he is enacting this measure under the rules made under the existing Government of India Act or the rules made by the Secretary of State. Then, Sir, I submit for your consideration and for the consideration of this House that it is quite unnecessary that there should be such a Commission constituted, because the Hon. the Revenue Member has contended when the report of the Commission was discussed on the floor of this House that several sections of the existing Madras Services Commission Act are *ultra vires* of the provisions of the new Government of India Act. If the provisions of the Government of India Act of 1935 have not yet come into force, the question is that the existing sections of the Madras Services Commission Act are *ultra vires* of the sections of the new Government of India Act does not at all arise. It is a very premature point. I do not think the Hon. the Revenue Member is entitled to say at all that the existing sections of the Services Commission Act are *ultra vires* of the sections of the Government of India Act at all. If some of the sections of the Services Commission Act are *ultra vires* the moment the sections of the Government of India Act come into operation on the day to be fixed by His Majesty's Government, this existing Act of Madras Services Commission of 1929 has no legal value. Automatically from the date which His Majesty's Government may fix for the coming into force of those sections of the Government of India Act, the Services Commission Act of 1929 will cease to have any effect. Then, Sir, it would be open to the Government to come forward and constitute a Commission and define its functions and duties under the particular sections of the Government of India Act. There is no need for two separate measures at all. The moment sections 264 to 268 come into force, then there is no need for a separate Act at all. The existing Act goes out of existence. When these sections come into operation, by executive orders or by rules and regulations framed by the Governor, the Governor is to constitute a Commission under sections 264 to 268.

"Now, Sir, the preamble of the Bill runs as follows:

'Whereas the Secretary of State for India in Council has made a rule authorizing the local legislature, subject to certain conditions and restrictions,

[Mr. Basheer Ahmed Sayeed] [31st October 1935]

to make laws for the establishment and for determining the functions of a Commission to regulate the public services of the Presidency of Madras;

And whereas it is necessary and expedient to establish a Commission for discharging the functions hereinafter specified in relation to the said service.

"Sir, the Commission is required to do what? I venture to ask what is the preamble? What is the implication of this preamble? Already the Services Commission for the Madras Presidency exists and there is no need to constitute a further Commission for discharging its functions. The rule that was made by the Secretary of State for India in Council was the old rule and under it the existing Commission has been constituted and that Commission is now functioning. Now, Sir, is it proposed that a second Commission is going to be established under this preamble? Is there any new rule which the Secretary of State has issued under which this Commission can be constituted or is he entitled to issue any such rule? How is it that this Commission is said to be constituted under one breath and in the same breath the Hon. the Revenue Member again says that he is going to remove some of the illogicalities that have arisen in the existing Commission Act by virtue of the Government of India Act of 1935? At the same time he also says that he is constituting a Commission under the rules framed by the Secretary of State for India in Council. I think, Sir, he is taking an illogical position and leads one to absurdity.

"Coming to the other question, there is already the Commission that has been established and is functioning for the Local Government under rules framed by the Governor. What has happened to that Commission? What will happen to the rules and regulations framed by that Commission if this Bill is going to become law? What will happen to those persons who are there as Members and Chairman? Are they to be turned out in the event of this Bill being passed into law or are they going to continue as Members and Chairman? The natural implication of passing this measure will be that. The Hon. the Revenue Member will kindly tell me whether by the enactment of this measure the other Act, the Act of 1929 ceases to be an Act or not.

1 p.m. "Then what happens to the Members of the Services Commission? Can you, without making any provision in this measure, say, 'We have enacted a fresh measure and as soon as that measure comes into operation, those members cease to function as members? Or is it the idea of the Government that when this Bill becomes law the present Commissioners and the Chairman will be reappointed? Or is it their idea that these members are to continue up to their sixtieth year when they will have to retire automatically? The question arises whether the Government can affect the vested rights of these Commissioners and their Chairman, rights which have been vested in them under the existing Act. Under the present Act these Commissioners are entitled to be in their offices until their sixtieth year. That being the case, is it competent for the Government to say, 'We have entered into a contract with you, but for no fault of yours we are enacting a fresh law and

[Mr. Basheer Ahmed Sayeed] [31st October 1935]

therefore you shall go out of office?' This Bill does not seek to remove any difficulties at all in the matter as I see there are not very many difficulties at all.

"The Hon. the Revenue Member might say that we should make everything ready for the future Council and the future Government. What is it that is contemplated in sections 264 to 268 of the Government of India Act, 1935? They say that subject to the provisions of this section there shall be a Services Commission for the Federation and in our province there is already a Services Commission. The sections then go on describing the constitution and functions of the Commission. There is another enabling provision—section 267—which gives the Government the power, the only power. It says:

'Subject to the provisions of this section, an Act of the Federal Legislature or the Provincial Legislature may provide for the exercise of additional functions by the Federal Public Services Commission or, as the case may be, by the Provincial Services Commission, provided . . .'

"When section 267 comes into operation, the Government can come forward with a Bill of this kind and say, 'We have already got a Services Commission. It is functioning and we want to give it additional powers. We want to regulate those powers. We want a further amendment of the Act.' Instead of doing so, while they say that the present Act is *ultra vires* of the Government of India Act, they yet claim to act under the rules made by the Secretary of State in Council and further they say that they are going to constitute a Commission for discharging certain functions and duties while already a Commission is existing and discharging its duties to the fullest satisfaction, as I conceive it.

"The Hon. the Revenue Member stated that the rules and conventions that have been now framed and are in force are inconsistent with the sections of the Government of India Act, 1935. My remarks apply to those conventions as well. The fact that certain rules and certain conventions are inconsistent with the Government of India Act which is yet to come into force does not enable the Government to come forward with a measure of this kind at all. It is wholly premature and unnecessary. The Hon. the Revenue Member said that the moment the Government of India Act comes into force this Bill will automatically become useless. Why then I ask, do you waste the time of the Council, waste the time of the Secretariat, waste so much of energy and time when you say that the moment the Government of India Act becomes law this Act will become ineffective? I have noted the Hon. the Revenue Member's own words. He said:

'Even this Bill, when the Act comes into operation, will lapse automatically.'

"The regulations and the conventions and the rules that have been framed have been framed by the Government, meaning thereby the Governor acting with the Ministers and also the Governor acting with the Ministers and also the Councillors. Those are the regulations now in force and those are the rules now being followed by the Commission in

[Mr. Basheer Ahmed Sayeed] [31st October 1935]

the exercise of their powers and the discharge of their duties. When the sections of the Government of India Act come into force, they will transfer that responsibility to the Governor acting by himself. The Hon. the Revenue Member might say:

'The rules to-day are framed and given effect to by the Government. Later on it is the Governor who will have to do it. Before the Governor does it, we shall prepare them for the Governor.'

"Even to-day the Governor is functioning in giving effect to the rules made by the Government. It will make no difference whether the rules are made and kept ready for the Governor or not. Even in future there will be the same rules, the same machinery and the same personnel which is going to deal with these rules. Only instead of saying 'Government' they will say 'Governor.' But the Governor is not going to sit down and call a steno-typist and say that this rule should be so and so and that rule should be so altered. The very same rules framed by the Government will be the rules framed by the Governor. Such being the case, where is the necessity for amending the present rules? What is the force of the argument that these rules are *ultra vires* and ought to be changed here and now because later on the Governor cannot find time to do it? Will not the same Government officials, the same Secretariat and the same persons be engaged in framing these rules? It makes very little difference whether they are passed in the name of the Governor or in the name of the Government. Any inconsistency that is now found by the Government is being removed then and there. Difficulties in the matter of appointments, recruitment and promotion are removed by the amendment of the rules and so on. The same thing will happen when the Governor will be supposed to be exercising these powers of rule-making in his individual capacity as Governor. There will be no difficulty to frame any rule, or alter any rule to suit particular cases even. There have been instances—the Government cannot deny that—when rules and regulations have been altered to suit certain individual cases and then have been restored to their original position when the contingency was tided over. When this is possible to-day, it will be equally possible for similar things to be done in the name of the Governor in future years. I do not see why it should be stated at the far end of this Council before the sections of the Government of India Act, 1935, have come into force, that there should be a new Bill when the present Act itself is working quite satisfactorily. Probably there was an attempt in the days of the illustrious predecessor of the present Revenue Member to make the Act much more comprehensive, to make the Services Commission a real Commission to be of real use and value. If an attempt had been made by the present Hon. Revenue Member to make the existing Act XI of 1929 more effective, to give the Commission a really independent status and make their opinion really sound and acceptable to the Government, such a measure would have been more welcome. Instead of doing that, what do we find is being attempted to be done? To scrap off the measure which has now by experience shown itself to be inconvenient and inflexible and have another Bill. We shall see later on what seems to be *prima facie* attitude in bringing in a measure like this at this

31st October 1935] [Mr. Basheer Ahmed Sayeed]

juncture. The existing Act requires, no doubt, amendment and expansion in many directions. With what object? With the object of making the Commission a really independent body, which has not got to depend on the Government either for appointment, advice or opinion and which can make the Government accept its recommendations in so far as they are in conformity with the rules and regulations and the provisions of the Act. Instead of doing that, an attempt is being made to get rid of the whole thing and bring in a measure to re-enact the very sections that are going to come into force probably a year or two later. What is the purpose and the object gained, I am unable to comprehend.

"In this Bill there is also one outstanding feature which cannot but be noticed by every Member who has perused it. In the existing Act XI of 1929 there is section 20 which says:

'Within six months after the end of each financial year, the Commission shall present to the Local Government a report on its proceedings during such financial year and the report shall be brought up by the Local Government for the consideration of the Legislative Council.'

"Now quietly that section is removed from the new Bill. It may be that the activities of a Commission, a well-constituted and well-ordered Commission, their operations and their proceedings ought not to be the subject-matter of discussion on the floor of a Council like this. In so far as the Commission is a judicial body or a quasi-judicial body dealing with matters which concern the vested rights and the accruing rights of individual servants of Government, they shall not be open to discussion in this Council. But when you constitute a Commission which has to advise the Government, whose salaries are paid out of public funds for which the Government will be responsible, how are the public and the representatives of the public, the Legislative Council, to know whether the Government are respecting the Commission which is established under law and acting according to the rules and conventions and carrying out the advice or the opinion or the recommendations of the Commission? How can we know how exactly the Government treats the Commission, how far they give effect to their opinions and value their advice, how far they carry out the instructions, the suggestions and the recommendations of the Commission from time to time? What is there in the present Bill to provide that the Legislative Council can have knowledge of these matters? The Hon. the Revenue Member may perhaps point to our right of interpellations. Certainly interpellations are not meant for this purpose. As long as there is no report placed before the Council, how can the Council know how the Government deal with the matters raised by the Commission and for what reasons they disagree with the Commission? How can we control the activity of the Government? What is there to restrain the Government from vetoing the decisions of the Statutory body? The only effective control is public opinion. How will you get that public opinion unless you place the report of the Commission on the table of the House for such discussion as the Council may deem fit. The Hon. the Revenue Member might reply that the report ought not to be the subject-matter of discussion. Probably his legal advisers might

[Mr. Basheer Ahmed Sayeed] [31st October 1935]

have told him so. The Government of India might have stated so. This prohibition may apply to the actual acts, the actual opinions and the actual suggestions of the Commission to the Government on matters of rights of individual Government servants. But what is there to prevent a discussion of the activity of the Government in relation to the Commission and a discussion of the activity of Commission in relation to the Government? That certainly should be a subject-matter of discussion and should be subject to public opinion. Without public opinion, I am afraid, Sir, that this Statutory Commission will be a dead body and will not serve any useful purpose. It is useless to constitute a Commission of that kind without giving at the same time power to the Legislative Council to consider the report on the activities of the Government and Commission in relation to each other.

1-15 p.m. "We are going to enter into a responsible party Government. If the party Government is going not to respect, not to regard, not to heed any of the recommendations or advice given by the Services Commission, we do not know where it will end. There is the security for the services. How is the Legislative Council going to be assured that the recommendations, the actions and the advice given by the Commission are accepted by the Government? How is the security of the services for whom the Services Commission is going to be established, how is the security of the services for the regulation of which you are going to give some powers to the Commission, going to be safeguarded, unless and until you give an opportunity to the Legislative Council to review the activities of the Government, of the party Government, of the responsible Government? There is no useful purpose that will be served by setting up the Commission and by enacting a measure of this type.

"With all respect I would like to ask the Hon. the Revenue Member to tell me whether this Bill has had the approval of the Services Commission which is now functioning, which has been in existence for the last six or seven years. The Commission must have created certain traditions, certain functions, certain procedure. I would like to ask the Hon. the Revenue Member whether the opinion of the Commission has been obtained on this Bill or whether it is being done behind its back. If this is being done behind the back of the Commission, I would say that it is most unjust and injudicious. The Services Commission ought to be given the right to give its opinion as to what exactly it has to say. It is not enough and I would not be satisfied if only one Member of the Commission, or the Secretary or the Chairman was consulted. I would like to know whether the Services Commission as a whole has given its opinion and whether there is anything on record. I would be very thankful to the Hon. the Revenue Member if he would place before us the opinion, the considered opinion of the Commission on the various clauses of this Bill, that was obtained before the Bill was published. It is essential that the Commission ought to be consulted; that is a body which has been constituted under the Act. It is a body which has got vested rights and when their rights are being affected, when their powers are being curtailed to whatever extent, it is quite reasonable that the Commission should be consulted and given an opportunity to express its

31st October 1935] [Mr. Basheer Ahmed Sayeed]

views on the various sections of the Bill, and on the desirability of a measure of this kind. I submit, Sir, that on these grounds, there is no need for the Bill to be passed into law at this stage. It is enough if we get on with the present Bill; if there is any need or justification for making some amendments to the existing Bill, that can be done. There seems to be no case for bringing forward a new Bill and merely repeating sections after sections. No other province has done so. Why should this Province alone do so now and anticipate so many things? What is it that the Bill claims? They have in fact omitted many salient features of the existing measure; they have copied sections after sections; where is the need for this Bill and for enacting it so early? Power is given under section 264 of the new Constitution Act to appoint a Commission. A Services Commission is already existing; section 266 gives additional powers. Instead of giving additional powers and functions to the Commission, what the Government are doing now and what the Bill seeks to do is to curtail all the powers of the Commission, to make it a non-entity, to make it a figure-head. I am certainly against the Services Commission exceeding its powers; on matters on which the Government wants its opinion, it is bound to give; I am against the Services Commission asserting itself in provinces which are not its legitimate ones. If, for instance, the Government want that a certain recommendation should be made with regard to a certain post keeping in view the scale of salary, the conditions of service and so on, and if the Commission goes out of its way and says it would recommend a man on Rs. 500 or Rs. 300, certainly the Commission's opinion can be turned down. But the Government should not make a generality of a particular case like that and say that they would not accept the recommendation of the Commission in all cases. There are cases in which the Government will be justified in not accepting the Commission's recommendation. There are cases also in which the Government will not be justified in rejecting the recommendation of the Commission. It is but necessary that the Legislative Council should be taken into the confidence of the Government with regard to the relationship between the Government and the Commission. I am certain that the Legislative Council will not lose the right they have already got of considering the report and the relationship that exists between the Commission and the Government year after year. The Council, I am sure, will not give up that right and will fight for that right being restored to them. Whatever may be the objection that may be put forward by the Hon. the Revenue Member, it will not hold good in the light of what I have already stated. I would therefore say that my inclinations are that this Bill should be opposed and rejected by this Council. But since I find public opinion in this Council may not be wholly in favour of my view, I would move the motion that the Bill may go before a Select Committee; it may thrash out all the issues and it may be given a direction that it may report whether this Bill is necessary at all at this stage and whether it would serve any useful purpose. It is of course open to the Select Committee to say whether the Bill is necessary or whether it may be dropped, or whether it requires any alterations or modifications. I would therefore

[Mr. Basheer Ahmed Sayeed] [31st October 1935]

move that under Standing Order No. 39 (2), this Bill be referred to a Select Committee consisting of:—

- (1) The Hon. Mr. C. A. Souter (Mover).
- (2) Rao Bahadur Sir A. P. Patro.
- (3) The Hon. the Raja of Bobbili.
- (4) Mr. V. M. Ramaswami Mudaliyar.
- (5) Dr. P. Subbarayan.
- (6) Mr. Basheer Ahmed Sayeed.
- (7) „ T. C. Srinivasa Ayyangar.
- (8) „ T. S. Ramaswami Ayyar.
- (9) „ V. P. Narayanan Nambiyar.
- (10) „ T. Narasa Reddi.
- (11) „ A. Ranganatha Mudaliyar.
- (12) „ M. B. Rangaswami Reddi.
- (13) „ D. M. Reid.
- (14) Rao Sahib V. Dharmalingam Pillai.
- (15) Mr. G. Sriramulu.
- (16) „ J. Kuppuswami Choudari.

I also request that you may be pleased to suspend the Standing Order limiting the number of Select Committee Members to 13 and to allow me to make the motion.”

* Mr. K. A. NACHIYAPPA GOUNDER:—“ Mr. President, Sir, I have much pleasure in seconding the motion so ably moved by my friend, Mr. Basheer Ahmed. I am also of the opinion that the introduction of the measure is not at all warranted at the present moment. We are now getting on with the present Services Commission Act; this House is at liberty to enjoy some privileges, such as going through the report of the Commission and offering criticism or advice or suggestions or remarks. This enables public view point being conveyed to the Commission. If this Bill is passed into law, we will be deprived of this privilege. Of course it must be said that the House cannot enjoy this privilege when the new Government of India Act comes into force. When there is no possibility of the new Government of India Act coming into force for one year more, why should we rush and get through a measure so much in advance as one year when the other provinces are not moving in this direction and thereby forego our rights even from now. This measure wants to put in some new sections which deprive the Commission of the opportunity of giving its opinion on legitimate questions. Clause 12 of the Bill says that the Local Government may certify that they cannot give some information without undue labour or in the interest of the public, etc. I find that the Commission will be responsible only to His Excellency the Governor; I do not understand why it should not be taken into confidence and why it should not be given facilities for looking into the records and asking for information. As pointed out by my leader, this measure seems to stiffen the position more than what is contemplated in the new Government of India Act. That Act will come into force some time later and this Bill being taken up so much in advance, seems to me rather to be a queer idea and the argument set forth, I may say, Sir, is not at all convincing.

31st October 1935] [Mr. K. A. Nachiyappa Gounder]

“ It is stated in the Statement of Objects and Reasons that under section 10 of the Act as it stands now, consultation with the Commission is obligatory in every case of recruitment made in India to services under the control of the Local Government including even those of peons and constables. Though the Government state that there is such a provision, they are not giving effect to it now. The Commission may be consulted with regard to the recruitment of all services from the top to the bottom. It will be well and good for the Government to have the view points of an independent authority, so that they might act in the right direction. In future we are going to have the Government constituted on party system and it is quite necessary and expedient that the Commission should be consulted on many matters. These are all things that are anticipated, but now we can very well get on with the existing Act. The Legislative Council can be enjoying the privileges it has under the present Madras Services Commission Act, until the new Government of India Act comes into force and until rules are framed by His Excellency the Governor to put the new Commission in the working order. Until then, the Commission will have the advantage of hearing what the representatives of the people in this House have to say and they can consider the suggestions made by them. Under the Government of India Act, even though His Excellency the Governor may have the authority to decide the issues one way or the other, with regard to the working of the Commission, I think if the present system is to go on till the Government of India Act comes into force and the new Commission comes into operation, the present practice and the suggestions which the House may express from time to time may weigh with him in the shaping of the new rules and the decisions of His Excellency may be favourable and in agreement with the public view point. If this Bill is to be passed into law and if the practice we are following now is changed, there is no scope for His Excellency the Governor to think anything of the existing practice at the time of framing the rules, and I fear the new Services Commission may be organized in a more rigid way than what is contemplated in the Government of India Act.

“ Then, Sir, with regard to the present Commission, my hon. Friend, Mr. Basheer Ahmed Sayeed, has pointed out that before bringing in this measure, the present Commission was not consulted.” 1-30 p.m.

Mr. BASHEER AHMED SAYEED:—“ On a matter of personal explanation, Sir. I said that I wanted to know from the Hon. the Revenue Member whether the Services Commission as such has been consulted, and if so, whether its opinion will be made available.”

* Mr. K. A. NACHIYAPPA GOUNDER:—“ I am glad to be corrected. I would also like to have the same information from the Hon. the Revenue Member. My doubt arose in this way, that if the Commission was consulted, it would have been stated so in the Statement of Objects and Reasons, and the opinion of the Commission also would have been included there. In the absence of any information on this matter, I began to doubt whether the Commission was consulted at all.

[Mr. K. A. Nachiyappa Gounder] [31st October 1935]

“ Having said that . . . ”

* The Hon. the PRESIDENT:—“ Is the hon. Member likely to take a long time to finish his speech? ”

Mr. K. A. NACHIYAPPA GOUNDER:—“ I shall continue after lunch, Sir.”

The House then adjourned for lunch.

After Lunch (2-30 p.m.)

* Mr. K. A. NACHIYAPPA GOUNDER:—“ Mr. President, Sir, even in regard to the present Commission, we have had occasions to make bitter complaints at the time of discussion of the report of the Commission every year, about the way in which selections are made. There have also been occasions when the suggestions that we made in the House were considered and adopted. We often hear, Sir, from applicants for selection, that the method of selection is not after all quite satisfactory, at any rate, what it should be. The members of the Commission seem to think that their sole aim should be efficiency and nothing else. But in the actual selections made, we find that efficiency is not taken as the sole criterion, as it is stated to be. Oftentimes selections are made of people with ordinary or minimum qualifications, even when more highly qualified persons are available. When representations are made, the members of the Commission say that they are to select the best person for each post but from a close examination of the various selections one could not find that policy throughout.”

* The Hon. the PRESIDENT:—“ I am afraid I am not able to follow the relevancy of the remarks that are just now falling from the hon. Member. He is evidently going into the procedure that is being adopted or is going to be adopted by the Services Commission. That is not quite relevant.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ I am trying to contrast the present Commission with the future Commission, and thus making my criticism on the Bill before us.

“ When such is the case even with regard to the existing Commission whose actions we have now got liberty to criticize, I cannot understand how the future Commission will function, when our rights to criticize are taken away. How can the public opinion be brought to bear on the Commission if we don't have the right to criticize? It may be, Sir, that the Commission will be responsible to His Excellency the Governor. The Governor no doubt controls the Government, and the Government have to take note of public opinion. If public opinion is really to be taken into consideration, I think there ought to be some medium by which such public opinion is to be brought to the notice of the Government and the Commission and this legislature will be the proper medium and hence I would urge that the liberty hitherto enjoyed by this House should be allowed to exist. In the absence of even such mild and innocent provisions, I am sorry, I have to oppose this measure.

31st October 1935] [Mr. K. A. Nachiyappa Gounder]

“ When I am of such bent of mind, the hon. Members may perhaps be surprised at my seconding the motion for referring the Bill to a Select Committee. No doubt my idea is that the Bill should be opposed; but taking into consideration the attitude of the Government and of the party in power and taking also into consideration the fact that the Bill is not likely to be rejected—as I wish it should be—I think that if the Bill is taken to a Select Committee, some of the provisions at least may be amended in such a manner as to enable us to continue to enjoy certain privileges in regard to the discussions about the activities of the Services Commission which we are now having.

“ The Hon. Member in introducing this Bill stated that it was drafted mostly on the basis of the Government of India Act and there was nothing to be changed or altered. Since the new Government of India Act is not in operation, I may say that we may modify the Bill so as to conform to the views of this hon. House. Let this Act continue to be operative, in accordance with our own views, at least till the new Government of India Act comes into force; I have a certain belief, Sir, that afterwards, when His Excellency the Governor brings into operation a new Commission, the rules to be framed by him for the functioning of the new Commission can have at least some of the favourable points which His Excellency can grant even under the limitations of the Government of India Act.

“ With these observations, Sir, I second the motion for referring the Bill to a Select Committee.”

The Hon. Mr. C. A. SOUTER:—“ I should like to say, rather than reply to the points raised by the various speakers who have spoken before me, that on behalf of the Government, I am prepared to agree to the motion for referring this Bill to a Select Committee.”

* Rao Bahadur Sir A. P. PATRO:—“ Mr. President, Sir, my task has been very much lightened by the very liberal attitude shown by the Hon. the Revenue Member in accepting the motion to refer the Bill to a Select Committee. It has also been lightened by the fact that after the very eloquent speech of the hon. the Leader of the Opposition, it is unnecessary for me to say much on that aspect, viz., that there is no need to bring in this Bill at this juncture. Mr. Basheer Ahmed Sayeed has also spoken in his characteristic way, for about fifty minutes, on the legal aspect of the matter, viz., that if the Federal Act is passed, then this Act will become infructuous, and that therefore there is no necessity to pass this Bill now. After these points made out by the two hon. Members, I have not, as I said, very much new to say. But it seems to me, Sir, that it is very unfortunate, that a sympathetic officer and administrator, as the Hon. the Revenue Member, should have been forced to bring in a measure of this kind, not only this measure, but a measure relating to tobacco taxation, at this juncture.”

The Hon. Mr. C. A. SOUTER:—“ On a point of personal explanation, Sir. No one regrets it more than myself.”

[31st October 1935]

* Rao Bahadur Sir A. P. PATRO:—"Sir, it rather creates a very unfavourable impression in the country and on this House that these measures should have been brought in in such a panicky haste. At a time when both the Secretary of State and the Viceroy are appealing to create a favourable atmosphere for the reception of the Reforms, however defective they may be, at this juncture the Madras Government have chosen to bring in a measure which will be a burden on the people of this province and create unrest, namely, the Tobacco Bill and this Public Services Commission Bill which takes away some of the powers of this legislature. These two measures are not likely to tend to create that favourable atmosphere which is so earnestly appealed for both by the Viceroy and the Secretary of State. Nevertheless the Government of Madras, Ministers and Members may think that this is a favourable opportunity, because this House has outlived its term and has been having a wearied existence for about six years, and that, therefore, tired as this House is at this juncture, if measures like this are brought forward they are not likely to meet with that amount of opposition that may be raised otherwise. Probably it may be the reason. What I do say is, I quite appreciate the force of argument of the Hon. the Revenue Member when he said that certain powers which are being exercised by the Services Commission to-day are inconsistent with the provisions of the Government of India Act, 1935, and that it is therefore just and fair that they should set right matters with a view to see that a real Public Services Commission Act is presented to the new Government. It is no doubt a very liberal-minded policy. But, as the hon. the Leader of the Opposition has stated, this Government should have spared itself all the trouble and should have left it to the new House which will be more representative than the present one, to deal with this matter.

"Apart from that, Sir, there is this difficulty also on the part of the Government. The Ministers are there, no doubt, but the difficulty of constitutionalists like me is that, there has been no consultation, there has been no conference of the members of the party—Ministerialists and Justicites—so that they could meet together and express their views and form decisions. There was no such consultation and no conference of hon. Members in order to arrive at certain decisions on important matters of policy like this. Sir, previous consultation was not held and previous discussion with leaders was totally absent, but there was one thing, that is the attitude of the Government. Encouraged perhaps by the silent sympathy and support which is evinced by the Nationalist cum Congress journals of the city which had no word to say when taxes were imposed on the poor suffering millions of this province . . ."

The Hon. Mr. G. T. H. BRACKEN:—"On a point of order, Mr. President. The hon. Member is speaking about the Tobacco Bill."

* Rao Bahadur Sir A. P. PATRO:—"I am sure the point of order is quite right in the sense, I hope, the Hon. Member is supporting what I am trying to expound, namely, that it is the silent sympathy of a

31st October 1935]

[Sir A. P. Patro]

certain section of the Nationalist cum Congress journals in the city that has encouraged this kind of attitude on the part of the Government, and that this silent sympathy is only a lure to the Government, a lure which is sure to lead them into a dangerous situation, and I am sure the shrewd and experienced Members of the Government will realize that they will fall victims to this kind of allurements.

"Now, Sir, on the merits of the Bill, what I have got to say is this, namely, that this Bill is a retrograde measure and it ought not to have been brought forward at this juncture. After all, as the Hon. the Mover himself has stated, after the Federal Legislature has passed an enactment under the provisions of the new Act, if a measure is to be passed under section 264, then any measure that could be passed now, will disappear, and the new Act that will be passed under section 264 will come into existence. Then, the right moment for this House to do anything will be under section 267 by which the legislature may provide for the exercise of additional functions by the Federal Public Services Commission. That is the only thing that will be open to this House. It is only to that extent that this House will have jurisdiction to interfere with the Act that might be passed by the Federal Legislature. So far as we are now concerned, if we take the trouble and take up the time of the House by passing this measure, the effect of all that will be, that as soon as the Federal Legislature has passed an Act, this will have to go. Therefore, it is very rightly asked, why all this trouble and why should we bring in this measure? No doubt, it is said that this measure includes many of the provisions and the recommendations of the new Act. I quite appreciate the position that the present Act requires considerable improvement, that experience has shown that in the practical working of the present Act, many defects and difficulties have come to light and that the rules and regulations that have been passed thereunder have been such that perhaps excessive powers were conferred upon the Services Commission and perhaps there is also conflict of powers in the matter of appointments between the Government and the Services Commission. But, Sir, is there any one Act in which such difficulties have not arisen in practical working? (The Hon. Mr. G. T. H. Bracken: 'No.') The Hon. the Finance Member says 'No.' I dare not contradict him immediately without referring to other enactments wherein such things have been in existence and there have been conflicts between the Government and other organizations. One thing strikes me at this moment. Take, for instance, powers under the Local Boards Act and the District Municipalities Act. There have always been references and numerous Government Orders have been passed from time to time. An interpretation of the particular sections explaining the particular powers of the local boards shows that no Act can be perfect in the matter of conflicts between the Government and other bodies. It seems to me that the real cause for bringing in this measure is, that it would not be possible later on to make these drastic changes

[Sir A. P. Patro]

[31st October 1935]

that are contemplated in this Bill. After all, what are those drastic changes? One important change that is put in this Bill, as opposed to what is contained in the present Act is section 20. What is section 20? It means that power is vested in this House to discuss the report of the Commission every year, that the report has to be submitted to the Government and the Government has to place that report on the table of the House, this House could discuss the report in all its important aspects and express an opinion on it. That right of this House is sought to be taken away by this measure. Is it a small power of this House and is it right that such a privilege and right of this House, namely, discussing the report and the working of the Services Commission, should be taken away from this Council? If we refer to section 7 of the existing Act, it provides that the salaries of the members of the Services Commission will have to be shown in the budget. What will happen hereafter is, the Governor will make regulations under the Act by which they will become non-votable and it will not come here for the purpose of discussion at the time of the budget. Therefore, two of the most important powers of this House which at present exist in the present Act, are sought to be taken away and this House will be deprived of the privilege of discussing them. I therefore feel that certain amendments have to be made in this Bill to see that the powers of this House are not affected.

"Again, Sir, you will see from a perusal of the Bill itself, everywhere the sections seem to be mere skeletons kept for the purpose of stating a principle without sanctions. What will be the result of this Bill? You find that in every section power is vested in the Governor to make regulations as to how this Act should work. I need only ask you to refer to clause 6 of the present Bill which says

'The Governor may by regulations—

(a) determine the number of members of the Commission, the tenure of office of the Chairman and other members, the salary and allowances (including travelling allowances) payable to them and their conditions of service; and
(b) make provision with respect to the members of the staff of the Commission, the salary and allowances (including travelling allowances) payable to the members of such staff and their conditions of service, and also with respect to such other expenses as may be incidental to the work of the Commission, including contingencies, supplies and services.'

"All these powers he will have in his hands. It is not open to the Governor now to do all these things. Hereafter he will have the indirect power vested in him to ask the Secretariat to make these rules. I have said yesterday that this power of delegated legislation is a very vicious one. That power of delegated legislation is, as far as possible, sought to be avoided in the Act of 1935. In Parliament, there should be an affirmative resolution for Orders in Council to be passed for the purpose of approving them. Therefore, it is not merely placing the resolution on the table, it is not merely intimating that a particular thing had been done by the Executive Government, but that legislation and Orders in Council, should receive the approval of the House. Such a power we have to-day and when Parliament demanded that that

31st October 1935]

[Sir A. P. Patro]

power should be continued, are you going to deprive yourself of this power? This, therefore, is a matter for very serious consideration of this House.

"Then, again, Sir, I do not want to deal with the clauses seriatim—if you take clause 7 (3) it says: 'The Governor may make regulations specifying the matters on which either generally or in any particular class of cases or in any particular circumstances it shall not be necessary for the Commission to be consulted.' All these are drastic powers which are sought to be taken away from us and vested in the Governor and the instrument of the Governor will be the Secretariat. The result will be that this House will not be the legislators, but the Secretariat will legislate for this House. Of course, it may be argued that under the new Government of India Act also you find that similar powers are vested in the Governor-General. I am not oblivious of such a provision in the Government of India Act, 1935, for the Act proposed to vest powers in the Governor-General to regulate the procedure of the Public Services Commission. That is true. But, why until that Act comes into operation, should we shackle ourselves with all the difficulties during the interim period? That is my contention."

The Hon. Mr. C. A. SOUTER:—"On a point of order, Mr. President. Do I understand the hon. Member to say that he proposes to amend the Government of India Act?"

Rao Bahadur Sir A. P. PATRO:—"I am afraid the Hon. the Revenue Member in his anxiety to carry through this measure, is not prepared to appreciate the position I take."

* The Hon. the PRESIDENT:—"The only observation that I can make at this stage is, the hon. Member is dealing more elaborately with the Government of India Act than with the Bill before the House."

* Rao Bahadur Sir A. P. PATRO:—"It is absolutely necessary, Sir, because a perusal of the last paragraph of the Statement of Objects and Reasons relating to this Bill will show that advantage is taken of the Government of India Act and they have incorporated certain provisions of the Government of India Act into this Bill."

"Sir, if I refer to the Government of India Act more than is permitted, perhaps necessary, it is because of the position taken up by the Government, namely, that they have drafted these provisions. Hence I think I am thoroughly justified in referring to it. Clauses 13 and 14 of the Bill are the crown of all provisions. They read—

'The Governor may make regulations to carry out all or any of the purposes of this Act and not inconsistent therewith.
In particular and without prejudice to the generality of the foregoing power, the Governor may make regulations prescribing the procedure to be adopted by the Commission.'

14. All regulations made under this Act shall be published in the Fort St. George Gazette and upon such publication shall take effect as if enacted in this Act.'

[Sir A. P. Patro]

[31st October 1935]

"So, Sir, the regulations to be made by the Governor form part of the Statute. The point I am trying to make is that these regulations are not merely for purposes of procedure but these form part of the Statute and have a statutory effect from the date of their publication. You are taking away the powers which this House has of making rules and regulations in this part of the administration of the country and placing them in the hands of the Governor, a single individual. He has already so many powers vested in him. He is burdened with many powers, special, general, particular, legislative and executive. He is burdened with so many powers and what is this after all? These regulations naturally will be made by my hon. Friend, Mr. Boag, and the Member of Government in charge. (Laughter.) These regulations being part of the statute, they cannot be approved by this House. I do not see why the power that we possess under section 20 of the old Act should be given up. It is a different matter if we are to go up to the Government of India for previous sanction of a Bill vesting us with such powers. What I say is, these powers are there already in existence and I ask why they should not be allowed to continue. I am sure, therefore, that the Select Committee will consider the position very carefully and restore the provisions in section 20 to this Bill.

"Under the present Act, rules have to be made by the executive and these rules no doubt conflict with certain powers of the Services Commission. Two reasons are given in the Statement of Objects and Reasons to show why this Bill is to be brought in. One is that there has been a certain amount of conflict between the rules made and they are too rigid and inconsistent with the powers exercised by the Services Commission. Has there been any instance to show that the provisions of the Act are too rigid and are extensive and if the Government took upon itself to make reference to the Public Services Commission for decision and for advice on matters which were not sanctioned by the rules, it is not the fault of the Services Commission. Nor is it the fault of the Act. The rules were made by the Government and if they were rigid, it is not the fault of the Commission. Therefore, I submit, Sir, that such reasons for bringing a new Act seem to be not very sound. I submit that these defects have to be rectified. I have dealt with many of the points on which hon. Members raised difficulties. I only hope that the Select Committee which will deal with this measure in detail will do justice to the Bill."

* Mr. M. DEVADASAN:—"Mr. President, Sir, in supporting the motion for referring the Bill to a Select Committee, I want to make a few observations. My hon. Friend, the Leader of the Opposition and Sir Patro said that it was too inopportune to bring in a measure of this kind, in view of the fact that Reforms are to come in very shortly. Sir, we are members of the Council at present and so long as we continue to be as such, we have to justify our existence by doing some useful work. The probable date of the introduction of the Reforms is not yet known to anybody and I think we shall not be justified in

31st October 1935]

[Mr. M. Devadasan]

sitting idle in the expectation of the advent of the Reforms. We shall not be doing justice to ourselves and the people, if we do not consider a Bill of this kind which is intended to remedy the defects in the working of the Commission. It is apparent from the Statement of Objects and Reasons that this Bill is intended to remedy certain defects and I think that we ought to welcome the measure.

"But at the same time, I must submit that the Bill is neither comprehensive nor quite accurate. There are certain defects in the Bill which have to be rectified and I hope the Select Committee will go into it with care and caution and effect changes therein removing the defects.

"My hon. Friend, Mr. Basheer Ahmed Sayeed, stated that the Bill ought to have been referred to the Services Commission and their opinion obtained. I am not one of those who hold such a view. If the Bill is referred to them, I should say they would not approve of it, considering the fact that the amendments proposed would not be welcome to them.

"The report of the Services Commission is subject to the examination and criticism of this Council under the present Act. Considering the fact that the Services Commission is invested with very large powers of appointment all over the presidency, there must be some check on them and the report of the Commission must be placed before the Council for its examination and criticism in the interests of the administration of the State.

"Clause 20 of the present Act ought not to have been removed from the present Bill and I hope the Select Committee would re-introduce it into the Bill.

"According to the present Act, there are only three members on the Commission. The appointments of Commissioners, I must say without fear of contradiction, are sinecure appointments merely intended as rewards for some officials in consideration of their past services rendered to the Government. Hereafter, they should not be reserved as sinecure posts for rewarding men who have served the Government in the past. It is stated in the Bill that half the members of the Commission must have been once before in the service of the Government for ten years. I think that this provision is introduced only for purposes of getting experienced men on the Commission. But we see that only old men are recruited to the posts and I am not sure whether they can acquit themselves well in the exercise of their duties. For, some of them happen to be retired officials bereft of their energy and strength.

"I find from the papers that the Hon. the Revenue Member has received a memorial from ladies requesting him to reserve a seat or two on the Commission for ladies when the Commission is to be reconstituted under the new Act. I am not quite sure, whether there will be any chance for ladies to come in. However, I suggest that the

[Mr. M. Devadasan] [31st October 1935]

present number should be increased to five or six in view of the fact that large and extensive powers are sought to be given to the Commission.

"Another thing is that there is no definite period fixed for a tenure of office of a member of the Commission. The period of tenure of office must be limited to five years, or so. They should not be allowed to continue indefinitely for any length of time. For the proper discharge of duty with vigour, energy and strength, it is necessary that a period of tenure should be laid down and strictly adhered to. There should be a frequent change in the personnel of the Commission. As per sub-clause 3 of clause 5 of the present Bill either the Chairman or the members of the Commission are ineligible for re-appointment in Government service. There is a similar restriction placed on the High Court Judges. One could understand such a position in the case of the High Court Judges, for it may be said that the dignity of the Bench would be lowered by their mingling once more with junior members of the Bar on retiring from the Bench. There is no such position in the case of members of the Commission, for they cannot bear comparison with Judges. This I think ought to be removed. I would suggest that the tenure of office with the Commission should be fixed at five years or so. I hope the Select Committee will give their consideration to the remarks made in the course of the debate and make suitable alterations in the Bill."

3.15
p.m.

Mr. M. S. SRESHTA:—"I do not want to weary the House by making a long speech. But I feel it is my duty to say a few words. The Government of India has been referred to by the previous speakers almost in every sentence. It is because it has been stated in the Statement of Objects and Reasons in this Bill that this Bill has become necessary because of the Government of India Act. I feel and all members of the House feel that it is hardly necessary at this moment to take up the time of this House by introducing this Bill. It may be that the guillotine is going to fall in about 18 months. But why should this House divest itself in the meantime of the powers it possesses. When the Government of India Act comes into force we shall have full fledged democracy and then it may be necessary to place the Commission beyond the influence of parties. It is not necessary to do anything at this stage. The Service Commission enjoys full powers and if their report is discussed in this Council it is not to check it but it is to protect it. It might have been noticed that whenever the report of the Commission has been discussed, the members of this House have been trying to protect the Service Commission against, if I may say so, the autocratic powers of Government. We are now in a form of diarchic Government and we all feel that the Government is in the hands of the reserved half. The transferred half do not exercise their power as they ought to. For at least 15 months more this Council will have the power given to it of protecting the Madras Services Commission against the autocratic exercise of the powers of Government. I may also point

31st October 1935] [Mr. M. S. Sreshta]

out that the powers given here to the Governor or Governor-General are exercised by His Majesty in Council in England. All I say is, why should we not for 15 months longer continue in the present position? What do we gain by changing it and what does the Government gain by the change? I have been carefully considering the question and I also wished not to oppose the Bill if possible. But still I feel I will not be doing my duty and the House will not be doing its duty if this Bill is passed without protest. I think we all ought to protest against the Bill as it stands. It will be noticed that section 267 of the Government of India Act provides for the passing of a Bill for giving additional functions to the Services Commission. Any Bill which has to be passed should be in the nature of a supplementary Bill. I can quite understand that a supplementary Bill might be passed here giving additional power to the Services Commission. But what do we see in the present Bill? I would ask the Hon. Member in charge what additional functions are being given to the Services Commission. Having regard to the feeling in the country, the one additional function that the Member could have thought of would be to provide power in regard to the appointments under local bodies such as the panchayat officers, assistant panchayat officers and commissioners of municipalities. Charges of jobbery are being made everywhere. How far the charges are true, I do not know. The ground for making the charges should be taken away. I thought some more power would be given to the Commission in regard to these matters. I shall not weary the House any longer but I should merely repeat what I said that there is no more reason to put this Bill on the Statute Book than for introducing the Tobacco Bill, as referred to by Sir Patro. No doubt the reserved half honestly feels that the Bill is necessary in the interests of the country. But it is not responsible to the public. The transferred half does not consider its responsibility to the public and as was pointed out by others it drives more nails into the coffin of the party."

The motion of Mr. Basheer Ahmed Sayeed was put and carried and the Bill was referred to the Select Committee.

IV.—A BILL FURTHER TO AMEND THE MADRAS IRRIGATION CESS ACT, 1865, AND THE MADRAS LAND ENCROACHMENT ACT, 1905, FOR CERTAIN PURPOSES (BILL NO. 16 OF 1935).

* The Hon. Mr. C. A. SOUTER:—"I beg to introduce a Bill * further to amend the Madras Irrigation Cess Act, 1865, and the Madras Land Encroachment Act, 1905, for certain purposes (Bill No. 16 of 1935) and move that the Bill be taken into consideration at once."

"This Bill, Sir, is merely for the purpose of transferring to the Board of Revenue the power of passing final orders on two small points. As regards the Madras Irrigation Cess Act, under section 1, clause (b), the question arises as to whether irrigation is beneficial to or sufficient

* Published in the Fort St. George Gazette, dated 24th September 1935.

[Mr. C. A. Souter] [31st October 1935]

for the requirements of the crop on the land. And under the Act as it stands at present this decision is subject to the control of the Collector, the Board of Revenue and the Government. Now, ordinarily speaking, the officer who determines whether any flow of water is sufficient for the crop or not is the Deputy Tahsildar or the Tahsildar. His orders are subject to the control of the Revenue Divisional Officer, the Collector, the Board of Revenue and as the Act stands at present the Local Government. Now, Sir, in this case the question whether water is sufficient for a crop or not is one purely of fact and so far as the Government goes, the Government must accept the facts as stated by the officers who report on it. It seems to Government that the Board of Revenue is a sufficiently high authority to determine the fact as to whether a particular supply of water is sufficient for a crop or not. But it is somewhat absurd that what really is after all almost a petty matter of fact should under the present law be subject to the control of the Local Government. And similarly in the Land Encroachment Act, matters connected with it are part of the ordinary revenue administration. There again we start with the Tahsildar, the Revenue Divisional Officer, or the Special Officer appointed under the Land Encroachment Act, again the Collector, then the Board of Revenue and as at present up to Local Government. Here again it seems to Government that it is unnecessary that those cases should ever come to Government. In fact, Sir, in my experience I cannot recollect a case in which Government has had to intervene in such matters. And quite apart, therefore, from the merits of this proposed delegation of authority to the Board of Revenue, the provision in the present Act is, as experience has shown, unnecessary. And it is for these reasons that we propose that these two Acts should be amended in accordance with this Bill. Sir, with these words I beg to introduce the Bill and move that it be taken into consideration at once."

The Hon. Mr. G. T. H. BRACKEN:—"I second it."

* Mr. K. A. NACHİYAPPA GOUNDER:—"Sir, I beg to move the motion standing in my name—

'that the Madras Irrigation Cess and Land Encroachment (Amendment) Bill (No. 16 of 1935) be circulated for eliciting public opinion thereon.'

"Though it is a small Bill, Sir, having only two or three clauses, I am constrained to make this proposal because it is a measure which affects the ryot population and a right which has been enjoyed by them ever since the Act came into force, in 1865, that is for the past 70 years. All these 70 years the ryots had recourse to this remedy whenever they felt that their case was not suitably dealt with even by the higher authorities subordinate to Government. When such a privilege is to be affected, though it is a very small Bill, it is quite necessary that people from whom we are taking away this privilege should be made aware

31st October 1935] [Mr. K. A. Nachiyappa Gounder]

of this fact. This Bill has been published in the *Fort St. George Gazette* on the 24th September 1935. They could have published it in the district gazettes only towards the end of this month and as such people would not have sufficient opportunity to get this information and make their representations with regard to this matter. Since this is a measure which takes away their right which they have enjoyed, it is quite proper and appropriate that they should be given sufficient opportunity to express their views.

"I am not aware, Sir, whether a good number of cases go up to Government year after year. In order to get information on that point and in order to satisfy myself as to whether the Government would be justified in taking away this appellate right, I have put in interpellations asking for figures with regard to appeals brought before Government under these sections during the last ten years. I am sorry I could not get the figures since the question was given very late as short notice question. If correct figures are given and if they reveal that this appeal right was not enjoyed, then Sir, I think I may be in a position to decide whether I may allow this legislation to pass through. Otherwise I will have to press this motion.

"As regards irrigation, Sir, we have got a lot of complaints to make and we are not very much satisfied even with the existing Act. When such is the case, if Government are going to take away the right of appeal, I need not state what suffering it would cause to the ryots. We often feel, sir, that the local authorities are not capable of giving that careful and sympathetic consideration to our complaints which the Government on account of their contact with us, representatives of the people in the Legislative Council, are able to give. This is not in any way a trouble or additional work to Government. Since the Hon. the Revenue Member himself says, there are no such appeals forthcoming. I do not see any reason why they should take away this provision from the statute book. Though it is not quite so useful in the day-to-day administration, still it may be in a few per cent of the cases the ryot would like to approach the Government for a reversal of the orders of the subordinate officers. After all, this would not throw much work on the Secretariat and why should such a small privilege be refused to the ryot? Though this is a short Bill it involves a principle; and I would insist that it shall be circulated for eliciting public opinion so that it may come back to us with the considered opinion of the general public, who one day might think that this sort of amendment to the Act would put them to much trouble and they are greatly handicapped from getting justice from the Government. With this object in view, Sir, I propose that this measure be circulated for eliciting public opinion."

Mr. P. V. KRISHNAYYA CHOUDARI:—"In seconding the motion of my Friend, Mr. Nachiyappa Gounder, I have got to bring to the notice of the Hon. the Revenue Member one fact, and also elicit some

3-30
p.m.

[Mr. P. V. Krishnayya Choudari] [31st October 1935]

information. Though the Bill is a very small one, namely, to omit the word 'Government' it involves a lot of privileges which may be affected. In the future Legislative Council most of the ryots will have their representatives as members of the Cabinet, and if the Bill is passed, the ryots could not bring their grievances to their representatives but they will have to bring them before the Board of Revenue which under the new constitution is not to be under the direct control of the Ministers except for administrative purposes. I am led to think it is probably with that idea the Government has brought forward this Bill. For instance, take the water-cess which they have fixed at Rs. 6-4-0. If such things are going to be fixed by the Board of Revenue, I would object to this Bill."

The Hon. Mr. C. A. SOUTER:—"Water-cess has not been entered into at all."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I do not know, Sir; anyhow, I will second the amendment."

Mr. K. P. RAMAN MENON:—"I quite appreciate the view taken by the Hon. the Revenue Member that appeals should come to an end with the Board of Revenue, but I am not sure as to the residuary powers of the Government or whether that power which is inherent in the Government is taken away by the process of amending this Act and making the appeal to the Board of Revenue final."

* The Hon. Mr. C. A. SOUTER:—"I may assure the hon. Member that the power of Government is not taken away. What the Act says is whether water is beneficial to and sufficient for the requirements of the crop is subject to the control of the Board of Revenue and the Government. So that has not taken away from the Government their general powers of control over the Board of Revenue."

* Mr. G. R. PREMAYYA:—"Of all the Revenue Members we have had from 1920, I think the present Member is the cleverest: he knows how to win the people to his side; his good manners generally win the favour of the opposition. The Tobacco Bill has a sting in it, but that sting has not been perceived by the opposition. Now, if powers are delegated to the Revenue Board, there is one difficulty. The Local Government is to dictate the policy and the Revenue Board is to act up to it; but if the Revenue Board is allowed to dictate rules, I think there will be a lot of difficulty. The Hon. the Revenue Member has just now said that he has not seen any case of appeal come up before him for disposal. Why then should they try to give that power to the Board of Revenue which has heavier work? We cannot approach the Collector or the Revenue Board easily. The Hon. the Revenue Member with his years of service will be a fit person to dictate policy. I therefore would like to see this power retained as in the original Act."

31st October 1935]

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, in this matter I will have to explain my position to the House. The Hon. the Revenue Member said that it does not take away the rights; it is simply a question of sufficiency of water for the crops. But the words 'beneficial to' give some trouble. I shall just give an illustration of what is going on in my district. Water taken from the river Cauvery for irrigation purposes especially of the wet lands has been enjoyed by the ryots and mirasidars and landholders of the proprietary estates in that area, so far without payment of any water-rate whatsoever. It is taken by means of a korambu for which they pay a separate cess. The whole thing if managed that way will not be putting the Government to any expenditure in this behalf. But the Government have now come forward to levy tax under the Irrigation Cess Act; they say that the Mettur dam is beneficial to such areas, and claim that they are perfectly at liberty to increase the water-rate. That question, I am afraid, is involved in this section. And if the right to appeal to Government is taken away, the ryots will be put to hardship and will have to curse their stars for not being fortunate enough to have this section in the Act for some more time. They will have to confine themselves to appealing to the Collector and the Board of Revenue and they could not have the privilege of rushing up to Government. With regard to this, there is also a legal issue involved. The mirasidars of that area are having legal consultations and are contemplating to rush to court, because the Government themselves have considered the question and decided with regard to the lowering or raising of the water-rate in that area. This section involves the question whether water taken from certain sources is beneficial to the crop. Such cases of great importance will be covered by this section. So I am much concerned in getting the Bill published for eliciting public opinion. That opinion would tend to make Government decide whether to retain the provision in the Act or not. With that object in view I will have to press my motion."

The motion that the Bill be circulated for eliciting public opinion thereon was put and lost. 3-45 p.m.

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

Clauses 1, 2 and 3 were put and carried.

The Preamble was then put and carried.

* The Hon. Mr. C. A. SOUTER:—"Sir, I now beg to move that the Bill be passed into law. In doing so, Sir, I just like to say that the apprehensions of hon. Members, particularly of Mr. K. A. Nachiyappa Gounder are unjustified. There is no question in this Bill of interfering with the water rights of anybody. This Bill only seeks to make the Board of Revenue which, as I have said, is always, subject

[Mr. C. A. Souter]

[31st October 1935]

to the final control of Government, the final authority on the matter of fact as to whether in a particular case a certain amount of water is adequate or is essential to the irrigation. This matter is settled in 99 cases out of 100 by the deputy tahsildar exactly in the same way as in land encroachments. If, as it may sometimes happen, there is a particularly hard case, this Bill does not prohibit anybody from addressing the Government. The Government, if it sees fit to do so, as it may in land encroachment cases, call for papers and so on. It does not take away from the Government the power of control over its subordinates in any way. I stated I think that since I have been here, I have heard no case of that kind. But a case under the Land Encroachment Act concerned with a temple did arise. In matters of this kind we have to go upon the reports of the local authorities. We got a report from the Collector concerned and on that report, without going to the place and seeing the encroachment, we passed orders. That is all that is happening now. Exactly the same thing will happen hereafter. An hon. Member said that if there is no work here, why unnecessarily meddle with the existing Act? That argument will cut both ways. Why should unnecessary legislation remain on the statute book?"

The Hon. Mr. G. T. H. BRACKEN:—"I second it."

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

V.—A BILL FURTHER TO AMEND THE INDIAN REGISTRATION ACT,
1908, IN ITS APPLICATION TO THE PRESIDENCY OF MADRAS FOR
A CERTAIN PURPOSE (BILL NO. 18 OF 1935).

* The Hon. Mr. P. T. RAJAN:—"Sir, I introduce a Bill^a further to amend the Indian Registration Act, 1908, in its application to the Presidency of Madras for a certain purpose (Bill No. 18 of 1935) and move that the Bill be taken into consideration at once. In doing so, it is needless for me to detain the House long. Sub-sections (2) and (4) of section 89 of the Indian Registration Act, 1908, require that certificates of sale of immovable property granted by courts and Revenue officers should be sent to the registering officer and that he should file them in his Book No. 1. Under the present Bill it is proposed to extend the same provision in so far as certificates of sale granted by officers of the Madras Co-operative department under section 17 of the Madras Co-operative Land Mortgage Banks Act, 1934 and under the rules made under the Madras Co-operative Societies Act, 1932 are concerned. The intention of the Bill is to ensure the completeness and continuity of the record of title to immovable property kept in registration offices. I hope the House will accept the Bill."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

31st October 1935]

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

Clauses 1 and 2 were put and carried.

The Preamble was put and carried.

The Hon. Mr. P. T. RAJAN:—"Mr. President, I move that the Bill be passed into law."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I have to congratulate the Hon. Minister for choosing a Bill on which there is not even one Member to speak. It is a unique honour for the Hon. the Second Minister. With these few words I resume my seat. (Laughter.)"

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

VI.—MOTION RE SECOND REPORT OF THE MADRAS
DELIMITATION COMMITTEE.

* The Hon. Mr. G. T. H. BRACKEN:—"Mr. President, I rise to move the motion that stands in my name—

'that the Second Report of the Madras Delimitation Committee be taken into consideration.'

"I do not propose to detain the House with a long speech, but I shall just make a few remarks by way of introduction. The House has now before it the original memorandum of the Government, the first Report of the Delimitation Committee, the provisional conclusions of the Government and the Second Report of the Delimitation Committee. Hon. Members will see that the final proposals or the Second Report of the Delimitation Committee and the provisional conclusions of the Government are not very far apart except on questions of detail. Whatever view we may take of the recommendations of the Delimitation Committee, I think every one will agree that the Delimitation Committee has spent an immense amount of time and taken an immense amount of trouble in connexion with this Report, and I think that the thanks of the Government and of the House are due to Mr. Muthayya Mudaliyar and to the Members of the Committee and of the sub-committees who have given so much of their time to this very important work. ('Hear, hear.')

"I would just like to say one word on the constitution of the Delimitation Committee which has come in for a certain amount of criticism in certain quarters. The Delimitation Committee is, in a manner of speaking, a continuation of the Franchise Committee and therefore the Government thought it proper to continue as many members as possible of the Franchise Committee. At the same time, as

^a Published in the Fort St. George Gazette, dated the 15th October 1935.

^a Copies printed separately were circulated to Members

[Mr. G. T. H. Bracken] [31st October 1935]

it was a question of delimitation, it was necessary to have members representing all areas in the province as far as possible. So a few extra names were added or substituted, and among those members were three members who attended the Round Table Conferences at one time or another, as Government thought they had some special knowledge of the subject from the discussions before the Joint Committee.

"This matter of delimitation, I venture to think, is not purely a party matter in the sense that no party can tell how any scheme will work. One party may think that one scheme may suit their interests and another party may think that another scheme may suit their interests. Speaking quite impartially, I am not sure that any scheme will suit any party. So I hope that the House will consider the various proposals on their merits. Both the advantages and disadvantages of the different schemes have been set out in the original memorandum put forward by the Government. I think it is generally agreed that this memorandum makes a pretty fair presentation of the pros and cons of the different schemes. (A Voice: 'Very well presented.') Any scheme that may be put forward will have both advantages and disadvantages and it is a question of taking what has the most advantages and what has the fewest disadvantages.

"Take for example the question of the single member constituencies and single non-transferable vote as against the plural or multi-member constituencies and the cumulative vote or the distributive vote. Sir, I agree that there is something to be said for any of these schemes, but the Government, after carefully weighing the pros and cons, have come to the conclusion that on the whole the single member constituency system with single non-transferable vote is the best. In regard to other points I have to mention that the Government have still an open mind on questions of detail and would like to have the views of the House before coming to final conclusions.

4 p.m. "One point with regard to the report of the Delimitation Committee is that neither the views of that Committee, nor those of the Government, nor those of this House are final. It is the Hammond Committee that will decide this matter. It is for this reason that I regret that, while all other parties and interests have been represented on the Delimitation Committee, the Congress party on the back bench opposite thought fit to boycott the Committee though they were offered one seat on the General Committee and one seat on an important sub-committee. I think the reasons they have advanced for boycotting the Committee did not carry much weight. After all what was wanted on the Committee was that different interests and different views should be represented so that those views might be put before the Hammond Committee either on the lines of a report or in the form of minutes of dissent or in the form of a separate memorandum. I think it is a great pity that the Congress party neglected the opportunity of putting forward their views in the form of a minute of dissent if they disagreed with the main conclusions.

31st October 1935] [Mr. G. T. H. Bracken]

"The next point that I would like to put before the House is the question of population as against voting strength. As regards the voting strength, the Government have certain provisional lists prepared in order to give some idea of what the voting strength would be, but since the preparation of these lists, it has been brought to the notice of the Government that the lists are very rough and ready and even more inaccurate than we anticipated, because we subsequently found that in many cases, especially in zamindari areas the registers on which the lists should be based were not up to date and even in some cases were non-existing. So the provisional lists cannot be considered in any way accurate or in some districts as giving a fair idea of the voting strength. I would therefore suggest to this Hon. House that it would be safer in considering the various points to proceed rather on the population basis because we do definitely know the population from the last census tables.

"There is another point regarding the Provincial Council. The Delimitation Committee felt themselves unable to make any recommendation because they had no provisional lists of voting strength. I think this was a reasonable position taken up by the Committee, because to form rather large constituencies for the Provincial Council, it was really unnecessary for them to know the voting strength. Government have now taken steps to have provisional lists prepared, but I regret they are not yet ready to be placed before the House. So, I would suggest that it is hardly worth while considering questions of seats for the Provincial Council except in a very general way.

"I would suggest finally for the consideration of this Hon. House that in the limited time at our disposal it would be better to consider the main principles rather than go into details of different constituencies or different districts. I know that every district would like to have more seats, but if you give a seat to one district, it means taking away another seat from another district. In fact it would mean 'Robbing Peter to pay Paul.' I would suggest that propositions of that kind would not be of much use. For instance take Cuddapah district. If one hon. Member were to say that this district ought to have an extra seat, unless that hon. Member suggests what other district is over-represented, it would be of no use. Still less is it of any use, I would suggest to this House, to press that individual communities should be allotted one or more seats. The distribution of seats between different communities has been settled under the Act of Parliament, and I do not think there is the slightest chance of altering the distribution of seats based on the Communal Award at this stage. Therefore, it would be, I think, a pure waste of time, if any hon. Member should suggest that any community should get more seats or that any community which has no seats at present should be specially allotted a seat.

"These are some of the points which seem to me that I can usefully put before the House before they begin the consideration of this very important subject."

[31st October 1935]

The Hon. Mr. C. A. SOUTER:—"I second it."

* The Hon. the PRESIDENT:—"I think we will follow the usual procedure of putting this motion to the vote of the House before taking up the amendments."

"The question is that the Second Report of the Madras Delimitation Committee be taken into consideration."

The motion was put and carried.

* The Hon. the PRESIDENT:—"Before we proceed to discuss the amendments I should just like to inform hon. Members that we shall discuss this particular item of business the whole of to-morrow. Already as many as 14 amendments have been given notice of, each amendment containing several points and, as the Hon. House knows, several interests, communities, parties, groups, East Coast and West Coast—in fact everybody has to be allowed to speak on this particular item of business. I would request hon. Members to be brief as far as they can and thus enable other Members also to take part in the discussion. As the time allotted is only one day, we should be able to give opportunities to as many Members as possible in this House."

Mr. BASHEER AHMED SAYEED:—"Before you call upon the speakers to speak on this subject I wish to move that the discussion of this subject may be taken up to-morrow after question time (Voices 'why?' 'why'?)

"Sir, several of us did not expect that this motion would be reached at this stage and some of us, so far as I know, are not really prepared or ready to go on with the amendments, and as such we will not be able to contribute much to the discussion. So it will be convenient if the matter is taken up to-morrow and discussed, as by so doing, it will allow some time for us to prepare and be ready."

* The Hon. the PRESIDENT:—"As the hon. Member knows, to-morrow being Friday, one hour of the House will be cut off and if one hour to-day also is cut off, the time at the disposal of the House will be very much reduced. Personally I have no objection to postpone the discussion for to-morrow if that is the sense of the House. I may assure the hon. Member that the whole thing will be a general discussion."

Mr. K. KOTI REDDI:—"Sir, am I to move my amendment: Is it the idea?"

* The Hon. the PRESIDENT:—"He can move his amendment."

* Mr. K. KOTI REDDI:—"What I meant was this. When I gave notice of my amendment, I thought I would have an opportunity of discussing the whole report, and then try to move and speak upon my amendment."

* The Hon. the PRESIDENT:—"I may tell the hon. Member that he is not precluded from making his own observations on the whole report. At the same time he can also move his amendment."

31st October 1935]

* Mr. K. KOTI REDDI:—"Sir, I beg to move the amendment that stands in my name which is as follows:—

'Add at the end the following:—

"and on such consideration this Council is of opinion that adequate representation should be accorded to the Ceded districts".

"Before I come to the general consideration of this subject, viz., the report of the Delimitation Committee, I would rather like first to put before this House why I feel that representation given to the Ceded districts is not adequate. I know there is a feeling here that the representation now given to the Ceded districts is adequate. I am quite glad and thankful that the Delimitation Committee considered that the representation given to the Ceded districts according to their original proposals was not quite adequate and in their subsequent proposals have been kind enough to allow two more seats to the Ceded districts. But I would point to the Council and the Government that if they kindly wanted to show some special consideration to the Ceded districts, on account of special circumstances, they will find that the representation now given to the Ceded districts is not more than what was really due to them, even on mere population basis, apart from special circumstances."

"I am afraid both the Government and the Delimitation Committee have overlooked one important fact. In assigning seats to the various districts certain vital considerations ought to have been taken into account. One of those considerations is the fact that certain territorial areas have some special problems, the solution of which requires adequate representation of their interests in the Council."

4.15
p.m.

(At this stage the Hon. the Deputy President took the Chair.)

* Mr. K. KOTI REDDI:—"One such group of districts is the Ceded districts of Cuddapah, Kurnool, Bellary and Anantapur. They are very backward. On the ground of their backwardness, on a previous occasion the Hon. the late Raja of Panagal deprived the people of Cuddapah of the right and privilege of electing their own district board president. If the backwardness of these districts could be assigned as a reason for depriving the people of the power and privilege of electing their own district board president, I now submit that it would not be unfair if I now claim that for that very reason the Government should show very special consideration in the matter of the allotment of seats in the Council. From the point of view of backwardness in education, lack of communications, poverty and sparseness of population, the Ceded districts ought to be shown special consideration. The Committee themselves, in their second report at the end of paragraph 5, admit that there are special considerations why the Ceded districts should be given more seats than their population would warrant. I maintain that the Government and the Committee have made a great mistake in taking

[Mr. K. Koti Reddi] [31st October 1935]

population as almost the only basis. But by that I do not mean that the Government should take the number of voters as the basis, especially when they themselves have admitted that the lists of voters have not been prepared properly. I also know that the lists have not been prepared properly. But as between the population basis and the voters basis, I would prefer the population basis as the voters' lists have not been prepared properly. Again, Sir, so long as adult franchise is not introduced, I do not see why population alone ought to be taken into account in assigning seats. If adult franchise is introduced, then population may be the chief consideration; otherwise it should not be. Even after the introduction of adult franchise there are considerations like the backwardness of certain areas, the sparseness of population and so on which would make it wrong to adopt the population as the only basis. I do not know how the Committee and the Government have come to the decision of relying mainly on the population basis. His Majesty's Government in their letter to the Central Delimitation Committee have not laid any emphasis on population, nor even referred to it. They have said:

'As regards the delimitation of territorial constituencies, His Majesty's Government, while they are content to leave to your Committee a wide discretion in matters of detail, are anxious that you should make it your general aim to ensure, as far as the conditions permit, the maximum degree of contact between the candidates and the electors and the convenience of both, due regard being had to administrative needs, the ideal to be aimed at being constituencies manageable in area, in number of voters and in physical characteristics.'

"Nothing is mentioned here about population. But except for slight departures in one or two districts, population has been the only basis considered both by the Government and the Delimitation Committee. The letter of His Majesty's Government does not say a word about population while there are many other things on which they have rightly laid emphasis. If His Majesty's Government and Parliament have thought it necessary to increase the number of members both in the Provincial and Central Legislative bodies, it is because they thought that if the numbers were retained as they were, the constituencies would be so large that there would be very little contact between the member and the voters in each constituency. But although the number of members has been considerably increased, we in the Ceded districts have not got any benefit out of it. Cuddapah is at present represented by two members and even after the large increase in the total number of members, our position is not in any way better so far as facilities for contact between members and voters are concerned. Only one revenue division is separated, but the other revenue divisions form one constituency, which is as large as a district. Therefore I do not think there has been any improvement in the position of Cuddapah and the other Ceded districts so far as that aspect is concerned. In assigning seats elsewhere in the Presidency, and in assigning seats to the scheduled castes, both the Government and the Delimitation Committee proceed on the basis that it is better to have small constituencies so that the members may have better contact with the voters. I ask

31st October 1935] [Mr. K. Koti Reddi]

why not the same consideration be shown in the case of the Ceded districts. Should we not claim at least one member for each revenue division? Most of the revenue divisions in Ceded districts are clubbed together for the sake of forming constituencies. I therefore hope that the Government would see that so far as the general seats are concerned (excluding the scheduled castes' seats) one revenue division should be represented at least by one member, and avoid the necessity to club two revenue divisions for the purpose of assigning a seat to the scheduled castes. Kurnool has only two general seats; Cuddapah also has only two general seats excluding the seat assigned to women. In Kurnool two revenue divisions are clubbed together for forming each of the constituencies. It seems to me to be unjust and unfair to do so.

"If we are going to take into account the opinion expressed by His Majesty's Government in their letter to the Central Delimitation Committee, I am certain that the Ceded districts should be represented by at least five more members. When elections are fought on the party system in the future, it does not matter whether one district is represented by ten members and another district is represented by two or three members, for the general consensus of opinion in each district will be the same towards the parties. Therefore no harm will be done to the other districts on account of a few more seats being given to the Ceded districts. The area is so large that if it is the desire of the Government that there should be actual contact between the candidate and the voter, the constituencies should be reduced to manageable proportions by allotting a few more seats. Unhappily, Sir, it is the impression both of the Government and of the Delimitation Committee that we are adequately represented. On the face of it, it looks as though we are getting a little more representation than is our due on a strict population basis. But the Government and the Delimitation Committee have forgotten one thing. If the Presidency is divided into various territorial groups on account of special considerations, such as the Ceded districts, the East Coast, the West Coast and the Central districts, we as a group ought to be assigned our proper share in the number of seats allotted to the whole Presidency. Now the whole Presidency is represented by 215 members. What is our proper share according to population basis? The four districts have according to the Government memorandum a population of 3,994,543 and as such they will be entitled to $3,994,543 \times 215$ divided by 44,118,348 (population of the Presidency), i.e., 19.5 or roughly 20 seats. And that is exactly the number that has been allotted to us after so much consideration and after, what the Delimitation Committee have thought they have shown consideration to the special circumstances in the Ceded districts. What we have got is what was exactly due to us on population basis and no special consideration has been shown on account of special circumstances.

"What has been done in assigning the seats to districts is to take into account only the general seats, viz., 190. I ask, Sir, what about the seats assigned to Anglo-Indians, Europeans, Backward Areas, Commerce and Industry, Mining, Landholders, University and Labour?

[Mr. K. Koti Reddi] [31st October 1935]

The Ceded districts have no chance at any time of getting any one of these seats. The figures in the memorandum clearly show that we have no such chance at all. To illustrate what I mean: There are no doubt a few Anglo-Indian voters in the Ceded districts, but their number is insignificant when compared to the total Anglo-Indian population in the Presidency, viz., 152 out of 8,533. Under the circumstances, what the Government and the Delimitation Committee ought to have done is this. They ought to have taken all the 215 seats into account and divided them on a territorial basis allotting the quota to each district or group of districts. After such distribution, if any district or group of districts has a decent chance of getting one or more of these special seats assigned to Commerce, Industry, Labour, Landholders, etc., the number of general seats assigned to such territory or district should be reduced accordingly. Now that the Ceded districts have no chance of getting any of those special seats, I do not see any reason why we should be deprived of our proper share of seats according to the territorial basis I pointed to above. Even to-day we have so many special problems peculiar to our district, such as famine relief, backwardness in education, irrigation projects and so on and if we have to bring to the notice of the future Assembly the nature of those problems and press them to a satisfactory solution, we ought to have our proper share of representation in the Assembly according to not mere population basis but special territorial considerations.

4.30
p.m.

"As I pointed out, if you take only the population into account, the Ceded districts should get 19 and odd seats or 20 seats. There is not the slightest chance of any landholders' constituency being represented by a voter from the Ceded districts. There are only 2 or 3 voters in the Ceded districts out of about 200 voters for the landholders' constituency. The Ceded districts will have no chance of getting the labour seats, because there are no voters at all. With regard to the University seat, the number of graduates in the Ceded districts is very few compared with those in the rest of the Presidency. The number of members of the Senate or Syndicate also is very small. Therefore there is not the slightest chance of the University seat being filled by a person from the Ceded districts. So with Commerce, etc. Therefore what I suggest is: you take the Ceded districts as a territorial unit; take the population into consideration and assign the seats to the Ceded districts out of the 215 seats. So with other districts. If, for instance, East Godavari has a fair chance of getting a zamindari seat and if it has got on the above basis 7 or 8 seats, you had better cut off one of the general seats. We have not been shown any special consideration at all either by the Delimitation Committee or by the Government. The Government have forgotten this point perhaps; or their attention has not been drawn to it. They have taken only 190 seats as general seats and made the distribution. If you take all the 215 seats into consideration, the Ceded districts would get even on mere population basis the seats now allotted to them. The Delimitation Committee are of the opinion that special consideration should be shown to the Ceded districts. I plead

[31st October 1935] [Mr. K. Koti Reddi]

that the Ceded districts ought to be adequately represented. According to the present proposals, Cuddapah gets 4 general seats including the women's seat; so also Anantapur; so also Bellary. It is Kurnool that gets only 3 general seats. If you take the population into account, if you take other considerations into account, except for small differences all these four districts stand more or less on the same footing. If you cannot do anything more, if you cannot give more seats to the Ceded districts as a whole, at least Kurnool must get one seat more. You have given one seat to Markapur and Nandyal divisions. Again two divisions (Kurnool and Dhone) have been clubbed together and they get one general seat and one scheduled caste seat. If you give one more seat to the Kurnool district, each division will get one seat each. I plead again that each revenue division ought to be represented by one member. That is not the case now in the Ceded districts. . . ."

Mr. BASHEER AHMED SAYEED:—"Wherefrom you will take that seat?"

* Mr. K. KOTI REDDI:—"I can make a number of suggestions if necessary. I have to make some more general observations. With regard to the women's seat, I am glad to find that instead of assigning it to the Cuddapah division as originally proposed, it was assigned to the Rajampet division. It is much better on account of various considerations. It was pointed out by a memorandum submitted to the Government that, as between Rajampet and Cuddapah divisions—the number of women voters in the former division was more. Again from the point of view of the general population and of voters both male and female, Rajampet scores as against Cuddapah. Besides, there is one vital consideration which I think should be taken into account and it is this: Jammalamadugu and Cuddapah are clubbed together for assigning the scheduled caste seat. If the women's seat also is assigned to Cuddapah division, the voter in Cuddapah division has the advantage of voting for 3 members; whereas the voter in Rajampet division has the advantage of voting for only one member. There will be much confusion if a large number of candidates contest the elections. We do not know whether the Central Delimitation Committee would approve of the proposal of the Madras Government that the scheduled caste candidates who come in through the primary election will have the chance of withdrawing. If that is not done, there will be at least 4 scheduled caste candidates for every constituency. If you have 2 or 3 women candidates also, there will be much confusion. I think this is the only instance in the whole Presidency, where a scheduled caste seat was assigned to a constituency which has to return a lady member also. I think it was an oversight and I am glad the Committee had corrected the mistake. If you take the territorial units into consideration, I once more repeat that what was assigned to the Ceded districts is not more than their due even on the population basis. I think the Government are eager to show some special consideration to the Ceded districts. I hope the Government will see its way to recommend 5 more seats to the

[Mr. K. Koti Reddi] [31st October 1935]

Ceded districts—one seat to each of the four districts and one seat more to the Kurnool district. If that cannot be done for any reason, it is necessary that Kurnool at least should get one seat more, so as to equalize the share of each of the districts.

“As to where that seat or seats are to be taken from, I shall make some general suggestions. I feel that the urban representation is more than what is due to urban areas. It is stated that the town population is ordinarily a little more educated, more enlightened and it should have a little more representation than what is its share. On that principle one or two seats more than what is due on the population basis can be given to the urban population. The urban population is at present over-represented. You take the Muhammadan seats; they are supposed to be representatives of rural areas. But if you take the Muhammadan voters into account, you will find that a very large majority of them are living in municipal areas and in big towns. In Malabar it may not be so; but in the case of other districts, it is so. Though you call them rural seats, really they are urban seats. When there is conflict of interest, they will surely vote in favour of urban interests as against rural interests. You can therefore reduce the representation for the urban population. In districts where you have given representation for special interests, there you can reduce the number of general seats. One seat can easily be taken from the urban seats now allotted. I do not want to suggest any particular district from which a seat should be taken; of course I can do so, but I do not want to as it can be done on some principle. Take Madras for instance; Madras is over-represented, particularly, if you take into account its fair chance of securing, labour, commerce seats, etc. Because it is a metropolitan city, Madras is given more representation. Is that a ground on which inordinate representation should be given to Madras? Representation can be worked out on a fair basis. It is not fair that towns should be over-represented. Again ladies ought to get only one urban seat; they are now getting 5 urban seats, one in Malabar, one in Tinnevely and Palamcottah and one in East Coast and two in Madras. You may say they are special seats, but they represent towns as well.

“I now come to the general consideration of the report; I think a lot of changes have to be carried out in spite of immense care bestowed on it. Some vital considerations have not been taken into account by the Delimitation Committee. If it is the opinion of the Government and the Committee that there ought to be very small areas so as to make them manageable, that principle should be applied in all cases. If that principle is applied, Ceded districts ought to have more representation. If the Government and Committee cannot apply that principle throughout the whole Presidency, why should they stick up to single-member constituencies? Whatever advantage there may be for a few individuals to have small single-member constituencies, I think it is not desirable to have them. When party system is developed on

31st October 1935] [Mr. K. Koti Reddi]

the right lines, when voters become more enlightened, I think it is much more desirable that we should have as large a constituency as possible from many points of view. I think the time is come to have a sound party system; it has already come; I do not agree with my hon. Friend Dr. Subbarayan and two others who have said that organized parties have not come into existence in this country. I am absolutely certain that, when we go before the country during the next general elections, there will be only two parties and no more. There would be the Congress Party on the one side and the Justice Party on the other. They are practically the only two organized parties, I think. It is considered by the Government themselves that the Congress Party is well organized; and I am sure steps are being taken by the leaders of the Justice Party to well organize their party too. So, during the next elections, it will only be a question of parties, and not of persons. And if constituencies consist of large areas, there will be people throughout those areas, belonging to both these parties who will be able to come into close contact with the whole electorate and influence them. I do not therefore see any reason why the area should be small. Sir, I have myself sufficient experience of these elections, and I am of opinion that it is always better to have a large area, because some of the evil influences which we see existing in small areas will not exist in bigger areas. For instance, if the voters in an area are too many, it will not be possible so easily to corrupt them as in a small area, such as a local board. If the area is small and consequently if the number of voters is small, there is always the possibility of their being influenced by means other than proper and fair. On this ground alone, I won't mind if even a whole district is formed into one constituency; if that is not possible, at least two or three divisions should be grouped together into one constituency and it should be made not a single-member or double-member constituency but a multi-member constituency.

4-45
p.m.

“Again, Sir, even amongst the Hindus and among the non-Brahmans, there are many small influential sub-communities who, if the area is small, would always try to use their communal and sub-caste influences to get a man of their own community or sub-caste elected, as against a better and more highly qualified candidate. If however the area is large, the opportunities for such communities to monopolize the seats will not be great; at any rate, the other communities would try to join together as against that particular community which tries to monopolize the seat, and break the monopoly as early as possible. It is therefore much better in the interests of the country, in the interests of the better organization of parties and in the interests of the voters themselves that we should have bigger areas constituting multi-member constituencies.

“Coming now to the system of voting, Sir, I cannot claim to have studied the systems now prevailing in the various countries; but I have some knowledge of that which is in vogue in our own Presidency. This

[Mr. K. Koti Reddi] [31st October 1935]

system, in my opinion, has worked very satisfactorily, and I do not see any reason why it should not continue. In a single-vote system each voter will have only one vote. If you take a double-member constituency where you have a reserved seat for the depressed classes, what will happen? It is most likely that the depressed classes will vote for their candidates alone; and the other communities may join together and vote against the depressed class nominee. Apart from that, if two candidates are working jointly, there will be at the last moment, an anxiety to get in even at the cost of the other candidate and thus unduly influence voters; and when they are both opposed by two other candidates on party lines, it will be a very difficult process to calculate as to how many votes should be polled in favour of the depressed class candidate and how many in favour of the other, so that both may succeed. Each party would like to be sure of one man at least getting in, rather than trying to succeed in respect of both and lose both. By way of illustration, suppose the Justice Party puts in two candidates and the Congress Party two. Either party may be willing to make sure at least of one candidate being returned. In such cases, each party would try to influence the voters to concentrate on one candidate of their party. My fear is that such calculations will come into play at the last moment, at the cost probably of a more desirable candidate. These things can be easily avoided by having a distributive system of voting. The Government seem to consider that at the time of polling, there will be great loss of time if we adopt the distributive voting. In my opinion, there need be no such difficulty. When a voter goes into the polling booth, he is well aware as to whom he should vote for; and therefore there cannot be much waste of time in the booth itself on the part of the voter in choosing his candidate. As I said, in the case of the single voting, communal influences will play great havoc.

“Further, the object of the Poona Pact will be completely lost if we adopt this single-vote system. Mahatma Gandhi and the other leaders of the caste Hindu communities agreed to an increase in the number of depressed class seats, with a view to bring about a saner influence among the communities, so that the caste Hindu had to go to the depressed classes for votes as much as the depressed classes candidate goes to the caste Hindus for their votes. Unless the Adi-Dravida voter has two votes, one of which he can give to his own community man and the other to the caste Hindu man, there can be no direct contact between the depressed class Hindu and the other Hindus. Therefore I say that if the spirit of the Poona Pact is to be carried out, we must have the distributive system of voting. Besides, there is no need for primary election. Mahatma Gandhi, as we all know, was prepared to die to bring about this saner influence, and it is up to us to continue the spirit underlying the Poona Pact.

“Once more, Sir, I appeal to the authorities to see that the rural areas are given their proper share of representation in the Councils. I have been always fighting in this Council for rural interests. The

31st October 1935] [Mr. K. Koti Reddi]

number of representatives coming from the rural areas ought to be in proportion to the population in those areas, and this important point has been lost sight of by the committee. The representation given to Muhammadans is more urban than rural, and I hope that the authorities will see to it that the number of seats now assigned to towns is reduced and more seats are given to rural areas, especially for the rural areas of the Ceded districts.

“Finally, Sir, with regard to . . .”

* The Hon. the DEPUTY PRESIDENT:—“May I know how long the hon. Member is likely to take to finish his speech?”

* Mr. K. KOTI REDDI:—“I shall take about five or ten minutes, to-morrow, Sir.”

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

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

* 1. *Return of officers under the Government of Madras who held temporary, acting, or probationary appointments on the 1st April of each of the years 1924 to 1935.*

* 2. *Return of officers under the Government of Madras who held permanent appointments on the 1st April of each of the years 1924 to 1935.*

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

[31st October 1935]

APPENDIX I.

[Vide answer to question No. 322 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st October 1935, page 234 supra.]

Statement of the units sold in municipal areas, Salem and Erode.

Month.	1932.		1933.		1934.		1935.	
	Total consumers in Municipal area in Salem.	Consumers in Municipal area in Erode.	Total consumers in Municipal area in Salem.	Consumers in Municipal area in Erode.	Total consumers in Municipal area in Salem.	Consumers in Municipal area in Erode.	Total consumers in Municipal area in Salem.	Consumers in Municipal area in Erode.
January ..	..	..	19,857	1,344	33,512	4,963	41,844	4,087
February ..	236	..	19,074	1,144	29,061	2,688	38,236	4,139
March ..	1,290	..	21,951	1,260	33,827	8,156	54,366	4,403
April ..	4,132	..	24,148	1,418	35,309	7,492	57,704	5,189
May ..	10,638	..	27,052	2,244	37,997	6,354	58,859	4,983
June ..	14,108	611	28,977	4,430	37,249	4,971	57,055	4,489

APPENDIX II.

[Vide answer to question No. 331 asked by Mr. V. Nadimuthu Pillai at the meeting of the Legislative Council held on the 31st October 1935, page 243 supra.]

Letter from the Secretary to the Government of Madras, Public Works and Labour Department, to the Secretaries, the Tanjore District Delta Mirasidars and Landowners' Association, Mayavaram, dated 13th September 1935, No. 2783-D/35-4.

[Irrigation—Tanjore delta—Shortage of supply of water in 1935. Reference.—Correspondence ending with your letter to the Revenue Secretary, dated 29th August 1935.]

I am directed to state that the Government have enquired into the questions raised by you and find that the normal quantity of water was not sent down to the delta at first as the level in the Stanley reservoir at the beginning of the season was very low owing to the poor rainfall in the previous north-east monsoon. The occurrence of slips in several places in the low-level channel about the middle of July also interfered with supply for a few days. The necessary repairs were carried out with the utmost expedition and the maximum supplies permitted by the water-level in the Stanley reservoir were thereafter maintained. At a later stage in the latter part of August issues were restricted for a few days as there was heavy rain in the delta and risk of flooding. Towards the end of August there was a breach in the high-level channel and as a result issues had again to be restricted. The repair of this was taken up at once and presumably by this time conditions have returned to normal.

[31st October 1935]

I am to add that Government have arranged to keep the hydro electric pipes open, though they should have been closed finally at the beginning of August to enable work to begin on the foundations of the electric power house. By doing this they are throwing back the Mettur Hydro-Electric programme by two or three months to let the delta have the benefit of the additional few thousand cusecs that can be discharged through the hydro-electric pipes. They have therefore done everything in their power to overcome the difficulties resulting from a low reservoir and slips in the supply channels.

As regards the complaint regarding the raising of sill levels of channels under the remodelling system I am to enclose an extract of the report of the Chief Engineer on the subject.

ENCLOSURE.

Extract of paragraph 15 of the Chief Engineer for Irrigation's letter No. 3417/35 B-2, dated 16th May 1935.

15. The complaint is that in many cases, the sills are placed so high that when a small quantity of water is flowing in the river it does not rise above the sill. There may be a few cases where the sills might have been fixed too high and instructions were given even last year during my inspection of the delta to re-examine cases of real hardship. In all properly designed channels, the sluices in the several reaches excepting the tail reach should have their sills a little above the bed of the channel, in order to enable a proportionate supply to be carried down to the tail-end of the channel during times of shortage. Otherwise it will be only the upper sluices that will be drawing all the water and the sluices at the tail-end will not receive any supply. The arrangements made for raising the sills of old sluices and putting in silt shutters is a first step towards securing a more equitable distribution of water over the whole length of the rivers in the delta. The very fact that kuruvai seed-beds were sown in the proper season all over the usual places where kuruvai is grown in the delta and even at the tail reaches of the several rivers would show that the initial supplies given are adequate to give proportionate supplies required for all the preliminary operations and that the silt shutters did not really hinder the low supplies from being utilized at the various sluices. Later on however when transplantation of kuruvai was started there was difficulty in forcing the water to the tail reaches; when the steady supply from Mettur was interrupted on occasions due to the necessity for repairing the slips in the low level channel. This is due to the system of raised sills not having been stabilized as yet and the action of the upper ryots in tampering with the silt shutters and not to the principle of having raised sills being a wrong one. On the 3rd August the Settlement Commissioner and myself inspected the tail-end of Rajamadam Branch No. 21 under the Grand Anicut Canal system, near Rajamadam close to the sea coast. In spite of the fact that only proportionate supplies were being sent down the Rajamadam Branch canal and the distributary No. 21 and not the designed full supply, a fair quantity of water was reaching the tail-end. On a full consideration of the whole question, I am decidedly of opinion that the system of silt shutters and raised sills is a badly wanted improvement in the delta and that the ryots will in time learn to appreciate the benefits of it.

[31st October 1935]

APPENDIX III.

[Vide answer to question No. 334 asked by Mr. V. Nadimuthu Pillai at the meeting of the Legislative Council held on the 31st October 1935, page 244 supra.]

Extract from the Chief Engineer's report, dated 16th August 1935.

The complaint is that in many cases the sills are placed so high that when a small quantity of water is flowing in the river it does not rise above the sill. There may be a few cases where the sills might have been fixed too high and instructions were given even last year during my inspection of the delta to re-examine cases of real hardship. In all properly designed channels, the sluices in the several reaches excepting the tail reach should have their sills a little above the bed of the channels in order to enable a proportionate supply to be carried down to the tail end of the channel during times of shortage. Otherwise it will be only the upper sluices that will be drawing all the water and the sluices at the tail end will not receive any supply. The arrangements made for raising sills of old sluices and putting in silt shutters is a first step towards securing a more equitable distribution of water over the whole length of the rivers in the delta. The very fact that kuruvai seed beds were sown in the proper season all over the usual places where kuruvai is grown in the delta and even at the tail reaches of the several rivers would show that the initial supplies given are adequate to give proportionate supplies required for all the preliminary operations and that the silt shutters did not really hinder the low supplies from being utilized at the various sluices. Later on however when transplantation of kuruvai was started there was difficulty in forcing the water to the tail reaches when the steady supply from Mettur was interrupted on occasions due to the necessity for repairing the slips in the low level channel. This is due to the system of raised sills not having been stabilized as yet and the action of the upper ryots in tampering with the silt shutters and not to the principle of having raised sills being a wrong one. On the 3rd August the Settlement Commissioner and myself inspected the tail end of Rajamadam branch No. 21 under the Grand Ancient Canal system near Rajamadam close to the sea coast. In spite of the fact that only proportionate supplies were being sent down the Rajamadam Branch canal and the distributary No. 21 and not the designed full supply, a fair quantity of water was reaching the tail end. On a full consideration of the whole question I am decidedly of opinion that the system of silt shutters and raised sills is a badly wanted improvement in the delta and that the ryots will in time learn to appreciate the benefits of it. * * *

31st October 1935]

APPENDIX IV.

[Vide answer to question No. 347 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st October 1935, page 251 supra.]

Serial number and name of local fund district.	Total number of panchayat boards.		Serial number and name of local fund district.	Total number of panchayat boards.	
	Non-unions.	Pre-unions.		Non-unions.	Pre-unions.
1 Chingleput ..	346	19	16 Bellary ..	135	21
2 Coimbatore ..	135	17	17 Cuddapah ..	58	13
3 Arcot, North ..	831	21	18 Chittoor ..	198	10
4 Arcot, South ..	217	18	19 Ganjam ..	16	12
5 Madura ..	99	31	20 Godavari, East ..	266	16
6 Malabar ..	22	3	21 Godavari, West ..	269	20
7 The Nilgiris ..	31	..	22 Guntur ..	289	12
8 Salem ..	482	37	23 Ongole ..	327	14
9 South Kanara ..	137	..	24 Kurnool ..	53	15
10 Tanjore, East ..	208	9	25 Kistna ..	113	19
11 Tanjore, West ..	180	16	26 Nellore ..	172	11
12 Tinnevely ..	68	30	27 Vizagapatam ..	13	10
13 Trichinopoly ..	249	19	28 Bobbili ..	11	9
14 Ramnad ..	151	31			
15 Anantapur ..	146	13	Total ..	5,222	

APPENDIX V.

[Vide answer to question No. 348 asked by Subadar-Major S. A. Nanjappa Bahadur at the meeting of the Legislative Council held on the 31st October 1935, page 252 supra.]

Name of District Panchayat Officer.	Community.	District Board to which first appointed.	District Board under which the officer is now serving.
M.R.Ry. L. Madhava Reddi ..	Non-Brahman (Hindu).	Anantapur ..	Anantapur.
" B. Rajagopal Nayudu	Do.	North Arcot ..	Coimbatore.
" C. Sundaresa Mudaliyar.	Do.	South Arcot ..	Salem.
" V. Ponnambalam ..	Do.	Do. ..	South Arcot.
" N. G. Reddi ..	Do.	Bellary ..	Bellary.
" P. K. Pushparaj (Resigned).	Scheduled class.	Chingleput ..	....
" S. J. Dhanasingh ..	Do.	Do. ..	North Arcot.
" T. A. Narasa Reddi.	Non-Brahman (Hindu).	Guntur ..	Chingleput.
" K. Narasimhamurti.	Do.	Chittoor ..	Chittoor.
" T. Govindarajulu Nayudu (Probation terminated).	Do.	Coimbatore ..	....
" C. Appi Reddi ..	Do.	Cuddapah ..	Cuddapah.
" C. Narasimham (Appointed as Commissioner).	Do.	Ganjam ..	....

[31st October 1935]

Name of District Panchayat Officer.	Community.	District Board to which first appointed,	District Board under which the officer is now serving.
M.R.Ry. Y. Guru Reddi ..	Non-Brahman (Hindu).	Ganjam ..	Ganjam.
" R. S. Parthasarathi Rao (Appointed as Commissioner).	Do.	East Godavari ..	....
" C. Raghupathi Rao Nayudu.	Do.	Do. ..	Guntur.
" B. Ravindranath ..	Do.	Do. ..	East Godavari.
" A. Ramachandran ..	Brahman ..	West Godavari ..	Kistna.
" K. Visvanathan ..	Non-Brahman (Hindu).	Do. ..	West Godavari.
" V. A. Adinarayana Reddi.	Do.	Kistna ..	Bobbili.
" K. Ramakrishnayya.	Do.	Kurnool ..	Kurnool.
Rao Sahib B. Lazarus ..	Indian Christian.	Madura ..	Madura.
" T. S. Minakshi-sundara Mudaliyar.	Non-Brahman (Hindu).	Ramnad ..	Ramnad.
" V. Sobhanadri Rao Nayudu.	Do.	Salem ..	Vizagapatam.
" C. Kadirvelu Mudaliyar.	Do.	Tanjore ..	West Tanjore.
" T. M. Ramaswami ..	Do.	Trichinopoly ..	Trichinopoly.
" C. Vengala Rao Nayudu (Appointed as Commissioner).	Do.	Vizagapatam ..	....
" C. T. Vurgese ..	Indian Christian.	South Kanara ..	Malabar.
Mr. H. H. Schamnad ..	Muhammadan ..	Malabar ..	South Kanara.
Mr. Ghouse Mohideen Sahib ..	Do. ..	Nellore ..	Nellore.
M.R.Ry. M. C. Balakrishna ..	Non-Brahman (Hindu).	Tinnevelly ..	Tinnevelly.
Mr. C. Ramanathan (Officiating).	Do.	Kistna ..	Ongole.

APPENDIX VI.

[Vide answer to question No. 351 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st October 1935, page 256 supra.]

G.O. No. 3139, L. & M., dated 9th August 1932.

READ—the following papers:—

I

G.O. No. 12, L. & M., dated 6th January 1931.

G.O. No. 346, L. & M., dated 2nd February 1931.

G.O. No. 887, L. & M., dated 16th March 1931.

II

From the Inspector of Municipal Councils and Local Boards, dated the 2nd March 1932, R.O.C. No. 7705-C-1-32.

31st October 1935]

Order—No. 3139, L. & M., dated 9th August 1932.

The Government have had under their consideration the question of the appointment by district boards of panchayat officers under section 68 of the Madras Local Boards Act, 1920. This section provides that every district board shall, if so required by the Government, sanction a post of district panchayat officer. In G.O. No. 887, L. & M., dated the 16th March 1931, the Government intimated to all district boards that they did not then intend to take action under the above section, but that they had no objection to the appointment by the district boards of competent persons on a pay not exceeding Rs. 200 per mensem, for work connected with the formation and supervision of panchayats, provided that the appointments were made on a temporary basis and that the officers were not designated district panchayat officers. In accordance with these orders, several district boards have sanctioned the appointment of temporary district panchayat organizers in their districts.

2. The Inspector of Municipal Councils and Local Boards has now urged upon the Government the desirability of taking early steps for the appointment of district panchayat officers. He points out that for want of an effective agency to guide and supervise the work of panchayats on the spot, many of these bodies are not functioning satisfactorily. The Government agree with the Inspector that some direction and control on the spot is essential for the successful working of the panchayats. All district boards except those of Ganjam, Vizagapatam, Kurnool and the Nilgiris are accordingly now permitted to appoint district panchayat officers in their districts.

3. The Government consider that a scale of Rs. 150—10—200 will be suitable and accordingly commend the scale to all district boards for adoption. There is no objection to these officers being designated as district panchayat officers. Persons appointed as district panchayat officers should possess the minimum general educational qualification prescribed in Article 1 of the Public Service Notification and if they have not already passed the Account Test, they should pass it within a year of their appointment. It may be found advantageous in some places to appoint retired officials to these posts.

4. The pay of the district panchayat officers should ordinarily be met from the general funds of the district boards. The Government, however, recognize that during the present financial stringency some of the district boards may not be in a position to meet this new expenditure from their general funds. In such cases the Government will be prepared to allow the debit of the pay of the district panchayat officers to the Village Development Fund, subject to the concurrence of the Village Development Fund Committee. All other expenditure such as travelling allowance and the cost of the clerical and menial staff, if any, employed under the district panchayat officers should be met from the general funds of the district boards.

5. The Inspector of Municipal Councils and Local Boards has also suggested the appointment of Assistants to District Panchayat Officers

[31st October 1935]

in districts where the number of panchayats is one hundred or more at the rate of one for each taluk having more than 50 panchayats. The Government consider that this question may be left to the district and taluk boards concerned.

6. All presidents of district boards, except Ganjam, Vizagapatam, Kurnool and the Nilgiris are requested to report not later than the 1st October 1932 the action taken by the boards on these orders.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To all Presidents of District Boards, except Ganjam, Vizagapatam, Kurnool and the Nilgiris.
,, the Inspector of Municipal Councils and Local Boards.
,, the Examiner of Local Fund Accounts.

APPENDIX VII.

[Vide answer to question No. 352 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st October 1935, page 257 supra.]

Name of municipality.	Population as per 1931 census.	Total Income—Ordinary (under all heads) according to the budget for 1935-36.
Walajapet	11,102	RS. 60,650
Chicacole	16,588	69,755
Bimlipatam	9,629	39,535

APPENDIX VIII.

[Vide answer to question No. 353 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st October 1935, page 257 supra.]

G.O. Ms. No. 3655, L. & M., dated 9th September 1935.

Under section 12-C of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Governor acting with Ministers is pleased to appoint M.R.Ry. K. Sanyasi Raju Garu, B.A., B.L., Secretary, Vizagapatam District Board, as the Commissioner of the Vizagapatam Municipality, on a salary of Rs. 400 per mensem in the scale of Rs. 300-25-500 and a conveyance allowance of Rs. 40 per mensem

[31st October 1935]

subject to the maintenance of a motor car. The pay and allowance of the officer as also the contribution towards his leave allowances and provident fund will be paid out of the funds of the municipality.

2. The President, District Board, Bobbili, is requested to relieve Mr. Sanyasi Raju on the afternoon of the 11th September after the election of the president is over.

(By order of the Government, Ministry of Local Self-Government)

T. B. RUSSELL,
Secretary to Government.

To the Chairman, Municipal Council, Vizagapatam.

,, Collector of Vizagapatam.
,, President, District Board, Vizagapatam.
,, President, District Board, Bobbili.
,, Inspector of Municipal Councils and Local Boards.
,, Revenue Department.
,, Examiner of Local Fund Accounts.

Copy to the nominee through the President, District Board, Vizagapatam.

APPENDIX IX.

[Vide answer to question No. 363, asked by Mr. V. M. Ramaswami Mudaliyar at the meeting of the Legislative Council held on the 31st October 1935, page 265 supra.]

*Letter from the Collector of North Arcot, dated 5th June 1935,
R.O.C. No. F-4-4742/35.*

There are two entrances to the Vellore Fort, one on the east and the other on the south. The eastern entrance is the main entrance into the fort, while the other on the south is a footway (Sally Port) which crosses the moat on a stone causeway.

2. The Principal, Police Training School, Vellore, requested in 1931 that the Sally Port entrance to the Vellore Fort might be closed on the ground that loafers and other undesirables entered into that part of the police parade ground used for bayonet fighting and lathi drill and committed nuisance of one kind or another. The Superintendent of the Sub-Jail, Vellore, also complained about undesirables getting up the walls of the sub-jail and damaging them if the entrance was kept open. Mr. Vellodi saw no objection to the closure of the entrance and since then (1931) the footway is kept closed.

3. I considered the question of reopening the footway to the fort in October 1934 and decided not to reopen it. In January 1935, the Commissioner, Municipal Council, Vellore, requested me to arrange

[31st October 1935]

for the reopening of the entrance. He was informed that the matter was considered and dropped and that there was no need to reopen it. The present Principal, Police Training School, Vellore, wrote to the Executive Engineer, Vellore, on the 1st March 1935 that he agreed with the objections raised by his predecessor in regard to the opening of the entrance. Hence on a further reference from the Commissioner, Vellore Municipality, he was informed in April 1935 that, as already intimated to him in January last, there was no need to reconsider the proposal to reopen the Sally Port entrance to the fort. At the instance of the Council, the Commissioner has now approached the Board.

4. I consider that the objections raised by the Principal, Police Training School, Vellore, with regard to the opening of the southern entrance have some force and that no great inconvenience will be felt by the public by the closure of the entrance in question.

11 DEC 1935

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Friday, the 1st November 1935.

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

PRESENT:

Reddi Nayudu, <i>Kt.</i> , The Hon. Rai Bahadur Sir K. V.	Muthu Chettiyar, Rao Bahadur P. C.
Pannirselvam, The Hon. Rao Bahadur A. T.	Nachiappa Gounder, Mr. K. A.
Souter, <i>C.S.I.</i> , <i>I.C.S.</i> , The Hon. Mr. C. A.	Nadimuthu Pillai, Mr. A. Pl. N. V.
Bracken, <i>C.S.I.</i> , <i>C.I.E.</i> , <i>I.C.S.</i> , The Hon. Mr. G. T. H.	Nanjappa Bahadur, Subadar-Major S. A.
Raja of Bobbili, <i>K.C.I.E.</i> , The Hon. the Rajan, The Hon. Mr. P. T.	Narasa Reddi, Mr. T.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.	Narasimhaswami, Rao Sahib D. V.
Abdul Hameed Khan Sahib Bahadur.	Narayanan Nambiyar, Mr. V. P.
Alagannan Chettiyar, Rao Sahib A. S.	Natesa Mudaliyar, Diwan Bahadur O. Palat, Mr. R. M.
Alamelumangathayaramma, Mrs. K.	Parthasarathi Ayyangar, Mr. C. R.
Annamalai Chettiyar, Mr. S. A. A.	Patnaik Mahasayo, Sriman M. G.
Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T.	Patro, <i>K.C.I.E.</i> , Rao Bahadur Sir A. P.
Ari Gowder, Mr. H. B.	Peddi Raju, Mr. P.
Basheer Ahmed Sayeed Sahib Bahadur.	Pocker Sahib Bahadur, B.
Basu Dev, Mr. C.	Premayya, Mr. G. R.
Beyabani Sahib Bahadur, S. M. K.	Rajagopala Pillai, Mr. P. V.
Bhanoji Rao, Sri A. V.	Raja of Parlakimedi, The
Boag, <i>C.I.E.</i> , <i>I.C.S.</i> , Mr. G. T.	Ramachandra Padayachi, Mr. P. K.
Devadasan, Mr. M.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Dharmalingam Pillai, Rao Sahib V.	Ramalinga Reddi, Mr. C.
Durniswami Reddiyar, Mr. K. M.	Ramamurti, Rao Sahib Pandit Ganala.
Ellappa Chettiyar, Diwan Bahadur S.	Raman Menon, Mr. K. P.
Jagannatham, Mr. H. M.	Ramaswami Ayyar, Mr. T. S.
Jayaram Nayudu, Rao Sahib C.	Ramaswami Mudaliyar, Mr. V. M.
Jones, <i>I.C.S.</i> , Mr. C. E.	Rameswara Rao, Mr. G.
Kesavaramamurti Nayudu, Mr. K.	Ranganatha Mudaliyar, Mr. A.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Ranganatha Mudaliyar, Mr. G.
Kolanda Reddi, Rai Sahib C.	Rangaswami Reddi, Mr. M. B.
Koti Reddi, Mr. K.	Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Krishnayya Choudari, Mr. P. V.	Ratnavelu Thevar, Mr. P.
Krishnamurti, Rao Bahadur D.	Reid, Mr. D. M.
Kumararaja of Venkatagiri, The.	Rukmani Lakshmipathi, Mrs. A.
Kuppuswami Choudari, Mr. J.	Russell, <i>I.C.S.</i> , Mr. T. B.
Langley, Mr. W. K. M.	Sandana Gounder, Mr. I.
Madanagopal Nayudu, Mr. R.	Schamnad Sahib Bahadur, Khan Bahadur Mahmud
Mahboob Ali Baig Sahib Bahadur.	Scott Brown, <i>I.C.S.</i> , Mr. W.
Manikkavelu Nayakar, Mr. M. A.	Shetty, Mr. A. B.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Simhachalam Pantulu, Mr. G.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.	Siva Raj, Rao Sahib N.
Muniswami Pillai, Rao Sahib V. I.	Sivasubramanya Ayyar, Mr. K. S.
Murugappa Chettiyar, Diwan Bahadur A. M. M.	Smith, Mr. J. M.
Muthiah Chettiyar, Mr. M. A.	Sreshtha, Mr. M. S.
	Srinivasa Ayyangar, Mr. T. C.
	Srinivasan, Rao Bahadur R.
	Sriramulu, Mr. G.
	Subbarayan, Dr. P.
	Subrahmanya Bhatt, Mr. U. C.
	Sundara Rao Nayudu, Mr. T.

[1st November 1935]

PRESENT—cont.

Syed Tajuddin Sahib Bahadur, Khan Sahib.	Vedachala Mudaliyar, Mr. M.
Thangal, Mr. P. M.	Venugopal Nayudu, Rao Bahadur R. K.
Thomas, Mr. Daniel.	Yakub Hasan Sahib Bahadur.
Uzielli, C.I.E., I.C.S., Mr. H. R.	Zamindar of Bodinayakkanur, The.
Vasudeva Pillai, Mr. V. G.	Zamindar of Kirlampudi, The.
	Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Medical Administration

Employment of unqualified and non-stipendiary persons in Ayurvedic dispensaries by the President, District Board, Kurnool.

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

(a) whether a copy each of G.O. No. 930, P.H., dated 1st May 1933 and G.O. No. 1264, P.H., dated 10th June 1933, will be placed on the table;

(b) whether the said Government Orders are still in operation or whether they have since been cancelled or modified;

(c) if so, whether a copy of the cancellation or modification will be placed on the table;

(d) if the said Government Orders are still in operation, whether it is a fact that the President, Kurnool District Board, has appointed unqualified non-stipendiary men in the Ayurvedic dispensaries under his control when qualified and stipendiary men were available, contrary to the said Government Orders;

(e) whether the Government have received any representations in this matter, and if so, when;

(f) how the Government have disposed of the said representations and if they have not yet been disposed of, how they propose to deal with them; and

(g) whether there is any proposal to surcharge the President of the District Board for such violation of the orders of Government and if not, why not?

A.—(a) Yes.

(b) These Government Orders are still in force.*

(c) Question does not arise.

(d) No.

(e), (f) & (g) The questions do not arise.

MR. K. A. NACHIYAPPA GOUNDER:—“ Sir, in G.O. No. 1264, P.H., dated 10th June 1933, it is stated: ‘The Inspector of Municipal Councils and Local Boards has recently brought to the notice of the Government that some local boards have appointed non-stipendiaries

1st November 1935]

as medical practitioners in rural dispensaries when their own stipendiaries were waiting for employment.’ May I know, Sir, which are the local boards that have been complained of?”

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

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ May I know, Sir, what portion of the Silver Jubilee collections is going to be utilized towards the maintenance of the school?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I cannot say.”

MR. K. A. NACHIYAPPA GOUNDER:—“ The question has already been delayed for more than five months. May I ask, Sir, what are the reasons for this long delay in replying to this question?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ There is no particular reason, except reference to officers concerned and other routine correspondence connected with such things.”

Public Health

Training school for health visitors maintained by the Madras Provincial Branch of the Indian Red Cross Society.

* 370 Q.—MR. A. B. SHETTY: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether a school for training health visitors is run by the Madras Provincial Branch of the Indian Red Cross Society;

(b) whether any recurring grant is given to the Red Cross Society for the purpose;

(c) if the answer to (b) is in the affirmative, what the amount of grant is and the year from which the grant is being paid;

(d) the number of health visitors trained in the school till now;

(e) whether the Director of Public Health and the Surgeon-General with the Government of Madras are on the Managing Committee of the School;

(f) whether the courses of studies prescribed have been approved;

(g) whether all or any of those trained in the school have been employed under the local bodies and municipalities; and

(h) how many of the trained health visitors are still unemployed?

A.—(a) Yes.

(b) Yes.

(c) A grant of Rs. 6,000 a year has been sanctioned subject to the following conditions:—

(1) that the grant for a year should be spent within that year,

(2) that if the net expenditure incurred on the school in a year after deducting the receipts from other sources is less than the Government grant, the balance out of the grant should be surrendered,

[1st November 1935]

(5) that the grant may be withdrawn or reduced in times of financial stringency.

The grant is paid from 1933-34.

(d) Since the school was reopened in 1932, the number of health visitors trained is as follows:—

1932-33	...	...	...	...	...	7
1933-34	...	...	...	...	...	8
1934-35	...	...	...	...	...	8
						—
						23
						—

There are now seven candidates undergoing training in the school.

(e) Yes.

(f) Courses of studies in the school have not been formally approved by Government.

(g) & (h) Out of the health visitors so far trained, nine are employed by local bodies, one by the Corporation of Madras and six by voluntary bodies. Out of the remaining seven unemployed health visitors, two are proposed to be posted immediately to work under voluntary bodies, one under the Corporation of Madras and four under the Health Unit Scheme started by the Government in Poonamallee and other villages in the Chingleput district.

Mr. A. B. SHETTY:—" May I know whether the Surgeon-General or the Director of Public Health has been consulted in regard to the suitability of the courses prescribed in the school? "

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

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know, Sir, whether there is any necessity for a separate school apart from the medical training that is available at present under Government and why such a large sum as Rs. 6,000 should be spent for the purpose? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I think this kind of training is considered useful."

Mr. G. R. PREMAYYA:—" May I know, Sir, why Rs. 6,000 should be given by the Government to a school when they have not approved the courses of study in that school? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not understand what the hon. Member means. There is no special recognition required, but if they are trained, they can be appointed in suitable vacancies."

1st November 1935]

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know why these people should not be given the same training as is given to midwives in the schools already existing under Government? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think it is possible."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" In reply to a previous supplementary question the Hon. the Minister stated that if they were trained they would be employed. May I know whether Government will guarantee their appointments? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No, no."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether the local boards have been asked to submit a report as to the work of these health visitors? "

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

Mr. G. R. PREMAYYA:—" In the answer to clause (f) it is stated that 'courses of studies in the school have not been formally approved by Government.' If that be so, why should Government give this sum of six thousand rupees as a grant for a course of study which is not approved by them? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Course of studies means curriculum. That is a technical matter and it does not require the approval of Government."

Government Order insisting on the appointment of lady doctors as a condition precedent to the appointment of health visitors for the promotion of maternity and child-welfare schemes.

* 371 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether the Government have recently issued orders that the appointment of lady doctors under local bodies and municipalities should precede the appointment of health visitors for promoting maternity and child-welfare schemes;

(b) whether the Government have laid down in any order issued by them the duties of lady doctors, health visitors and midwives;

(c) whether they have prescribed their salaries also; and

(d) whether the Government will be pleased to place on the table of the House all the orders passed by them on the subject of maternity and child-welfare since the appointment of the Assistant Director of Public Health (Maternity and Child Welfare) was sanctioned?

A.—(a) In paragraph 2 of G.O. No. 2514, P.H., dated the 29th October 1934, the Government have stated that where finances permit, a woman medical officer should be placed in immediate charge of maternity relief and child-welfare work started by local boards and municipalities.

[1st November 1935]

They have not stated specifically that the appointment of lady doctors under local bodies should precede the appointment of health visitors.

- (b) Attention is invited to paragraph 2 of G.O. No. 82, P.H., dated the 12th January 1935, laying down the duties of women medical officers, health visitors and midwives employed on maternity relief and child-welfare work.
- (c) In the case of district boards, the Government have already fixed the scales of pay for the above classes of servants—vide G.O. No. 2884, P.H., dated the 17th December 1934. The question of fixing similar scales of pay for such staff under municipal councils is under consideration.
- (d) The following Government Orders are placed on the table of the House^a :—
- (1) G.O. No. 638, P.H., dated the 9th March 1934.
 - (2) G.Os. No. 2240, P.H., dated the 25th September 1934 and No. 2804, P.H., dated the 3rd December 1934.
 - (3) G.O. No. 2514, P.H., dated the 29th October 1934.
 - (4) G.O. No. 2884, P.H., dated the 17th December 1934.
 - (5) G.O. No. 82, P.H., dated the 12th January 1935.
 - (6) G.O. No. 2248, P.H., dated the 31st August 1935.

Refusal of sanction by Government for the appointment of health visitors by local boards and municipalities.

* 372 Q.—MR. A. B. SHETTY: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether any local body or municipality applied to the Government to sanction the appointment of health visitors under them;

(b) if the answer to (a) is in the affirmative, what the names of the local bodies and the municipalities are;

(c) whether the Madras Provincial Branch of the Indian Red Cross Society has always offered to pay subsidy equal to half the salary of the health visitor to local bodies and municipalities that wish to appoint health visitors;

(d) whether in spite of such an offer the Government have refused to sanction the appointment of health visitors;

(e) whether it is the view of the Government that the school for the training of health visitors is superfluous; and

(f) whether there is any proposal under consideration to train lady doctors as health visitors before they are appointed by the local bodies and municipalities to promote and supervise Child Welfare and Maternity schemes?

^a Printed as Appendix II on pages 411-422 infra.

1st November 1935]

- 4.—(a) & (b) Prior to 1934, no sanction of the Government was required for employment of health visitors by local boards and municipalities except in cases where the expenditure thereon was met from the Village Development Fund. A few district boards and municipalities submitted to Government schemes of maternity relief and child-welfare and the Government did not object to the adoption of the same by the local bodies concerned. The District Board of Kurnool and the municipalities of Coimbatore and Trichinopoly have now applied to Government for sanction for the appointment of health visitors in the schemes approved by the Director of Public Health. The matter is under consideration. Generally, Government do not object to the employment of health visitors by local bodies provided the local bodies concerned are financially in a position to meet the cost involved.
- (c) The Madras Provincial Branch of the Indian Red Cross Society have with effect from June 1935 introduced a sliding scale of 50 per cent for the first year, 33½ per cent for the second year and 16½ per cent for the third year, in the case of the grants which they are giving to local bodies employing health visitors trained in their school.
- (d) No.
- (e) No.
- (f) No.

Districts in receipt of anti-malarial grants.

* 373 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) what the districts are to which grants have been given this year for anti-malarial campaign; and

(b) what the reasons are for not giving such grants to other districts?

A.—(a) & (b) No grant will be made during the current year to any local board or municipal council for anti-malarial operations. Provision has been made in the current year's civil budget estimate of this province for carrying out improvements to the Moraravanka and field channels in Talamanchipatnam, Cuddapah district, which are in charge of the Revenue Department and to the Basavanna and Roya channels in the Hospet Municipality which are in charge of the Public Works department. These improvements were considered necessary to control the outbreak of malaria in the areas concerned. Out of the allotment of Rs. 14 lakhs made by the Government of India to this Government for rural uplift, it is proposed to spend Rs. 50,000 on anti-malarial measures in rural areas. A copy of G.O. No. 1770, P.H.,

[1st November 1935]

dated 12th July 1935, passing orders for utilization of this grant has already been placed on the table* of the Legislative Council.

Schemes that were ready for execution and were urgent were selected for utilization of the allotment from the Government of India grant.

Mr. P. V. KRISHNAYYA CHODARI:—" May I know, Sir, which are the districts which are proposed to be given funds for this purpose? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is no such proposal before the Government."

Mr. T. S. RAMASWAMI AYYAR:—" May I know, whether Government have any idea of making grants to municipalities like Madura and Kumbakonam for anti-malarial operations? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Not as far as I can recollect."

Mr. T. S. RAMASWAMI AYYAR:—" May I know if Government do not consider it necessary in the interests of public health that such schemes should be thought of by Government? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Many necessary schemes are put off for want of funds."

Mr. T. S. RAMASWAMI AYYAR:—" Out of the amount allotted by the Government of India, our Government have set apart Rs. 50,000 for anti-malarial work. Could not Government grant another Rupees 50,000 for this purpose and thus help the people of the two towns? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" This Rs. 50,000 is a grant from the Government of India and not from out of the provincial revenues."

Agriculture

Measures taken for the promotion of fruit cultivation in the presidency.

* 374 Q.—**Mr. K. KOTI REDDI:** Will the Hon. the Minister for Public Works be pleased to state—

(a) the total acreage in this Presidency of fruit cultivation;
(b) what steps the Government have taken to help the fruit industry;

(c) what is the amount spent on fruit farm stations on the hills and on the plains during the last four years;

(d) the acreage of fruit cultivation on the hills and on the plains; and

(e) whether any steps have been taken or are proposed to be taken for providing reliable fruit plants to gardeners?

* Printed as Appendix II-A on pages 422-423 infra.

1st November 1935]

A.—(a) Separate figures are not available for the area under fruit cultivation, except for mangoes and plantains. The figures available of the total acreage under fruits include also the area under vegetable and root crops. Area under fruits in 1933-34—

	ACS.
Fruits including vegetables and root crop ...	748,299
Mangoes ...	271,212
Plantains ...	153,059

(b) Work on hill fruits is being done at the stations on the hills. The main fruits that are being propagated and distributed are the mangosteen, mango, guava, orange, custard apple, pineapple, papaya, avocado, sapodilla. In the plains, the department supplies the ryots with plantain and pineapple suckers, mango-grafts, seedlings and plants of various fruit trees, such as the sapota, orange and grape-vine. The department is also giving advice to ryots in regard to the raising of orchards and is helping them to get good varieties of plants.

Recently a fruit station has been opened at Anantarajupeta in the Cuddapah district, the main work of which will be classification and identification, the propagation of varieties, trials of different species and the selection of types. Experiments are also being conducted at the Agricultural Research Station, Anakapalle, in the storage of mango-pulp to see if there are possibilities of developing this into a cottage industry.

(c) The amount spent on the three fruit stations on the hills for the last four years is given below:—

	RS.
1931-32 ...	40,549
1932-33 ...	30,113
1933-34 ...	31,172
1934-35 ...	30,873

As regards the plains, the fruit station was started only last year and a sum of Rs. 13,000 was spent towards the purchase of land.

(d) No separate figures are available.

(e) The action taken is indicated in the answer to clause (b) above. Some of the applicants probably include gardeners, especially in the hills. When work on the new station on the plains develops, it will no doubt be useful to gardeners as well.

Mr. K. KOTI REDDI:—" With reference to the answer to clause (a), may I know whether the figures also include acreage under mangoes? "

The Hon. Mr. P. T. RAJAN:—" I do not think it includes."

[1st November 1935]

Mr. K. KOTI REDDI:—“ May I know from the Hon. the Minister whether the fruit station at Anantarajupeta is confined to the cultivation of oranges alone or all kinds of fruits? ”

The Hon. Mr. P. T. RAJAN:—“ Oranges and fruits belonging to that variety for the time being.”

Mr. K. KOTI REDDI:—“ May I take it that the purpose of the Government is to concentrate their attention on oranges alone at Anantarajupeta area and is it because that that area is quite suitable for the purpose? ”

The Hon. Mr. P. T. RAJAN:—“ I suppose mainly that.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR: “ May I know whether the Agricultural Department publish pamphlets with regard to the results achieved by them as a result of the experiments carried on during the last four years, especially when they are spending on an average of over Rs. 30,000 per year? ”

The Hon. Mr. P. T. RAJAN:—“ I cannot say off-hand whether they have published any pamphlets.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ May I know whether the Hon. Minister will be pleased to make enquiries? ”

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

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I know what measures are being taken by Government for propagating the results of their experiment and making them known to the agriculturists and the ryots? ”

The Hon. Mr. P. T. RAJAN:—“ So far as the hill station is concerned, demonstrators make the necessary propaganda.”

Mr. A. RANGANATHA MUDALIYAR:—“ May I know whether they are yet in the stage of experimenting or have they come to the stage of demonstration? ”

The Hon. Mr. P. T. RAJAN:—“ I think it is still in the stage of experiments.”

Mr. A. RANGANATHA MUDALIYAR:—“ Then, how is it that the demonstrators do propaganda when it is yet in an experimental stage? ”

The Hon. Mr. P. T. RAJAN:—“ They do propaganda on the results of the experiments achieved so far.”

Application for the exemption of certain villages in Pollachi taluk from the operation of the Cotton Pest Act.

* 375 Q.—Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any petition was recently received to continue the exemption granted under the Cotton Pest Act to the villages of Anamalai, Vettakaranpudur, Kottur-Malayandipatnam, Kalipuram and Udayakulam of Pollachi taluk;

[1st November 1935]

(b) the acreage of land under cotton cultivation—

- (i) in the whole of Pollachi taluk,
- (ii) in the five villages referred to in (a); and

(c) what action was taken by the Government on the above petition?

A.—(a) & (c) The attention of the hon. Member is invited to the answer given to question No. 356 asked by M.R.Ry. Nachiyappa Gounder Avargal, M.L.C.

(b) The information is furnished below:—

			Fasli 1344 ending with 30th June 1935.	Fasli 1345, July 1935.
			ACS.	ACS.
Pollachi taluk	..	..	48,964	6,385
Anamalai	..	..	234	20
Vettakaranpudur	..	..	3,444	1,554
Kottur-Malayandipatnam	vil-			
lage	..	..	3,268	2,325
Kaliapuram	..	..	1,797	24
Odayakulam	..	..	475	46

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ May I know whether the extension granted under the Cotton Pest Act to the five villages is going to be a permanent one or only as a temporary measure? ”

The Hon. Mr. P. T. RAJAN:—“ Only as a temporary measure, this year.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ May I know whether Government will be pleased to consider the petition and expedite the matter? ”

The Hon. Mr. P. T. RAJAN:—“ As I said yesterday, the whole matter is under the consideration of Government.”

Co-operation

Sale of lands in North Arcot for arrears due to the co-operative societies.

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

(a) the number of land sales held during the past three years for arrears of dues to co-operative societies in the North Arcot district talukwar;

(b) the extent of lands that have been taken possession of by the department and others separately; and

(c) the land assessment paid for such lands by the co-operative department alone?

[1st November 1935]

A.—(a)

Name of taluk.	Number of sales held during past three years.
Arkonam	45
Arni	27
Chengam	16
Cheyyar	60
Gudiyattam	46
Polur	54
Tiruppattur	30
Tiruvannamalai	50
Vellore	48
Wallajah	35
Wandiwash	80

The above figures exclude land sales held by 'living' societies through civil courts, particulars of which are not available.

(b) No lands have been taken possession of by the department. The extent of lands taken possession of by others is given below:—

	ACS.
(i) by liquidators of co-operative societies ...	139.75
(ii) by the central bank	112.20
(iii) by (living) societies	468.17
(iv) by others	395.31
Total ...	1,115.43

The above figures exclude the extent taken possession of in pursuance of sales held by civil courts on behalf of 'living' societies and by the Revenue department, details regarding which are not available.

(c) Does not arise in view of the answer to the first part of clause (b).

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know what the co-operative societies propose to do with the acres of land which they have taken possession of?"

The Hon. Mr. P. T. RAJAN:—"Cultivate them, if possible."

Mr. P. V. KRISHNAYYA CHAUDARI:—"Will the Government suggest to the co-operative banks not to proceed with the auctioning of lands in view of the economic depression from which the people are suffering?"

The Hon. Mr. P. T. RAJAN:—"I suppose societies must collect their dues."

1st November 1935]

Industries

Preference to ex-students in filling appointments in the Government School of Technology.

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

(a) the procedure adopted by the Government School of Technology when vacancies arise; and

(b) whether it is a fact that students turned out by the school itself are given preference when the question of appointment comes in?

A.—(a) The attention of the hon. Member is invited to rule 3 of the General Rules for Subordinate Services which prescribes the procedure to be followed in filling vacancies.

(b) No.

Public Works

Preference to Coimbatore cement.

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

(a) whether the cement manufactured in the cement factory at Coimbatore has been used for Government buildings;

(b) if so, whether the quality of this cement has been found to be satisfactory and the price favourable as compared with cement manufactured elsewhere; and

(c) whether instructions have been issued to Government departments to give preference to this cement?

A.—The Government have no information, but have called for a report.

Mr. M. S. SRESHTA:—"In view of the great importance of the subject, will the Hon. the Minister be pleased to place the report on the table of the House when it is received?"

The Hon. Mr. P. T. RAJAN:—"I am willing to consider that suggestion."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Will the Local Government give preference to this cement as this is the only dible cement manufactured in this Presidency?"

The Hon. Mr. P. T. RAJAN:—"Until I get the information called for I am not in a position to say anything."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Will they do it if the quality is proved to be equally good as other brand of cement?"

The Hon. Mr. P. T. RAJAN:—"I cannot answer that hypothetical question."

[1st November 1935]

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether the Hon. Minister is aware of the fact that prices have been fixed by the Cement Marketing Board for the various kinds of cement? "

The Hon. Mr. P. T. RAJAN:—" Not that I know of. "

Veterinary

Location of the office of the Veterinary Investigation Officer.

* 379 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Public Works be pleased to state where the office of the Veterinary Investigation Officer is located?

A.—It is located in a building on the Vepery High Road opposite the Madras Veterinary College.

Local Self-Government

Appointment of commissioners to municipalities.

* 380 Q.—Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR: Will the Hon. the Minister for Local Self-Government be pleased to furnish the list of municipalities with information under the following heads in a tabular form—

- (i) names of municipalities for which commissioners have been appointed since the question on the subject was answered last,
- (ii) the population of each,
- (iii) revenue from taxation,
- (iv) other revenues excluding Government grants,
- (v) names of the commissioners,
- (vi) their permanent pay in service before appointment as commissioners,
- (vii) their pay as commissioners, and
- (viii) conveyance and other allowances?

A.—A statement^a showing the particulars relating to the municipalities to which commissioners were appointed subsequent to question No. 808 answered on 11th March 1935 is appended.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know from the Hon. the Minister why out of the eight municipalities, only the commissioner of one municipality, namely, Chidambaram, is given a special pay of Rs. 37-8-0 in addition to his pay of Rs. 150? "

The Hon. the RAJA OF BOBBILI:—" He is a permanent Government servant. "

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know, Sir, whether the other commissioners also are not permanent servants of other bodies? "

^a Printed as Appendix III on page 424 infra.

[1st November 1935]

The Hon. the RAJA OF BOBBILI:—" May be, but only in the case of permanent Government servants special pay has been sanctioned. "

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know the permanent posts held by the commissioners of Parlakimedi and Narasaraopet whose permanent pay prior to their appointment as commissioners is stated to be Rs. 65 and Rs. 88 respectively? "

The Hon. the RAJA OF BOBBILI:—" They were employed under district boards. I cannot give any further details without reference to records. "

Appointment of commissioners to municipalities.

* 381 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) for how many municipalities commissioners have so far been appointed since the question on the subject was answered last; and

(b) with reference to answer given to clause (b) of question No. 771, how many municipalities in the list have so far been notified?

A.—(a) Commissioners to eight municipalities were appointed subsequent to question No. 808 answered on the 11th March 1935.

(b) Ten.

Levy of a high rate of licensing fees by the Anantapur District Board on motor vehicles plying for hire.

* 382 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Anantapur District Board is still charging the old high rates of licensing fees for motor vehicles plying for hire, even after Madras Act XXV of 1933 was passed; and

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

A.—The Government understand that the Anantapur District Board has recently adopted regulations fixing the rates of licence fees in accordance with sub-section (3) of section 166 of the Madras Local Boards Act, 1920.

Central Record Office

Special qualifications of the Curator of the Madras Record Office.

* 383 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Finance be pleased to state what the special qualifications are of the Curators of the Madras Record Office?

[1st November 1935]

A.—Curator.—A first-class or second-class degree of B.A. (Hons.) or M.A. of the University of Madras in History, Economics and Politics with one or more periods of Indian History as special subject; or a degree of any other University which is considered by the Madras Services Commission to be equivalent to B.A. (Hons.) or M.A. degree of the Madras University. Candidates who have specialized in the History of British India and the Madras Presidency are given preference. After appointment, the selected candidate is required to undergo for a period not exceeding six months in England a special study of the technique of the preservation of records.

Assistant Curator.—Administrative experience and ability to control a large staff.

Irrigation

Settlement of the question of the extent of the basin of the Palar in Chittoor district.

* 384 Q.—**MR. C. R. PARTHASARATHI AYYANGAR:** Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government settled the question as to what forms the basin of the Palar;

(b) whether representatives of the Chittoor district were consulted before the Government fixed the basin of the Palar in Chittoor district;

(c) how far the tributaries of the Palar in Chittoor district are away from the main river;

(d) when the Government arrived at the conclusion that penal assessment should be levied in Chittoor and Palmaner taluks;

(e) how much of the penal assessment has been collected fasliwar;

(f) the sources from which the water was used for which the penal assessment was levied; and

(g) how many persons applied for remission in Chittoor taluk and how many were granted and how many were refused?

A.—(a) Questions such as the one referred to by the hon. Member are not settled by the Government. The basin of a river covers the area bounded by the watershed separating the catchment of that river from the catchment of adjacent rivers and is the result of natural geological forces. If any area is found to drain into a river or any of its tributaries it is said to lie within that basin and the survey of the basin is made on that basis. Thus the Palar basin (above the Palar anicut) comprises portions of Mysore and of the Palmaner,

1st November 1935]

Chittoor and Chandragiri taluks and the Punganur division of the Chittoor district and of the Tirupattur, Vellore, Gudiyattam and Walajapet taluks and the Kangundi division of the North Arcot district.

(b) Does not arise.

(c) All the chief tributaries of the Palar flowing in the Chittoor district fall into the Palar almost at right angles, and the distance of any point in the tributaries from the main river will be roughly equal to its distance along the tributary above the point of its confluence.

(d) In June 1931, the Government directed that in future no dry land in the Palar basin should be transferred to and registered as wet, that no single crop wet land should be registered as double crop wet and that the charge for a second crop on wet land should not be compounded in that area. The Government have called for a report as to whether the penal assessment referred to by the hon. Member is the outcome of these orders.

(e) to (g) The Government have no information. They have called for a report.

MR. C. R. PARTHASARATHI AYYANGAR:—“ In the answer to clause (d) it is stated that ‘ in June 1931, the Government directed that in future no dry land in the Palar basin should be transferred to and registered as wet, that no single crop wet land should be registered as double crop wet and that the charge for a second crop on wet land should not be compounded in that area.’ May I know the reason for that order? ”

The Hon. Mr. C. A. SOUTER:—“ I believe the order was passed because the amount of water available in the Palar basin was inadequate and extensive cultivation would affect the areas which are already under cultivation.”

MR. C. R. PARTHASARATHI AYYANGAR:—“ May I know in what area or in what district the inadequacy was felt? ”

The Hon. Mr. C. A. SOUTER:—“ I think throughout the Palar basin.”

MR. V. M. RAMASWAMI MUDALIYAR:—“ May I know what measures Government have taken to remedy the complaint of diminished water in the Palar river and that it has been caused by obstruction in areas other than the basin? ”

The Hon. Mr. C. A. SOUTER:—“ I think I have already answered the question on several occasions in this House.”

MR. C. R. PARTHASARATHI AYYANGAR:—“ In the answer to clause (a) it is stated ‘ If any area is found to drain into a river or any of its tributaries it is said to lie within that basin and the survey of the basin is made on that basis.’ May I know when this survey was made? ”

The Hon. Mr. C. A. SOUTER:—“ Notice, Sir.”

[1st November 1935]

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether the Government are aware that a committee of this House went into the question and has made a preliminary report and the Government have called for further information some time ago, and the same is not still forthcoming? "

The Hon. Mr. C. A. SOUTER:—" I think I have already answered that question. What the hon. Member says is quite true."

Irrigation facilities in South Kanara.

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

(a) whether any examination has been made of the suggestions made by me in my speech in the Legislative Council on the 15th March 1933, during the discussion on Demand VI of the Budget—

(i) that permanent dams with sluices be provided in the rivers in Kasaragod taluk in South Kanara; and

(ii) that some system of damming the river at Gurpur in South Kanara or of using deep water pumps be adopted to irrigate the lands on either side of the river during the dry season; and

(b) whether, to encourage all cultivation and especially sugarcane cultivation, any scheme has been examined, of constructing tanks for the storage of rain water in South Kanara district which now mostly flows into the sea?

A.—(a) The attention of the hon. Member is invited to the reply of Sir Archibald Campbell to the Budget debate (extracted below)—

" Then, as regards Malabar and South Kanara, a complaint was made that they are left without any irrigation works. I think, Sir, it is generally recognized that they are blessed with a very lavish rainfall which nature has provided for them. They have, however, not been altogether neglected. I have here a note showing that in recent years five schemes have been investigated and given up on financial or other grounds, or are waiting until the requirements of the Ceded districts have been met. A suggestion has been made that in these two districts, we should substitute masonry dams for the mud dams put up by the ryots across rivers every year. That was investigated in 1929 and was given up because the permanent dams would impede free flow, would interfere with navigation and were likely to cause flooding in neighbouring lands. If there are mud dams, they are washed away when floods come down the rivers. I can realize that it is a nuisance to have to replace them but if permanent dams are put up there would be a great risk of flooding the neighbouring fields."

1st November 1935]

In view of this reply no further action was taken in the matter.

(b) A proposal to store rain water in high level tanks in the South Kanara district was considered in 1933 and it was reported by the Collector and the Board of Revenue that such a scheme was neither practicable nor necessary.

Mr. M. S. SRESHTA:—" With reference to the reply of Sir Archibald Campbell referred to in the answer to clause (a), may I ask the Hon. the Revenue Member whether it is not a fact that rainfall is confined to a few months in South Kanara and that owing to very severe drought during the other months of the year the crops suffer? "

The Hon. Mr. C. A. SOUTER:—" I do not think that is a general statement, but it is correct so far as this district is concerned."

Mr. M. S. SRESHTA:—" Is it not a fact that there are already some tanks in South Kanara such as the tank at Ramasamudram which show that a general tank scheme is feasible? "

The Hon. Mr. C. A. SOUTER:—" Investigations have shown that what Sir Archibald Campbell said is correct."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—" May I know whether it is not a fact that it is the mud dam that prevents the free flow of water and that it is washed away during floods in the rainy season and silts up? "

The Hon. Mr. C. A. SOUTER:—" That, Sir, I think, is what Sir Archibald Campbell has stated."

Mr. A. B. SHETTY:—" It is stated that five schemes were investigated and were given up on financial or other grounds or were waiting until the requirements of the Ceded districts have been met. May I know what those five schemes are? "

The Hon. Mr. C. A. SOUTER:—" Notice, Sir."

Mr. M. S. SRESHTA:—" Will the Hon. the Revenue Member, with his large experience of South Kanara and with his keen sympathy, be pleased to reopen the matter and reconsider the whole scheme? "

The Hon. Mr. C. A. SOUTER:—" I will look into that matter, Sir."

Land Revenue Administration

Deputation of the Tanjore Mirasidars to His Excellency the Governor in re the levy of additional taxation.

* 386 Q.—Mr. G. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government have considered the memorandum submitted on 26th April 1935 at Ootacamund to His Excellency the Governor by the deputation on behalf of the mirasidars of the Tanjore Delta for the cancellation and revocation of the three Government Orders, viz., G.O. No. 1853, Revenue, dated 5th September 1932,

[1st November 1935]

G.O. No. 474, Revenue, dated 15th March 1933 and G.O. No. 1238, Revenue, dated 14th July 1933 which have ordered the levy of additional taxation, water charge and cess on the existing irrigated wet and dry lands in the old delta including minor inams and proprietary estates; and

(b) if so, what action the Government have taken or propose to take thereon?

A.—(a) & (b) The Government have called for a report from the Board of Revenue in the matter. The Board's report is awaited.

The attention of the hon. Member is, in this connexion, invited to G.O. No. 1569 (29-S), Revenue, dated 9th July 1935 (which has been placed at the disposal of the Press) in which concessional rates for water-cess and second-crop charge have been sanctioned for fasli 1345.

Mr. T. S. RAMASWAMI AYYAR:—"May I know, Sir, whether the Government have passed orders on the report submitted by a committee which went into the question of allocating capital expenditure between the new Cauvery delta and the old delta?"

The Hon. Mr. C. A. SOUTER: "I believe, Sir, the Board of Revenue is considering the matter."

Mr. T. S. RAMASWAMI AYYAR: "With reference to the reclassification of lands between the two settlements in the Cauvery delta on the basis that the delta is getting better off, there has been a complaint and I believe the memorial of the mirasidars also referred to that question, may I know whether Government are going to consider that aspect of the matter also before issuing orders?"

The Hon. Mr. C. A. SOUTER:—"That aspect also is being considered, Sir."

Deputation of the Tanjore mirasidars of His Excellency the Governor in re the levy of additional taxation.

* 387 Q.—Mr. V. NADIMUTHU PILLAI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government have considered the memorandum submitted on 26th April 1935 at Ootacamund to His Excellency the Governor by the deputation on behalf of the mirasidars of the Tanjore Delta for the cancellation and revocation of the three Government Orders, viz., G.O. No. 1853, Revenue, dated 5th September 1932, G.O. No. 474, Revenue, dated 15th March 1933 and G.O. No. 1238, Revenue, dated 14th July 1933, which have ordered the levy of additional taxation, water charge and cess on the existing irrigated wet and dry lands in the old delta including minor inams and proprietary estates; and

(b) if so, what action the Government have taken or propose to take thereon?

A.—(a) & (b) The attention of the hon. Member is invited to the answer given to question No. 386.

1st November 1935]

Alleged irregularity in the assignment of lands on the Kadri Hill, South Kanara.

* 388 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Member for Revenue be pleased to state with reference to the assignment of lands reserved for Adi-Dravidas and the Military on the Kadri Hill, Mangalore taluk, South Kanara, to non-Adi-Dravidas and the cancellation of grants made to Adi-Dravidas on the Kadri Hill, Mangalore taluk—

(a) whether the Government have received the information called for from the Collector, with reference to question No. 139-B answered on 7th August 1935; if so, whether he will be pleased to place a copy of the same on the Council table;

(b) whether it is a fact that the said assignments were cancelled and whether a huge cross commemorating the alleged captivity of the Roman Catholics by Tippu Sultan and their march to Seringapatam was put up;

(c) whether previous sanction was obtained from the Collector for putting up the said cross; if so, whether Muslims in this district were consulted before giving the said sanction; and

(d) whether the Hon. Member will be pleased to place on the table a copy of the inscription that the said cross bears?

A.—(a) Yes. A copy^a of the Collector's letter, D. Dis. No. 3556-35, dated 1st September 1935, is annexed to this answer.

(b) & (d) As regards the first portion of clause (b), the attention of the hon. Member is invited to the Collector's letter annexed to the answer.

A cross has been put up on private property outside the town limits of Mangalore. The Collector reports that there is no inscription on the cross.

(c) As the land on which the cross was put up is private property previous sanction of the Collector was not obtained nor was such sanction necessary.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the cross was not put up to commemorate a long forgotten event?" 11-15 a.m.

The Hon. Mr. C. A. SOUTER:—"I have no information, Sir."

Khan Bahadur MAHMUD SHAMNAD SAHIB Bahadur:—"May I ask the Hon. the Revenue Member whether putting up of a memorial regarding a forgotten incident of alleged atrocity is likely to create misunderstanding between the Muslims and the Christian community?"

The Hon. Mr. C. A. SOUTER:—"I have no information, Sir, but it is stated in answer to the question that there is no inscription."

Mr. U. C. SUBRAHMANYA BHATT:—"Will the Hon. the Member for Revenue be pleased to state whether there is not a provision in the District Municipalities Act requiring the permission of the Collector, whenever in a place of worship, anything is to be put up to commemorate events?"

^a Printed as Appendix IV on page 424 infra.

[1st November 1935]

The Hon. Mr. C. A. SOUTER:—"I agree that it may be true. But I understand that the cross is put up on private property outside the town limits."

Loans to ryots in Bellary and Anantapur famine zone to discharge their prior debts.

* 389 Q.—MR. G. RAMESWARA RAO: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government have decided to grant loans to people of Anantapur and Bellary famine zone to discharge their old debts;

(b) if so, what the proposed allotment for the current year is; and

(c) whether any proposals have been called for from the Collector of Anantapur as regards the requirements of the Anantapur district in this connexion?

A.—(a) The Government propose to grant loans for the relief of indebtedness under the Agriculturists Loans (Madras Amendment) Act, 1935. It has been decided to introduce the scheme in the first instance as an experimental measure in two divisions in the Presidency, the Chingleput division of the Chingleput district and the Rajahmundry division of the East Godavari district. These areas are considered the most suitable for the experimental working of the scheme. After the results of the experiment in these two areas are known it is proposed to extend the operation of the scheme to the other districts of the Presidency, including the Bellary and Anantapur districts.

(b) No special allotment has yet been made.

(c) The Government have not called for any proposals. They presume that the Board of Revenue will obtain the necessary estimates from the Collector of Anantapur.

Mr. G. RAMESWARA RAO:—"May I ask the Hon. the Revenue Member whether Anantapur and Bellary districts will be taken into consideration for the grant of loans to discharge indebtedness especially in view of the present recovery from famine?"

The Hon. Mr. C. A. SOUTER:—"Their case will be considered when we decide on the lines on which to proceed."

Mr. A. RANGANATHA MUDALIYAR:—"It is stated in reply to clause (a) that they are awaiting the results of their experiment in some districts before they extend their operation to other districts. May I know, what arrangements Government have made to advance loans to very deserving cases before the results of the experiment are known to Government?"

The Hon. Mr. C. A. SOUTER:—"There is no particular arrangement. We will carry on in a general way till we know from these experiments what is the best line to go on."

1st November 1935]

Mr. V. M. RAMASWAMI MUDALIYAR:—"It is said that these areas are considered most suitable for the experiment. May I know what the special reasons are?"

The Hon. Mr. C. A. SOUTER:—"I gave the reasons yesterday, I think."

Control of Vehicles

Revision of the Motor Vehicles Rules.

* 390 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Home Member be pleased to state—

(a) at what stage the new motor rules which have been revised by the committee appointed by the Government for the purpose are;

(b) whether they have been considered by the Government;

(c) when they are likely to be brought into effect;

(d) whether the draft rules, as modified, have been published inviting public criticism, and if so, when and, if not, when they are likely to be published as such; and

(e) to which of the associations or recognized bodies the said rules have been or are to be sent inviting opinion thereon; if not, why not?

A.—(a) The remarks of all District Magistrates, the Inspector-General of Police, the Commissioner of Police and certain non-official associations have been invited.

(b) After the remarks of all those consulted have been received the draft rules will be taken up for consideration by Government.

(c) It is not possible to say at present.

(d) The draft rules will be published for public criticism after they have been considered by Government.

(e) Opinions of the following associations have been invited:—

(1) Automobile Association of Southern India.

(2) The Madras Motor Vehicles Importers and Allied Merchants' Association.

(3) The Indian Roads and Transport Development Association.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, when the Committee concluded its sittings and submitted its report to the Government?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Some six months ago, Sir."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether it was the recommendation of the Committee that roads should not be specified for plying motor buses?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I know there is a recommendation to say that restriction should as far as possible be avoided. I am not in a position to say anything more definite just now because the rules have not yet been considered in detail."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know, Sir, why, when private associations have been consulted with regard

[1st November 1935]

to the draft rules, the remarks of the district boards have not been called for, when they are also very much concerned with the motor vehicles running in their roads? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" I thank the hon. Member for the suggestion. The Government will consult the district boards now though it may cause some delay in bringing the rules into force."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, when the rules are likely to be published in the *Fort St. George Gazette*? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" It is not possible to reply to that question with any amount of precision."

Emigration

Refusal of passport to Mr. K. Subrahmanyam of Cuddapah.

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

(a) whether it is a fact that passport to go to England, and some other countries of Europe has been refused recently to Mr. K. Subrahmanyam of Cuddapah; and

(b) if so, what the reasons therefor are?

A.—(a) Yes.

(b) The reasons are of a confidential nature and cannot be disclosed.

Police

Representation of the Vanniyakula or Agnikula Kshatriyas in the cadre of Sub-Inspectors of Police.

* 392 Q.—Subadar-Major S. A. NANJAPPA Bahadur: Will the Hon. the Home Member be pleased to state—

(a) the total number of vacancies in the cadre of Sub-Inspectors of Police for which selection has been made by the Public Services Commission recently;

(b) the number of applications received by the Commission from the candidates for the above vacancies according to the communities to which the applicants belong; and

(c) whether any candidate has been selected from the Vanniyakula or Agnikula Kshatriya community?

A.—(a) Fifty-two.

(b) The total number of applicants was 808. The following statement shows the communities to which they belonged:—

Non-Brahman (Hindus)	...	...	423
Muhammadans	...	...	76
Anglo-Indians, Christians and Non-Asiatics	...	...	78
Brahmans	...	...	223
Scheduled Classes	...	...	8

(c) No.

1st November 1935]

Subadar-Major S. A. NANJAPPA Bahadur:—" May I ask the Hon. Member why none from the Vanniyakula Kshatriya community has been selected for the Sub-Inspector's post in this presidency? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" Obviously the Commission did not find any suitable candidates from that community."

Subadar-Major S. A. NANJAPPA Bahadur:—" May I know how many from that community applied for the post? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" The Government have no information, Sir."

Mr. M. DEVADASAN:—" May I ask, Sir, if Kshatriyas do not come next to Brahmans in point of social status? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" I am afraid I am not an expert in communal gradations and divisions, Sir."

Subadar-Major S. A. NANJAPPA Bahadur:—" May I ask if the Government are aware of the strength of the community in the whole presidency, Sir? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" The Government are aware of it from what is contained in the Census Report, Sir."

Subadar-Major S. A. NANJAPPA Bahadur:—" Will the Government sympathetically look into the matter in future at least? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" The Government cannot promise to consider the claims of the various sub-communities among the Non-Brahman Hindus."

Subadar-Major S. A. NANJAPPA Bahadur:—" Will the Government at least understand the strength of that community and paucity of its representation? "

Punitive police at Attayampatti, Salem district.

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

(a) what the latest report received with regard to the punitive police at Attayampatti in Salem district is and whether a copy of it will be placed on the table;

(b) whether it is a fact that the villagers are willing to compose their differences and made representations to the District Magistrate to that effect and prayed for the removal of the punitive police from their midst;

(c) at what stage the consideration of their prayers is and when the punitive police is likely to be removed;

(d) when the force was originally introduced and what the amount collected from the people each year towards the maintenance of the same is;

(e) how the total cost is apportioned among the people, and at what rate the collections are made from them;*

[1st November 1935]

(f) whether the levy is made in the whole village or in a portion, whether it is made from all sections or from only a certain section of the people and, if the latter is the case, how this differentiation is made;

(g) what the strength is of the force at present stationed in the village as punitive police and what the strength was of that force to start with; and

(h) whether there is a regular police station at that place, and whether they will not be able to manage with the situation there?

A.—(a) The latest report received by the Government is dated the 27th November 1934. Relevant extracts^a therefrom are placed on the table of the House.

(b) The Government have no such information. The hon. Member is however referred to paragraph 1 of the endorsement of the District Magistrate of Salem which is among the papers placed on the table. It makes no reference to villagers having expressed their willingness to compose their differences.

(c) The recommendation of the District Magistrate that the additional police force should be continued till 31st December 1935 was made after due consideration of the representations made by the villagers. The officers concerned have been asked to report as soon as they consider further retention of the force unnecessary. The force will be withdrawn when the Government are satisfied that conditions in the village warrant its withdrawal.

(d) The force was stationed with effect from the 1st January 1933. As regards the amount collected from the inhabitants in each year since 1933, the hon. Member is referred to paragraph 3 of the District Magistrate's endorsement which is placed on the table.

(e) The Government have no information. Under section 15 (4) of the Police Act, 1861, the District Magistrate is competent to apportion the cost according to his judgment of the respective means of the inhabitants of Attayampatti village.

(f) The cost of the additional police is collected from all the inhabitants of the village, excepting those who have been exempted by the Local Government in consideration of the assistance which they have rendered the authorities in attempting to put an end to the factions in the village.

(g) The strength of the additional police force now stationed in the village is one sub-inspector and seven constables. That was also the strength of the force originally sanctioned.

(h) The answer to the first part of the question is 'Yes' and to the second part 'No.'

^a Printed as Appendix V on pages 424-426 infra.

1st November 1935]

Mr. K. A. NACHIYAPPA GOUNDER:—"In answer to clause (a) it is stated that the last report received by the Government was on the 27th November 1934. May I ask whether the Government are not getting any periodical report with regard to the keeping on of Punitive Police in these places?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"In this case the extension was for a definite period of one year and at the time of the extension the Government advised the District Magistrate and the other local officials to report if there be such improvement in the state of things as would justify the withdrawal of the punitive police and obviously the situation has not improved to such an extent as would justify the local officials to making a report; and no report has been received."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I enquire, Sir, whether it is a fact that representations have been made to the District Magistrate to the effect that commission of crimes in that area is to some extent due to the encouragement of the punitive police themselves?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"We have no information. I shall be extremely thankful if the hon. Member will bring any such specific instance to my notice."

Electricity

Interruption of the Hydro-Electric Works at Mettur.

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

(a) whether it is a fact that the work of the hydro-electric construction at Mettur had been stopped during August and September of this year;

(b) if so, why and when it was commenced again; and

(c) when the works are expected to be finished?

A.—(a) Work on the foundations of the power-house at Mettur was stopped for a portion of the two months August-September.

(b) The water level in the Mettur reservoir was so low in the middle of August 1935 that the high level sluices could not discharge any substantial amount of water and as owing to slips in the low level channel earlier in the season it was advisable to limit the discharge from the low level sluices, the supply to the delta had to be augmented by issues through the hydro-electric pipes in the dam. After the reservoir rose to a safe level, orders were issued on the 16th September 1935 to close the pipes and the work of dewatering the power-house foundation area was begun.

(c) The Mettur Hydro-Electric Scheme is expected to be completed in 1937-38.

[1st November 1935]

Mr. T. S. RAMASWAMI AYYAR:—" May I know whether under the scheme formulated, Madras would be able to get a supply from Mettur? "

The Hon. Sir K. V. REDDI NAYUDU:—" It is too early to reply to that question."

Mr. T. S. RAMASWAMI AYYAR:—" I thought the Government would have a programme before they started on the scheme."

The Hon. Sir K. V. REDDI NAYUDU:—" Yes. But the present programme does not include Madras. Government do not feel that there is any great necessity for securing current for Madras from Mettur. I should be glad to think that the present service is satisfactory."

Electrification of Tiruchengode, Salem district.

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

(a) at what stage the electrification of the town of Tiruchengode in Salem district now is;

(b) whether it is a fact that Messrs. Octavius Steel and Company, the contractors for distribution of energy in Salem area are not willing to lay the line and incur capital expenses since their contract period has much advanced now; and

(c) if so, whether the copy of the letter addressed by the company to the Government will be placed on the table together with a copy of the reply of the Government thereon?

A.—(a) The hon. Member is referred to the answer to question No. 323 (a) asked by him.

(b) Messrs. Octavius Steel & Co. are the Managing Agents of the Salem-Erode Electricity Distribution Company which holds the licence for the area in question. They have informed the Chief Engineer for Electricity that they will proceed with the scheme of extending supply of power to Tiruchengode if the Government will construct H.T. lines in their area of supply against a guaranteed revenue of 12½ per cent per annum. The matter is under the consideration of Government.

(c) The company have not addressed any letter to the Government on the subject.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I ask, Sir, with regard to other areas for which licences have been granted, whether the cost of laying high tension lines were met by the licensees or by the Government? "

The Hon. Sir K. V. REDDI NAYUDU:—" There is only one such instance. The Ootacamund Municipality in their attempt to

1st November 1935]

supply electricity to Coonoor has purchased the high tension lines already existing. I am not aware of any other private agency which has constructed high tension lines."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" When that is the position, Sir, why should this company want the cost of high tension lines being met by Government? "

The Hon. Sir K. V. REDDI NAYUDU:—" Twelve and a half per cent."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether it is not a fact that representations have been made to the Government, that, where the distribution of electric energy is not already in the hands of private agencies, it should be done by the Government or local bodies? "

The Hon. Sir K. V. REDDI NAYUDU:—" The Government have not come to a conclusion on the representations. The matter is under the consideration of the Government and wherever possible the Government have been distributing electric energy themselves. But this is an area covered by a licence granted to a private company."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" Is not 12½ per cent a sufficient attraction to Government? May I know why it has not been accepted? "

The Hon. Sir K. V. REDDI NAYUDU:—" Unless the return is guaranteed it will not be accepted."

Mr. K. A. NACHIYAPPA GOUNDER:—" Am I to understand, Sir, that the scheme for electrification of Tiruchengode would not be taken up if the Government do not come forward to put up the high tension lines? "

The Hon. Sir K. V. REDDI NAYUDU:—" That does not follow, Sir."

Electrification of Kodumudi, Coimbatore district.

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

(a) at what stage the electrification of Kodumudi in Coimbatore district is;

(b) when it is likely to be completed and the town to get the benefit of electric energy; and

(c) what the reasons are for the delay?

A.—(a), (b) & (c) The Chief Engineer for Electricity reports that the investigation and studies so far made indicate that the extension of supply to Kodumudi will not be remunerative and that it is proposed to carry out another survey within the next six months if possible and re-examine the question.

[1st November 1935]

Prisons and Prisoners

Health condition of Mr. Mukundalal Sircar, a prisoner confined in the Central Jail at Salem.

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

(a) whether it is a fact that Mr. Mukundalal Sircar, a prisoner in the Central Jail at Salem, is ailing much on account of some complications in his body;

(b) by whom he was medically examined of late;

(c) what the results are of the diagnosis;

(d) whether it is a fact that the prison diet in these prisons does not suit him;

(e) whether he requests for his transfer to any of the Bengal prisons;

(f) if so, what objections are there for such a transfer;

(g) whether it is a fact that he was placed in 'A' class by a Government Order (G.O. No. 4, Law, dated 1st April 1930, or thereabouts) while he was in prison during 1930;

(h) if so, whether a copy of the Government Order will be placed on the table;

(i) what objections there are to placing him in 'A' class now as was done once before;

(j) whether it is a fact that he requests that he should at least be supplied with a daily newspaper at his cost to read, and allowed to use his own mosquito curtain and easy chair; and

(k) if so, what objections the Government have to allow these privileges to him?

A.—(a) No.

(b) The District Medical Officer, Salem, who is also the Medical Officer of the jail.

(c) For his age and build, his health is all right.

(d) The hon. Member is referred to the answer to clauses (b) and (c) of question No. 220.

(e) & (f) The hon. Member is referred to the answer to clauses (a) and (c) of question No. 218.

(g) Yes.

(h) No.

(i) The hon. Member is referred to the answer to clause (d) of question No. 219.

(j) The request for these privileges was made in August 1934.

(k) The privileges asked for are inadmissible under the rules in the Jail Manual.

Mr. K. A. NACHIYAPPA GOUNDER:—"There is a reference to the answers given to some other questions. I doubt whether any definite information has been furnished in those answers. May I ask for some definite information?"

The Hon. Sir K. V. REDDI NAYUDU:—"Such information as is available has been given, Sir."

1st November 1935]

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know, Sir, whether the medical report will be placed on the table of the House?"

The Hon. Sir K. V. REDDI NAYUDU:—"I do not think it desirable to do so. If the hon. Member wants I can show it to him."

Mr. K. A. NACHIYAPPA GOUNDER:—"In answer to clause (h), they say 'the answer is in the negative.' May I ask, Sir, what is the harm in placing a copy of the order on the table of this House?"

The Hon. Sir K. V. REDDI NAYUDU:—"That is not the usual procedure."

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

II.—STATEMENT RE A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND (AMENDMENT) ACT, 1934.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, may I know what steps the Government propose to take, in view of the moratorium which was granted to the inam tenants and of which they have been in enjoyment for the last two years, lapsing yesterday and in view of the fact that His Excellency the Governor General has not been pleased to give his assent to the Madras Estates Land (Amendment) Act, 1934, to protect the interests of the tenants and to safeguard them from being subject to eviction proceedings? I shall be glad to know if there is any proposal for special legislation."

* The Hon. Mr. C. A. SOUTER:—"Under section 127 (2) of the Madras Estates Land (Amendment) Act, 1934, certain classes of tenants of inamdars were protected from ejectment until to-day and proceedings in ejectment or in which the inamdars' right to the kudivaram was in issue were also stayed until this day. A Bill to secure occupancy rights to such tenants was passed by this Council on 25th October 1934 and it received the assent of His Excellency the Governor on 23rd March 1935. It is now awaiting the assent of His Excellency the Governor General. As the assent has not been given yet, the protection from eviction, etc., conferred by section 127 (2) will lapse to-day. It is considered necessary to continue such protection for a further period of six months. The Government have, therefore, decided to introduce during this sitting of the Council a Bill to amend section 127 (2) of the Act providing for extension of the time prescribed therein till the 1st May 1936 with effect from this date. This Bill, when passed into law, will have the effect of continuing without break the protection secured to ryots under section 127 (2) of the Act until 1st May 1936."

III.—THE MADRAS TOBACCO BILL—APPOINTMENT OF CHAIRMAN OF THE SELECT COMMITTEE.

* The Hon. the PRESIDENT:—"I have to announce that I have appointed Sir William Wright as the Chairman of the Select Committee to consider the Madras Tobacco Bill."

[1st November 1935]

IV.—MOTION RE SECOND REPORT OF THE MADRAS DELIMITATION COMMITTEE—cont.

Discussion of the motion *re* Second Report of the Madras Delimitation Committee was resumed.

11-30 a.m. * Mr. K. KOTI REDDI:—" Mr. President, as many hon. Members are anxiously awaiting their turn, I will not take much of the Council's time. There are one or two very important points to which I failed to refer yesterday. When speaking yesterday with regard to the desirability of having a multi-member constituency I failed to draw the attention of the Council to one important aspect which to me is conclusive in favour of a multi-member constituency. The time is not far distant, Sir, when the population in this Presidency as well as throughout India, Muhammadans, Christians as well as Hindus all will come under a joint electorate. Even if the Muhammadans and the Christians are willing to come under the joint electorate the time may be distant when they may feel absolutely confident to dispense with the reservation of seats altogether. So if, in future, they have to come under joint electorates with the reservation of seats, you are now creating difficulties for the future by the small single-member constituencies by which vested interests will be created. If we are having bigger constituencies such considerations won't apply and it will be easy for the future. That is an aspect which the Delimitation Committee has entirely forgotten. There is another aspect which has not been properly considered by the Delimitation Committee. In apportioning seats to the various divisions in a district, there is bound to be a natural feeling of unfairness when a particular division containing, say, 300,000 population gets one seat and another division with almost the same population gets two seats. I think it is a legitimate complaint if one division gets one seat and the other under the same or similar conditions gets two. I shall just illustrate what I mean. This has come to happen mainly on account of the seats reserved for the scheduled community. After all the seat of a scheduled community is as good a general seat as any other seat. So far as the claims or rights of the voters are concerned, if a particular division has two seats it certainly has a better and more adequate representation for that division than another division having the same population but having only one seat. I hope the Government will look into it and make proper recommendation. Just to illustrate, I will take one or two instances. If you take West Godavari district, Ellore and Kovvur divisions, with about 350,000 population, has an additional scheduled seat, whereas Narasapur division having more population has only one seat. No doubt the scheduled population may be a little bit more in Ellore and Kovvur and that may be a reason for assigning the scheduled community seat. What I want to bring to the notice of the Council is whatever the scheduled population might have been, the general electorate including the scheduled castes at Ellore and Kovvur have got two seats as against one for Bhimavaram and Narasapur though the population is the same. The whole arrangement is bad and is to be altered. Take Nellore district, with regard to Kavali,

[1st November 1935] [Mr. K. Koti Reddi]

Kandukur and Gudur, it is the same. Gudur has two seats. Kandukur with more population has one seat. That iniquity, I hope, will be set right. There is one other thing which I just want to mention. The postal system of voting has been recommended with regard to certain constituencies. The arrangement may be very convenient but the postal method leads to all sorts of undue influence and irregularities. I know, Sir, in certain instances the papers are actually removed from the voter by the candidates. You might say that after all the voter to whom the system of voting is entrusted is generally literate and he ought to safeguard his interest but in actual practice I know postal voting leads to all sorts of influences which can be avoided only by avoiding the postal system of voting. With regard to the Muhammadan seats in the Ceded districts I want to make one suggestion. If the Muhammadan seat assigned to the headquarters municipalities is assigned to all the municipalities in the Ceded districts the voting strength will be almost the same as in the rural constituencies. That will set right the inequality in the urban and rural voting. I do not see why the urban candidate should have such a great advantage as against the rural candidate. It is much easier because the voters are concentrated. The same thing applies to urban areas in the Hindu general constituency also. Finally I appeal once more to the Council and the Government for recommending increased representation for the Ceded districts. The Committee have considered it desirable on account of the special considerations of the Ceded districts to give more seats than they otherwise deserve according to the population basis. The Ceded districts have not the ghost of a chance to get any one of those seats to which I referred, viz., labour, mining, landholders, etc. They have not taken that aspect into consideration. If that is taken into consideration we ought to get more seats. Even strictly on the population basis the Ceded districts ought to get 20 seats and we have not been given more than that. So once more I appeal to the authorities to give one more seat to each of the Ceded districts, at any rate Kurnool having only two general seats should have one more. The Ceded districts are very poor and are sparsely populated though large in area, and if representation in the Upper Chamber, i.e., Legislative Council, is on the population basis or even voters basis, our share will be very little, though the Committee has recommended one seat to each district. This aspect will have to be taken into consideration in assigning seats to Assembly, because when there is difference of opinion between the two chambers on legislation, there is to be a joint session. I therefore plead that more representation ought to be given to the Ceded districts. With these words I move my amendment, Sir."

* The Hon. the PRESIDENT:—" The amendment falls through for want of a seconder."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Mr. President, Sir, already my friend has taken a sufficiently long time in speaking on the general points. Though my amendments are many, I assure the House that I will take only 15 minutes. I do not propose to read my amendments seriatim because they have already been circulated and I do not like to waste the time of the House now. I will take the items one by one and speak on the points covered therein. The first item is that there

[Mr. P. V. Krishnayya Choudari] [1st November 1935]

should be plural-member constituencies and not single-member constituencies as proposed. The reason is that we must have political units. As I do not want to repeat arguments, I shall only refer to a few points which Government have not touched. I propose that every district should be a unit for the Legislative Assembly seats. Already we are having for the Legislative Council at present districts as units and there is some meaning in having a district or a district board as the unit. When once a person stands for the Legislative Council, the people of the constituency must know what the political career of the person is. As president or members of the district boards our activities must have been known to the people of the constituencies beforehand. As a matter of fact, Sir, most of the members of the Legislative Council are presidents of the district boards. They must therefore have the district board areas as political units. With that idea I proposed it as the political unit and not the geographical unit. Government now thought fit to have the district board area as a unit. Wherever the Government find that a district is unwieldy they are bifurcating the district. If at least the district board areas are formed into constituencies, it will be very reasonable and members can show their political activities in each such area and it will be good. Another thing is that if we have single-member constituencies, the several communities will not have adequate representation. Even though the constituency is a bit large, it will facilitate co-ordination of work. Two or three can unite and work and concentrate in those areas and thereby the difficulty of unwieldiness will not come in. Another thing, Sir, is this. When people are already accustomed to have plural-member constituencies, all on a sudden it is not desirable to bring a new change unless the change is for the good and unless the Government are dissatisfied with the system for sufficient reasons. There is no reason why we should change the system. Government always say, 'We are accustomed to certain things and we must respect custom in various matters.' I do not know why in this particular matter Government have not taken this view of customary habits and have changed it when it is working satisfactorily. If there are any manifest disadvantages we must try to remedy them. But no disadvantage has been mentioned either in the Government memorandum or in the speech of the Hon. the Finance Member or in the discussions of the Delimitation Committee.

"As regards the urban constituency of a district, it should consist of all the municipalities in the district. My reason is this. My district (Guntur) is given one seat for the urban area, that is, for the municipalities of Guntur and Tenali. The other three municipalities in the district are left out. Already the rural population of the Guntur district are affected by being given a single seat on the population basis. It is not difficult for a member to go and canvass in all the municipalities as they are so close to each other. If you look into the Delimitation Committee Report you will find that all the municipalities are quite close to one another.

"Another point is that no municipality should be included in any rural constituency. There are several disadvantages in doing so. As for municipal voters, they are living within a distance of a few miles

1st November 1935] [Mr. P. V. Krishnayya Choudari]

and have good facilities for polling. In the villages people have to go some distance to reach the polling booths. Besides, villagers are not accustomed to record their votes properly, and the percentage of voting is very much less in a rural area than in a municipal area. This suggestion of mine is also found in the original Government memorandum.

"As regards the third part of my amendment, the Hon. Member in charge of this subject has stated that the population basis is the basis that has been taken. So I do not want to discuss it. I had already pointed out to Mr. Boag, the Secretary to the Committee, that the voting basis was not good and though I had no favourable answer from him, I am glad that the Government has now accepted the idea of population basis.

"Then my next point is that Guntur should be given a larger number of general seats on the basis of population. We have got a population of 20 lakhs and according to Appendix VIII of the memorandum we are entitled to get 8:9 seats. Unfortunately we are given only 8 seats. (Interruption.) Whether Guntur deserves more or the Ceded districts it is for the Central Committee to decide and not for you or me. Anyhow everybody has got to make representations as regards his own district. We are entitled to get one more seat. Under general seats we are entitled to 6:4, but we are only given 6, in the same Appendix. Under Muhammadan seats, we are entitled to 1:4, but we are given only 1. If all the fractions are counted, my request for one more seat will not be unreasonable. I request the Government to consider my proposal. I am not asking them to show any undue favour to my district.

"My next point is that Madras should get only three general seats with an additional seat for the scheduled classes. When all the districts are given seats on the population basis I do not see why there should be a departure from that principle in favour of Madras. They may say that Madras was already having four seats and want to retain them. But I ask why the same thing has not been observed in the case of Cocanada. Cocanada and Rajahmundry are put together and they are given one seat. Cocanada alone had one seat for the urban area. The women's seat should not be taken into consideration.

"My next point is that for Muhammadans in the Guntur district there should be two seats. Guntur district has got the largest Muhammadan population next only to Malabar. (Dr. P. Subbarayan: 'No.') Vizagapatam and Ganjam with a population of 54,000 were given one seat; West Godavari and Kistna with a population of 89,000 were given one seat; Trichinopoly with a population of 72,000 was given one seat; Madras with a population of 70,000 was given one seat; Kottayam and Wynad with a population of 79,000 were given one seat; Mangalore and South Kanara with a population of 73,000 were given one seat; whereas Guntur with a population of 150,000 was also given one seat. So I propose that two seats should be given for Muhammadans for Guntur, for the following considerations. The Muhammadan population for Guntur and Tenali taluks is 81,396, for Narasaraopet and Chirala, 76,350. These two Revenue divisions alone ought to have two

[Mr. P. V. Krishnayya Choudari] [1st November 1935]

separate seats. These figures are correct and the Hon. Member can verify them. That is why we are anxious that we should be given one more seat.

"So far as the women's seat for the Indian Christians in the Guntur district is concerned, Guntur district has the largest Christian population in this Presidency, but unfortunately in the first Delimitation Committee report it was tacked on to Nellore; Tinnevely was given one seat though the population is much less than Guntur. Though I am not a Christian, I have presented a memorandum to the Delimitation Committee on this point. The Government of Madras had agreed with me in their first report, but later on they have given two seats to Tinnevely. They must come forward with their justification for this."

* The Hon. the PRESIDENT:—"May I point out to the hon. Member that he has completed the 15 minutes, the time-limit, set upon him by himself?"

Mr. P. V. KRISHNAYYA CHOUDARI:—"Unfortunately there are so many points on which I have to speak, but I have not taken as much time as was taken by Mr. Koti Reddi."

* The Hon. the PRESIDENT:—"I am only reminding him of the time-limit that he has set upon himself."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I will come to a close, Sir. I have got only three more points."

"That is why, Sir, I feel that Guntur should get more representation for the Christian community and Government might recommend this to the Hammond Committee."

"Then about the women's seats, I am in favour of rotation. There is no object in fixing a seat for a particular district; thereby we are not encouraging women to come forward as in Madras. If Tinnevely is given one Christian seat now, let another chance be given to Guntur and the next chance to some other district. Similarly the general constituency ladies' seat must be in rotation, at least in respect of some important places, instead of giving it to Madras alone. Otherwise it would not give an impetus to women in the rural parts. The women of Madras are educated and take part in various political activities. If women in rural areas are given a seat, they will also come forward. I appeal to the Government to consider this point also."

"About the Commerce seat, the Government in their first report combined the three chambers into one electorate but somehow the Delimitation Committee has not thought fit to accept this proposal, and has given one seat to Nagarathars' Association and one for the Madras Chamber of Commerce. Most of the Nagarathars are representatives of the Madras Chamber of Commerce and as such I do not see why there should be a duplication of power for the Nagarathars alone. So I naturally feel that the Andhra Chamber of Commerce also must be given separate representation. If these three Chambers are not to be combined then as an alternative any merchant who pays an income-tax of Rs. 5,000 throughout the Presidency may be given a seat. What is being done now for the Legislative Assembly may be done for the local Legislative Assembly also."

1st November 1935] [Mr. P. V. Krishnayya Choudari]

"With regard to the system of voting, I personally feel that the distributive system is the best, although as the Government themselves have stated in their memorandum my community will not be affected by the proposed change. I feel that the distributive system of voting is preferable because the people are already accustomed to it and also because it has not proved a failure. In the circumstances I do not know why the Government want to change it. If any new system is now to be introduced in voting, the people will have to be educated on it. If the existing system is to be continued there will be no need to educate the public on the new system. For the change they are suggesting the Government must have very strong reasons. I personally feel that the distributive system must be continued as that will enable two or three friends to work together. Now, if you are going to introduce the non-transferable voting system it will create more disunion among the candidates and that is not desirable. Another thing is that under the new system even for the filling up of the scheduled caste seats the candidates will not work together and there will be no unity among the caste Hindus and Depressed classes. They will be cut away more and more apart. This will frustrate the object of having a common electorate for the Hindus and the scheduled classes."

"About the filling up of the labour seats, I am in favour of the alternative system suggested by the Delimitation Committee. Under that system franchise will be extended throughout the districts and Guntur will have representation. Guntur has got a large labour population. The tobacco company there employs something like 3,000 labourers and if the proposal at pages 7 and 10 of the Report is adopted Guntur will get representation."

"With these observations I move the amendment standing in my name, viz.—

"Add the following at the end:—

"and on such consideration, this Council is of opinion—

- (1) that, in the formation of general constituencies, the principle of dividing the districts should be so followed as to bring about plural-member constituencies even in cases where there are no reserved seats, and that no territorial constituency should consist of less than two revenue divisions;
- (2) that where seats are allotted to an urban constituency of a district, the urban constituency should consist of all the municipalities in the district and that no municipality should be included in any rural constituency;
- (3) that, in allotting seats, whether in territorial constituencies or for communities, the basis of constituting the electorate should be the strength of the population and not the strength of the number of voters in the register of voters;
- (4) that, if the population basis is adopted, Guntur is entitled to a larger number of general seats than have been allotted to it;

[Mr. P. V. Krishnayya Choudari] [1st November 1935]

- (5) *that for the City of Madras there should be only three general seats, with an additional seat for the scheduled classes;*
- (6) *that for the Muhammadans in the district of Guntur, there should be two seats;*
- (7) *that there should be a woman's seat for the Indian Christians in the Guntur district;*
- (8) *that women's seats should be allocated to districts having a particular strength of population on a rotatory basis, e.g., if, in respect of Indian Christians, Tinnerelly is given a woman's seat in the first election, in the second election the seat should be allotted to Guntur and in the third election to the next district which has got a similar or approximately similar strength of population and similarly for other women's seats; and*
- (9) *that representatives of Indian Commerce should be elected by the combined electorate consisting of all the members of all Indian Chambers of Commerce and Indian Trade Associations recognized by the Government, or in the alternative by merchants paying an income-tax of Rs. 5,000 throughout the Presidency;*
- (10) *that the voting wherever there are more than one seat should be on the basis of distributive system;*
- (11) *that the proposals of the Government published in their Memorandum, dated 9th July 1935 in Appendix II regarding the allotment of seats for Labour are preferable to the proposals submitted by the Delimitation Committee in their Second Report*

or

that two seats may be allotted for Andhra districts for Labour instead of one as proposed by the Committee;

- (12) *that the scheme of distribution of seats for Labour given at page 7, paragraph 10 be approved in preference to the scheme given at page 8 of paragraph 10.*

* Mr. V. P. NARAYANAN NAMBIYAR:—“ Mr. President, Sir, I formally second the amendment of my hon. Friend, Mr. Krishnayya Choudari. My say will be confined to other points not covered by the amendment.

“ The report of the Madras Delimitation Committee embodies the results of the preparatory work done in connexion with the task that awaits the Indian Delimitation Committee in our province. How important are the functions to be discharged by the Indian Delimitation Committee may best be described in the words of Sir Laurie Hammond, the Chairman of the Committee. He is reported to have said in an interview :

“ Our Committee is the first step taken to translate the much-discussed and keenly-contested theory into practice, to try to provide the essential part of the machinery to bring India's new constitution into actual operation.”

1st November 1935] [Mr. V. P. Narayanan Nambiyar]

“ Therefore, the report under discussion merits very careful consideration. And before I come to grips with some of the recommendations in the report, I should like to pay a tribute to the memorandum of Mr. Boag. Though I am not in agreement with some of the suggestions contained therein, I am free to own that the memorandum is a very carefully considered document, has mentioned all facts, has set out the advantages and disadvantages of the various schemes and has also dealt with the difficulties and the ways to surmount them. Having said that I shall deal with the points that I wish to raise.

“ A vital change has been made with reference to the Universities' seat. That change, as I shall presently show, is against the intention of the Government of India Act of 1935, is against the implications of responsible government, is against the educated public opinion in the province, is against the recommendations of the Franchise Committee and is against the system that is obtaining in all English Universities and in other provinces in India. I may also submit that there are no valid and justifiable grounds for the change. I shall now take the points one by one.

“ That the change is against the intention of the Government of India Act of 1935, I am sure that it will not be possible for any body to dispute the position that it is the intention of the Government of India Act that the franchise should be extended as widely as possible. That would be clear from what has been said in the Joint Parliamentary Committee Report. Paragraph 124 of the Joint Parliamentary Committee Report contains the following observations:—

“ The Statutory Commission were of opinion that the existing franchise was too limited and recommended that it should be extended so as to enfranchise about 10 per cent of the total population, and they laid a special emphasis upon the need for increasing the ratio of women to men voters. In 1932 between the Second and Third Sessions of the Round Table Conference, a Franchise Committee, which was presided over by one of our own members, was appointed by His Majesty's Government for the purpose of examining the whole subject, with a view to an increase of the electorate to a figure not less than 10 per cent of the population suggested by the Statutory Commission nor more than 25 per cent.”

“ Whereas in all other constituencies the policy has been to extend the franchise and not to restrict it, the proposal in respect of the universities seat takes away the existing franchise from thousands of graduates and transfers the right of election to a few hundreds. Here I would also like to point out that the distinguished representative of the Madras city in the Legislative Assembly raised this point in the Assembly and the Hon. Sir N. Sirkar, the Law Member, accepted the stand of the Hon. member Mr. Satyamurti.

“ With reference to the position that the change is against the implications of responsible Government, I would like to refer to paragraph 15 of the Report of the Franchise Committee, where it has been said thus:—

“ In the second place, responsible Government implies that the main driving force behind legislation and public administration is public opinion, making itself effective through the electorate and the members returned to the legislatures by the electorate. It is therefore essential, as the Prime Minister stated, that under a system of responsible government the electorate should be

[Mr. V. P. Narayanan Nambiyar] [1st November 1935]

so widened that the legislature can reasonably be said to be representative of the general mass of the population. It is equally essential that no important section of the community should be deprived of the opportunity of making its needs and opinions felt in the legislatures, because under all democratic systems it is the interests of those who are represented which tend to receive consideration, while the interest of those who are not represented are liable to be ignored both at election time and afterwards.

"Sir, may I ask, are not the graduates who go to make up the educated classes of the Presidency an important section of the community?"

Mr. C. RAMALINGA REDDI:—"Mr. President, may I draw your kind attention to the fact that not a single member of the Government is present to listen to the debate? Also may I . . ."

The Hon. Diwān Bahadur S. KUMARASWAMI REDDIYAR:—" (From seat No. 59) I am here."

* The Hon. the PRESIDENT:—"The Hon. Minister is in the House."

Mr. C. RAMALINGA REDDI:—"Also so far nobody has spoken in defence of the Committee's Report so that we could have a good debate on the subject."

* The Hon. the PRESIDENT:—"I did not hear the last sentence of the hon. Member."

Mr. C. RAMALINGA REDDI:—"I request you, Sir, to arrange that some defender of the Report should speak immediately after, so that we may meet the points raised in support of the report."

* The Hon. the PRESIDENT:—"The hon. Member might know that there is a large number of amendments on the agenda. All these have to be moved before we ask any of the defenders of the Report to come forward to make their observations." (Laughter.)

* Mr. V. P. NARAYANAN NAMBIYAR:—"May I ask, are not the graduates who go to make up the educated classes an important section of the community? The University is supposed to represent academic interest and educated classes, and the distinctive feature of the University is the educated electorate. The Senate contains ex officio and nominated members, members elected by district boards and municipalities and members elected by the Chambers of Commerce and other institutions of a similar type. What political outlook and political aspirations have the members of Senate as such?"

"Regarding the position that the change is against the educated opinion in the Presidency, I need but refer to the dissenting minute of Sir M. Ramachandra Rao and to paragraph 18 of the Second Report of the Delimitation Committee. Sir M. Ramachandra Rao says—

'The franchise now enjoyed by graduates in other universities of India has been preserved by the Delimitation Committees in other Provinces, while in this province the invidious treatment accorded to the graduates by my colleagues will cause considerable bitterness.'

"And the report of the Delimitation Committee has pointed out that 'a number of representations have been received protesting against this proposal, and asking that the electorate should consist of the general body of graduates of the three universities.'

1st November 1935] [Mr. V. P. Narayanan Nambiyar]

"That the change is against the recommendation of the Franchise Committee will be clear from paragraph 335 of their report where it is said as follows:—

'We are not unanimous as to the composition of the electorate for the University seats. The majority of us consider, however, that the balance of advantage rests with election by the registered graduates and not by the Senate or the court alone. One important argument in favour of this view being the fact that in many cases the Senate is largely formed by nomination.'

"The recommendations of the Franchise Committee deserve special attention because the Joint Parliamentary Committee has said—

'We are greatly indebted to the admirable and exhaustive Report of the Franchise Committee, which reached its conclusions after prolonged and intensive discussions in India with the Provincial Governments and with Provincial Franchise Committees; and we are satisfied that their recommendations have met with general support from Indian opinion, expressed not only in India but also at the Third Session of the Round Table Conference, in the evidence of the witnesses who appeared before us, and in the discussions which we have had with the British-India delegates.'

"Moreover the Hon. Gentleman the Finance Member said yesterday that the Indian Delimitation Committee is but a continuation of the Indian Franchise Committee. The above recommendation was made by the Indian Franchise Committee in May 1932. Sir, what has happened since May 1932 to necessitate a change? Is it the return of the Congressmen in the Assembly elections? Is it the return of Congressmen at the by-elections? I cannot see any other reason for the change.

"That the change is against the system obtaining in all English Universities and in the other provinces in India will be clear from paragraph 18 of the Second Report of the Delimitation Committee, where it is said—

'The Committee realizes that in all the English Universities' constituencies any graduate can be enrolled as an elector on payment to the University of a fee of £1. The Committee is further aware that in other provinces in India it is proposed to form the Universities' constituency of graduates of a certain number of years' standing . . .'

"Here I would like to point out what has been done in Bombay. 12-15
The Bombay Provincial Delimitation Committee says— p.m.

'Under the present Electoral Rules, Members of the Senate or Honorary Fellows of the University or Graduates of the University of 7 years' standing are qualified to be electors for the Bombay University constituency. The majority of our committee (5 out of 9) are of opinion that in order to increase the electorate in the University constituency the graduates' qualification should be altered to enable graduates of five years' standing to be qualified as electors.'

"Sir, that is the position. Moreover can it for a moment be said that proper representatives were not elected by the graduates? Look at the names of the distinguished gentlemen elected. The first representative was Mr. S. Srinivasa Ayyangar, a former Advocate-General of the Presidency and a gentleman who during his active

[Mr. V. P. Narayanan Nambiyar] [1st November 1935]

days had much to do with the Madras University. Then came Mr. C. Ramalinga Reddi, a very distinguished Member of this House and a gentleman who was the Vice-Chancellor of the Andhra University. After that was Mr. Satyamurti, a prominent member of the present Legislative Assembly and a gentleman who is connected with the Senate and the Syndicate of the Madras and the Annamalai Universities. The present representative is Mr. T. S. Ramaswami Ayyar, a gentleman who was elected as President of the Madras Corporation and who was awarded by the Government the Kaiser-i-Hind Medal. What can possibly be said against these stalwarts except that three of them are Brahmans and Mr. C. R. Reddi is in some quarters thought to be as good or as bad as a Brahman. (Laughter.) Next I shall also examine the grounds urged in support of the change proposed.

"The first ground is this: that in Madras there are not many nominated members of the Senate and even they are not nominated by the Government but by the Chancellor. When in the interests of progress of democracy it has been found necessary to completely do away with nominations, this argument will not hold water. It is not at all a question of numbers. Regarding the point that nominations are made by the Chancellor and not by the Government. Who is the Chancellor? Is he not the Governor of Madras? Why make such nice distinctions and support a weak case?

"The second ground urged is as follows:—

'Further the majority of the Committee feel that graduates as such have no special interests which justify their inclusion in the special electorate. There was perhaps some good reason to give them a vote in the University constituency so long literacy by itself did not qualify for a vote in a general constituency.'

"Here again I would like to refer to paragraph 20 of the Joint Parliamentary Committee Report where it has been said—

'Parliamentary Government, as it is understood in the United Kingdom, works by inter-action of four essential factors; the principle of majority rule; the willingness of the minority for the time being to accept the decisions of the majority; the existence of great political parties divided by broad issues of policy rather than by sectional interests; and finally the existence of a mobile body of political opinion owing no permanent allegiance to any party and therefore able by its instinctive reaction against extravagant movements on one side or the other to keep the vessel on an even keel.'

"Sir, where do you get in a better measure this mobile body of political opinion except from a body composed of the graduates. The Committee urges that so long as literacy is a qualification the graduates will have their votes in the general constituency. That may be so, but that will not be the verdict of an educated electorate.

"The next point urged is—

'Some members of the Committee feel strongly that the Senate being the body charged with the administration of the affairs of the University is the most appropriate body to elect a representative to the legislature and to give that representative a mandate.'

1st November 1935] [Mr. V. P. Narayanan Nambiyar]

"May I ask, Sir, whether the Senate as an administrative body has any special interest in politics or legislatures? If that be so, why not give representation to district boards too? Yet another argument is this—

'If the representative of the University is to be elected by the general body of graduates a number of individuals with no organization and no ties or bonds in common he cannot look to them for any mandate.'

"If this reasoning is sound, it is not clear how the combined electorate composed of members of the Senate, Syndicate, and Academic Council of even one University, let alone three distinct Universities, can give a mandate?

"There is one more ground to be considered and that is—

'The majority of the Committee, however, on the ground that the seat is provided for a representative of the "Universities" and that the "University" is defined in the Universities Acts as a body corporate consisting of the Chancellor, the Pro-Chancellor, the Vice-Chancellor and the Members of the Senate, the Syndicate and the Academic Council, would prefer to modify their former recommendation and to recognize as the constituency all the members of the body corporate as defined in the University Acts.'

"The answer to this is furnished by Sir M. Ramachandra Rao in his minute of dissent where he says—

'The contention put forward by the majority of the Committee that the word "Universities" in the Government of India Act, 1935, should be construed by the definition of the word "University" in the Madras University Act of 1923 is altogether without any justification. A parliamentary enactment cannot be construed by a definition given in an Act of local legislature in India.'

"Thus it will be seen that so far as the Universities' constituency is concerned, not only are there no valid and justifiable grounds for a change, but everything points to the continuance of the present system.

"Sir, I shall next deal with the three possible ways of voting, viz., the distributive method, the cumulative method and the single non-transferable method. In view of what the majority of the Committee has said, my remarks will be confined to the single non-transferable system and to the distributive system. According to the distributive vote, the elector has as many votes as there are candidates, but can give only one vote for any one candidate. The single vote is a novel scheme, but is preferred on two grounds, viz., (1) it is simple and (2) that it is not opposed to the Poona Pact. Regarding the fact that it is a simple one, the distributive method of voting has been exercised in this province for the last 15 years. That method is being exercised in the local boards and all municipalities. That is also the method by which the European and Anglo-Indian seats are even now proposed to be filled up. In respect of the contention that the single vote does not offend against the Poona Pact, I would like to refer to the memorandum of Mr. Boag, where it says—

'If each voter has only one vote, it is probable that the scheduled castes can elect the person whom they really prefer out of the panel of four chosen at the primary election. In practice probably the caste ryots will

[Mr. V. P. Narayanan Nambiyar] [1st November 1935]

cast their vote for a caste candidate and the scheduled castes for a scheduled caste candidate though of course it would be open to a caste ryot to cast his vote for a scheduled caste candidate and *vice versa*.

"The main aim of the Poona Pact is inter-dependence of communities. How can there be an inter-dependence of communities in the light of what has been said in the memorandum? I was surprised to hear the Hon. the Finance Member saying yesterday that he kept an open mind with reference to every thing except with regard to two matters, viz., (1) the single-member constituency and (2) the single non-transferable vote. Why should he not keep an open mind with regard to these points too unless it be that the Government wants to drive in the thin end of the wedge of the policy of 'divide and rule.'

"Then, Sir, I quite appreciate the statement of the Hon. Gentleman the Finance Member that it is not profitable to go into details connected with each district and that such an attempt is but 'Robbing Peter to pay Paul.' That being so, I would never have said anything regarding Malabar, had I felt sure that with reference to Malabar, the story of the Wolf and the Lamb has not been enacted. When seats were distributed to the Hindus it was said that on the population basis they are entitled to only seven or eight seats. But when it came to the question of distributing the seats to the Mappillas, that principle of population was given up. Why should that weapon be used against the Mussal-mans of Malabar alone? I hope the matter will be carefully gone into.

12.30 p.m. "Sir, though I formally seconded the amendment now before the House, I am against it in so far as it relates to commercial representation, because I do feel strongly that a distinction ought to be made between general commercial interests and special commercial interests. The Indian Franchise Committee has rightly said that there should be present on the legislatures representatives who will speak from the expert and technical point of view. I am in entire agreement with the present system.

"Mr. President, I have done. I only wish to draw the attention of the House to the speech of His Majesty the King-Emperor in dissolving Parliament. Referring to India, His Majesty said—

'I trust that when the further steps required to bring the Act into operation have been taken, its provisions will not only bring in contentment and well-being to the people of India and Burma, but draw closer the bonds of amity between them and the rest of my Empire.'

"Every hon. Member should welcome that statement and strive for the result. But the result will not be achieved unless India is made safe for democracy. I therefore appeal to all hon. Members, in whatever section of the House they may sit and however profoundly they may differ in politics, not to do anything that would prevent the progress of democracy in our province."

1st November 1935]

MR. BASHEER AHMED SAYEED:—"Mr. President, Sir, the amendments standing in my name are Nos. (4) and (5). I will first move No. (4) which runs as follows:—

'Add the following at the end:—

"and on such consideration this Council is of opinion that the system of voting for plural-member constituencies shall be on the basis of the distributive vote and not on the single non-transferable vote, as recommended in the Report."

"Sir, I do not think I need say much on this system of voting recommended in the report which has not received the approval of the general public nor of any enlightened section of the public. Therefore it would be but meet and just that the Government should revise their opinion about this system of voting and change their views in the light of the discussions in this Council. The case made out by Mr. Boag in his memorandum in favour of the single non-transferable vote is not convincing. The most important aspect which has appealed to the Provincial Delimitation Committee seems to be one of administrative difficulty. They are afraid that with the limited polling staff available it would be impossible to get through the polling in a single day. But I do not think that this is an insurmountable difficulty. Nor is it a difficulty which is of any real or practical consequence. The Government ought not to find it difficult to find the necessary polling staff and finish the elections in a single day. The Government in England have been doing it for many years and I do not think there will be any difficulty either on the ground that there will be plural-member constituencies in some parts of the Presidency. According to the fundamental principle of voting, if two members are to be returned by any particular constituency, you cannot say that of the two members A and B, A alone may represent one particular section and B may represent another section of the people. That is to say that the two candidates should represent two different sections. That is what it will amount to when the system of single non-transferable vote is adopted. But, on the other hand, the two representatives from a plural-member constituency must be taken to represent together the entire electorate in the whole constituency. And you cannot make both the members representative of the entire constituency by the method of the single non-transferable vote. It should be made possible for all the voters to exercise their franchise in favour of both the candidates for the two seats. It is not really rational to deprive the voter of his right to choose a candidate for each seat in his constituency. The system of non-transferable single vote would not work in this country. It is no use arguing that in this country there will be difficulties in working the present system of voting in an enlarged electorate. On the other hand there will be many difficulties in working the novel system proposed by the Government and the Delimitation Committee. The people in this country have become used to the distributive system of voting for a long time and it will be easy for them to mark their votes in favour of any number of candidates whom they want to choose. The second paragraph of Mr. Boag's memorandum says that facilities will be given to the scheduled castes and

[Mr. Basheer Ahmed Sayeed] [1st November 1935]

other minority communities to exercise their franchise in favour of persons whom they want to choose. But that is not quite intelligible when you find that the point of interdependence between one section of population and another is knocked out. For another reason also it is not advisable that the present right of the voters should be so restricted. I assert that even in the changed electorate distributive vote is perfectly possible and the voters have become already used to it. For instance there may be several candidates in a constituency—a Mudaliyar, a Nayudu and a Kamma. The voter may be at present accustomed to give one vote for the Mudaliyar, one vote for the Nayudu and one vote for the Kamma. It ought not to be impossible under the distributive system to choose persons from the various communities. If the intention of the Government is that the minorities within the Hindu community ought to be adequately represented, that can be achieved only by this system of distributive vote. It will be perfectly possible and rather more easy for the voter to give one vote for the caste-Hindu and one vote for the Adi-Dravida candidate or two votes for the caste-Hindu and two votes for the Adi-Dravida candidates under the distributive system. The voter has gained much experience and the present system has worked successfully. And I wonder why it is seriously suggested that all this education of the voter and all the experience gained by him in the past should be thrown to waste. I would therefore strongly urge that this Council should strongly insist on the adoption of the distributive system and not the single non-transferable vote.

“I come now to the second amendment which refers to the distribution of seats so far as the Muslim community is concerned. I move, Sir, the following:—

‘Add the following at the end:—

“and on such consideration, this Council is of the opinion that the distribution of Muslim seats in the Provincial Assembly and the Council should be on the following basis:—

Provincial Assembly.

- (1) That each district containing a Muslim population of 35,000 and above and a voting strength of 4,000 and above excluding the two West Coast districts shall be assigned one seat.
- (2) That districts containing a population of less than 35,000 and a voting strength of less than 4,000 shall be combined into single constituencies, if adjoining one another or tacked on to a neighbouring district which is a constituency under paragraph (1).
- (3) That the woman's seat shall be allotted to the city of Madras.
- (4) That there shall be one urban (men's) seat for the city of Madras, one urban seat for a group of selected municipalities in the Tamil districts, and a third urban seat for all the municipalities in Malabar.

1st November 1935] [Mr. Basheer Ahmed Sayeed]

- (5) That the remaining six seats shall be assigned to Malabar and South Kanara which shall be divided into convenient constituencies for the purpose.
- (6) That the actual result worked out on the basis of these principles shall be as follows:—

Districts.	Rural.	Urban.
Ganjam, Vizagapatam and East Godavari ..	1	..
West Godavari and Kistna	1	..
Guntur	1	..
Nellore	1	..
Cuddapah	1	..
Kurnool	1	..
Bellary	1	..
Anantapur	1	..
Chittoor	1	..
Chingleput	1	..
Madras	..	1
Madras (Woman)	..	1
North Arcot	1	..
South Arcot	1	..
Tanjore	1	..
Trichinopoly	1	..
Ramnad	1	..
Madura	1	..
Tinnevely	1	..
Salem	1	..
Coimbatore and Nilgiris	..	..
Malabar and South Kanara	6	..
Malabar municipalities	..	1
Selected municipalities in Tamil districts	..	1

- (7) That in the event of a single seat not being assigned to Chingleput district, the same shall be tacked on to Chittoor as originally proposed by Government in their Memorandum to the Delimitation Committee.”

“That is so far as the Provincial Assembly is concerned. As regards the Provincial Council, I move—

- (1) that one seat shall be allotted to the districts of Malabar and South Kanara; and
- (2) that the remaining six seats shall be allotted to the remaining districts divided into six convenient constituencies, each constituency being assigned one seat.’

“Sir, the recommendations of the Second Report of the Delimitation Committee are not really so very unsatisfactory as those in the first report. My purpose in moving this amendment is only to improve those recommendations to the extent to which it is desirable. In their first report, the Committee took population as the only and only basis for the distribution of seats, but I am glad that subsequently the majority of the Committee revised its opinion. I am, of course, conscious of the various minutes of dissent including the powerful minute of dissent by my hon. Friend, Mr. Raman Menon. All the same I am glad that the Second Report of the Committee has taken into consideration the fundamental principle which the Muslim community as a whole has

[Mr. Basheer Ahmed Sayeed] [1st November 1935]

pressed for being taken into account. (Mr. T. M. Moidu Sahib: 'No.') I submit so far as the Muslim community is concerned, the population basis should not be the sole guiding principle in the allotment of seats. Just as there have been weighty considerations for the allotment of more seats to the Muslim community as a whole than they would be entitled to on a population basis, so also, there are considerations why the same principle of weightage should be followed in the distribution of the Muslim seats among the various parts of the Presidency. Those principles and considerations have been urged by me in the memoranda I submitted to the Delimitation Committee and I do not think any useful purpose will be served by my repeating those arguments. However, I am glad to note that the Committee has agreed with my view that so far as the Muslim community is concerned, population alone should not be the basis of the distribution of seats. In one or two respects, the recommendations of the Delimitation Committee have not come up quite to the expectations of the generality of the Muslim community. No doubt, the Muslim population of Malabar and South Kanara is very large, being over one-third of the total Muslim population in the Presidency. But that accidental factor alone should not be basis of the distribution of seats. For the basis on which the Lucknow Pact was entered into and the Communal Award was given by His Majesty's Government was that there should be adequate and effective representation for the Muslim minority. If the same principle of adequate representation is applied in the distribution of the seats allotted to the Muslim community in this Presidency, you cannot but give more seats to Muslims in areas where they are in a minority. It would not be fair to award over-representation to districts where the Muslim community is in a huge majority. The basis of representation should be that the interests of the Muslim community in a particular area should be represented in the Council and the Assembly. This representation can be given effectively by having one, two or even three members. You can have even half a dozen members for a district to make representations. For instance, let them have half a dozen members on the basis of population. I have no objection. But why deprive other districts where there is a considerable population, though not really as big as in Malabar, of adequate representation? It cannot be said that the district of Malabar can represent the Telugu districts or that the Tamil districts can represent the Telugu districts and vice versa. That is why I urge very strongly that there is no need, no necessity, nor is it in any way desirable to give Malabar representation in excess of the needs of the situation. Six seats are quite adequate and more than adequate to represent all the interests put together. Admittedly the interests are all homogeneous and the aspirations are all alike. There is no difference between area and area within Malabar. I have not come across any statement which would go to show that there is any difference between one area and another area in Malabar. Even if there were differences, the six seats could be allotted to six different constituencies, the different constituencies being formed to represent different interests.

1st November 1935] [Mr. Basheer Ahmed Sayeed]

"Again, Sir, in the case of the general seats, the Committee is of the opinion that the district should not be put down as a unit; but in the case of Muslims they have forgotten this principle; in the latter case, as I have said, two or three districts have been grouped for one constituency. In the past it might not have been possible to give one seat for each district on account of the small number of seats then available. Now when you have 28 men seats, it should be possible to allot one seat to each district and to give the balance to that district where the population is by far the largest. That is the equitable principle that I seek to urge. I am glad that only to a certain extent the Delimitation Committee has agreed with me. But does not give entire satisfaction.

"There are one or two respects in which the second report of the Delimitation Committee should be improved. Chingleput was originally and rightly, I think, according to Mr. Boag's memorandum, tacked on to Chittoor. The argument that was advanced, as I understand it, in the Committee seems to have been that there were some linguistic differences. From what I know and I believe the facts are not otherwise, the district of Chittoor is partly Tamil and partly Telugu; Chingleput district also consists of a predominantly Tamil element and a small Telugu element. There should therefore be no difficulty at all, no question of linguistic differences at all to combine Chingleput with Chittoor. Further the Committee have now given one seat to the district of Salem where the population is only just 56,000. But they have combined Chingleput and South Arcot where the population is 76,000 plus 37,500. That makes a total of a lakh and more. I submit that the population of South Arcot demands that it should be given a separate seat by itself; the district of Chingleput ought to be clubbed with the district of Chittoor. The argument that the two districts are not contiguous is not insurmountable. There should be no difficulty in forming the Chingleput district and the Chittoor district into one constituency.

"With regard to the question of the urban versus rural seats, that is a matter upon which I have bestowed much thought and I think that there should not be any depriving of the rights which have been enjoyed by certain urban areas under the old dispensation. For the municipalities of Trichinopoly *cum* Srirangam and Madura, there has been one urban constituency and the Madras City another urban constituency. The proportion at that time was two out of thirteen. The proportion should have been increased now or at least maintained. On the contrary we find that the second report of the Committee has not increased the number of urban seats to any substantial extent, except by one. I submit, Sir, that those urban areas in the Tamil districts which have been enjoying the urban seats ought to be allowed to enjoy those seats, even though it may not be possible to give them an extra urban seat. On the other hand, the Telugu districts where there was no urban seat at all, have now been assigned one urban seat. I was not aware of it until I saw the second report of the Delimitation Committee. At first there was no idea of assigning any more seat to

[Mr. Basheer Ahmed Sayeed] [1st November 1935]

the areas in the Telugu districts much less any urban seat. I would therefore urge that the towns of Trichinopoly, Madura, Negapatam and Srirangam ought to be given one urban seat and should form one single urban constituency.

"With regard to the distribution of seats to the Council, the Committee have assigned two seats to the West Coast. I say very respectfully that one seat ought to be sufficient for these two districts. There are only six seats then left for the whole Presidency with 25 districts. If two seats are to be given to Malabar, it will be a great injustice and the rest of the Presidency will not have adequate representation. I submit, Sir, that the mere question of population should not be the guiding principle in the distribution of seats. Other considerations which have been set forth in the Franchise Committee report of 1919 and in the letter addressed by His Majesty to the Hammond Committee ought to be taken into consideration in the distribution of these seats. We ought to provide for effective representation and secure direct and as far as possible intimate contact between the electors and the elected. That will not be possible if you are going to club six or five districts together, when it is quite possible to club three or four districts and assign one seat for each group. I would therefore say that the assignment of two seats to the West Coast and five seats to the rest of the Presidency requires revision; any revision in that direction will be only just, fair and equitable.

"I am glad, Sir, that on the recommendation of the Women Sub-Committee one Muslim woman seat has already been assigned to the Madras City; the most desirable thing has been done; I have no quarrel with that. As regards the Muslim men seats, I would say that each district should be given one seat and the remaining seats should go to Malabar in view of the excess of population it has. That arrangement alone will give satisfaction and meet the requirements of the Muslim community at any rate in the Tamil districts.

"One other point I would urge. In the constitution of the Muslim Sub-Committee by the Government, Muslim representation in the Council as it is at present constituted was not adequately reflected. There was also some default in the matter. It was attempted at a later stage to set right the default. But nothing very appreciable was done. The Muslim Members in the present Council who have been representing their constituencies for a number of years have also submitted a joint memorandum to the Delimitation Committee; it is incorporated in the papers that have been printed. Out of thirteen Muslim Members in this Hon. House, ten Members including Mr. Yahya Ali, who was a member of the Provincial Delimitation Committee, have agreed to a certain distribution. The Committee and the Government should have given due respect and due weight to the memorandum of ten members of this Council who are all so well acquainted with the needs and the aspirations of the constituencies which they have the honour to represent. I do not think that that distribution errs on the side of any

1st November 1935] [Mr. Basheer Ahmed Sayeed]

excess or any injustice. I would therefore urge that it is but meet and reasonable that the representation of ten out of thirteen elected members of this House should be given due weight in the matter of the distribution of Muslim seats both in the Assembly and the Council. I therefore move the amendment which I have already read out."

* Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur:—"Sir, I beg to second the amendment that has been moved by my hon. Friend, Mr. Basheer Ahmed. I beg to place before the House my reasons for doing so. So far as the Provincial Assembly is concerned, he has given a list by which each district can be given a seat separately. He has already explained how it is just and necessary that such a distribution should be made so far as the Muslims in this Presidency are concerned. Of course in urging this suggestion, I am not unaware of the fact that it will look as if we are trying to deprive our Muslim friends of Malabar the seats to which they are entitled if the seats are to be given according to the population basis alone. I beg to remind my hon. Friends from Malabar that mere numbers ought not to count; if each district is represented, Muslim interests will be best served. I am sure my hon. friends from Malabar cannot say that giving a very large number of seats to Malabar will serve Muslim interests better. One corner of the Province will be represented and over-represented and not the entire Province as a whole. As such I would appeal to my Malabar friends not to oppose this motion because it is framed in the best interests of the community as a whole in the Province.

"Coming to the urban seats, my friend has already stated that Trichinopoly and Madura have been deprived of their urban seat. I am in this House to-day and for so many years past representing the urban area of the Trichinopoly and Madura districts. Absolutely no reason has been given why these districts have been deprived of their urban representation. There are as many as eight municipalities in these two districts and in most of these municipalities there is a very strong Muslim population. I am not quarrelling with the recommendation of the Committee in giving an urban seat to the Ceded districts. By all means if they deserve it, let them have it. What I am now urging before the House is that all the municipalities in the Madura and Trichinopoly districts do deserve an urban seat, which they have been enjoying under the present reforms. Their case is all the more strong because they are at present having that privilege and it is but just and proper that they should continue to have the same privilege even under the coming reforms also.

"With your permission, Sir, I wish to say a word or two about another matter, in the matter of election of a member representing the graduates. This case has already been argued from different aspects by the speakers who have dealt with the matter before me. I would also beg to urge upon the extreme reasonableness of getting representation directly through the graduates themselves and not

[P. Khalif-ul-lah Sahib Bahadur] [1st November 1935]

through the channel of the Senate, for the simple reason that whereas the seat in the Assembly is to represent the graduates, the members of the Senate are not all representatives of the graduates alone. For instance, in the composition of the Senate, not only the graduates are represented but also district boards and municipalities. The representatives of district boards and municipalities cannot in any sense be said to represent the graduates. As such the members of the Senate cannot truly represent the graduates in the Province. It is therefore but fair and reasonable that if the graduates should be represented on the Assembly properly, the election ought to be directly by the graduates and certainly not through the channel of the Senate as proposed."

The House then adjourned for lunch.

After Lunch (3 p.m.)

* Mr. K. A. NACHİYAPPA GOUNDER:—"Sir, I beg to move the amendment standing in my name, viz.:—

'Add the following at the end:

"and on such consideration this Council is of opinion that the Revenue division of Sankari in Salem district, comprising the taluks of Tiruchengodu and Omalur should form a single constituency having two general seats, as both the taluks are too unequal in population and voting strength and the reasons for such a course are not in any way behind those of the taluks of Chicacole and Parlakimedi for which the Committee has thought fit to give two general seats combining both the taluks."

I shall also move the other amendment standing in my name, viz.:—

'Add the following at the end:

"and on such consideration this Council is of opinion—

'(1) that multi-member constituencies or at least dual-member constituencies as set out in Appendix V of the Government Memorandum originally issued subject to such modifications as are necessary to meet the requirements of each case should be formed;

(2) that distributive system of voting should be adopted;

(3) that in the allotment of urban seats, groups of not more than two urban areas within a single district as recommended by Government in paragraph 6 of G.O. No. 355, Law (Legislative—Elections), dated 19th August 1935, be adopted as it is most equitable from all points of view;

1st November 1935] [Mr. K. A. Nachiyappa Gounder]

(4) that the electorate for the University constituency should consist of all the graduates of the Universities of this province; and

(5) that proper and effective steps be taken to prepare a correct electoral list for each area with full particulars as to the father or guardian's name and the actual place of residence of each elector and to fix a polling station in each village or groups of villages having a voting strength of more than 400."

Sir, I should like to say a few words on each of these items.

"With regard to the first amendment which relates to the grouping of the Tiruchengodu and Omalur taluks and giving them two seats, I may say that the Delimitation Committee during their first sittings decided that the Sankari revenue division should form a single constituency having two members. In the same way they decided that some twelve more constituencies should be formed like that. In their first report, in paragraph 3, they have definitely stated in unmistakable terms thus:—

'The majority of the Committee favour an arrangement by which there will be as many single-member constituencies as possible, subject to the condition that revenue divisions should not be broken up except in cases where it is absolutely necessary.'

"They laid down this principle that revenue divisions should not be broken up except where absolutely necessary, and presumably following this principle and the unequal strength of population and voting strength they thought it fit to treat the whole revenue division of Sankari as one constituency. But I was surprised to see in the Government Order issued on the first report a suggestion to the effect that the two taluks might be split up. From the way in which the wording of the Government Order in this particular case is put I am not convinced that the Government are really earnest in dividing these two taluks. It simply says:

'Similarly the Government consider that the taluks of Tiruchengodu and Omalur may each be formed into a single member constituency.'

"Mark the word 'may' when in other cases the word 'should' is used. In any way a suggestion has been thrown evidently without any tangible reason for dividing them, and the wording clearly shows that it has been made somewhat reluctantly. I am led to believe, Sir, that this change was made from a party point of view. I am compelled to make this statement, because as soon as the Committee issued their first report, the spokesmen belonging to the party in power had toured the districts and gauged their position in each area and they paid a visit to Omalur also. That makes me doubt whether under the influence of the party in power this change has been made.

[Mr. K. A. Nachiyappa Gounder] [1st November 1935]

“Taking now the actual figures, the population and voting strength of the taluks of Chicacole and Parlakimedi are:—

Taluks.	Population.	Voters.
Chicacole	2 90,557	33,885
Parlakimedi	194,802	23,746
Difference ..	95,755	10,139
Tiruchengodu	3 45,166	39,496
Omalar	257,080	22,589
Difference ..	88,086	16,907

“The Delimitation Committee considered that difference in voting strength and population in the matter of splitting up of revenue divisions should weigh to keep them intact. And I submit, Sir, that the difference in voting strength in the Tiruchengode-Omalur area is comparatively much greater than in the Chicacole-Parlakimedi area. Although the difference in population is comparatively a little less, the difference in voters is much greater in this case. What I am most concerned with is this; if the Committee in the first instance, in an unbiassed view, thought it fit to allow the division to form one constituency, but later changed it, one is led to believe that it should have been done with some motive. I am compelled to think so, because the Committee itself has been formed in such a manner that the views of the party in power could only be carried. (The Hon. Mr. G. T. H. Bracken: ‘No, Sir.’) This is a measure which is to come into force afterwards, and it must be the policy that all parties should get equal chances; but here, from the composition of the Committee itself. . . .”

Mr. G. T. BOAG:—“On a point of order, Sir. If I may be allowed to do so, I may point out that it was the present Government and not the Committee that divided this Sankari division into two separate constituencies.”

* Mr. K. A. NACHIYAPPA GOUNDER:—“But the Committee subsequently altered its opinion. That makes me deal with the question so elaborately. The Committee has been composed of such members of the party in power or of those who are inclined to that view, that it was easy for the Committee to change its mind subsequently after it came to know their real position in that area. Anyhow, I leave it at that. I have given the figures, and I leave it to the Central Delimitation Committee to take them into consideration and come to a decision on this matter.

“Now with regard to the other points on which I have given notice of amendments, the first one is the question of multi-member constituencies. From the facts furnished to us in an elaborate way in his memorandum by Mr. Boag, and from the arguments advanced therein in regard to both single-member and plural-member constituencies, one

1st November 1935] [Mr. K. A. Nachiyappa Gounder]

is led to conclude that in the present conditions of our province, the system of multi-member constituencies is the most suited. If single-member constituencies are formed and if a taluk or revenue division is treated as a constituency, we will not be able to get the best people in the districts into the legislatures. That is what I fear. If a single taluk is to be a constituency, the prominent man in the area, who may not in some cases be desirable, may have better chances than others who will have greater support if the area were much bigger, and who may be much better fitted to be in our legislatures. Further by restricting the areas to such a small unit, the election is likely to be influenced by money. So, if the Government and the Committee are not agreeable to treat one district as a unit, I would like that at least dual-member constituencies may be created, so that the areas may be sufficiently big, to afford facilities for important and eminent people whose presence will be an asset to have easier access to the councils.

“Turning to the question of distributive voting, I should say that we have been enjoying this system ever since elections were introduced in our country; there has been no difficulty felt with regard to it so far. The memorandum argues that if the distributive vote is given and a number of people stand for elections, the electors will not be able to remember the names of the candidates to whom they want to give their votes. But I think there cannot be any such difficulty that way, because the Government themselves and the Committee too have formed only single-member constituencies in most of the cases. If that is adopted, or even if dual-member constituencies are created, there will be only two seats in a constituency and there will be only four or five candidates standing for election. There cannot therefore be any difficulty for the electors to fix their choice. We have been having in the past local board elections three seats in certain areas, and the electors did not feel any difficulty and were able to exercise their franchise properly. In the City of Madras for the Legislative Council we were having four seats and there was no difficulty whatsoever. Now for the Committee and the Government to entertain a fear that the electors will not be able to exercise their choice well, does not strike me as reasonable and sane excuse. If there are two seats in an area, one general seat and one reserved seat, and if the single vote system is to be adopted, I fear it will not lead to good understanding among the various communities, and I am afraid the vote will go by communities. Thus, the gulf will be much more widened between communities, and there may not be any scope for bringing them together. So, Sir, for these reasons and for the reasons which have been advanced by the previous speakers, I would urge that the distributive system of voting should be adopted; because, as I said, firstly we are accustomed to it and secondly there has been no difficulty so far felt all these years during which it has been in vogue in this province.”

“Then, Sir, with regard to the third part of my amendment, I think the Committee have very well adopted the suggestion of the

3-15
p.m.

[Mr. K. A. Nachiyappa Gounder] [1st November 1935]

Government and I have not got much to say on that. My object in giving notice of this amendment is that even in places where they have omitted the grouping to be made, they may take them up. My idea is that it is better if two large towns in a district with decent population were taken into consideration in the matter of grouping, that would make the constituencies somewhat equal and it will to some extent relieve the rural areas of their urban effect. I am glad that it has been carried out to a great extent and I therefore do not want to speak much on it.

“Coming to the fourth part of the amendment, namely, the electorate for the University, I am rather constrained to make a few observations on the great deviation adopted. I am rather surprised at the attitude taken up by the committee on this question. Up to now we have been allowing the University to send a representative to our Council and this privilege has been assigned to the graduates of the University of some years standing. When we have so far allowed this privilege to this class of the electorate who form the intelligentsia of our province, why should we now go to a system which we have not thought of hitherto is the question which I wish to ask. In other provinces, for instance, in Bombay, we find they have adopted the method which they have followed so long. The reason for changing the electorate in our province does not seem to me to be convincing. Even on the Delimitation Committee, the University has not been represented though we have got a University representative in this Council. We know, Sir, that Mr. T. S. Ramaswami Ayyar, the hon. Member representing the University, was on the Lothian Committee too and I am surprised to find why he was not made a member of this Delimitation Committee. The Committee only thought it fit to put him on the Committee only when the question of representation for the University was considered; and at least he had the opportunity to add a note of dissent to the first report when it was decided that the Senate should form the constituency for the University seat. In his minute of dissent, he has pointed out that the Senate is not the only body of the University and that there are other bodies like the Syndicate and the Academic Council. I think, Sir, that it was on this that the Committee at a later stage thought it necessary to allow the University as a whole to elect a member. On reading his minute of dissent, we can find, Sir, that it was not the point that he emphasized, but that he stated that it was not the Senate alone that constitutes the University. Even by allowing all the bodies that constitute the University to send a representative, I think the Committee was not justified in putting forth such a recommendation. They say, the graduates of the University may have a chance of exercising their franchise in rural areas. If the rural areas are taken into consideration with about 40,000 or 50,000 voters, there will be only a few graduates in each area and their votes will not influence the result in the least and the result will be that their view point cannot have sufficient representation in the Councils. Such being the case, it is not right that their rights should be taken

1st November 1935] [Mr. K. A. Nachiyappa Gounder]

away like this. I think, therefore, the Central Committee will go into the question carefully and give due consideration to this aspect of the matter. Though our representative for the University was given the chance to attend the first meeting of the Committee, I am sorry to hear, Sir, that he was not invited to the second meeting. I am really surprised at this attitude of the Committee. It would have been in the fitness of things that when once he had been invited to consider this question in the first instance, he should have been called to attend the meeting when further opinions and recommendations were received; and it would have been at least some consolation if some consideration had been given to his view-points on the recommendations received. That was not done. This point of enfranchising the graduates for the University constituency has been very elaborately dealt with by my hon. Friend, Mr. Nambiyar, and I need not go into the question more in detail.

“Then, Sir, with regard to the steps that should be taken in conducting elections, though I think it is not a matter which comes under the terms of reference to the Delimitation Committee, I should say a few words by way of suggestions so that they might be taken into consideration when dealing with the question of the conduct of elections.”

The Hon. Mr. G. T. H. BRACKEN:—“On a point of order, Mr. President, is the hon. Member in order in talking about matters which are not within the purview of the Committee?”

* The Hon. the PRESIDENT:—“I thought he was going to make certain suggestions. If I am right in thinking so, he can continue. I do not think that he is precluded from making any further suggestions on the report before the House. Am I to understand that Members are precluded from giving suggestions?”

The Hon. Mr. G. T. H. BRACKEN:—“The point I wished to raise was about the methods of election. That was not exactly within the purview of the Committee—polling stations and so on. The Committee have not considered that point at all.”

* The Hon. the PRESIDENT:—“The hon. Member may drop that point; it is better.”

Item 5 of the amendment was, by leave, withdrawn.

* Mr. K. A. NACHIYAPPA GOUNDER:—“Sir, I think the Central Committee, as it comes from a far off place not being influenced by this or that consideration, will give due weight to the points at issue and arrive at proper decisions so that there may be no complaint whatsoever on the final proposals set out by this Central Committee. With these few words I beg to move my amendment.”

* Mr. U. C. SUBRAHMANYA BHATT:—“Mr. President, Sir, I have great pleasure in seconding the amendments moved by my hon. Friend,

[Mr. U. C. Subrahmanya Bhatt] [1st November 1935]

and in doing so, I should just like to point out how the principles enunciated in his amendment would apply to the West Coast which is peculiarly situated. It comprises only of two districts, each district with a language and a culture of its own and each by itself forms an infinitesimal minority in this Presidency. Of late the Government have been classifying the two districts on a territorial basis as a West Coast area. Even then we are in a minority; but even there what is sought to be done by the Delimitation Committee is as will be seen from their report, to reduce the little strength which it is entitled to have in this Council on a population basis, a basis which they have adopted for the rest of the province. I do not mean to say that we should go according to population basis in allotting seats or that population basis is the correct procedure to follow in this respect. All that I want to say is, when you are having the basis of population in respect of the other parts of the Presidency, why should you deny that principle to the West Coast alone. It really works a hardship in this way. It is felt as a hardship in the case of Muhammadans in the West Coast. On the population basis, West Coast is entitled to have 12 Muhammadan seats, but this principle is sought to be given up so far as the West Coast is concerned and the result is only 8 seats are given—7 seats for Malabar and one for South Kanara. My submission, therefore, is that on account of giving up the basis of population, West Coast is deprived of four seats which it would otherwise have got. Instead of giving a weightage to a minority area with a culture of its own and needs of its own, they have reduced the number of seats. The needs of the West Coast are as important as the needs of any other part of the province, but on account of its being cut off by the western ghats there is not much of sympathy or love lost between the two portions of the province, so much so in the matter of education; for instance, if you take medical education in the Madras Medical College, out of 100 seats, 40 are reserved for the Tamil area, about 50 for the Telugu area and only 10 for the whole of the West Coast. The same is the case with irrigation, bridges, medical relief, etc. My submission is that due consideration is not paid to the needs of the West Coast so far as these are concerned."

* The Hon. the PRESIDENT:—"I would like the hon. Member to cite only relevant analogies."

* Mr. U. C. SUBRAHMANYA BHATT:—"I, therefore, submit that if the needs of the West Coast are to be effectively voiced in the Council, even if weightage is not given, at least a proportionate share which the West Coast is entitled to on the population basis—that is, on the basis on which computation of seats is calculated for the rest of the province—should be given. Thus, the principle adopted in this case has worked adversely to the interests of the West Coast. No proposal is made to enhance the general seats. A large if not a major portion of the population are Muhammadans and the general seats are few. So long as you do not raise the number of general seats, the seats of

1st November 1935] [Mr. U. C. Subrahmanya Bhatt]

the Muhammadans on a population basis should not be reduced as otherwise it would unduly reduce and impair the effectiveness of the West Coast.

"Then, again, Sir, so far as South Kanara is concerned, it was entitled to two Muhammadan seats, but now only one is given. This is really a hardship to the Muhammadans of South Kanara. What the Delimitation Committee thought probably was that South Kanara, like Malabar, consists of Mappillas. That is not so. There is a large proportion of regular Mussalmans, i.e., non-Mappillas in addition to the Mappilla population in South Kanara. If only one seat is given, the regular Mussalmans who are in a majority will come in and will give no room for the minority section to get into the Legislative Council; thus it will work a hardship in the case of these people. Besides, as said above, it would impair the effectiveness of the district representation.

"So far as the woman seat is concerned, I would strongly urge for a woman seat for South Kanara. Every one knows that South Kanara is the first district from which a lady candidate, Mrs. Kamaladevi, contested in a general constituency but unfortunately she failed. That was the first instance of a lady in the whole of India who contested for a seat in this Legislative Council. (A voice: 'She did not succeed.') That is unfortunately so, but the fact remains that South Kanara is a place where ladies are well educated and ladies are cultured and our district comes next probably to Madras in the matter of female education and in the advancement of women (Mr. V. P. Narayanan Nambiyar: 'Hear, hear.'). That being the case, for both the above reasons alone, a seat has to be given for women in South Kanara. On the question of representation of dock and factory labourers, injustice has been done by the non-representation of Kasargod, Udupi, Mulki and Coondapoor, which are all ports and contain many factories, while smaller and more insignificant places in Malabar have been included.

"Coming to the question of representation given to urban areas, my submission is this. Unfortunately, the Delimitation Committee seem to have thought that there are innumerable municipalities in the province, and they seem to have confounded that all municipalities are urban areas, but in fact it is not so.

"All municipalities are not urban areas but all urban areas are municipalities. That is the distinction. As I said all towns and municipalities are not urban in character. It all depends on the type of men resident and the type of civilization prevailing therein, their contact with the outside world by steamer communications and by other means, the existence of factories and the like, the existence of colleges and the trade connexion it has with other districts or areas, etc. The representation is for the urban type of civilization as opposed to the rural type of civilization in any town for which special representation is needed. If they had this view before them, they could have

3-30
p.m.

[Mr. U. C. Subrahmanya Bhatt] [1st November 1935]

selected better towns and with greater justice. They did not seem to have taken consideration of such things but proceeded to group all municipalities together. Seen in this light, Mangalore has got a very large number of factories and a variety of them also, tile factories, textile factories, cashewnut factories and three colleges and a number of high schools and is the principal port of shipping. The agricultural and raw produce of Mysore finds an outlet at Mangalore Port. Besides being the chief market place, it is a very ancient town. Its civilization is distinctly urban as distinguished from rural, it is really an urban area. It is a port and has steamer communications. I naturally expected that it would have been given a separate representation. That has not been done. We thought that at least Mangalore and Calicut would have been clubbed together. But that proposal of the first report has been given up by the second report. I do not know the reason why. It has caused injustice to the people of these two municipalities.

"On the question of the University seat, I need not enter into details as other speakers have spoken on it. All along the graduates were represented in this House as in other provinces and no reasons have been given for disenfranchising them. Has that been found to be unsatisfactory? I think that that representation ought not to have been given up because I am sure by such a step, this House will be losing the benefit of the really best intelligence of this Presidency. With these words, Sir, I second the motion."

* The Hon. the PRESIDENT:—"I take it that item 7 (5) is dropped. Items 6 and 7 with sub-section (5) omitted, have been moved and seconded. Item 9 standing in Mr. Ramaswami Ayyar's name is included in section 4 of amendment No. 7 (Mr. Nachiyappa Gounder's amendment). I would therefore advise him to take up item 10 and move it. He is at liberty to speak on the other amendment he has given notice of."

* Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, I have given notice of two amendments, one regarding the University constituency and the other regarding the general electorate. As regards the University constituency, an amendment has already been moved and I therefore propose to advert to it very briefly. As regards the general question, my idea is that instead of single-member constituencies, there should be multi-member constituencies and I therefore formally move the amendment standing in my name:

'Add at the end the following:—

"and on such consideration this Council is of opinion that the territorial unit for elections to the Legislative Assembly by the general, Muhammadan and Indian Christian constituencies shall, wherever possible, be a whole district and that for returning members to the general seats, each district shall consequently be a plural-member constituency."

1st November 1935] [Mr. T. S. Ramaswami Ayyar]

Before I go into the amendment, I wish to mention one fact which may have some bearing on the discussions regarding the Report of the Delimitation Committee. It has been claimed that the Delimitation Committee has gone into the question very carefully and sent up its report. I certainly agree with the Hon. the Finance Member that great care has been bestowed by the Delimitation Committee. But there seem to be more minutes of dissent than agreement on the issues. There are a number of dissenting minutes attached to the first report. It cannot be claimed that this report is a unanimous report of people of various shades of opinion who have come together and have given their direction for the carving out of constituencies.

"I shall be failing in my duty if I do not at this stage refer to the good work rendered by Mr. Boag. His memorandum is a very valuable document. I wish only that better results had been obtained. The arguments both for and against plausible positions have been fully and elaborately given and the advantages and disadvantages have been explained. But these arguments, I am afraid, have not been correctly appreciated by the Committee.

"When we go into the question of delimitation we have to consider how it will fit in with the general scheme adumbrated by the Government of India Act. It has been stated by statesmen that the New Reforms are a great experiment and as such require to be very carefully handled. That is why they have these safeguards and the communal electorates. Of course, when a new constitution is to be introduced, it is but necessary that the minorities should feel safe under it. On the question how we shall help the minorities to feel that their position is safe under the Reforms there has been great difference of opinion and I personally feel that the best in that direction has not been done. Various reasons have been given and perhaps the Government is not entirely at fault. Whatever it may be, we see that the need for the protection of the minorities has made it necessary for the electorate being arranged in three grades. We have first the general electorate, then the special electorate for the Muhammadans, and again an intermediate electorate, as it were, between the general and special electorates with regard to the scheduled classes. The Premier's Award gave them a number of seats and this has been modified by the Poona Pact, which, until it is modified will hold the field. When we consider the need for protection for minorities, we have to realize that this is for achieving an ultimate end and all friends of India will agree that we should work for an ideal condition when there will be no need for special electorates and the minorities will feel that their position is absolutely safe even without special protection. In the case of the Muhammadan electorate there was an attempt on the part of political leaders to obviate the need for special electorates even now, by reserving seats for them in the general constituencies. That did not come off, and the result is that we have special electorates for them. The question is: are we to continue under the present system or is it our idea that we should have a future

[Mr. T. S. Ramaswami Ayyar] [1st November 1935]

when all communities will be able to shed the unnecessary encumbrances of the constitution and function as they do in the countries of the West like England? If you want to have a general electorate in the future for all communities though not now, how are you going to work towards it? My suggestion is that we should have multi-member constituencies with the district as the electoral unit. The Hindus may have their seats apportioned among the districts, the Muhammadans get about 29 seats and as the number is more than that of the districts, the Muhammadans can conveniently have each district as a single-member constituency. The Indian Christians have about 8 seats and they can select eight districts where they predominate. Similarly also with regard to Adi-Dravidas the same principle can be applied and as they will be getting more seats than there are districts they can have a district as a unit. That will mean that we shall be able to come together and poll together and the candidates standing in any district will be fully conversant with the local conditions and will know each other. If a change is to take place in the future to adopt the system of a general electorate for all communities the change will be easy. It cannot be so under the present arrangements under which the district is dismembered and taluk A is grouped with taluk B in one case and in another case taluks B and C are grouped together. How are we going to achieve the object we have in view? As I said this system will only perpetuate the communal divisions that exist at present, the discontinuance of which we hold so dear. There is the other question of the other minorities for whom no special provision has been made. I do not know how, when they are distributed in different taluks in the same district, they can manage to send even one or two of their candidates. These sub-communities have their own special case for representation; and they can have a representative of their own in a multi-member constituency with a district as the unit. Such communities should not be entirely left in the cold. I therefore think, Sir, that the district should be the unit of election so that the sub-communities may come together and take a sympathetic view of the rights and privileges of one another and this will conduce to the achievement of the goal we have in view.

2-45
p.m.

"If we are going to have a small taluk or a small portion of the district as the unit, the community that predominates in that area will see that its candidate alone gets the seat and the other minorities will not be able to put up a candidate. But the objection, Sir, to the system of multiple constituencies has been stated to be that it is not quite practical and that if you have a big electorate the candidate will not be in touch with the electorate. I think, Sir, this theory of the candidate being in touch with the electorate is a bogey. Of course a candidate should know the views of the electorate and should on occasions be able to get a mandate. But how does he get into touch with the three lakhs of voters who are his electors in an area which is now the unit? Is he going to get into touch with them now? I think, Sir, the theory of getting into touch is exaggerated

1st November 1935] [Mr. T. S. Ramaswami Ayyar]

too much. On the other hand, as I said, if you are going to have a district as the electoral unit people of calibre and who are well known in the district will be able to offer themselves for election. But now people with local influence will stand and they will have a better chance than those who are able to do good to the public and who will not take a narrow and parochial view of things. Again a large electoral area will help in reducing corruption to a minimum. It will not be possible to corrupt a whole district. Small promises of doing small personal things will weigh with a small electorate. A candidate who says that he will deal with the general problems of the country and is prepared to help the rural population will be able to appeal to the electorate of a district more than a man with merely local influence. The needs of the rural population have now got to be attended to. As regards the safeguarding of the rights of the rural population, I do not think there is very much difference between one rural area and another and the problems that come before the Legislative Council are all mostly provincial in character. For example, improvements to water-supply and roads, question of better facilities for the agriculturists, question of remission of tax and similar questions are subjects that apply to one area as much as to another. Better facilities with regard to provision of hospitals and dispensaries are similarly common questions. I do not think one rural area differs very much from another. But these are the vital questions that affect the country. If you want to return candidates who will be able to appreciate these problems from a general point of view and will not take a narrow view, why lay too much stress on the need for every member being in personal touch with a small constituency. The Government will hereafter have to deal with policies rather than with the details of administration. It was only yesterday we saw an example of this. The right of appeal to Government provided in the Irrigation Cess Act was taken away as the Government thought it would be enough if the Board of Revenue attended to it. The executive is expected to take charge of the details of administration and the future Government will deal with policies. If that is so where is the need to exaggerate the importance of local conditions and make the candidate to be in touch with the electorate. What is the reason that has been given by the Delimitation Committee for constituting single-member constituencies. It is that it works well in the Western countries, especially, in England. But the whole theory behind the Government of India Act is that conditions in India are not similar. Otherwise where was the need for having separate electorates; and why safeguards? If you admit that the conditions in India are different from the conditions in England why insist on the establishment of single-member constituencies. People talk of ideals. But I feel, Sir, that no ideal is worth while which is not in accordance with our common life. Even in England the last word has not been said on the question of the electorate. The question of electoral reform has engaged the attention of politicians and every now and then we see changes made in the constitution. There are now people who are great supporters of the

[Mr. T. S. Ramaswami Ayyar] [1st November 1935]

theory of proportional representation and who are keen on introducing it in the English constitution. We need not feel surprised, Sir, if at a future date multiple constituencies with proportional representation are set up in England. If there had been multi-member constituencies perhaps a person like Mr. Asquith may not have been defeated. Does it not indicate that the present system in England has got its own defects? But the English people being practical and their constitution being flexible they are able to adjust it from time to time. We are in a hide-bound constitution and if we are going to restrict ourselves by adopting the English rules it will be difficult for us to change them when we want. We have now got the central administration here, the Government of Madras. Below it we find the various districts. For the administration of civil and criminal justice and revenue purposes the district is the unit. Below the district though there may be taluks they do not form the divisions of the district for all purposes. With regard to Local Self-Government what is happening? Below the Local Self-Government Department of the Government of Madras there is the district board. With the abolition of the taluk boards the case for the taluks has ceased. The district board is the only board we recognize for purposes of local administration. If you are anxious that in the coming Reforms people should be able to take interest we should have districts as units and the district boards being able to wield influence it will be helpful to the several parties in the elections.

"As regards the University constituency I need not reiterate the opinions that have been already expressed. It is enough for me to say that this recommendation of the Delimitation Committee is a retrograde step. When the idea is to enfranchise more and more people, why this penalty on University education? Why should educated people alone be disenfranchised? You are putting literacy as the qualification in the general electorate. But when it comes to the University the graduate who has been enjoying the right for about 15 or 16 years is to be disenfranchised. This is perhaps the only case of disenfranchisement which has been proposed. I therefore feel it is unfair to the graduates of this presidency and there is no point in making the change. Other presidencies have not made the change. Other presidencies have suggested that the graduates should continue in the electorate for this area. If at all they have made a change it is to reduce the standing that is required of the graduates. If it was seven years, it has been reduced to five or three. Otherwise there has been no change. The change is to get more members. It is said that with regard to the University seat the Delimitation Committee considered that the Senate being the administrative body should send its representative. When you consider the general electorate do you ask an administrative body to send its representative? Do the district boards send their representatives here? There is direct election of the people living in the district, whereas in the case of the Senate it is said that because it is an administrative body it should send its representative. As pointed out by Mr. Nachiyappa Gounder this Committee at first

1st November 1935] [Mr. T. S. Ramaswami Ayyar]

thought the Senate alone should send the representative. Then when it was pointed out that the Senate was not the only administrative body constituting the University, the Committee as it were adopted the dictionary meaning and said that University means the Chancellor, the Vice-Chancellor, the Senate and the Academic Council and said that those bodies shall be the electorate. That seems to be the reason why this change has been made. Does it not again mean that you are substituting indirect election for direct election? While you are trying to dispense with indirect voting in other places you are adopting it in another form in the University constituency. For these reasons and for the reasons pointed out by the other hon. Members I feel it my duty that I should oppose this retrograde step with regard to the University constituency."

* Mr. M. S. SRESHTA:—"Mr. President, Sir, I have great pleasure 4 p.m. in seconding the amendment so ably proposed by Mr. Ramaswami Ayyar. As so much has been said on the subject of the amendment I shall confine myself to one part of it on which I have to move an amendment myself. As I am not sure that amendment will be reached in time, I shall try to say all I have to say on this amendment. The question as to whether the Indian Christian community should have its representatives selected by means of a special electorate or a joint electorate has been a question on which the community has been sharply divided for years. At last a special electorate was sanctioned for the community. Later on it was found that the number of seats given to the Indian Christians was very small; there was a great deal of discontent thereupon; then came the Communal Award which gave as it were a certain amount of weightage to the community. Whereas the Communal Award said that special electorates should be given to the Indian Christian community, they also allowed the privilege of selection being restricted to certain districts, all the other districts being merged in the general electorate. This solution met with the wishes of both sections of the Indian Christian community. Here seemed to lie the solution of the difficulties with which the community was faced. We felt that a special electorate by itself had its disadvantages in that it would drive us into water-tight compartments and prevent us from having the necessary contact with other sections of the people. Those who are wedded to special electorates now found that this afforded a solution. We had special seats and we also were given the benefit of contact with other sections of the people in the district in which the special electorate was not in vogue, and all over the Presidency there was a feeling of satisfaction. Both felt that in this solution there was safety for this community. In the communiqué of 1933, the Madras Government stated that the better arrangement even in the Madras Presidency would appear to be to give seats to certain districts only and to merge the Christians in the other districts in the general electorate. This statement was made without any ambiguity, with the result that there was not much agitation in the Province. Resolutions were passed in certain associations, such as the

[Mr. M. S. Sreshta] [1st November 1935]

South Kanara Catholic Association recommending that accordingly certain districts be selected, the other districts being merged in the general constituency. If any doubt there was, it was cleared by the Memorandum written by my hon. Friend, Mr. Boag. That memorandum has been already characterized as a very able memorandum, and I very gladly endorse that statement. I think it is the common opinion that it is a very judicial document in which both sides have been clearly set forth, and in which whenever a decision had to be arrived at, Mr. Boag was not afraid to make his recommendation. This is what he says: He states what districts might be selected, if districts are to be selected. He adds:—‘It may be here mentioned that in paragraph 5 in Appendix III to the White Paper it was assumed “that practical difficulties will prevent the formation of Indian Christian constituencies covering the whole area of the province, and accordingly special Indian Christian constituencies will have to be formed in selected areas in the province. Indian Christian voters in those areas will not vote in a general constituency. Indian Christian voters outside these areas will vote in a general constituency.”’ That shows a judicial temper. It is obvious from this that even in the Madras Presidency, it was thought that this suggestion made in the Communal Award should be adopted.

“I shall now read the communiqué. The word ‘perhaps’ has been used in the Communal Award, but I think in the Madras Government’s communiqué, it is definitely stated that working difficulties would be found even in the Madras Presidency. The opinion of the Madras Government was that the better arrangement appears to be to assign eight seats to selected areas, and that this arrangement would prevent the constituency becoming unwieldy. They make the recommendation on the ground that if you selected the areas they would be less unwieldy—in a way I am glad that Mr. Boag does not remember it; because if he remembered that communiqué the report of the Delimitation Committee might have been different, but now I have brought to the notice of the House that there was such a communiqué, I hope that it would be realized that our desire that the constituency should be restricted to seven districts would be complied with. The whole object aimed at was to have constituencies which are easily manageable. The idea was to establish as close a contact as possible between the member and the voter. And that is not possible if a large area is allotted to any member. It has to be noted that in this province, no member is given an area more than a district. The Indian Christian member is given sometimes about three or four districts for his constituency. It is extremely difficult to manage such a big area as this. If there is any doubt on this matter, Sir, you will notice that different sections of the people in this province have come to our help. I thought it was useless to move any resolution in this Council. I was quite prepared to come here, sit and listen to the able speeches made by other members. When I came to the Council and saw that Mrs. Rukmani Lakshmipathi had put in an amendment, which was practically in the same terms as my resolution, viz., that eight seats be assigned to eight districts and the

1st November 1935] [Mr. M. S. Sreshta]

remainder be merged in the general electorate, I was very glad. I was also glad to find that my Friend Mr. Ramaswami Ayyar had a similar resolution, and he has told you already that he is of the opinion that the Indian Christian seats should be assigned to certain districts only and that the rest should be merged in the general electorate. If any section of the community had any objection to our getting both the eight seats and also the minor privilege of voting in the other district, it would be the non-Christian community, the Hindu community. It may be said we are asking too much, having some seats for ourselves and also trying to butt in, as may be said, into the general constituency. But the people have no objection, the Hindu community have no objection whatever, because they would like us to come into touch with them. Here we find representatives of the Congress and of other sections willingly welcoming us. That being so, I do not see why we should be afraid on any score. It is only our internal differences that come in the way. What is the cause of the internal differences it is difficult to say, but that is my honest opinion, it is the opinion of some of the people wedded to special electorates, that the effect of selecting some districts would be to disenfranchise the Indian Christian community in districts which are included in the general constituency. Surely we should have more confidence in our Hindu friends. I do not see how a Christian in a district who has for his member a Hindu is less enfranchised than a person in the Christian electorate. I myself have no such diffidence in my Hindu friends.

“Again, from the national point of view, it is a very good principle for the different communities to get together. It is not impossible to have a joint electorate. I myself still feel that a special electorate is causing hardship. The reasons I shall explain presently. A general electorate will enable us to mix together freely; and that is important from the educative point of view. I feel it is very necessary, Sir, to say so because of the argument of some of my Christian friends that we shall get disenfranchised if we are merged in the general electorate. Practically most of our interests are common. Out of 100 interests, 90 per cent are common. There are certain special interests; for these it is certainly necessary that we should have persons who are experts on points affecting the Christian community to discuss those questions in the Council. This is because we Members of the Council are not only representatives but are also advocates, and our strength in the Council is not due only to voting strength. Our strength is dependent on our advocacy, on the manner in which we advocate our cause and the manner in which we give support to other communities. For this purpose it is necessary that we should have some people who are very well versed in questions connected with our community, questions, such as education in our own schools, and so on. But apart from these things our interests are common interests. Therefore it strikes me that this solution which has been now offered is a very satisfactory solution. It meets the wishes of the people who are in favour of the special electorate and also of those who are for joint electorate. The present Indian

[Mr. M. S. Sreshta] [1st November 1935]

Christian community of Madras is a very influential and highly educated community and it has been always for joint electorates. You will remember that the late Diwan Bahadur Arogyaswami Mudaliyar was in favour of joint electorate. That is the feeling of a large number of people here. They all met at a meeting here recently and spoke in favour of this arrangement, that is to say, eight seats for separate districts and the rest to be merged in the general electorate. And the people who thus met and came to this resolution are not at all ordinary men: they are men of importance, highly educated men. And the memorandum drawn up by them has been signed by the retired Vice-Chancellor of the Annamalai University, an outstanding member of the Indian Christian community, four ex-Members of the Legislative Council and a large number of other important people; and this representation has been sent, I believe, to Government, a copy of which I have got here. Various other representations have reached the Government. I do not know whether they reached the Delimitation Committee. I was myself a member of the Indian Christian Sub-Committee of the Madras Delimitation Committee. We were four on it. I voted in favour of eight districts and the merger of the other districts in the general electorate. Two members voted for the division of the presidency into eight areas and the Chairman remained neutral. This is therefore hardly a definite pronouncement by the Indian Christian community. There were two votes against one. The proceedings of this sub-committee were solemnly placed before the Provincial Delimitation Committee and the latter body, after considerable discussion, decided not to accept the Madras Government's communiqué. They pointed out that this would not be in keeping with a certain section of the Government of India Act which says that only unsuitable areas should be excluded. They say that it cannot be said that the areas which ought to be included in the general constituencies are unsuitable areas. But what is the meaning of the word 'unsuitable'? We have to consider the object aimed at, to find out whether anything is unsuitable to achieve that object or not. In a memorandum which I subsequently presented to the Government I pointed out that it cannot be said that the proposed merger was unsuitable within the meaning of the Government of India Act and also quoted a decision from the English courts *Macbeth and Company v. Chislett* to the effect that the phrase must be defined having regard to the object aimed at. But the decision of the sub-committee in whose hands the welfare of the Indian Christians of the whole province was placed, was not what the Committee should have arrived at. The matter again went up to the Provincial Committee and there is nothing strange in the fact that the same body, sitting in appeal, did not reverse its first decision. As a reason for adhering to their original decision they say:

'The arguments put forward, viz., the political value of familiarizing at least some of the Christian community with the practice of voting in a joint electorate with Hindus, the extensive areas of some of the constituencies and the consequent impossibility of contact between the candidate and many of his

1st November 1935] [Mr. M. S. Sreshta]

electors, are arguments rather against the formation of separate constituencies than against the suitability of any particular district for inclusion in a constituency. The Committee therefore adheres to its original recommendation that the whole Presidency may be divided into eight constituencies for the election of representatives of Indian Christians.'

I may honestly say that after reading this several times I was unable to fathom its meaning. I do not know whether anybody else can. It is said that the arguments are in favour of joint electorate. If that is so, that is an argument for putting the excluded districts in the joint electorate. I am afraid, Sir, this conclusion does not seem to be logical or sound. I therefore appeal to the House to state clearly that the opinion arrived at by the Delimitation Committee on this matter cannot be accepted. I trust that the Madras Government which still has an opportunity of saying what its opinion is, will consider all the arguments which have been adduced in the various memoranda presented after the report of the Committee reached them. There would have been no necessity for this discussion to-day but for the fact that the Madras Government felt that they should have the opinion of the Members on this matter so that if necessary they may revise the conclusions arrived at by the Delimitation Committee. We have still the Central Delimitation Committee to appeal to and I trust that the Madras Government will avail itself of this opportunity of going through the whole matter again and come to a proper decision. I trust that evidence will also be allowed to be taken so that the case may not be lost by default.

"Sir, I should not like to stand in the way of others who have a great deal to say, and if I have wearied the House, I beg its pardon. I only felt that as this may be my swan song in regard to this matter, I should not let go this opportunity without giving expression to what I feel very strongly. I hope that the Madras Government which has now got to consider this question again will go into the matter very carefully, will look into the communiqué of 1933 which perhaps was not available to them before and come to proper conclusions."

DR. P. SUBBARAYAN:—"Sir, I find that we will not be able to finish this business at the end of the day. There are three or four amendments yet on the order paper and it will not therefore be possible to conclude the debate to-day. I should like to ask you therefore whether it would not be possible to extend this debate to some time to-morrow as there are other amendments yet to be moved and so many hon. Members anxious to speak."

* The Hon. the PRESIDENT:—"I have also noticed a good deal of anxiety on the part of several Members of this House to speak on this subject and as many as twenty hon. Members who wish to speak are on my list. Apart from this, there are some amendments yet to be moved. In view of this I consulted other party leaders and they have expressed their desire that we should have some time to-morrow also kept apart for discussing this subject. I think in due deference to the wishes of hon. Members we may have to do that."

[1st November 1935]

V.—ANNOUNCEMENT ~~RE~~ NON-OFFICIAL ITEM OF BUSINESS NEXT DAY.

* The Hon. the PRESIDENT:—“ I may also inform the House that under rule 6 of the Madras Legislative Council Rules the Local Government authorizes the transaction of the following non-official business to-morrow, namely, the motion of Mr. Patnaik that his Bill to amend the Madras Estates Land Act be referred to a Select Committee. This item will be put as the first item of business on the agenda for to-morrow immediately after questions and answers, and the business left over from to-day's agenda will be taken up afterwards.”

IV.—MOTION ~~RE~~ SECOND REPORT OF THE MADRAS DELIMITATION COMMITTEE—cont.

* Mr. R. M. PALAT:—“ Mr. President, Sir, I beg to move the amendment standing in my name, i.e.—

‘ Add at the end the following:—

“ And on such consideration, this Council is of opinion that Malabar has not been given sufficient seats in the new legislatures.”

“ I agree with what Mr. Koti Reddi said, that sufficient attention has not been paid either by the Delimitation Committee or by the Government to certain principles which should have weighed with them in allotting the seats to the different districts or to the different racial groups. I hope, Sir, that the Central Delimitation Committee would be willing to accept at least some of the suggestions that I am now going to make.

“ Sir, I would say that certain minority areas which have special economic or other interests at variance with those of the rest of the presidency should be given weightage. Malabar and the West Coast come under that. We know that with regard to pepper and coconut-growing, for instance, our interests are entirely different and are not represented at all in this Council. We saw that there was a good deal of agitation in the country and in this Council about putting a duty on the import of rice; but we heard nothing about any similar agitation about coconut except from the West Coast Members and even that was only half-heartedly supported in this Council.

“ Again, linguistic groups who feel themselves badly treated should have special consideration. In this I have in mind the case where no irrigation grant has been given to the West Coast districts. We made a representation to His Excellency on this matter and Mr. V. P. Narayanan Nambiyar specifically drew attention to the passages in the speech of the then Revenue Member in this Council admitting that there were irrigation works on the West Coast which needed attention and should be considered at a later time. But we see that when actually irrigation grants are granted nothing is given to the West Coast.

“ Again, Sir, I would say that if there is a feeling of separateness among a certain section of the people, they should be given sufficient

1st November 1935] [Mr. R. M. Palat]

opportunity to assert themselves. We know we have heard often in this Council that Malayalis are getting more appointments or that Malayalis are an entirely different people. If the people of the East Coast feel like that, there is every reason that we should be given more representation in this Council to allow us to hold our own and to represent our views. We are scattered and few and that is one reason why we are treated badly.

“ Again as regards communal representation I should suggest that the communal seats which have been given should not be allowed to be taken into account when the district representation figures are calculated. For instance, the Communal Award is entirely different from the district award. We had the depressed or scheduled classes representation arrived at under the Poona Pact. As at present decided there are seven general Hindu seats and one scheduled castes seat. If the scheduled castes are to have one more seat, it would be objected that Malabar gets nine seats. It is not so. If one more seat is given to the scheduled castes it is only the scheduled castes that will get that additional seat. The presidency average of 263,431 caste Hindus per seat should not be allowed to be reduced because one more scheduled caste seat is claimed for Malabar.

“ Similarly with regard to women. As women come under special electorates they should not be included in the district quota. For instance, we know that the Nattukottai Nagarathars' seat is practically commended by a certain class of people in one district, namely, the district of Ramnad. We do not take that into account when we fix the Ramnad district quota. According to the latest evidence tendered before the Central Delimitation Committee women's constituencies are separate. Their seats should not therefore be taken into account when the district quotas are calculated.

“ With these preliminary remarks, I proceed to deal with further facts. I have to point out to you a case of clear injustice which has been done to Malabar Muhammadans by the Committee. While the East Coast Muhammadans were heard by the Committee, although the Muhammadans of the West Coast offered to come at their own expense and give evidence the Committee did not accede to their request. In this connexion I may say Mr. Abdur Rahiman from the West Coast offered to come at his own expense and give evidence but the Committee did not grant his request, but by hearing only the evidence let in on behalf of the Muhammadans of the East Coast the Committee decided ex parte against the West Coast Muhammadans. Without taking the women's seat into account, Mr. Boag allotted nine seats to Malabar and of these one seat was allotted to Calicut alone. According to the first report of the Committee they allotted the same number of seats but the Calicut seat was allotted to all the West Coast Municipalities. Government again allotted nine seats to Malabar but the Calicut seat was allotted to Calicut and Palghat. Here again you will notice that so far as the representation of the West Coast is concerned the more members of the majority communities of the Legislative Council there are on the

4-30
p.m.

[Mr. R. M. Palat] [1st November 1935]

determining body the less fair is the treatment accorded to the West Coast. Again in the Committee's second report they take this seat entirely away, so that only eight seats are offered to Malabar. The total population of Malabar including the depressed classes is 2,304,593 or one seat is given for a population of 288,076, while the Presidency average is 267,694 for a total Hindu population of 39,083,349. This is by taking into account only the men's seats of 146 and not the women's seats so that, you will see that Malabar is getting below its due share. The average for the Presidency taking into account women and urban seats is 257,127. According to the Second Report, Malabar does not get any urban seat and on this basis giving Malabar eight seats, the average works out as 271,060 per seat and this again is without taking the women's seat into account. On the same basis, according to the First Report, Appendix III, page 13, West Godavari gets one seat for a population of 213,867, Kistna one for 236,444, Anantapur one for 229,086, although they all form part of the majority community of Telugus and Madras figures are all well below 200,000 per seat, while Nilgiris with a population of 109,865 gets one seat. So, even if we are given ten seats, there would be other districts with greater representation. Going into the question as to why the Mappilla seats were reduced if Muhammadans were not rulers in Malabar, it obviously follows that the Hindus were the Rulers. So the argument which the Committee assigned for reducing the Malabar Muslim representation applies to increasing the Hindu representation.

"Then Palghat and Cochin with a population of 735,649 get only two seats. They certainly ought to get three seats. How is it possible for a person to work this huge constituency? It is practically larger than many of the existing constituencies. Government may stand on the principle of forming these constituencies according to Revenue divisions. Even under Government instructions it is only as a general rule they have issued those instructions but I think such instructions may also be waived in special cases. I submit that is a special case for giving three seats.

"Again, Palghat has a population of 405,777, and Ponnani a population of 324,479, there is no reason at all to combine them. The very small Cochin division with a population of 5,393 can be tacked on to Ponnani and Ponnani with Cochin can be given two seats, one scheduled class seat, as Ponnani contains the largest scheduled population and Palghat one general seat. Similarly Malappuram division with a population of 470,864 can be given two general seats. Calicut and Kurumbranad now one electoral area may be split into two areas instead of two seats for the division. Once it is admitted that there should be an urban seat for Calicut town, no weight should be attached to the fear that Calicut town will dominate the Calicut taluk if the latter is separated from Kurumbranad. Calicut taluk has a population of 234,338 and Kurumbranad a population of 300,976. If this is not acceptable the urban seat recommended by Government, Mr. Boag and the first report may be restored, and given to Calicut

1st November 1935] [Mr. R. M. Palat]

alone. This fear of the towns dominating the taluk areas will apply equally to the Kottayam electoral area which has Tellicherry town in it or Chirakkal which has Cannanore.

"Then, again, the depressed class population of Malabar on a population basis deserve 1.5 seats. They are now getting only one seat. We have seen that in the general allotment of seats for the depressed classes throughout India that Bengal does not get as many depressed class seats in proportion to its depressed class population as Madras does. Obviously the idea of the Government of India was that the Madras depressed classes are worse off than the Bengal depressed classes. Similarly it is well known that the depressed classes in Malabar are very depressed indeed. Therefore I would suggest that one more seat should be given to them in the Chirakkal taluk and this seat again should not come from the general Hindu seats. It must come from the depressed class quota. The number of general Hindu seats allotted to the district should not be reduced because another seat is given to the depressed classes. These districts are purely artificial areas and a district quota should not be allowed to be affected by the communal quota which is entirely a different thing.

"Then, Sir, with regard to Muslims, the second report says that the Muhammadans on the East Coast command politically more influence than the West Coast Muslims. I would emphasize that the West Coast Muslims—the Moplahs—are far more politically important than the East Coast Muhammadans. We are not concerned with what existed a hundred years ago at the time of the British occupation, but with the present and the future only. Therefore I submit that it is the present political importance of any community which should be taken into account and not what the community was a hundred years ago. Even if that be the criterion, I would point out that it is wrong to say that Moplahs never ruled anywhere in Malabar. I may bring to the notice of the House that the Sultan of Cannanore belongs to a Moplah family and he ruled over that part of the country on the West Coast for quite a long time. The Moplah community is perhaps the oldest Muslim community in the whole of India. As the descendants of the ancient Arab settlers in India and as they are in a compact body they are better custodians of Islamic culture and traditions and they are far more fitted to represent Islam than Muslims who are scattered all over the East Coast among the general Hindu population. In what way do the East Coast Muhammadans differ from the East Coast Hindus? They cultivate the same crops and lead the same mode of life as the East Coast Hindus, or at any rate certain Hindu castes. It is only when a question affecting religion comes in, that there could be any difference between a Hindu and Muslim there. So the only reason why the Muslims should be given special representation is to protect their religion and culture and for this purpose, the Muslims on the West Coast, the Moplahs, who are far more religious than those on the East Coast and are far better representatives of Islam than the

[Mr. R. M. Palat] [1st November 1935]

East Coast Muslims should have adequate number of seats. I imagine that people who are living as a compact body are better fitted to represent their real opinion and interest than those who live scattered among other communities. We see that Government in the case of Indian Christians have divided the whole Presidency into eight constituencies and my hon. Friend Mr. Sreshta, has argued that the eight seats assigned to them should not be scattered over the whole Presidency but that those constituencies should be formed in selected areas, where Christians are most numerous and the eight seats allotted only to them. I also join with him and say that that should be the only criterion on which we should proceed and not that we should be going on giving representation to district after district, without reference to population even if there is only one Muslim living in a district, and thus prevent them from expressing their real opinion.

"In this connection I should like to read part of a letter which I received from a Mappilla friend of mine. If the House desires that I should give his name I am prepared to give it. This is what he says in his letter:—

'Secondly you may tell them (meaning the East Coast Muhammadans) that they are unfit to represent the cause of Islam as many of them you will find are toddy vendors in the Eastern districts. Not a single Mappilla has anything to do with the selling of toddy. We Mappillas are better fitted to represent the cause of Islam than the East Coast Muhammadans.'

"That is the letter written to me by a Mappilla politician from Malabar.

"Again, Sir, is it true that the extreme South was really under Muslim rule when the British came? I understand from the Imperial Gazetteer, Volume XVI, page 251, which says that Cuddalore was given to the British by the Mahrattas. Tanjore had a Mahratta dynasty for a long time and they were ruling there for a long time. A great many wars went on between the Poligars and the British and Tinnevely was taken from the Poligars although there may have been a shadowing Muslim overlordships. So it is not correct to say that the Muslims in the East Coast or the South are politically more important and therefore we have given them more representation. The real test should be who are now best fitted to have more representation. Viewed from that stand-point, I think that the West Coast should be given more seats.

"Again, Sir, my hon. Friend, Mr. Subrahmanya Bhatt, pointed out certain cases of injustice to the West Coast as to admission to the Colleges. It would not have occurred if there were more Members in this House representing the West Coast. Unfortunately the West Coast Members are so scattered that we are not able to assert ourselves. By demanding more seats, I do not mean to say that the West Coast people should stand in future together, but there will not be this constant attack on the West Coast. I do not want to say anything more as Mr. Pocker will be seconding me, and supplementing what I have said."

1st November 1935]

B. POCKER SAHIB Bahadur:—"I have very great pleasure in seconding the amendment moved by my hon. Friend, Mr. Palat, and before I come to the subject proper, I feel it my duty to express my appreciation of the very valuable services rendered by Mr. Boag in preparing the memoranda that he has prepared and placing it before the Delimitation Committee. So far as I can see it is so thorough that there is nothing more to be desired in it. There is one other remark which I would like to make before I proceed to the subject proper and that is this.

"Sir, I have not given notice of any amendment to the subject under discussion for the reason more or less indicated by the Hon. the Finance Member, when he opened the debate. He said that while there were certain general questions on which any amendment in this House might be of use, amendments on the question of the number of seats to be allotted to a particular district would be of no use. That was the reason why I did not give notice of any amendment. I thank you, Mr. President, for giving me this opportunity to speak on this occasion by being allowed to second the amendment moved by Mr. Palat. But for this opportunity, I would not have been able to have my say on this matter, because there are many other Members who have given notice of amendments proper and they should all be exhausted before I could be allowed to speak. I have referred to this matter at length because, the fact that I have not given notice of any amendment pressing our claims in its proper form, should not be construed to mean that we have no claims to represent. 4-45 p.m.

"Sir, my constituency claims that the Government have not recognized the principle of representation on the population basis. The Delimitation Committee accepted that principle in their first report. There was absolutely no reason for the Government to deviate from it later on. My constituencies claim that they should have the full representation of thirteen seats, because on the population basis we are entitled to twelve seats, and the woman's seat also, because we have the largest number of women voters. No doubt, the woman's seat has been allotted to Malabar only provisionally in Mr. Boag's memorandum. He has expressed a doubt whether Muslim women will be available in Malabar to stand as candidates for the Legislative Assembly. It was only on the recommendation of the Women's Sub-Committee that the woman's seat was shifted from Malabar to Madras. I do maintain that on that ground the woman's seat should not have been shifted from Malabar. There are enough qualified Muslim women candidates in Malabar and if the Government wants their names, I am prepared to give them.

"The other proposals of the Government were virtually fully adopted by the Delimitation Committee in their first report with some changes as to the areas of the constituency within Malabar itself. Subject to these changes, the entire recommendations of the memorandum were fully accepted by the Government."

[B. Pocker Sahib Bahadur] [1st November 1935]

"At this stage I should like to refer to one aspect of the question. In considering the Muslim question, the Government rightly thought that there should be a communal sub-committee. In the Main Committee there was only Khan Bahadur Yahya Ali Sahib, who knew practically nothing of Malabar except that he paid a flying visit to it for the first time in his life during the last vacation. But for that he is absolutely ignorant of the conditions of Malabar. Therefore he cannot represent and he does not represent Malabar. That was why the Government thought that there should be a Muslim Sub-Committee. The Muslim Sub-Committee was properly constituted. There was one member for the Malayalam area, one for South Kanara, two for the Tamil area and two for the Telugu area. This Sub-Committee considered all the aspects of the question of Muslim representation and they threshed out the whole matter and came to certain conclusions. They are very valuable conclusions. Neither the Delimitation Committee nor the Government ought to throw away those recommendations lightly. Now, Sir, what are the recommendations of the Muslim Sub-Committee? They virtually accepted the proposals in the Government memorandum even including the allotting of the woman's seat to Malabar. The Chairman alone said that the question of the woman's seat should be decided after consulting the Women's Sub-Committee. Unfortunately, in the Women's Sub-Committee there was nobody representing Malabar women. So, that Women's Sub-Committee which was in ignorance of the conditions in Malabar assumed that Malabar being a rebellious area or an area about which they knew nothing, could not have suitable women candidates for the legislature. It was on that assumption that that Committee recommended the shifting of the woman's seat to Madras City. Therefore, I do say that we are entitled to the woman's seat also. In the Muslim Sub-Committee there were Messrs. Yakub Hasan, Yahya Ali Sahib and Khalifulla Sahib. Of course Khan Bahadur Khalifulla Sahib was not able to be present at the meetings of the Committee, but the Tamil area was well represented by Mr. Yakub Hasan. The Muslim Sub-Committee was unanimous in their recommendations except for the dissenting minute of Mr. Yakub Hasan to the effect that one seat should be taken away from South Kanara and given to certain cities in North Arcot, with which dissenting minute Mr. Yahya Ali Sahib also agreed. The Sub-Committee virtually adopted the well-thought-out recommendation of the Government. The matter went to the Main Committee and the members of the Sub-Committee were allowed to participate in the discussions of the Main Committee. They put their views before the Main Committee and with the assistance of the members of the Sub-Committee, the Main Committee came to certain conclusions. The Main Committee did not change the recommendations of the Sub-Committee except that they shifted the woman's seat to Madras City. At this stage we all thought that the matters had been finally decided. But there are political agitators. They are more concerned with agitation than anything else. They went on

1st November 1935] [B. Pocker Sahib Bahadur]

agitating that the public point of view had not been considered, public criticism ought to be invited and it ought to be considered. All right. Public criticism was invited by the Government and public criticism was offered and further memoranda were presented to the Committee. Now let us see what the Committee did at their second meeting? The members of the Muslim Sub-Committee on whose report the main Committee published their first report and consulting whom they arrived at valuable conclusions in their first report, they were not invited for the second meeting. Is it fair that the conclusions arrived at in consultation with the Sub-Committee which is an expert body on the subject should have been reversed without giving an opportunity to the Sub-Committee to ventilate their views? Who represented the Muslim interests in the second meeting of the Committee? Khan Bahadur Yahya Ali Sahib. I have already said that he does not know anything about the conditions in Malabar. In his dissenting minute he has declared himself hostile to the interests of the Mappillas. In view of the attitude taken by him in his dissenting minute, I do say that the Mappillas were absolutely unrepresented at the second meeting of the Main Committee. The Mappillas have been deprived of their legitimate share *ex parte* without being heard. The very sound conclusions arrived at by the Committee in consultation with an expert body of Mussalmans have been thrown overboard without any ceremony and very unfairly. Now let us see what are the reasons which persuaded this Main Committee themselves to change their views. As somebody has put it, they constituted themselves into an appellate body over their own decisions. Even then, for a review of their own decisions, there must have been patent errors on the face of it. In this connexion I should like to refer to their own words. In paragraph 7 on page 6 they say:—

'Further the weightage has been given on account of the political influence of the Muslim community, and in Madras that influence has lain more in the Northern Circars, in the Ceded Districts, and in the Carnatic than in Malabar and South Kanara.'

What did the Committee really mean by political importance? If it means that the Britishers took this or that part of the Province from Muslim rulers, I say that the Britishers took Malabar from Muslim rulers. Tippu Sultan was reigning in Malabar and it was from the hands of Tippu Sultan that the British took Malabar. If that is the meaning of political importance, we have as much political importance if not greater political importance than the other East Coast Muslims. One other possible interpretation of political importance is that the Muslims in certain areas are perhaps the direct descendants of the old Muslim rulers. But it is not a fact. Sir, the Muslim rulers were either the Moghuls or free-booters who came from far-off lands. The Muslims of the Tamil area and the Muslims of the Telugu area are indigenous to the Tamil area and the Telugu area. They are not the descendants of the Moghul Rulers or the free-booters who came here from far-off lands. I say, Sir, this sentence in the report cannot be justified. On

[B. Pocker Sahib Bahadur] [1st November 1935]

the other hand the real political importance of the community is the importance of the community in the whole country, in the Government of the country. In that connexion, I would lay stress on one aspect of the question so far as the Mappillas are concerned. If the future of the Government of the country is to develop as we all desire it should, if the country is to be self-sufficient in all vital matters, if the country is to be able to look after its own affairs especially the affairs of primary importance like the defence of the land, if the land is to be defended by ourselves and not by foreign soldiers who are defending us now, I ask, Sir, on whom are you going to rely for this purpose? Are you going to rely on those people whom we see on the East Coast or are you going to rely on the Mappillas to defend your hearths and homes? Can you imagine any other community in the whole of India who will be ready to sacrifice their lives for a cause which they think to be right? If and when once they think it is their duty to defend their country they will never set any value to their lives. I ask you to consider whether there is any other community on whom you can rely to defend India in the future? It is all very well for my hon. Friend, Mr. Basheer Ahmed to bawl out at the top of his voice, but when he hears the first shot of a gun or sees the army coming five miles off, he will be found at once taking to his heels. Is it Mr. Basheer Ahmed on whom you are going to rely for the defence of the country in the future Government or is it the Mappillas on whom you are going to rely? You have to rely on the Mappillas. It might be that their courage might have been misdirected in the past on occasions, but they have grown wise. They know how to behave properly hereafter."

* The Hon. the PRESIDENT:—"The hon. Member may continue his speech to-morrow. The House will now adjourn and meet again at 11 a.m. to-morrow."

The House adjourned.

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

1st November 1935]

APPENDIX I.

[Vide answer to question No. 369 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 1st November 1935, page 332 supra.]

(1)

READ—the following papers:—

G.O. No. 930, P.H., dated 1st May 1933.

From the Inspector of Municipal Councils and Local Boards, dated 5th November 1932, R.O.C. No. 25319-A-2/32.

From the Principal, Indian Medical School, dated 12th December 1932, No. 4663-1.

Order—No. 930, P.H., dated 1st May 1933.

The Inspector of Municipal Councils and Local Boards has brought to the notice of the Government that the system of granting stipends to students for undergoing a course in the Government Indian Medical School, Madras, is not being worked with due consideration by some local boards. It is reported that in some cases, non-stipendiaries are appointed in dispensaries without the claims of stipendiaries being considered and that even the bonds executed by the latter are cancelled. The Inspector has therefore suggested that local boards should be allowed to grant stipends only to as many students as would be necessary for the requirements of the boards concerned, that they should employ the students as soon as possible after they qualify themselves and that any breach of these conditions without proper sanction should render the persons concerned liable to surcharge. Considering the extreme inadequacy of facilities for medical relief in rural areas the Government are of opinion that the grant of stipends need not be restricted to those cases in which the stipendiary has a chance of being appointed under the local board immediately or some time after the training is over and that stipends may be sanctioned to candidates of the area under the jurisdiction of the local board or an adjacent area who undertake to settle down and practise in a village in the former area for a period of not less than seven years after training.

The Government agree with the Inspector of Municipal Councils and Local Boards in regard to the need for laying down general principles and direct that the following conditions should be observed by local boards in the matter of the grant of stipends to students for undergoing a course in the Government Indian Medical School:—

- (1) The student should definitely belong to the local area or adjacent local areas.
- (2) He should be poor and deserving of support.
- (3) He should undertake to settle down, after the training is over, in a village in the local area and practise there for the benefit of the villagers for a period of not less than seven years. (The village should be one where no qualified medical aid is available. It will be specified immediately after the training is over.)

[1st November 1935]

- (4) If before the expiry of the period of seven years referred to above, any permanent vacancy arises in an institution of Indian Medicine maintained by the local board, the stipendiary will be appointed to it and should serve there on a pay (to be specified by the local board at the time of the grant of the stipend, subject to a maximum which may be fixed by Government) for the remainder of the period of seven years. If he is willing to serve even beyond this term on the same rate of pay, he shall be continued. (The appointment of an outsider while a stipendiary whose bond is in force is available will render the president liable to surcharge.)
- (5) Not more than four students shall ordinarily draw stipends from a local board in any one year.
- (6) All grants of stipends shall be subject to the sanction of the Government. When applications for sanction are made the bond executed by the candidate shall be submitted to Government.
- (7) The president of a local board shall not cancel a bond when it is in force and the stipendiary is alive, except with the special sanction of Government.

(By order of the Government, Ministry of Local Self-Government)

S. G. SENGODAIYAN,
Deputy Secretary to Government.

To all Presidents of Taluk Boards.
 „ all Presidents of District Boards.
 „ the Inspector of Municipal Councils and Local Boards.
 „ the Principal, Indian Medical School.
 „ the Examiner of Local Fund Accounts.
 „ the Revenue Department.

(2)

G.O. No. 1264, P.H., dated 10th June 1933.

Local boards have been incurring for some years past expenditure on the grant of stipends to certain students to enable them to undergo training in the Government Indian Medical School, Madras. One of the conditions subject to which the grant is made is that as soon as the student completes his training he should serve the board for a period of not less than seven years at a specified rate of salary to be paid by the board from its own funds.

2. The Inspector of Municipal Councils and Local Boards has recently brought to the notice of Government that some local boards have appointed non-stipendiaries as medical practitioners in rural dispensaries when their own stipendiaries were waiting for employment and that they even cancel the bonds executed by the stipendiaries. The Government desire to point out that failure to enforce the condition referred to in paragraph 1 above may mean a waste of public

1st November 1935]

funds. Local boards are accordingly requested to see that non-stipendiaries are not appointed in dispensaries when stipendiaries are available for appointment.

(By order of the Government, Ministry of Local Self-Government)

S. G. SENGODAIYAN,
Deputy Secretary to Government.

To all Presidents of Taluk Boards.
 „ all Presidents of District Boards.
 „ the Inspector of Municipal Councils and Local Boards.
 „ the Principal, Indian Medical School.
 „ the Examiner of Local Fund Accounts.
 „ the Revenue Department.

APPENDIX II.

[Vide answer to question No. 371 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 1st November 1935, page 336 supra.]

(1)

G.O. No. 638, P.H., dated 9th March 1934.

The draft rules laying down the qualifications for women health visitors in the employ of local boards and municipal councils issued in G.O. No. 2629, P.H., dated 21st November 1933, were published in Part I-A of the *Fort St. George Gazette* of the 16th January 1934. No objection or suggestion having been received, the Government confirm the rules. The notifications appended to this Order will be published in the *Fort St. George Gazette*.

(By order of the Government, Ministry of Local Self-Government)

S. G. SENGODAIYAN,
Deputy Secretary to Government.

To all Presidents of District Boards, with copies for Major (Pre-union) Pan-
 chayats.
 „ all Chairmen of Municipal Councils.
 „ all Collectors.
 „ the Director of Public Health.
 „ the Surgeon-General.
 „ the Inspector of Municipal Councils and Local Boards.
 „ the Superintendent, Government Press, for publication in *Gazette*.
 „ the Examiner of Local Fund Accounts.
 „ the Law (Drafting) Department.
 „ the Revenue Department.

[1st November 1935]

APPENDIX.

NOTIFICATIONS.

I

In exercise of the power conferred by section 71 and clause (a) of sub-section (2) of section 199 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), the Governor acting with Ministers is hereby pleased to make the following rule laying down the qualifications for women health visitors in the employ of local boards.

Rule.

No woman shall, without the sanction of the Local Government accorded by general or special order, be appointed as a health visitor under a local board unless she—

- (a) possesses a diploma granted by the Board of Examiners in the Training School for Health Visitors attached to the Maternity and Child Welfare division of the Indian Red Cross Society, Madras Branch; and
- (b) (i) if married or a widow, is not less than 18 years of age nor more than 35 years of age or (ii) if unmarried, is not less than 20 years of age.

II

In exercise of the power conferred by section 74 and clause (a) of sub-section (2) of section 303 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Governor acting with Ministers is hereby pleased to make the following rule laying down the qualifications for women health visitors in the employ of municipalities.

Rule.

No woman shall, without the sanction of the Local Government accorded by general or special order, be appointed as a health visitor under a municipal council unless she—

- (a) possesses a diploma granted by the Board of Examiners in the Training School for Health Visitors attached to the Maternity and Child Welfare division of the Indian Red Cross Society, Madras Branch; and
- (b) (i) if married or a widow, is not less than 18 years of age nor more than 35 years of age or (ii) if unmarried, is not less than 20 years of age.

(2)

G.O. No. 2240, P.H., dated 25th September 1934.

READ—the following papers:—

From the Director of Public Health, dated 22nd June 1934,
R. No. 419-1-M.

From the Director of Public Health, dated 12/15th August 1934,
R. No. 419-2-M.

Order—No. 2240, P.H., dated 25th September 1934.

The Director of Public Health has submitted certain forms which should be maintained by local bodies for the proper record of work done in maternity and child-welfare centres under their management and

1st November 1935]

has recommended that these forms may be standardized. The Superintendent, Government Press, suggests that these forms may be grouped as III in D.P.H. forms and standardized as shown in the appended list. The Government approve the proposal of the Director of Public Health as modified by the Superintendent, Government Press.

2. The forms will be printed by the Government Press and supplied to local bodies on payment. The Superintendent, Government Press, is requested to fix the price of each form and circulate the list to local bodies. The Government also direct that the indents for these forms should be sent to the Director of Public Health through the District Health Officers, in the case of local boards and of municipalities which have no Health Officers, and through the Municipal Health Officers, in the case of municipalities having Health Officers. The Director of Public Health will consolidate the requirements for the Presidency and send the distribution statement to the Superintendent, Government Press, before 1st March every year as in the case of the other D.P.H. forms.

(By order of the Government, Ministry of Local Self-Government)

V. NARASIMHACHARIYAR,
Assistant Secretary to Government.

To the Director of Public Health.

- „ the Surgeon-General.
„ the Superintendent, Government Press.
„ the Examiner of Local Fund Accounts.
„ the Inspector of Municipal Councils and Local Boards.
„ all Presidents of District Boards.
„ all Executive Authorities of Municipalities.
„ all Presidents of (Pre-union) Major Panchayat Boards (through the Presidents of District Boards).
„ the Finance Department.

APPENDIX.

D.P.H. Group III.

Forms special to Maternity and Child-welfare centres of local boards and municipalities.

Serial number, name and description of forms. (1)	Size and description of paper. (2)	Whether ruled and numbered. (3)	If bound, description of binding. (4)
1 Maternity Record	Foolscap folio, $\frac{1}{2}$ G.B.D.F. 24 lb.	Ruled .. ..	....
2 Infant Record	Foolscap, i.e., $\frac{1}{2}$ G.B.D.F. 24 lb.	Do. .. ..	....
3 Nominal Register of ante-natal, labour. 16 lb.	Foolscap folio, $\frac{1}{2}$ G.B.D.F.	Do.	Stiff bound books of 100 copies.
4 Monthly return of daily activities for midwives.	Do.	Do. .. ..	....
5 Monthly return of daily activities for health visitors and Medical Officers.	Do.	Do. .. ..	....
6 Register of calls and visits for midwives.	Foolscap, $\frac{1}{2}$ G.B.D.F. 16 lb.	Do.	Stiff bound book of 100 forms.
7 Health visitors' diary ..	Foolscap folio, $\frac{1}{2}$ G.B.D.F. 16 lb.	Do. .. ..	....

NOTE.—Medical Officers' diary is not standardized. Plain paper may be used.

[1st November 1935]

(3)

G.O. No. 2804, P.H., dated 3rd December 1934.

READ—the following paper:—

From the Director of Public Health, dated 19th November 1934,
No. 745-2-M.

Order—No. 2804, P.H., dated 3rd December 1934.

The list of forms appended to this order will be substituted for the list appended to G.O. No. 2240, P.H., dated 25th September 1934.

(By order of the Government, Ministry of Local Self-Government)

V. NARASIMHACHARIYAR,
Assistant Secretary to Government.

To the Director of Public Health.
„ the Surgeon-General.
„ the Superintendent, Government Press.
„ the Examiner of Local Fund Accounts.
„ the Inspector of Municipal Councils and Local Boards.
„ all Presidents of District Boards.
„ all Executive Authorities of Municipalities.
„ all Presidents of (Pre-union) Major Panchayat Boards (through the Presidents of District Boards).
„ the Finance Department.

APPENDIX.

D.P.H. GROUP III.

Forms special to Maternity and Child-welfare Centres of Local Boards and Municipalities.

Serial number, name and description of forms.	Size and description of paper.	Whether ruled and numbered.	If bound, description of binding.
(1)	(2)	(3)	(4)
1 Maternity record	Foolscap folio, ½ G.B.D.F. 24 lb.	Ruled ..	....
2 Infant and Pre-school record	Fool-cap, i.e., ½ G.B.D.F. 24 lb.	Do. ..	....
3 Nominal register	Foolscap folio, ½ G.B.D.F. 16 lb.	Do. ..	Stiff bound books of 100 copies.
4 Monthly return of daily activities (districts).	Do.	Do. ..	....
5 Monthly return of daily activities (municipalities).	Do.	Do. ..	....
6 Register of calls and visits for midwives.	Foolscap, ½ G.B.D.F. 16 lb.	Do. ..	Stiff bound books of 100 forms.
7 Health Visitor's diary	Foolscap folio, ½ G.B.D.F. 16 lb.	Do. ..	....

NOTE.—Medical Officers' diary is not standardized. Plain paper may be used.

1st November 1935]

(4)

G.O. No. 2514, P.H., dated 29th October 1934.

READ—the following papers:—

From the Director of Public Health, dated 28th August 1934,
R. No. 592-1-M.

From the Director of Public Health, dated 24th September 1934,
R. No. 592-1-M.

From the Surgeon-General, dated 6th October 1934, R. No. 1118-G/34.

Order—No. 2514, P.H., dated 29th October 1934.

The Government consider that local bodies which have started maternity and child welfare work or are in a position to undertake the work in their areas should have a clear knowledge of the lines on which such work should be carried out. They accordingly issue the following instructions in the matter for the guidance of local bodies.

2. Local bodies should draw up schemes for maternity and child welfare work in consultation with the Director of Public Health and allot such funds for this purpose as their finances permit. It is very important that the work should proceed on approved lines. The work should be done under the administrative control of the District Health officer in the case of local board areas and municipalities which have no Health officers and of the Municipal Health officers in the case of municipalities employing Health officers. The travelling allowance of the District Health officers for their journeys to municipalities for this purpose should be met from the funds of the municipal councils concerned. Where finances permit, a woman medical officer should be placed in immediate charge of the work, and she and the entire staff under her should work under the Health officer concerned.

(By order of the Government, Ministry of Local Self-Government)

R. SUBBAYYA,
Joint Secretary to Government.

To the Director of Public Health.
„ the Surgeon-General.
„ the Examiner of Local Fund Accounts.
„ the Inspector of Municipal Councils and Local Boards.
„ the Revenue Department.
„ all Presidents of District Boards.
„ all Executive Authorities of Municipalities.
„ all Presidents of Major (Pre-union) Panchayats (through Presidents of District Boards).

(5)

G.O. No. 2884, P.H., dated 17th December 1934.

In exercise of the power conferred by sub-section (3) of section 67 of the Madras Local Boards Act, 1920, as amended, the Local Government hereby fix the following designations, and grades of, and the

[1st November 1935]

scales of salaries and allowances payable to, officers and servants in the public health establishments under the control of district boards in this Presidency.

Designation and grades of officers and servants.	Scale of pay and allowances fixed.	Remarks.
Woman Medical Officer (Maternity and Child Welfare).	Rs. 85—5 (biennial) —150 ..	....
Health Visitor (Maternity and Child Welfare).	Rs. 50—5 (biennial) —100 <i>plus</i> a fixed travelling allowance of Rs. 20 per mensem.	....
Midwife (Maternity and Child Welfare).	Rs. 25—1 (biennial) —35 <i>plus</i> a fixed allowance of Rs. 5 per mens m.	....
Sanitary Inspector ..	Rs. 55—5 (biennial) 110 ..	Sanitary Inspectors will be allowed to draw fixed travelling allowance of Rs. 22 per mensem each in cases where their jurisdiction corresponds to that of Health Inspector. In other cases they will be paid travelling allowance as per the Madras Travelling Allowance Rules of a conveyance allowance of Rs. 4 per mensem.
Vaccinators— First class	Rs. 40—2 (biennial) —50 ..	The proportion of the first to second class vaccinators is fixed at 2:3. Men vaccinators (first and second class) will be allowed to draw a fixed travelling allowance of Rs. 13 4 0 per mensem each and women vaccinators (first and second class) a fixed travelling allowance of Rs. 20 per mensem when they work in range. For other journeys all vaccinators (men and women) will draw travelling allowance as per the Madras Travelling Allowance Rules.
Second class	Rs. 25—3 (biennial) —40 ..	
Mechanics, drivers, cinema operators and other skilled servants employed for public health purposes.	Pay to be fixed by each district board subject to the condition that in no case it should exceed Rs. 28 per mensem without the special sanction of Government.	....
Peons	Rs. First four years .. 12 Next four years .. 13 Next five years .. 14 Next six years .. 15 Next six years .. 16	....
Menials paid from contingencies.	To be paid according to market rates subject to a maximum of Rs. 12 each per mensem.	....

2. Municipal councils are requested to adopt the above designations and grades and scales of salaries for officers and servants in their public health establishments.

3. The incumbents of the existing posts should be appointed to similar posts carrying new scales of pay fixed in paragraph 1 above. If the existing pay of an incumbent conforms to any stage in the new scales of pay, it should be fixed at that stage. If the existing pay of any officer or servant exceeds any stage in the new scale of pay, his pay should be fixed at the next stage below that pay and he should be given personal pay equal to the difference, the personal pay being absorbed in the next increment. If the existing pay exceeds the maximum of the new scales of pay it should be fixed at the maximum. The pay of existing vaccinators on probation with less than two years' service should be fixed at Rs. 25, the minimum of the revised scale of pay of second-class vaccinators and they should be given personal allowance equal to the difference, if any, between their existing pay and the revised pay, the personal pay being absorbed in the next increments. The presidents of district boards and executive authorities of municipalities are informed that the Government will be prepared to consider the question of granting personal pay to those incumbents whose pay

1st November 1935]

prior to 1st December 1934 exceeded the maximum of the new scales of pay, provided that there is real hardship in such cases and that the local body concerned recommends the grant of personal pay. They are therefore requested to submit to Government as early as possible lists of such cases in each class of public health establishments under their control with full reasons for the grant of personal pay in each case and with the details relating to service in the form appended to G.O. No. 2648, P.H., dated 14th November 1934.

4. The Government direct that in districts where the existing vaccination staff including reserve vaccinators is in a different proportion from that fixed in paragraph 1 above for first and second-class vaccinators, the existing proportion should be continued but presidents of district boards and executive authorities of municipalities should fill up vacancies as they arise in such a manner as to reach the proportion fixed by the Government. In districts where the number of first-class vaccinators under a local body exceeds 40 per cent of the strength of the entire vaccination staff, such of the first-class vaccinators as draw a pay less than Rs. 40 per mensem should be continued as second-class vaccinators.

5. The conditions of service of all officers and servants specified in paragraph 1 above in respect of special pay and allowances shall be regulated in accordance with the Madras Special Pay and Allowances Rules and the Madras Travelling Allowance Rules.

6. Besides the officers and servants mentioned in paragraph 1 above, a few district boards employ health propagandists and rural reconstruction supervisors. The Government consider that there is no necessity for their continuance. All presidents of district boards and executive authorities of municipalities are therefore directed to abolish these posts giving the incumbents notice of discharge in accordance with the rules in the matter.

7. These orders will come into force on the 1st January 1935.

8. Separate orders will issue fixing the number of posts and designations of officers and servants referred to in paragraph 1 above.

9. All presidents of district boards and executive authorities of municipal councils are informed that if any officer or servant other than those specified in these orders has to be employed for public health purposes, the prior sanction of the Government should be obtained in each case.

(By order of the Government, Ministry of Local Self-Government)

R. SUBBAYYA,
Joint Secretary to Government.

To all Presidents of District Boards.
 „ all Executive Authorities of Municipalities.
 „ all Collectors.
 „ the Surgeon-General.
 „ the Director of Public Health.
 „ the Inspector of Municipal Councils and Local Boards.
 „ the Accountant-General.
 „ the Examiner of Local Fund Accounts.
 „ the Revenue Department.

[1st November 1935]

(6)

G.O. No. 82, P.H., dated 12th January 1935.

READ—the following papers:—

G.O. No. 4253, L. & M., dated 11th November 1934.

G.O. No. 1122, P.H., dated 26th May 1933.

G.O. No. 638, P.H., dated 9th March 1934.

From the Principal, Government Indian Medical School, dated
29th September 1933, No. C. 6813-2.

From the Director of Public Health, dated 12th August 1934.
No. R. 372-1-M.

From the Surgeon-General, dated 14th September 1934.
No. R. 993-181/34.

Order—No. 82, P.H., dated 12th January 1935.

Some district boards and municipal councils have adopted schemes for the provision of facilities for maternity relief and child welfare and have employed the following classes of workers for the purpose:—

Women medical officers.

Health visitors.

Midwives.

The Government consider that the duties and qualifications of the above staff should be fixed as in the following paragraphs.

2. *Duties.*—(i) *The woman medical officer* will function as an assistant to the District Health Officer in district board areas and in municipalities employing no health officer or to the Municipal Health Officer in municipalities where such an officer is employed, for the purpose of maternity and child-welfare work.

(ii) *Health visitors and midwives* will carry out such duties as may be assigned to them by the health officer or the woman medical officer (maternity and child welfare) and such other similar duties as the above officers may lay down with the approval of the Director of Public Health.

3. *Qualifications.*—The Government have already issued rules laying down qualifications for health visitors and midwives. They

1st November 1935]

now propose to revise these rules and re-issue them for the entire staff employed for maternity and child welfare. The appended notifications will be published in the *Fort St. George Gazette*.

(By order of the Government, Ministry of Local Self-Government)

R. SUBBAYYA,
Joint Secretary to Government.

To all Presidents of District Boards.
„ all Executive Authorities of Municipalities.
„ all Collectors.
„ all Presidents of Major (Pre-Union Panchayats), through Presidents of District Boards.
„ the Surgeon-General.
„ the Director of Public Health.
„ the Principal, Indian Medical School.
„ the Inspector of Municipal Councils and Local Boards.
„ the Examiner of Local Fund Accounts.
„ the Superintendent, Government Press.
„ the Law (Drafting) Department.
„ the Revenue Department.
„ the Honorary Secretary, Indian Red Cross Society, Madras Branch.

APPENDIX.

NOTIFICATIONS.

I

The following draft of certain rules laying down the qualifications for women medical officers, health visitors and midwives employed by local boards for maternity and child-welfare work and regulating their conditions of service which the Governor acting with Ministers proposes to make in exercise of the power conferred by section 71 and clause (a) of sub-section (2) of section 199 of Madras Local Boards Act, 1920 (Madras Act XIV of 1920), and in supersession of all previous rules on the subject is hereby published, as required by section 200 of the said Act, for general information. Notice is hereby given that the draft will be further proceeded with after the expiry of six weeks from the date of publication of this notification and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid will be considered by the Governor acting with Ministers.

Draft Rules.

1. No person shall be appointed to any of the posts under a local board specified in column (1) of the schedule below unless such person is a woman possessing the qualifications laid down in the corresponding entry in column (2) thereof.

2. Every woman medical officer appointed as such before the date of issue of these rules who has not successfully undergone the training prescribed for women medical officers by paragraph (3) of column (2) of the schedule, shall undergo such training successfully within a period of two years from the said date. If she fails to do so within the said period her appointment shall be terminated.

[1st November 1935]

3. No woman appointed to any of the posts specified in the schedule shall engage in private practice.

SCHEDULE.	
Description of post. (1)	Qualifications. (2)
1 Woman Medical Officer (Maternity and Child Welfare).	A candidate (1) shall not be less than 21 years nor more than 35 years of age; (2) shall possess a registered medical qualification not lower than that of L.M.P. or L.I.M. (registered under class A); and (3) shall have successfully undergone a special course of training in maternity and child welfare prescribed in this behalf by the Director of Public Health, Madras.
2 Health visitor	A candidate (1) shall not be less than 21 nor more than 35 years of age; and (2) shall possess the diploma in health visiting granted by the Board of Examiners in the Training School for Health Visitors attached to the Maternity and Child Welfare division of the Indian Red Cross Society, Madras Branch, or by the Lady Reading Health School, Delhi.
3 Midwife (Maternity and Child Welfare).	A candidate (1) shall not be less than 21 nor more than 40 years of age; and (2) shall possess a diploma recognized for registration as midwife in this Presidency under the Madras Nurses and Midwives Act, 1926.

Provided that the Local Government may by general or special order sanction the appointment to the post of midwife, of any person not possessing the qualifications prescribed by paragraph (2) above.

II

The following draft of certain rules laying down the qualifications for women medical officers, health visitors and midwives employed by municipal councils for maternity and child-welfare work and regulating their conditions of service which the Governor acting with Ministers proposes to make in exercise of the powers conferred by section 74 and clause (a) of sub-section (2) of section 303 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), and in supersession of all previous rules on the subject is hereby published, as required by section 304 of the said Act, for general information. Notice is hereby given that the draft will be further proceeded with after the expiry of six weeks from the date of publication of this notification and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid will be considered by the Governor acting with Ministers.

Draft Rules.

1. No person shall be appointed to any of the posts under a municipal council specified in column (1) of the schedule below unless such person is a woman possessing the qualifications laid down in the corresponding entry in column (2) thereof.

2. Every woman medical officer appointed as such before the date of issue of these rules who has not successfully undergone the training prescribed for women medical officers by paragraph (3) of column (2) of the schedule, shall undergo such training successfully within a period of two years from the said date. If she fails to do so within the said period her appointment shall be terminated.

3. No woman appointed to any of the posts specified in the schedule shall engage in private practice.

SCHEDULE.	
Description of post. (1)	Qualifications. (2)
1 Woman Medical Officer (Maternity and Child Welfare).	A candidate (1) shall not be less than 21 years nor more than 35 years of age; (2) shall possess a registered medical qualification not lower than that of L.M.P. or L.I.M. (registered under class A); and (3) shall have successfully undergone a special course of training in maternity and child welfare prescribed in this behalf by the Director of Public Health, Madras.

1st November 1935]

Description of post. (1)	Qualifications. (2)
2 Health visitor	A candidate (1) shall not be less than 21 nor more than 35 years of age; and (2) shall possess the diploma in health visiting granted by the Board of Examiners in the Training School for Health Visitors attached to the Maternity and Child Welfare division of the Indian Red Cross Society, Madras Branch, or by the Lady Reading Health School, Delhi.
3 Midwife (Maternity and Child Welfare).	A candidate (1) shall not be less than 21 nor more than 40 years of age; and (2) shall possess a diploma recognized for registration as midwife in this Presidency under the Madras Nurses and Midwives Act, 1926.

Provided that the Local Government may by general or special order sanction the appointment to the post of midwife, of any person not possessing the qualifications prescribed by paragraph 2 above.

(7)

G.O. No. 2248, P.H., dated 31st August 1935.

READ—the following papers:—

From the Director of Public Health, dated 9th September 1934,
No. T. 124/P.II.

From the President of the Kurnool District Board, dated 23rd
September 1934, No. A-4-183/32.

From the Surgeon-General with the Government of Madras, dated
8th May 1935, Ref. No. 1129-8 Genl./34.

From the Director of Public Health, dated 24th April 1935,
No. R. 129-4.

Endorsement from the Surgeon-General with the Government of
Madras, dated 11th May 1935, No. R. 1129-A-Gl./34.

Order—No. 2248, P.H., dated 31st August 1935.

In paragraph 2 of G.O. No. 2514, P.H., dated the 29th October 1934, the Government stated that maternity and child-welfare work should be done under the administrative control of the District Health Officer or the Municipal Health Officer as the case may be. The conditions laid down by the Red Cross Society for the employment of health visitors by local bodies involved, however, dual control of the health visitors by the inspecting agency of the Red Cross Society as well as by that of the local bodies and Government. The health visitors who are trained free in the Health School of the Red Cross Society, Madras, enter into agreements with the society to serve it for a period of three years. When these health visitors were employed by the local bodies during the period of three years they had agreed to serve the society, they were subject to a dual control as they had to serve both the society and the local bodies.

2. At a conference of the Surgeon-General, the Director of Public Health and the authorities of the Red Cross Society it was agreed that dual control over the health visitors was not conducive to efficiency and proper working of the maternity and child-welfare centres and that the society should revoke the contracts binding on all health visitors trained at the Health School maintained by the society, whereby they undertook to serve the society for a period of three

[1st November 1935]

years in return for the free training given to them. The only condition that will be binding hereafter on the health visitors trained by the school, is that they should give an undertaking to the society to serve as health visitors within the Presidency for a period of three years either under local bodies with the approval of the Director of Public Health or under voluntary associations approved by the society. The Government approve the above agreement. The society has accordingly cancelled the previous agreement requiring health visitors to serve the society and has informed the local bodies employing them of such cancellation. This cancellation does not, however, affect the position whereby the society undertakes to give grant-in-aid of the salaries of health visitors to any employing body when the conditions of service are in accordance with the policy of the Public Health Department as approved by Government.

(By order of the Government, Ministry of Education and Excise)

R. SUBBAYYA,
Joint Secretary to Government.

To the Director of Public Health.
 „ the Surgeon-General with the Government of Madras.
 „ all Presidents of District Boards.
 „ all Collectors.
 „ all Executive Authorities of Municipal Councils.
 „ the Inspector of Municipal Councils and Local Boards.
 „ the Examiner of Local Fund Accounts.
 „ the Revenue Department.
 „ the Honorary Secretary, Indian Red Cross Society, Madras Branch.

APPENDIX II-A.

[Vide answer to question No. 373 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 1st November 1935, page 338 supra.]

G.O. No. 1770, P.H., dated 12th July 1935.

READ—the following paper:—

From the Director of Public Health, dated the 20th May 1935,
No. 16-P.H. 11/35.

Order—No. 1770, P.H., dated 12th July 1935.

The Government have decided that a portion of the grant proposed to be allotted by the Government of India for the improvement of rural areas in this Presidency should be utilized for carrying out anti-malarial measures in malaria-infected areas. The Director of Public Health has accordingly submitted the following proposals for the utilization of this grant:—

- (1) Subsoil and open drainage at Chintapalli, Gudem taluk, Vizagapatam Agency. Estimated cost, Rs. 10,000.
- (2) Sub-soil drainage at Gudalur in Nilgiri district. Estimated cost, Rs. 10,000.
- (3) Koraput subsoil drainage. Estimated cost, Rs. 39,500.

1st November 1935]

- (4) Anti-malarial measures in Rameswaram Island. Estimated cost, Rs. 5,000.
- (5) Investigation of endemic malaria in South Kanara district and epidemic malaria in Bellary district. Estimated cost, Rs. 16,000.
- (6) Anti-malarial measures in the coastal area from Ennore to Madras, Sriharikota Island and Gudur taluk in Nellore district. Estimated cost, Rs. 20,000.

2. As it has been decided to allot only Rs. 50,000 out of the Government of India grant for expenditure on anti-malarial measures in rural areas, the Government consider that the proposals of the Director of Public Health relating to Koraput (Rs. 39,500) be not taken up at present and that the expenditure, under item 5 relating to investigation of endemic malaria in South Kanara district and epidemic malaria in Bellary district need not also be incurred out of this grant. Subject to the above modifications, the Government approve the proposals of the Director of Public Health. The total estimated cost of the schemes now approved for execution comes up to Rs. 45,000. The balance of Rs. 5,000 will be kept in reserve for meeting any extra expenditure that may be considered necessary during the course of execution.

3. The Director of Public Health is requested to take necessary steps to commence the execution of the anti-malarial schemes approved by the Government without any delay and arrange for the completion of all these schemes within a period of one year. The total expenditure on these measures should on no account exceed Rs. 50,000. The Director of Public Health is requested to report at once the probable amount required for expenditure on the scheme in the current year and also to submit a report to Government by 15th October 1935 as to the progress in the execution of these schemes and the probable expenditure on them by the end of the current financial year and the amount required for the next year.

4. The Accountant-General is requested to admit in audit the expenditure sanctioned in these proceedings and to debit it to a suspense head, pending the issue of detailed instructions in the matter of accounting by the Government of India.

(By order of the Government, Ministry of Local Self-Government)

R. SUBBAYYA,
Joint Secretary to Government.

To the Director of Public Health.
 „ Surgeon-General.
 „ Sanitary Engineer.
 „ Finance Department.
 „ Revenue Department.
 „ Accountant-General, through the Finance Department.
 „ Presidents of District Boards concerned.
 „ Collectors concerned.

[1st November 1935]

APPENDIX III.

[Vide answer to question No. 380 asked by Diwan Bahadur C. S. Ratnasabhapati Mudaliyar at the meeting of the Legislative Council held on the 1st November 1935, page 344 supra.]

Name of the municipality.	Population as per census of 1931.	General Account			Name of the Commissioner.	Pay drawn prior to the appointment as Commissioner.	Pay drawn as Commissioner.		Conveyance allowance.
		Revenue from taxation.	Other revenues excluding Government grants.	—Ordinary —1934-35.			Pay.	pecia p. y.	
	RS.	RS.	RS.			RS.	RS.	RS.	RS.
Anantapur ..	15,090	23,606	30,461	M.R.Ry. B. Lakshmana Pillai, B.A., B.L.	125	125	..	..	15
Chidambaram ..	25,084	43,874	30,349	M.R.Ry. K. Govindarajulu Nayudu, B.A.	150	150	37½	..	20
Chingleput ..	14,358	21,002	15,071	Saiyyid Ahmed Sahib Bahadur.	100	125	..	..	15
Parlakimedi ..	20,072	21,842	9,276	M.R.Ry. Rash Behari Patnaik.	65	125	..	..	15
Narasaraopet ..	15,403	20,817	28,900	M.R.Ry. I. Raja Rao Nayudu.	88	125	..	..	15
Nellore ..	45,895	89,211	48,148	M.R.Ry. K. Ramachandra Rao.	175	175	..	..	20
Sivakasi ..	15,212	15,596	9,038	M.R.Ry. K. P. M. Telakut.	100	125	..	..	15
Vizagapatam ..	57,303	1,41,805	49,519	M.R.Ry. K. Sanyasi Raju, B.A., B.L.	400	400	..	..	40

APPENDIX IV.

[Vide answer to question No. 388 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 1st November 1935, page 351 supra.]

Letter from the Collector of South Kanara, dated 1st September 1935.
D. Dis. No. 3556/35.

[Assignment—Land (South Kanara)—Mangalore taluk and town—Depressed classes—Legislative Council question—Information reported.]

There is no land which stands reserved for ex-army men in this district as all such land was shown in the Revenue accounts as reserved for assignment to the depressed classes. No land reserved for the depressed classes on the Kadri Hill in Mangalore Town and in its suburbs has been assigned to others.

APPENDIX V.

[Vide answer to question No. 393 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 1st November 1935, page 356 supra.]

(1)

Letter from the Inspector-General of Police, dated 27th November 1934, R.C. No. 1456-2/Audit/34.

I have the honour to forward herewith a copy of the Salem District Superintendent of Police's report R.C. No. 2235/Genl./34, dated 29th October 1934, together with a copy of the Salem District Magistrate's

[1st November 1935]

Endorsement R.O.C. No. 49/M/34-D-1, dated 15th November 1934, recommending the continuance for another year from 1st January 1935 of the temporary additional police quartered at Attaiyampatti.

2. I am in full agreement with the views of the District Magistrate, Salem, and recommend that the continuance of the additional police of one Sub-Inspector and seven constables be sanctioned.

(2)

Letter from the District Superintendent of Police, Salem, to the Inspector-General of Police, Madras (through the District Magistrate, Salem, and the Deputy Inspector-General of Police, Western Range, Coimbatore), dated 29th October 1934, R.C. No. 2235/Genl./34.

[Additional Police—Attaiyampatti village—Continuance of—One Sub-Inspector and seven police constables—One more year from 1st January 1935. Reference.—R.O.C. No. 49/M/34, dated 19th October 1934, from the District Magistrate, Salem, and R.C. No. 1456/Audit of 1934, dated 6th October 1934, from the Inspector-General of Police, Madras.]

The additional police force at Attaiyampatti village, Salem district, was established from 1st January 1933 for one year, and its continuance for another year from 1st January 1934 was sanctioned in G.O. Ms. No. 657, Public (Police), dated 13th December 1933.

2. In my last report recommending the continuance of the additional police for one year, I had dealt with the unsatisfactory situation in the village and the absence of any material change. The events in the village for the period from the last report up to this date shows that the situation in the village is such as to justify the continuance of the additional police force for a further period of one year. The leaders of the two factions as well as their adherents have not yet completely realized their responsibilities nor shown any signs of reformation. Several instances of assault and intimidation have been reported by the adherents of both parties during the year showing thereby the continuance of the strained feelings. Cases of stone-throwing in more than half a dozen instances in the course of the last three months as well as cases of petty assaults and intimidation have been reported by both parties. In connexion with a dispute over a pathway among the Adi-Dravidas of the village, the leaders attempted to take sides but were warned off by the local police. There has been an instance of mischief of fire due to the faction and another instance where a villager was intimidated for his refusal to pay Rs. 170 to the leaders in connexion with a divorce affair. In June last a constable was assaulted by one Ponnuswami, an adherent of Chinna Kandan's party, as he had reported a case of nuisance against Ponnuswami. He was prosecuted under section 332, Indian Penal Code, and sentenced to eight months' rigorous imprisonment. The Mariamman festival in the village, in August 1934, was not celebrated on account of the leaders of the two factions failing to come to an agreement. From all these

[1st November 1935]

instances, it would be clear that the feelings between the two factions still continue to be strained and that it would not be advisable to abolish the additional police for the present. There has, no doubt, been a certain amount of improvement in the situation since my last report, in that the leaders are gradually losing their influence in and around the village, but the situation is such as to require the continuance of the additional police for a further period of at least one year.

* * * *

(3)

Endorsement of the District Magistrate of Salem, R.O.C. No. 49/
M/34-D-1, dated 15th November 1934.

[Police—Additional—Salem taluk—Attaiyampatti village—Exemption
of certain persons from payment of tax.]

I have discussed this matter with the District Superintendent of Police and the Subdivisional Magistrate. I have considered the representations presented to me by certain of the inhabitants requesting the removal of the punitive police on the ground that the fall in the statistics of crimes for the village proved that the punitive police was beyond the financial resources of the village.

2. It is true that there has been a decrease in the number of serious crimes during the past 12 months but this must in part be due to the presence of the punitive police. By itself, it is no indication that the situation has sufficiently improved to remove the necessity for the punitive police and that if they were removed crimes of violence would not be common again. The incident referred to in the District Superintendent's report, particularly the failure to agree on the Mariamman festival this year, suggests that while the influence of the leaders of the faction is dwindling there still remains a strong party feeling in the village. The disquieting symptom about Attaiyampatti is the defiant spirit which is still found among the inhabitants towards the forces of law and order. A police constable has been assaulted in the course of his duty and frivolous complaints have been made about the police. Both the District Superintendent of Police and the Subdivisional Magistrate consider that the spirit of defiance is by no means cowed and that there is a real danger of further outbreaks of violence if the punitive forces are removed.

3. As to the question of financial burden the tax at present rates represents an annual charge of about 1·6 per cent of the capital value of the property of the assesses. This cannot be considered as intolerable burden nor would continuance for another year ruin the villagers. Collections have not been attended with any serious difficulty and so far, I gather, it has not been necessary to bring to actual sale any property in realization of the punitive police-tax. Out of a demand of Rs. 3,700 odd for 1933 only Rs. 40 remains to be collected and of the current demand of Rs. 2,425 up to the end of August only Rupees 425-11-10 is still uncollected.

* * * *

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Saturday, the 2nd November 1935.

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

PRESENT :

Reddi Nayudu, Kt., The Hon. Rai Bahadur Sir K. V.	Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Pannirselvam, The Hon. Rao Bahadur A. T.	Muniswami Pillai, Rao Sahib V. I.
Souter, C.S.I., I.C.S., The Hon. Mr. C. A.	Murugappa Chettiyar, Diwan Bahadur A. M. M.
Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.	Muthiah Chettiyar, Mr. M. A.
Raja of Bobbili, K.C.I.E., The Hon. the.	Muthu Chettiyar, Rao Bahadur P. C.
Rajan, The Hon. Mr. P. T.	Nachiyappa Gounder, Mr. K. A.
Kumaraswami Reddiyar, the Hon. Diwan Bahadur S.	Nadimuthu Pillai, Mr. A. Pl. N. V.
Abdul Hameed Khan Sahib Bahadur.	Nanjappa Bahadur, Subadar-Major S. A.
Ahmed Miran Sahib Bahadur.	Narasa Reddi, Mr. T.
Alagannan Chettiyar, Rao Sahib A. S.	Narasimhaswami, Rao Sahib D. V.
Alamelumangathayaramma, Mrs. K.	Narayanan Nambiyar, Mr. V. P.
Annamalai Chettiyar, Mr. S. A. A.	Narayanawami Pillai, Rao Bahadur T. M.
Appadurai Pillai, Diwan Bahadur A.	Natesa Mudaliyar, Diwan Bahadur C.
Arasu, Mr. V. T.	Palat, Mr. R. M.
Ari Gowder, Mr. H. B.	Patnaik Mahasayo, Sriman M. G.
Basheer Ahmed Sayeed Sahib Bahadur	Patro, K.C.I.E., Rao Bahadur Sir A. P.
Basu Dev, Mr. C.	Pattabhiramayya, Mr. K.
Beyabani Sahib Bahadur, S. M. K.	Peddi Raju, Mr. P.
Bhanoji Pao, Sri A. V.	Pocker Sahib Bahadur, B.
Boag, C.I.E., I.C.S., Mr. G. T.	Premayya, Mr. G. R.
Devadasan, Mr. M.	Rajagopala Pillai, Mr. P. V.
Dharmalingam Pillai, Rao Sahib V.	Ramachandra Padayachi, Mr. P. K.
Duraishwami Reddiyar, Mr. K. M.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Ellappa Chettiyar, Diwan Bahadur S.	Ramalinga Reddi, Mr. C.
Foulkes, Mr. G. F. F.	Ramamurti, Rao Sahib Pandit Ganala.
Jagannatham, Mr. H. M.	Raman Menon, Mr. K. P.
Jayaram Nayudu, Rao Sahib C.	Ramaswami Ayyar, Mr. T. S.
Jones, I.C.S., Mr. C. E.	Ramaswami Mudaliyar, Mr. V. M.
Kesavaramamurti Nayudu, Mr. K.	Rameswara Rao, Mr. G.
Khalif-ullah Sahib Bahadur, Khan Bahadur P.	Ranganatha Mudaliyar, Mr. A.
Kolanda Reddi, Rai Sahib C.	Ranganatha Mudaliyar, Mr. G.
Koti Reddi, Mr. K.	Rangaswami Reddi, Mr. M. B.
Krishnayya Choudari, Mr. P. V.	Ratnasabhapathi Mudaliyar, Diwan Bahadur C. S.
Krishnamurti, Rao Bahadur D.	Ratnavelu Thevar, Mr. P.
Kumararaja of Venkatagiri, The.	Reid, Mr. D. M.
Kuppuswami Choudari, Mr. J.	Rukmani Lakshmipathi, Mrs. A.
Langley, Mr. W. K. M.	Russell, I.C.S., Mr. T. B.
Madanagopal Nayudu, Mr. R.	Schamnad Sahib Bahadur, Khan Bahadur Mahmud.
Mahboob Ali Baig Sahib Bahadur.	Scott Brown, I.C.S., Mr. W.
Manikkavelu Navakar, Mr. M. A.	Sesha Reddi, Rao Bahadur B. P.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Shetty, Mr. A. B.
Moses, Mr. P. C.	Simhachalam Pantulu, Mr. G.
	Siva Raj, Rao Sahib N.

[2nd November 1935]

PRESENT—cont.

Sivasubrahmanya Ayyar, Mr. K. S.	Thangal, Mr. P. M.
Smith, Mr. J. M.	Thomas, Mr. Daniel.
Sreshta, Mr. M. S.	Uziel, C.I.E., I.C.S., Mr. H. R.
Srinivasa Ayyangar, Mr. T. C.	Vasudeva Pillai, Mr. V. G.
Srinivasan, Rao Bahadur R.	Vedachala Mudaliyar, Mr. M.
Sriramulu, Mr. G.	Venugopal Nayudu, Rao Bahadur R. K.
Subbarayan, Dr. P.	Wright, Sir William.
Subrahmanya Bhatt, Mr. U. C.	Yakub Hasan Sahib Bahadur.
Sundara Rao Nayudu, Mr. T.	Zamindar of Bodinayakkanur, The.
Syed Tajuddin Sahib Bahadur, Khan Sahib.	Zamindar of Kirlampudi, The.
	Zamindar of Mirzapuram, The.

I.—SWEARING IN OF NEW MEMBER.

Mr. G. F. F. FOULKES was sworn in.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Administration of Justice

Publication of the list of Public Prosecutors in the Presidency.

* 398 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Law Member be pleased—

(i) to place on the table a list of Public Prosecutors in the Presidency showing also the communities to which they belong and their period of service; and

(ii) to state since how many terms each of them has been continuing as Public Prosecutor?

A.—A statement* containing the information required is placed on the table of the House.

Mr. P. V. KRISHNAYYA CHOUDARI:—“Is it not a fact that there is a Government Order that the Government should not appoint the same Prosecutor for more than three terms?”

The Hon. Sir K. V. REDDI NAYUDU:—“No, Sir; the term is not fixed like that, though it is stated that frequent renewals ought to be deprecated.”

Sriman M. G. PATNAIK Mahasayo:—“Is not the word ‘frequent’ defined? What is the practice?”

The Hon. Sir K. V. REDDI NAYUDU:—“The practice has been to appoint a person for not more than two or three terms generally.”

Mr. V. T. ARASU:—“From the list given in the appendix, I find that the same gentlemen have been appointed for the fourth time in succession. May I know from the hon. Gentleman whether there are special reasons why these people have been appointed for the fourth time?”

The Hon. Sir K. V. REDDI NAYUDU:—“Yes; there are special reasons.”

2nd November 1935]

Mr. V. T. ARASU:—“May I know them?”

The Hon. Sir K. V. REDDI NAYUDU:—“Each case is considered on its merits; the Collector has recommended the case; there are various other reasons.”

Sriman M. G. PATNAIK Mahasayo:—“What is the special reason in the case of the Vizagapatam Public Prosecutor?”

Mr. G. R. PREMAYYA:—“May I know why the gentleman at Madura has been appointed for the sixth time?”

The Hon. Sir K. V. REDDI NAYUDU:—“That was because there were some suits in his hands at the time, concerning the Periyar Irrigation scheme; they were very important cases and the Collector recommended that it would be better if they should be in his hands until the cases were disposed of.”

Mr. T. C. SRINIVASA AYYANGAR:—“If a man has done the work of the Public Prosecutor and Government Pleader for a number of years, does it disqualify him from continuing to be in the same appointment after the third term?”

The Hon. Sir K. V. REDDI NAYUDU:—“There is nothing disqualifying; the policy of the Government is to give opportunities for others.”

Sriman M. G. PATNAIK Mahasayo:—“What about the Vizagapatam Public Prosecutor? Why is he continued?”

The Hon. Sir K. V. REDDI NAYUDU:—“It is said that he is a particularly good man and that it is not possible to get an equally good man.”

Cinchona

Sale of quinine through post offices.

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

(a) whether it is a fact that the sale of quinine in post offices has been stopped;

(b) whether the Government propose to renew the practice of selling quinine in post offices;

(c) whether there is any difference in prices in the supply of quinine to the Government hospitals and to the rural dispensaries, and if so, the difference of the price per pound; and

(d) whether the quinine factory is seasonal or perennial—if seasonal, for how many months in a year?

A.—(a) No.

(b) Does not arise.

(c) No.

(d) It is a perennial factory.

[2nd November 1935]

Electricity*Reservation of the Palar basin for the development of rural load of electricity.*

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

(a) whether the Government have received any memorials from the ryots in the Palar basin requesting them to undertake power distribution to the rural areas themselves;

(b) if the answer is in the affirmative, what action has been taken thereon;

(c) whether a copy of the memorial will be placed on the table of the House; and

(d) whether there is any proposal before the Government to reserve the Palar basin in the North Arcot district for the development of rural load of electricity derived from the Mettur Hydro-Electric system so that it may serve as an object lesson to the private licensees elsewhere to develop rural load?

A.—(a) & (c) Yes. A copy of the memorial is attached.

(b) The question is under consideration.

(d) Yes.

MR. V. M. RAMASWAMI MUDALIYAR: “May I know whether the Chief Engineer for Electricity has been consulted in the matter?”

THE HON. SIR K. V. REDDI NAYUDU:—“Yes, Sir; the Government are in correspondence with him.”

MR. V. M. RAMASWAMI MUDALIYAR:—“Will the Government be pleased to consider the question favourably in view of the fact that the Palar basin area contains the largest acreage of well-irrigated lands in the Presidency?”

THE HON. SIR K. V. REDDI NAYUDU:—“Certainly, Sir, it will be considered.”

Prisons and Prisoners*Reconsideration of the question of supplying buttermilk to the prisoners in jails.*

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

(a) whether there are any proposals for re-examining the question of providing buttermilk to all the prisoners in jails; and

(b) if so, what they are and at what stage they are?

A.—(a) No.

(b) Does not arise.

* Printed as Appendix II on pages 504-505 infra.

2nd November 1935]

MR. K. A. NACHIYAPPA GOUNDER:—“If there are no definite proposals, may I know whether there is anything being investigated with regard to this matter?”

THE HON. SIR K. V. REDDI NAYUDU:—“No, Sir.”

MR. V. M. RAMASWAMI MUDALIYAR:—“May I ask whether, in view of the recent researches in food nutrition, the Government will be pleased to consider proposals for the modification of the diet given to the prisoners?”

THE HON. SIR K. V. REDDI NAYUDU:—“The question was considered at the time when there were a large number of political prisoners in jails; there are no political prisoners at present. Moreover it is a question of cost.”

MR. G. R. PREMAYYA:—“Will the Hon. Member be pleased to state whether buttermilk is a luxury and if so, whether it will be taxed?”

Control of Newspapers and Printing Presses*Deposit and forfeiture of securities by newspapers and periodicals in the Presidency since 1931 pursuant to the operation of the Press Act.*

* 402 Q.—MR. U. C. SUBRAHMANYA BHATT: Will the Hon. the Home Member be pleased to state with reference to the working of the Press Act in this Presidency since 1931—

(a) the number of the newspapers and other periodicals that were called to furnish security under the Press Act;

(b) the number of newspapers and periodicals which furnished the security and the total amount so deposited; and

(c) whether any of the newspapers or periodicals had forfeited the security deposited; if so, their number and the total amount so forfeited?

A.—(a) Fifty-one. This figure includes demands under section 7 (1) of the Act by District Magistrates and the Chief Presidency Magistrate in respect of new periodicals or newspapers.

(b) Nineteen, and the total amount deposited, Rs. 18,200. The deposits have been returned except in four cases.

(c) Yes; in one case the Government ordered a sum of Rs. 500 to be forfeited. As the High Court set aside the forfeiture order the amount has since been refunded.

Deposit and forfeiture of securities by presses in the Presidency since 1931, pursuant to the operation of the Press Act.

* 403 Q.—MR. U. C. SUBRAHMANYA BHATT: Will the Hon. the Home Member be pleased to state with reference to the working of the Press Act in this Presidency since 1931—

(a) the number of presses that were called upon to deposit security, the number of presses which deposited the amount and the total amount so deposited; and

[2nd November 1935]

(b) whether any presses forfeited their security; if so, their number and the total amount so forfeited?

A.—(a) Number of presses called upon to furnish security	33
Number of presses which deposited the amount.	20
Total amount deposited	Rs. 17,275

The figure 33 includes all cases of demands made by District Magistrates and the Chief Presidency Magistrate, under section 3 (1) of the Act.

(b) There was no case of forfeiture.

Control of Vehicles

Measures to secure uniformity regarding the plying of buses for hire.

* 404 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Home Member be pleased to state what steps the Government have taken to secure a uniform policy in all the districts on the subject of limiting the number of hire buses in each road, and ensuring the running of a sufficient number of hire buses for purposes of inter-district communication?

A.—The orders governing the issue of 'G' permits are to be found in G.O. No. 1741, Law (General), dated 7th June 1934, a copy of which is to be found in the Legislative Council Library. These orders apply to all districts equally. No specific or separate orders have been issued with respect to buses running between two or more districts.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know if the Government are aware that there is much dissatisfaction among bus-owners as the Government are not adopting any uniform policy in this matter? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ The Government are not aware of the dissatisfaction.”

General

Legislative proposals to restrict the growth of and trade in chillies.

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

(a) whether there are any proposals to introduce any legislation for restricting the growth of, or trading in, chillies to those that have taken licences for such purposes from the Government; and

(b) if so, what the details of the proposals are and when they are likely to come in and at what stage they are now?

A.—(a) No.

(b) Does not arise.

[2nd November 1935]

Landlords and Tenants

Amending legislation regarding the fixation of rent under the Madras Estates Land Act, 1908.

* 406 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Member for Revenue be pleased to state whether the Government propose to bring in any legislation in view of the recent decision of the Full Bench of the Madras High Court regarding fixation of rent under the Madras Estates Land Act?

A.—The Government have not perused the full text of the High Court's judgment referred to. The suggestion of the M.L.C. will be considered.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ In view of the observations of the High Court, are the Government prepared to bring in new legislation at least in the January session? ”

The Hon. Mr. C. A. SOUTER:—“ I have already stated that we have not seen the High Court's judgment; when we get it, the suggestion will be considered.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Are the Government prepared to apply for a copy at once and consider the matter? ”

The Hon. Mr. C. A. SOUTER:—“ I do not think there is such urgency in the matter.”

Settlement and commutation of rents in estates between 1910 and 1935.

* 407 Q.—Sriman M. G. PATNAIK Mahasayo: Will the Hon. the Member for Revenue be pleased to state—

(a) the estates or parts of estates in the Presidency in which rents were settled between 1910 and 1935;

(b) the villages in estates in the Presidency in which rents were commuted between 1910 and 1935; and

(c) the estates or parts of estates in the Presidency in respect of which applications have been made for settlement of rent since 1930?

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

Sriman M. G. PATNAIK Mahasayo:—“ Will the Government call for the information? ”

The Hon. Mr. C. A. SOUTER:—“ No, Sir.”

Land Revenue Administration

Enhancement of the water-rate in the Cauvery-irrigated area of the Namakkal taluk.

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

(a) whether the Government at the time of construction of the Mettur Dam contemplated the idea of getting an increment in the water-rate in the Cauvery-irrigated area of the Namakkal taluk of Salem district;

[2nd November 1935]

(b) if answer to clause (a) be in the affirmative, what the amount is expected to be realized and at what rate per acre; and

(c) if answer to clause (a) be in the negative, how long after and why the Government entertained the idea of enhancing the water-rate?

A.—(a) to (c) The question of the effect of the Cauvery-Mettur Project on the old Cauvery channels in the Namakkal taluk, Salem district, was considered in 1928. The Engineers of the Government reported that with the completion of the Cauvery-Mettur Project these channels which were subject to fitful and uncertain supply (dependent on rainfall and the conditions in the river) would receive a steady and better supply. The rates of water-cess under the Cauvery channels in the Tanjore and Trichinopoly districts had been raised, and the Government saw no reason why the channels in the Salem district should be exempted. They accordingly published draft rules for the levy of water-cess in the Salem district, and these rules were confirmed in G.O. No. 736, Revenue, dated 12th April 1934. The rates of water-cess are specified in this Government Order (which has been placed at the disposal of the Press). The increase of revenue in respect of the Cauvery channels in the Salem district was expected to be about Rs. 93,500.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask, Sir, whether the question of steady supply of water to the channels in Salem district was considered at the time when the project was first thought of? ”

The Hon. Mr. C. A. SOUTER:—“ Notice, Sir. ”

Mr. K. A. NACHIYAPPA GOUNDER:—“ Are the Government really convinced that water-supply is more steady to these channels than what it was before the construction of the Mettur Dam? ”

The Hon. Mr. C. A. SOUTER:—“ That is the opinion of the Public Works officers. ”

Commerce

Proposals for restricting the use of foreign barks and extracts in tanning.

* 409 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Finance be pleased to state whether the Government have under consideration the question of laying some restraint on the foreign barks and extracts?

A.—No.

Mr. V. T. ARASU:—“ May I know if the Hon. Gentleman is aware that the Chief Conservator of Forests has pointed out to the Government in his latest administration report that a large quantity of tanning bark is being imported in the province and as a result of

2nd November 1935]

that, all the barks available in our own forests do not find a sale and that consequently the Government should take steps to restrict the import of foreign barks? ”

The Hon. Mr. G. T. H. BRACKEN:—“ I have not seen this particular paragraph. ”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ Do the Government propose to restrict the importation of foreign bark? ”

The Hon. Mr. G. T. H. BRACKEN:—“ It is a matter concerning the Government of India. They would want a very strong case to convince them of its necessity. ”

Local Self-Government

Programme of bifurcation of district boards for the years 1935 and 1936.

* 410 Q.—Mr. K. A. NACHIYAPPA GOUNDER:—“ Will the Hon. the Minister for Local Self-Government be pleased to state how many district boards are proposed to be bifurcated in the course of this year and the next and what their names are and the annual normal income and expenditure of each? ”

A.—The Government have not decided the number of district boards which should be bifurcated during the current year or in the next.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know, Sir, whether the Government have laid down any definite principle for the bifurcation of district boards? ”

The Hon. the RAJA OF BOBBILI:—“ The Government have not yet decided the district boards to be bifurcated either this year or the next year. Various principles govern the bifurcation of the district boards; it is not possible to enunciate them now in a few words. ”

Khan Bahadur MAHMUD SHAMNAD SAHIB Bahadur:—“ In view of the fact that there is much congestion of work in the district boards owing to the abolition of taluk boards, will the Government be pleased to take early steps to see that all the district boards are bifurcated? ”

The Hon. the RAJA OF BOBBILI:—“ I am not in a position to give an undertaking that all the district boards will be bifurcated; the Government are considering the case of each district board and will attend to them in the order of urgency. ”

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know if the Government do not get a list prepared, of the district boards which should be bifurcated during the coming year? ”

The Hon. the RAJA OF BOBBILI:—“ There is no such procedure. ”

[2nd November 1935]

Veto by Government of the resolution of the Palamcottah Municipality in regard to the reduction of the tax on cycles.

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

(a) whether it is a fact that the Palamcottah Municipality resolved to reduce the tax on bicycles, and addressed the Government in the matter;

(b) if so, whether a copy of the resolution and the covering letter thereon of the chairman of that municipality addressed to the Government will be placed on the table; and

(c) whether it is a fact that the request of the municipality was vetoed by the Government and if so, whether a copy of the order passed by the Government in the matter will be placed on the table?

A.—(a) Yes.

(b) & (c) The Government vetoed the Council's request. Copies * of the Council's resolution, the Commissioner's letter and the order of Government are placed on the table.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know the reasons why the Government have refused to comply with the request of the municipality in this matter? ”

The Hon. the RAJA OF BOBBILI:—“ The correspondence in the annexure will show that the Government wish to be satisfied that the financial position of the municipality is not worsened, before they agree to the reduction of the cycle-tax. The Government have suggested that the tax can be reduced or removed if the local body concerned is prepared to levy an alternative tax.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ Is it not a fact, Sir, that the Hon. Minister stated at the time of the discussion of the City Municipal Act Amending Bill that the matter is left to the discretion of the local authorities concerned? ”

The Hon. the RAJA OF BOBBILI:—“ It will not be possible for the Government to agree to any reduction of the tax in the middle of the financial year. The Government have given large loans to local bodies; they have to be satisfied that the reduction of the tax is in the public interest and that it does not result in the local body not being able to pay the interest charges and annuities.”

Mr. V. T. ARASU:—“ Arising out of the answer given just a while ago, I want to know whether the Hon. Minister suggests that the municipality concerned passing that resolution has acted in an irresponsible manner? ”

The Hon. the RAJA OF BOBBILI:—“ I am not prepared to say whether it acted in a responsible manner or in an irresponsible manner. The Government have considered the matter on facts.”

* Printed as Appendix III on pages 505-506 infra.

[2nd November 1935]

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ Will the Hon. Minister be pleased to give the figures? ” 11-15 a.m.

The Hon. the RAJA OF BOBBILI:—“ I have not got figures.”

Mr. DANIEL THOMAS:—“ May I know whether the Government will be pleased to take into consideration the financial aspect of the question and the fact that the amount collected as cycle-tax has decreased during the last year? Will not reduction in cycle-tax encourage more cycles to be used and it will augment the amount of cycle-tax collected? ”

The Hon. the RAJA OF BOBBILI:—“ It is a matter for the municipal council concerned to make out a case and to convince the Government.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ May I know whether the Government are aware that when the maximum was fixed in the Act by the Government, the cost of cycles was Rs. 200 or Rs. 300, and whether they are aware that now the cost of cycles has gone down to Rs. 40 and less? ”

The Hon. the RAJA OF BOBBILI:—“ I am aware that cycles are now available at cheap prices.”

Resolutions of the Tinnerelly and Palamcottah Municipalities in regard to the reduction of tax on cycles.

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

(a) whether it is a fact that the Tinnevely Municipality adopted a resolution for the reduction of the tax on bicycles, and solicited the sanction of the Government for the same;

(b) if so, whether a copy of the resolution and the letter of the Chairman to the Government in the matter will be placed on the table;

(c) what orders have been passed by the Government thereon and whether a copy of it will be placed on the table;

(d) whether the said municipality as well as the municipality of Palamcottah asked for the reconsideration of the orders of the Government; and

(e) if so, whether the copies of the resolutions in the matter as well as the orders passed thereon will be placed on the table?

A.—(a) Yes.

(b) & (c) Yes. They * are placed on the table.

(d) Only the Palamcottah Municipality asked for a reconsideration of the orders of Government.

(e) They * are placed on the table.

* Printed as Appendix IV on pages 506-508 infra.

[2nd November 1935]

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know, Sir, how, the resolution No. 233, dated 1st August 1935, of the municipality was *ultra vires*? ”

The Hon. the RAJA OF BOBBILI:—“ It is *ultra vires* because no reduction of the tax could be made when once the budget has been approved, in the middle of the financial year.”

Redistribution of the electoral divisions of the South Arcot District Board.

* 413 Q.—Mr. C. RAMALINGA REDDI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether the President of the South Arcot District Board has sent up any proposals for the redistribution of the constituencies for election of members to the district board;

(b) if so, on what date they were received by Government, and whether Government have passed any orders thereon;

(c) what are the proposals referred to in (a);

(d) whether the proposals were discussed and adopted at a meeting of the district board;

(e) whether orders have been issued to the Election Officer to delay the publication of the preliminary electoral rolls; and

(f) if so, what other date has been fixed for such publication?

A.—(a) Yes.

(b) On 24th July 1935; yes.

(c) The proposals were published for criticism at pages 329-334 of Part I-A of *Fort St. George Gazette*, dated 13th August 1935.

(d) Yes.

(e) & (f) The Inspector of Municipal Councils and Local Boards fixed 5th October 1935 as the date of publication of preliminary rolls.

Mr. K. KOTI REDDI:—“ May I know if the revenue firkas have been changed for the formation of new constituencies in the South Arcot district? ”

The Hon. the RAJA OF BOBBILI:—“ The constituencies only have been changed; the revenue firkas are there.”

Mr. K. KOTI REDDI:—“ May I take it that in this case, revenue firkas have been adjusted, or parts of them, for the purpose of forming new circles for the district board? ”

The Hon. the RAJA OF BOBBILI:—“ I am afraid I do not follow the hon. Member. I may state for his information that in all cases, the district board circles are not coterminous with the revenue firkas.”

[2nd November 1935]

Mr. K. KOTI REDDI:—“ So far as I am aware, during the year 1932, the revenue firkas were not disturbed for the purpose of forming District Board constituencies or circles. Wherever it was found necessary to club two revenue firkas, it was done, but no attempt was made to take a few villages from one firka and put them into another, for the purpose of forming these circles.”

The Hon. the PRESIDENT:—“ This is not the time for making speeches.”

Mr. K. KOTI REDDI:—“ I want to know why that system which prevailed in 1932 has been changed in forming circles in the South Arcot district? ”

The Hon. the RAJA OF BOBBILI:—“ There are numerous cases where revenue firkas were split up. Now that taluk boards have been abolished, the main basis is that, as far as these circles are concerned, they should be formed on the strength of population and voting strength.”

Disposal, if any, of the objections received against the re-shuffling of the electoral circles of the South Arcot District Board.

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

(a) how many objections and representations have been received either by Government or by the Inspector of Local Boards in respect of the proposed changes of district board electoral circles for the coming elections to the South Arcot District Board as published in G.O. No. 3275, L. & M., dated 12th August 1935, from whom and to what effect; and

(b) what action has been taken thereon and what the final orders issued in the matter are?

A.—(a) The Government consider that no useful purpose will be served by furnishing the information.

(b) The Government have considered representations and objections received. The proposals as finally approved by the Government will be found at pages 378-383 of Part I-A of *Fort St. George Gazette*, dated 10th September 1935.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask, Sir, whether I can have at least an approximate idea of the number of representations made to the Government in this respect? ”

The Hon. the RAJA OF BOBBILI:—“ I do not know what the hon. Member means by ‘ approximate ’ idea. Representations were made, they were considered and some changes were also made.”

[2nd November 1935]

Proposal to change the reserved seats of the South Arcot District Board from the circles allotted to in the first instance.

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

(a) whether it is a fact that the seats reserved for various minority communities in South Arcot District Board during the elections of 1932 have been changed or are proposed to be changed from one circle to another for the coming elections to that district board;

(b) if so, what the reasons for the changes are;

(c) what the names of the circles which had the respective reserved seats as allotted during the elections of 1932 are, and what the strength of the particular community for which a seat is reserved in that circle is;

(d) by whom the reservation of such seats was recommended and by whom it was approved;

(e) whether the district board also accepted the reservation of seats in various circles as made at that time;

(f) what the strength of that particular community for which a seat is reserved in the various circles is;

(g) whether the Inspector of Local Boards has been consulted regarding this change of reserved seats from one circle to another;

(h) if so, what remarks he offered, and whether a copy of it will be placed on the Council table; and

(i) whether the Inspector of Local Boards had been consulted at the time of reservation of seats made during the elections of 1932; if so, what remarks he offered and whether a copy of it will be placed on the table?

A.—(a) There has been a fresh allocation of the reserved seats in supersession of the allocation ordered in 1932.

(b) The present allocation is based on the principle that seats should be allotted to those circles in which the communities concerned do not have a fair chance of getting their own representatives elected.

(c)—	Number of circle. (Names not available).	Community or sex for whom seat was reserved.
	II	Indian Christian.
	V	Adi-Dravida.
	IX	Do.
	XI	Woman.
	XV	Muslim.
	XVI	Adi-Dravida.
	XIX	Indian Christians.
	XXVII	{ One European.
		{ One Woman.
	XXXV	Adi-Dravida.
	XXXIX	Do.
	XL	Muslim.

No information is available as to strength of each community in the circle in which seat was reserved for it.

2nd November 1935]

(d) & (e) The allocation was recommended by the District Board, supported by the then Inspector of Municipal Councils and Local Boards and approved by the Government.

(f) No information is available.

(g), (h) & (i) Yes. The Government are not prepared to place the remarks of the Inspector of Municipal Councils and Local Boards on the table.

MR. K. A. NACHIYAPPA GOUNDER:—“ May I ask, Sir, on what principle the changes have been made, and whether these principles were not taken into consideration at the time of fixing the reserved seats during the year 1932? ”

The Hon. the RAJA OF BOBBILI:—“ In accordance with the resolution of the District Board, reserved seats have been allotted on the principle that they should be allotted to circles in which the communities concerned do not have a fair chance.”

MR. K. A. NACHIYAPPA GOUNDER:—“ May I ask, Sir, whether this principle was not adopted at the time of the elections of 1932? ”

The Hon. the RAJA OF BOBBILI:—“ No principle was followed in the case of all the seats; there have been exceptions.”

Ferries

Proposal to reopen the ferry farms at Nagamarai and Pannavadi, Mettur Dam.

* 416 Q.—DIWAN BAHADUR S. ELLAPPA CHETTIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that Government had passed orders in March 1934, that the ferry farms at Nagamarai and Pannavadi above the Mettur Dam line should be closed;

(b) if so, whether a copy of the orders will be placed on the Council table;

(c) whether it has been brought to the notice of Government that ferry boats are now being illicitly plied across these two ferries;

(d) whether the Public Works Department has now addressed the Government for reopening these two farms; and

(e) if so, what orders have been passed thereon?

A.—(a) to (c) In G.O. No. 777 I., dated 28th March 1934, a copy of which is now placed on the Council table, 15 ferries in Salem district were ordered to be closed and the ferry at Nagamarai was one of them. There was no ferry at Pannavadi before the construction of the Mettur Dam. Boats were, however, plying between Kaveripuram and Nagamarai but the ferries at these two places were closed with reference to the orders in the Government Order referred to above. Boats are now plying between

[2nd November 1935]

Pannavadi and Nerruppur and the Pannavadi ferry is of recent origin and has not been brought under the provisions of the Canals and Public Ferries Act.

(d) No.

(e) Does not arise.

Industries

Proposals for filling the post of Superintendent, Government Leather Trades Institute, Madras.

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

(a) whether it is a fact that the post of Superintendent of Government Leather Trades Institute, Madras, has fallen vacant due to the demise of Mr. P. K. Rajamanicka Nayudu;

(b) since it is nearly three months since the vacancy occurred, what the Government propose to do in filling up the vacancy; and

(c) if the Government propose to appoint some one, what the necessary qualifications prescribed for the post are?

A.—(a) Yes.

(b) & (c) The question of filling up the vacancy is under the consideration of Government.

B. POCKER SAHIB Bahadur:—“ May I know with reference to the answers to clauses (b) and (c), whether the appointment is to be made by the Government themselves or on the recommendation of the Public Services Commission? ”

The Hon. Mr. P. T. RAJAN:—“ I believe it is to be done by the Government in consultation with the Public Services Commission.”

Mr. G. R. PREMAYYA:—“ I want to know whether the recommendation would be with regard to one in the department or an outsider? ”

The Hon. Mr. P. T. RAJAN:—“ From the department itself.”

Mr. V. T. ARASU:—“ Will the Hon. Minister be pleased to say whether the institute is working now, and if so, how many students are being turned out of it every year? ”

The Hon. the PRESIDENT:—“ That question does not arise.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ In view of the fact that students are not trained in this institute, is it necessary to fill the vacancy at all? ”

The Hon. Mr. P. T. RAJAN:—“ But some one must do the work.”

Mr. V. T. ARASU:—“ What is the nature of the work done in the institute? ”

The Hon. Mr. P. T. RAJAN:—“ Research work.”

[2nd November 1935]

Veterinary

Number of Veterinary Hospitals closed during the last triennium.

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

(a) the number of veterinary hospitals closed in the Madras Presidency during the past three years; and

(b) when they were closed and why they were closed?

A.—(a) & (b) The hospital attached to the Livestock Research Station, Chintaldevi, was closed in 1932–33 consequent on the closure of the station itself and the hospital at Sivaganga in 1934–35 as the Sivaganga estate would not contribute adequately towards its maintenance.

Education

Proposal to reduce the tuition fees in the Law College, Madras.

* 419 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Education and Excise be pleased to state whether there are any proposals for reducing the rate of fees levied from the students of the Law College, Madras, and if so, what they are?

A.—There are no such proposals.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask the Hon. Minister, Sir, to state whether the Law College, Madras, is not working at a good gain to the Government? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Yes; at some gain; it makes up the loss incurred in regard to so many other institutions to a slight extent.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ In view of the fact that this college's finances are sound, will the Government consider the desirability of reducing the fees, especially in view of the fact that students are drawn to this college because such classes have not been opened in other colleges? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The Government have no such proposal of reducing the fees; on the other hand, they would be inclined to consider the question of raising it.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ What is the approximate gain made by the Government on this college? ”

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

Vacancy of the post of Persian Munshi in the Government Muhammadan College, Madras.

* 420 Q.—B. POCKER SAHIB Bahadur: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether there is a vacancy in the post of a Persian Munshi in the Government Muhammadan College, Madras;

[2nd November 1935]

(b) whether any steps have been taken to fill up the said vacancy and if so, what those steps are;

(c) whether there is any proposal before the Government to modify the existing rule in the Madras Educational Rules in respect of the said appointment and if so, what the objects and reasons are for the proposed modifications; and what is the nature of the modification proposed;

(d) whether the Government or the Director of Public Instruction or the Principal of the Government Muhammadan College, Madras, has received any applications from candidates for the post and if so, who the applicants are and what their respective qualifications are;

(e) whether the said appointment is to be made by the Government in consultation with the Public Services Commission or independently of them; and

(f) whether the Public Services Commission has been consulted by the Government as regards the proposed modifications of the rules and if so, what the opinion given by them is and if not, why not?

A.—(a) Yes.

(c) The attention of the hon. Member is invited to Notification No. 699, dated the 29th August 1935, published at page 1221 of Part I of the *Fort St. George Gazette*, dated the 10th September 1935.

(b), (d) & (e) The appointment has to be made by the Director of Public Instruction in consultation with the Madras Services Commission who have been addressed by the Director.

(f) Yes; but the Government consider it undesirable to publish the views of the Madras Services Commission in regard to individual amendments to rules.

B. POCKER SAHIB Bahadur:—"May I know why this modification was made in the rules?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"On the recommendation of the Head of the Department."

B. POCKER SAHIB Bahadur:—"Was the Board of visitors consulted in this matter?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot say."

Memorandum presented to the Hon. the Minister for Education and Excise by the District Educational Council, Salem, on the 19th February 1935.

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

(a) whether a deputation on behalf of the Salem District Educational Council met the Hon. Minister on the 19th February 1935 and presented a memorandum praying for adequate grants;

(b) what action was taken on the representations made by the deputationists and what orders have been passed in the matter; and

2nd November 1935]

(c) whether special preference is proposed to be given in the matter of allowing grants to districts which are really more backward in education than many other districts?

A.—(a) Yes.

(b) Owing to lack of funds it was not found possible to make any increase in the grant originally allotted to Salem district.

(c) It is not proposed to give any district preference over another in the matter of grants on the ground of one district being more backward than another.

Mr. K. A. NACHIYAPPA GOUNDER:—"If the Government are not giving encouragement to backward districts in due consideration of their backwardness in education, may I ask, Sir, in what way they are going to encourage such districts in regard to the promotion of education, and get them in line with the other districts?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"We have no such ideas at present in contemplation."

Mr. K. A. NACHIYAPPA GOUNDER:—"Will they at least consider that aspect of the question for future years?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"For future years, I cannot give any undertaking."

Protests against the Government Order forbidding the frequent change of text books in schools.

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

(a) whether orders have been passed by the Government directing that schools should change their text books only once in five years;

(b) if so, whether a copy of it will be placed on the table;

(c) whether any representations have been received from educationists and teachers' associations protesting against this Government Order, and if so, what action has been taken thereon;

(d) whether it is a fact that the Publishers and Booksellers' Association of South India offered to wait on him in deputation to explain their position with reference to this order; and

(e) if so, whether the offer was refused and what the reasons therefor are?

A.—(a) Yes.

(b) The Government Order was placed at the disposal of the Press.

(c) Yes. No action was taken as none was considered necessary.

(d) Yes.

(e) It was thought that no useful purpose would be served by receiving the deputation.

[2nd November 1935]

Mr. V. T. ARASU:—"Will the Hon. Minister be pleased to state the number of district boards which respected the Government Order prohibiting a frequent change of text-books, and those that were particularly asked not to change the text-books this year?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"We have received representations with regard to a few district boards who have acted in contravention of the Government Order, and the matter is being enquired."

Mr. V. T. ARASU:—"What steps do Government propose to take to see that the district boards respect Government Orders?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"That will be considered only after the matter is fully enquired into."

Mr. K. KOTI REDDI:—"Do the Government believe that the order passed by the Government is very sound in this respect?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Certainly it is sound."

Mr. K. KOTI REDDI:—"Do the Government believe that they are not really helping a few monopolist companies by saying that text-books ought not to be changed for years to come?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think so at all. The publishers themselves are protesting against this order."

Shifting of the Government Girls' High School, Salem, to the premises formerly occupied by the Government Training School.

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

(a) whether orders have been passed for shifting the Government Girls' High School at Salem town to the buildings occupied by the Government Training School;

(b) if so, whether a copy of it will be placed on the table;

(c) whether the Girls' High School has been shifted to the other building and, if so, when;

(d) what has been done with the building hitherto occupied by the Girls' High School;

(e) whether it is a fact that the Municipality of Salem has offered to take the said building for their use;

(f) if so, on what conditions; and what orders have been passed in the matter; and

(g) what the present book value of the said buildings is?

A.—(a) Yes.

(b) No.

(c) No.

(d) Does not arise.

(e) Yes.

(f) The matter is under consideration.

(g) The Government have no information.

2nd November 1935]

Mr. K. A. NACHIYAPPA GOUNDER:—"In answer to clause (b), the answer is 'no.' What difficulty is there in placing such an order on the table of the House?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The Government Order relates to such a trivial and unimportant matter that they do not think it necessary to place it on the table of the House, Sir?"

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask, Sir, why the girls' school has not been shifted to the other building yet?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot give the reasons now."

Excise

Auction of toddy shops in Bellary.

* 424 Q.—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that the four toddy shops of Bellary were auctioned in one lot this year in the month of July;

(b) if so, whether such grouping was being done in the previous years;

(c) if not, whether the system of grouping was notified giving sufficient time for bidders to realise the change and be prepared for it;

(d) whether such a grouping was recommended by licensing boards;

(e) whether it is a fact that in Kurnool, not only all the two toddy shops of the town but also twelve shops of the fourteen adjoining villages were grouped together and sold in one lot this year; and

(f) at whose instance such a procedure was adopted and what the reasons are for adopting such a course?

A.—(a) Yes.

(b) No shops have been sold in groups in previous years in Bellary. The group sale is, however, a recognized method of disposing of shops when the local circumstances indicate that it is desirable.

(c) The Government have no reason to think that sufficient notice of the sale was not given.

(d) It is not the duty of the Licensing Boards to advise on such matters.

(e) Yes.

(f) In the case of Bellary, the Commissioner of Excise; in the case of Kurnool, the Collector. In both cases because the adoption of the method seemed desirable in the interests of the Government revenue.

[2nd November 1935]

Mr. V. T. ARASU:—" May I know from the Hon. Minister whether the Government have accepted the auction of toddy shops in groups as a policy? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The answer is there. It is left to the discretion of the Commissioner to do so when he thinks that in the local circumstances, such a course is necessary or desirable."

Mr. V. T. ARASU:—" Will the Hon. Minister state in what districts it was so done and in what district it was not so done? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The question relates only to two districts. I have no reason to think that this has been resorted to in any other district. In the City of Madras also I think it was thought of at first."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, what are the special considerations for adopting this system? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It brings more revenue."

Mr. K. A. NACHIYAPPA GOUNDER:—" Is it a fact, Sir, there was a loss in resorting to this grouping system at Salem during the year? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There was no loss."

Administration of Justice.

Recognition by Government of the Provincial Civil Courts Process Servers Central Committee.

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

(a) whether representations have been received by the Government on behalf of the Provincial Civil Courts Process Servers Central Committee for the recognition of the same by the Government; and

(b) if so, when and what orders have been passed thereon and whether a copy of the order will be placed on the table?

A.—(a) Yes. In January 1934.

(b) As the body appeared to be a Central Committee of the various district unions and as the district unions themselves were not recognized by the High Court, the Committee of the Unions could not be recognized under the rules. There is no specific order issued in the case except the letter sent to M.R.Ry. Rao Bahadur T. M. Narayanaswami Pillai Avargal on 12th September 1935. A copy* of the letter is placed on the table of the House.

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask what are the difficulties in the way of Government not giving recognition to these unions and the Central Committee? "

The Hon. Sir K. V. REDDI NAYUDU:—" I think the answer is already on paper, that this is only a committee, as we can see

2nd November 1935]

from the very name, and the district unions have not been approved by the High Court; and as such, the rules framed by the Government of India have not been complied with."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the Government have ascertained from the High Court why recognition was not given to the various district unions? "

The Hon. Sir K. V. REDDI NAYUDU:—" They themselves informed us that they were not recognized unions."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the Government have ascertained the reason why the High Court was not prepared to recognize these district unions? "

The Hon. Sir K. V. REDDI NAYUDU:—" No, Sir."

Mr. V. M. RAMASWAMI MUDALIYAR:—" Will the Government be pleased to ascertain the reasons, especially in view of the fact that recognition has been given to the Non-Gazetted Government Officers' Association and such other associations of Government servants? "

The Hon. Sir K. V. REDDI NAYUDU:—" I think, Sir, the best thing would be for the members of the associations themselves to approach the High Court."

Representations for the reorganization of the service of Process Servers.

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

(a) whether representations have been received by the Government for reorganizing the 'process-servers' service as one of 'bailiffs' from the Ninth Provincial Process-Servers' Conference, held at Srivaikuntam on 24th May 1934; and

(b) if so, what action has been taken thereon and what orders have been passed in the matter and whether a copy of the order will be placed on the table?

A.—(a) Yes.

(b) No action was taken thereon as the proposal involved additional expenditure for which money could not be found. The other part of the question does not arise.

Law and Order (General).

Alleged Hindu-Muslim tension at Kandukur.

* 424-C Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Home Member be pleased to state—

(a) whether the Government have received any report about the recent Hindu-Muslim trouble at Kandukur in Nellore district, and, if so, what it is;

(b) whether the Government or the Collector have received any representations from the Hindus with regard to the same;

(c) whether the Government have made any enquiry with regard to the same, and if not, whether they will call for a report from the Collector; and

[2nd November 1935]

(d) what action the Government have taken or propose to take in the matter?

A.—(a) Yes. A brief summary of it is given below:—

The relations between the Vysyas and the Muslims at Kandukur are very strained. In April this year Sri Rama Navami and Muharrum coincided. The trouble which arose then over Hindu music in the neighbourhood of mosques was averted by suitable measures. On the 18th September 1935, music close to a mosque caused the trouble to break out afresh. There was a clash between the two communities in which one Vysya was slightly injured. As a result of the clash, the Vysyas arranged to boycott Muslim juktas and trades. Juktas ply between Kandukur and Singarayakonda Railway station and are owned entirely by Muslims. The Muslims were badly hit by the boycott. The Hindus also turned out the Muslim tailors who were accustomed to ply their trade on the verandahs of Hindu houses. The Hindus fearing retaliation engaged watchmen to protect their houses. On the night of the 17th October 1935, the Hindus and the Muslims quarrelled and injured each other. Three Hindus and two Muslims are reported to have sustained minor injuries. This incident caused numbers of Hindus and Muslims to collect with sticks and prepare for a fight, but the opposing crowds were dispersed before they actually met.

(b) The Government have not received any representation from the Hindus. There is no information whether any was received by the Collector.

(c) & (d) The District Magistrate has already taken steps to prevent a recurrence of similar incidents. No action by the Government is called for.

Registration.

Levy of additional registration fee on lengthy documents.

* 424-D Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the maximum number of words that are to be contained in each document for registration is prescribed for registering without any extra charge;

(b) if so, whether a copy of the rule or order in the matter will be placed on the table; and

(c) on what principles such a rule or order was passed?

A.—(a) & (b) The Member of the Legislative Council presumably refers to the Notification No. 95, Law (Registration),

[2nd November 1935]

dated 9th December 1931, prescribing additional registration fees in the case of lengthy documents occupying more than two pages in the register. A copy * of the notification is annexed.

(c) The levy of the fee was made to meet the extra work involved in copying lengthy documents.

UNSTARRED QUESTION

Police

Alleged entry of the Police into the house of one Santhana Kudumban of Vadugapatti village, Madura district.

425 Q.—Rao Bahadur R. SRINIVASAN: Will the Hon. the Home Member be pleased to state—

(a) whether, in connexion with a complaint of theft on the 18th March 1935 in Vadugapatti village, Madura district, against one Thangarazu, son of Santhana Kudumban, the Police entered the house of Santhana Kudumban, removed paddy stored there and beat Santhana Kudumban and his children;

(b) whether it is a fact that Santhana Kudumban and his children were ill when the Police entered his house and beat them; and

(c) if the answer is in the affirmative, what steps the Government took with regard to this action of the Police?

A.—(a) It is a fact that the police entered the house of Santhana Kudumban in connexion with a complaint of theft on the 18th March 1935 in Vadugapatti village and seized some paddy suspected to have been stolen, but neither he nor his children were beaten by the police. The paddy seized having been found on examination, to be of a different kind to that stolen was immediately returned to the owner.

(b) Santhana Kudumban was seriously ill at the time of the search but his children were not ill.

(c) The conduct of the police not being improper, the question of taking action against them does not arise.

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

NON-OFFICIAL BUSINESS.

III.—A BILL TO AMEND THE MADRAS ESTATES LAND ACT, 1908
(BILL No. 2 OF 1935).

Sriman M. G. PATNAIK Mahasaya:—"Sir, I thank the Government first of all for having given the House an opportunity to discuss this * motion on a non-official Bill, on an official day. Of course it will be

* The motion to refer the above Bill to a Select Committee was discussed in part on 8th August 1935 and the further consideration thereof was adjourned to this meeting.

a Printed as Appendix VII on page 509 infra.

452 A BILL TO AMEND THE MADRAS ESTATES LAND ACT, 1908
(BILL NO. 2 OF 1935)

[Sriman M. G. Patnaik Mahasayo] [2nd November 1935]

remembered that last time there was some discussion on it; a conference later met and came to some agreement outside. If the Bill is now referred to a Select Committee, the report may be submitted in a very short time, and it may be convenient to have this Bill passed at this sitting. That is the object with which this motion is made now on an official day.

"I have to say one word with regard to the list of members proposed for the Select Committee. There were twelve persons selected as members of the conference, and it is considered desirable that they should be also on the Select Committee. That is the reason why some changes have been made in the list and a new list has been drawn up. So, I will now, with the leave of the House, withdraw the motion moved by me on 8th August 1935."

The motion was, by leave, withdrawn.

Sriman M. G. PATNAIK Mahasayo:—"Sir, under Standing Order No. 39 (2) I now move that the Bill to amend the Madras Estates Land Act, 1908 (Bill No. 2 of 1935), be referred to a Select Committee consisting of the following members:—

1. The Hon. Mr. C. A. Souter.
2. Sir Alladi Krishnaswami Ayyar.
3. Mr. G. T. Boag.
4. The Hon. the Raja of Bobbili.
5. The Kumararaja of Venkatagiri.
6. The Zamindar of Mirzapuram.
7. The Zamindar of Bodinayakkanur.
8. The Raja of Khallikote.
9. Mr. P. V. Krishnayya Choudari.
10. Dr. P. Subbarayan.
11. Mr. P. Peddi Raju.
12. Diwan Bahadur T. A. Ramalingam Chettiyar.
13. Mr. T. C. Srinivasa Ayyangar.
14. Rao Bahadur T. M. Narayanaswami Pillai.
15. Mr. C. Ramalinga Reddi.
16. Mr. M. S. Sreshta.
17. Mr. K. P. Raman Menon.
18. Rao Sahib V. I. Muniswami Pillai.
19. The Mover.

11-30 a.m. "Sir, I wish to say one word about the number of members of the Select Committee. As the number is larger than the number permissible under the Standing Orders, I request your permission under Standing Order No. 39 (2) to increase the number to 19."

The Hon. Mr. C. A. SOUTER:—"I beg to second the motion, Sir."

The motion was put and carried.

2nd November 1935]

Sriman M. G. PATNAIK Mahasayo:—"I move that it be a direction to the Select Committee to submit the report on or before the 6th of this month."

The Hon. Mr. C. A. SOUTER:—"I beg to second that motion, Sir."

The motion was carried.

IV.—MOTION *RE* SECOND REPORT OF THE MADRAS DELIMITATION COMMITTEE—*cont.*

* The Hon. the PRESIDENT:—"Discussion on the Madras Delimitation Committee's second report will continue."

B. POCKER SAHIB Bahadur:—"Mr. President, Sir, yesterday I was dealing with . . ."

* The Hon. the PRESIDENT:—"May I point out to Mr. Pocker that the time is short and we have to complete the debate before 1-30 p.m. to-day. We must also give an opportunity to the Hon. the Finance Member or his Secretary to make his reply if he is willing to do so. As the hon. Member has already taken a sufficiently long time yesterday, I hope he will finish his speech soon to-day."

B. POCKER SAHIB Bahadur:—"I will be very brief, Mr. President. Sir, my justification for taking some time yesterday was due to the fact that the Mappillas were dealt with in a way in which they should not be dealt with by an hon. Member on an amendment regarding this matter. Anyhow, I do not wish to stand in the way of other hon. Members participating in the discussions as regards the various other matters connected with the subject. I was pointing out yesterday, how the Mappillas were of greater political importance in this country than the Mussalmans of the East Coast on the ground that they are an absolute necessity for the defence of the country. If the question of political importance is to be looked at, from the historical point of view too, the Mappillas have their own chief in the person of the Arakkal Raja and until recently he was ruling the Laccadive Islands and it was only quite recently that it was taken from him. From whatever point of view the question is looked at, it cannot be said that political importance is the monopoly of the East Coast Mussalmans and that the Mappillas have no importance at all. As a matter of fact from the point of view of the administration of the country itself, they are an absolute necessity and of greater importance."

"Another reason given by the Committee for taking away the seat is this: 'the distribution of the Muslim population should not form the only consideration in the formation of constituencies. Since the weightage is given to the Muslims as a minority community it should benefit the community in districts where they constitute a small minority rather than in districts where they are a large minority.' I submit, Sir, this is a great fallacy. Weightage is given to the whole Presidency for the whole community. The Communal Award does not say anything to warrant the inference which the Delimitation

[B. Pocker Sahib Bahadur] [2nd November 1935]

Committee has drawn. When once weightage is given to the whole community it is not open either to the community or to the authorities to divide it between areas where Muslims are sparse or dense. Therefore, the question of weightage cannot be taken beyond what has been stated in the Communal Award. The Award does not say anywhere that this weightage is to be enjoyed by Muslims only in this or that district where they are very few. Therefore the inference drawn by the Delimitation Committee is absolutely unwarranted.

"Another important matter I wish to refer to is this. After the publication of the first report nothing new had arisen for issue of a second report or to modify the first report. So far as I can see, the only new factor seems to be, on a reading of the second report which is now under consideration, is the appearance of Mr. Basheer Ahmed Sayeed before the Committee; apart from that I do not see any other new facts. Here I wish to say a word or two on this aspect of the question. Mr. Basheer Ahmed Sayeed's amendment is no other than what he has already put in in the memorandum which he submitted to the Committee. It has been already pointed out that no opportunity was given to the Mussalmans of the West Coast to give oral evidence before the Committee and my hon. Friend, Mr. Basheer Ahmed, alone seems to have enjoyed that privilege. I would like to say that so far as his scheme is concerned, it is not based on any general principle on which the Committee could distribute the seats. The Committee had to consider whether the seats should be distributed according to districts or according to population. If Mr. Basheer Ahmed's idea is that the seats should be distributed according to districts let him do so irrespective of any other considerations. What he says is, districts which have a population of 35,000 and more, or 4,000 or more voters, should be given one seat. Let us see how these figures are arrived at. My hon. Friend, Mr. Basheer Ahmed, in his speech yesterday in this House, let the cat out of the bag when he pleaded for a separate seat for South Arcot, not on grounds of any general principle, but on the ground of its importance, apart from the importance of other districts. Apart from the fact that South Arcot is the district from which my hon. Friend, Mr. Basheer Ahmed Sayeed, hails, I cannot see any special importance so far as this district is concerned. The whole object of my hon. Friend in moving his amendment is to see that South Arcot which was formerly linked with Chittoor is now linked with Chingleput. He wants that his own district should get a separate seat and in order that he may get this, certainly Chingleput has to be provided with a seat. In order to give one separate seat to Chingleput, what should be done? What is the population of Chingleput? It is 37,000. So he fixed the minimum as 35,000 and it is from this fact that his scheme has been evolved. On the other hand, if his idea is to give one seat to each district, why does he not give a seat each to Ganjam, West Godavari, East Godavari and also to Nilgiris? That is not his principle . . ."

2nd November 1935]

Mr. BASHEER AHMED SAYEED:—"On a point of personal explanation, Mr. President. My hon. Friend is misrepresenting me thoroughly from beginning to end. I have stated definitely on the floor of this House, as I did before the Delimitation Committee, which examined me, that each district ought to be taken as a territorial unit for the distribution of seats and that population consideration must also weigh."

B. POCKER SAHIB Bahadur:—"I leave it to the Hon. House to find out how my hon. Friend has raised this point of order and how he has shown that I have made misrepresentations."

Mr. BASHEER AHMED SAYEED:—"I have not raised a point of order."

* The Hon. the PRESIDENT:—"I wish the hon. Member does not refer to personalities and be done with the arguments that have so far been advanced against Mr. Basheer Ahmed."

B. POCKER SAHIB Bahadur:—"I will not in any way refer to personalities. I will say Mr. A and not Mr. Basheer Ahmed and shall not pronounce his name hereafter at all until I finish my speech. Now, Sir, the Mover of the amendment, with which I am now concerned, has as his object, the securing of one seat for his own district and nothing else and his whole scheme has been evolved out of this principle. It is quite patent and nobody can escape noticing it. So far he has not succeeded in his object and it is for that purpose that he has brought in this amendment . . ."

* The Hon. the PRESIDENT:—"Order, order. I am constrained to observe that hon. Members are getting more noisy. I may make a special request to hon. Members not to sit in groups and go on talking and loudly whispering. I wish more silence is maintained in the House and if there is anything to be discussed about, they are at liberty to go to the lounge room or to the lobby and come back to the House with their considered views."

B. POCKER SAHIB Bahadur:—"What the Delimitation Committee has done in their second report is that they have deprived Malabar of one urban seat. The Muslim Sub-Committee has unanimously recommended one urban seat for Malabar and there was no dissenting minute so far as that was concerned, but the only dissenting minute was about the second seat for South Kanara—only Messrs. Yakub Hasan and Yahya Ali have agreed, while the others did not agree—and it was passed by the Committee that South Kanara should have two. So far as the urban seat for Malabar is concerned, the Muslim Sub-Committee was absolutely unanimous in their recommendation, but the Delimitation Committee went back upon its first report and deprived Malabar of this urban seat. I submit that it is absolutely unfair and it ought to be set right in the interests of justice to all concerned."

[B. Pocker Sahib Bahadur] [2nd November 1935]

11-45 a.m. "There is one other factor I would like to refer to in this connexion. The second report does not refer to it; but as reference has been made to it by Mr. Raman Menon, I am bound to refer to it because the hon. the Mover of the amendment made mention of it yesterday. Otherwise I would be unwilling to raise it now at all. The hon. Member said yesterday that ten out of the thirteen members of the Committee have agreed to his view and that their views ought to be given weight. I have as much reverence for the hon. Members of the Committee as my hon. Friend; but I submit that their views ought to be given due weight so long as those views are reasonable and just. I would like to ask now whether that is the representation my hon. Friend, the Mover, has made to the Committee. Certainly not.

"Hon. Members are aware that there is the Council Muslim Party. Long before the Delimitation Committee was thought of, we tried to come to some agreement on Muslim representation; but mainly due to Mr. Basheer Ahmed who backed out, our efforts proved futile—I am sorry I mentioned his name. He drew out a scheme and sent a circular to all the members of the Committee saying that in the opinion of the Muslim Party the scheme should be given effect to."

Mr. BASHEER AHMED SAYEED:—"On a point of personal explanation, Sir, I sent round a circular memorandum wherein it is stated that it embodies the views of some members of the Muslim Party. I said only 'members' and not 'the party itself'."

B. POCKER SAHIB Bahadur:—"I have seen the memorandum in the *Hindu*. (Mr. Basheer Ahmed Sayeed: 'I am not responsible for it.') Sir, I was saying that he began the memorandum by saying that the question was considered by the members of the Muslim Party. But both in conclusion and in the course of the memorandum there are various statements which convey the impression that they are the views of the Council Muslim Party itself. The conclusion, i.e., 'in view of the resolution of the Muslim Party' is significant to remember. Even though he might have originally intended to word it so cleverly as to avoid being found fault with, he has not succeeded in that effort. On the other hand, if my hon. Friend says that it was not his intention to have created a misunderstanding in the minds of the members of the Committee, I can only say that in spite of it, it has occurred. And in support of the statement I will only refer to what Mr. K. P. Raman Menon says in his dissenting minute to the second report, on whose mind the memorandum of my hon. Friend has created the impression that it is the memorandum of the Muslim Party. Mr. Raman Menon says

Mr. C. BASU DEV:—"Will the hon. Member let us know when he will be finishing so that we may go out and be back in time?"

B. POCKER SAHIB Bahadur:—"I am not bound to make a reply to the hon. Member. If he wants, let him study the rules before he interrupts me, so that he may not speak in this House in that strain hereafter."

2nd November 1935]

* The Hon. the PRESIDENT:—"Several hon. Members are anxious to know if they will have an opportunity to speak on the motion. If the hon. Member goes on at this rate, he will recognize that other hon. Members may not have a chance."

Mr. BASHEER AHMED SAYEED:—"My hon. Friend can never be brief."

B. POCKER SAHIB Bahadur:—"I bow to your ruling and shall cut short my remarks; but in view of the method adopted by the hon. Member to gain support for his opinion, I have to make myself quite clear, as the secretary of the party, whose considered opinion the hon. Member professed to put before the Committee, and vindicate my position before the House. Only if my friends allow me to proceed I shall finish my speech very soon.

"This is what Mr. Raman Menon says in paragraph 12 of his dissenting minute:—

'It is significant to observe that the Muhammadan representatives from the West Coast and Mr. Hameed Khan are not signatories to the resolutions of the Madras Muslim Council Party. (See page 16 of the second batch of representations.) Although Mr. Hameed Khan, possibly at the importunities of his friends outside Malabar, subsequently wrote to say that he agreed with the Madras Muslim Council Party, he has taken care to state that he does not want the West Coast Muslim seats to be reduced.'

"He follows it up and says:—

'As against these representations from the Madras Muslim Council Party, etc., I would refer to the various representations received from Malabar on this very question insisting on their rights and leave the matter there.'

If these are the impressions created in the mind of Mr. Raman Menon, I would like to know whether I was not justified that an attempt was made to represent them as the opinion of the Council Muslim Party and not merely as the opinion of an individual. Certainly I will respect an individual's opinion. But if it is made known that it is the party's opinion, I, as the secretary of the party have to say that I have not convened any meeting. If it was convened, certainly it could have been discussed. I would have been able to persuade my hon. Colleagues or they may have been able to persuade me. Neither of these things occurred. My submission is that it was not at all fair on the part of my hon. Friend to have resorted to this method.

"In view of the fact that it is unfair to stand in the way of the other hon. Members who desire to speak on the motion, I do not like to take up much time. Not being satisfied with what he has done, he tries to deprive the West Coast Muslims of one of their seats on the Provincial Legislative Council also. As I have already said, my hon. Friend will not be satisfied unless we are crushed. The Committee itself appears to have repented for its action in another part of its Report regarding Provincial Legislative Council. This is what they say in paragraph 20 (b):—

'In this case the Committee considers that the seats should be distributed according to voting strength. The majority would admit however that, as Malabar and South Kanara have not received the full representation in the

[B. Pocker Sahib Bahadur] [2nd November 1935]

Assembly to which they are entitled on the basis of the Muslim population of those districts, two seats in the Upper House may be allotted to these districts.' The Committee itself admits that they are entitled to more. We have been deprived of our due share, though no doubt we claim the full number according to the population which comes to 12 seats and a seat for women. My request to the Government is that the Second Report of the Committee should not be allowed to prevail so far as we are concerned and they must restore what has been taken away from us by this report."

IV-A.—BILL TO AMEND THE MADRAS ESTATES LAND ACT, 1908 (BILL No. 2 OF 1935)—APPOINTMENT OF CHAIRMAN OF SELECT COMMITTEE.

* The Hon. the PRESIDENT:—"I have to announce that I appoint the Hon. Mr. C. A. Souter, as the Chairman of the Select Committee on Mr. Patnaik's Bill to amend the Madras Estates Land Act, 1908."

IV.—MOTION *re* SECOND REPORT OF THE MADRAS
DELIMITATION COMMITTEE—*cont.*

Mrs. A. Rukmani Lakshmipathi rose to (speak).

* The Hon. the PRESIDENT:—"I may point out that item (5) of the hon. Member's amendment dealing with polling is not covered by the Report. She can avoid that and deal with the other points."

Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President, I beg to move the amendment standing in my name, i.e.:—

'Add the following at the end:—

"And on such consideration this Council is of opinion (1) that the method of voting in all plural member constituencies, even in cases where a seat is reserved for scheduled castes should be the distributive method of voting but not the single non-transferable method nor the cumulative method."

12 noon. "I shall move each paragraph of my amendment separately, giving reasons therefor. On a perusal of the Report submitted by the Delimitation Committee and the order of the Government on the First Report, one is tempted to believe that the recommendations made by the Delimitation Committee and also by the Government, militate against the general interests of the people and are also contrary to democratic principles and ideals. Now, Sir, referring to the method of voting, namely, the cumulative method that the Delimitation Committee has suggested, I should like to point out that of the three systems of voting, the distributive method which obtains at present, the cumulative method and the single non-transferable vote, the distributive method is the best. To our experience during the last 15 years ever since the inauguration of the Montford Reforms we have found that the electorate has not experienced the least difficulty in recording its votes through this system. When I was a candidate for the local Legislative Council, I found that the voters were able to record their votes with perfect ease.

2nd November 1935] [Mrs. A. Rukmani Lakshmipathi]

Though there has not been any difficulty whatsoever yet the Government set aside the recommendations of the Delimitation Committee which proposed the cumulative method.

"I should like to point out to this House, Sir, that both the cumulative method and the single non-transferable method, though the cumulative method is slightly better than the single non-transferable method, are disastrous and undemocratic in character. They tend to aggravate the already existing communal feelings in the country. I should like to ask why the Government have recommended the single non-transferable vote which the Delimitation Committee have partially accepted and say: 'The majority of the Committee desire to reiterate their objection to the distributive vote; while they prefer the cumulative vote, they have no very strong objection to the single non-transferable vote.' Mark these words, Sir, 'they have no very strong objection to the single non-transferable vote.' It means though they recommended the cumulative method yet they are in perfect agreement with the recommendation made by the Government and so they have no very great objection to it. While the Anglo-Indians and the Europeans have been given multi-member constituencies with the distributive method of voting I am unable to understand the motives that actuated the Government to recommend in the plural constituencies the single non-transferable method. Regarding the district board elections the system of voting adopted is the distributive system. Take for instance a dual member constituency where one seat is reserved for the Harijans; if the single non-transferable method is introduced, one cannot possibly conceive of the great harm that this method will work, because according to this single non-transferable method, the voter is obliged to exercise only one vote but according to the distributive method he can exercise two votes; he can give one to the Hindu candidate and give the other to the Harijan. But by this single non-transferable vote you place a legal impediment in the path of the voters, you bring about not only caste and communal differences, but also impede the national unity of the country. In plural member constituencies where there is no reservation for the scheduled castes this method of voting would simply be ruinous. But both methods of voting are equally harmful and pernicious because even according to the cumulative method the voter can plump all his votes to the one candidate of his choice. According to the distributive method though the voter has the perfect liberty of exercising 1 or 2 or 3 votes as the case may be, generally our experience has shown that he does not exercise his vote in favour of one particular candidate but distributes his votes to the fullest extent that he is entitled to. But by the cumulative method the voter is tempted to plump all his votes to a particular candidate who belongs to his own caste. Taking into consideration the Poona Pact I must submit that the single non-transferable vote goes against its very spirit. The introduction of the single non-transferable vote practically converts the dual constituencies where one seat is reserved for Harijans into separate electorates thereby hampering national unity.

[Mrs. A. Rukmani Lakshmipathi] [2nd November 1935]

"The second paragraph of the amendment I move is as follows:—

'(2) That for all the general seats, (a) multi-member constituencies shall be formed without any exception and (b) that no district which is given not more than four seats including the one reserved for the scheduled castes should be split up and only such districts as are allotted five or more seats should be split up into two or three multi-member constituencies.'

"The Government memorandum, Sir, has very distinctly said that the minorities stand a poor chance of representation if there should be single-member constituencies. I should like to refer this House to the minute of dissent submitted by Mr. Chintamani, Mr. Tambe and others to the Indian Franchise Committee's Report wherein they have very strongly recommended multi-member constituencies. From the Delimitation Committee's report you will find, Sir, that no uniform and consistent method is followed in the delimiting of constituencies. Some single-member constituencies have been recommended and some multi-member constituencies have been recommended. On the whole as many as 46 single-member constituencies and as many as 26 double-member constituencies have been recommended. While the Europeans and the Anglo-Indians have been given multi-member constituencies I do not see any reason why multi-member constituencies should be denied to others. The Bombay Government have also supported the continuance of the present system. The constituencies that we have now are all multi-member constituencies. In multi-member constituencies there is every opportunity for minority communities to be represented. People with parochial outlook or with communal bias will not have much chance to be returned. If the constituencies are single-member ones there is every possibility for the zamindars, rich people, and people with influence to be returned in larger numbers. Therefore in multi-member constituencies a fairer representation is quite possible for minority communities like the Muslims, Christians and Harijans. Further, Sir, there is the least chance of corruption because men with influence like the zamindars, landlords and leaders of communities will be easily returned through single-member constituencies. There is every possibility for them to be returned because of the influence they wield. With these few words I move my second amendment and ask of this hon. House why the present system could not be continued.

"I move the third paragraph of my amendment, namely:—

'(3) That the City of Madras should be constituted into a single constituency with six general seats including two seats reserved for scheduled castes.'

12-15 p.m. "My amendment suggests that two more seats besides the four general seats should be reserved for scheduled castes. The Scheduled Castes Sub-Committee recommended that two seats should be reserved for the Harijans in the City of Madras, but the Government have

2nd November 1935] [Mrs. A. Rukmani Lakshmipathi]

given them only one seat. In a cosmopolitan city like Madras, Harijans are much more enlightened and have greater political knowledge, I presume, than the Harijans in the rural areas could possibly have. As such, I am of the conviction that two more seats should be given to them. Further the seats should not be divided among four single-member constituencies; and the city should form one constituency. I therefore commend this amendment for the approval of this House.

"Then regarding the fourth paragraph of my amendment:—

'(4) That in the case of urban seats, (a) only single towns should be formed into constituencies and (b) they shall be Vizagapatnam, Cocanada, Ellore, Bezwada, Guntur, Cuddalore, Tanjore, Trichinopoly cum Srirangam, Tinnevely cum Palamcottah, Coimbatore, Salem, Mangalore and Calicut, or (c) in the alternative, those ten towns proposed in Appendix I (a) of G.O. No. 355, dated 19th August 1935.'

The Delimitation Committee in its first report recommended ten urban seats, by grouping together many municipalities, sometimes as many as 12, and making them into one urban seat. The Government, however, have rejected this proposal. They have pointed out that if too many municipalities were grouped together, it would not bring about efficient representation because these municipalities are scattered. In the minute of dissent submitted by Mr. Yahya Ali at page 5, he referred to the following passage:—

'As regards the delimitation of territorial constituencies, His Majesty's Government, while they are content to leave your Committee a wide discretion in matters of detail, are anxious that you should make it your general aim, as far as the conditions permit, the maximum degree of contact between candidates and electors and the convenience of both, due regard being paid to administrative needs, the ideal to be aimed at being constituencies manageable in area, in number of voters, and in physical characteristics.'

I agree in that view; and in order to bring about closer contact between the candidates and the constituencies, it is better to lessen the difficulties in the way of candidates and not group too many municipalities and make them into one constituency. The Government have in their memorandum suggested 16 single municipal towns as urban seats, the Delimitation Committee suggested only ten urban seats in their first report, but in the second report they have reduced it to eight. They say, though the reason is not convincing, that because they have given one urban seat for women in Calicut and in Palghat they were obliged to cut down the ten to eight. With these remarks I commend the fourth paragraph of my amendment for the acceptance of the House.

"I shall not deal with the fifth and sixth paragraphs of my amendment, Sir.

"The next paragraph of my amendment is:—

'That in the case of Indian Christians, seven single districts containing the largest Indian Christian population should be formed into seven constituencies in addition to the City of

[Mrs. A. Rukmani Lakshmipathi] [2nd November 1935]

Madras and that the Indian Christian voters in all the other districts be merged in the general constituencies for the purpose of voting and standing as candidates.'

Two suggestions have been made, one is that the entire Presidency including the City of Madras, be given the option to elect eight Indian Christian representatives and the other is, that besides the seat allotted to the City of Madras, seven single districts containing the largest Indian Christian population, be allowed to elect seven representatives. I am in favour of the second alternative, because the Indian Christians residing in districts other than these seven single districts containing the largest Indian Christian population can merge themselves into the general constituencies. They have got the option to stand as candidates in the general constituencies. Soon after the Poona Pact was signed certain nationalistic Indian Christians were very much in favour of introducing joint electorates. When our ideal is to bring about the realization of joint electorates as early as possible, this method will take us nearer and nearer to it, because Indian Christians can stand in general constituencies in places other than the seven single districts and can get elected under the joint electorate system if multi-member constituencies are created as suggested. With these few remarks I move this part of my amendment.

"As regards the next paragraph of my amendment, I have not got much to say. It reads as follows:—

'That three more Muslim urban constituencies be formed and they shall be—

- "(1) the municipalities of Kurnool and Nandyal;*
- (2) the municipalities of Vellore and Vanigambadi; and*
- (3) the municipalities of Guntur, Tenali, Chirala, Ongole and Narasaraopet."*

I wish to urge one point in this connexion. Out of 28 Muslim seats, the West Coast has been given ten seats. The argument has been advanced that the West Coast has the largest Muslim population and therefore it is entitled to a larger proportion of representation. But I do not think that on that account it should get undue representation. On the other hand it will use undue influence and dominate over the rest of the Muslim community. I propose that three seats should therefore be taken away from the West Coast—though it may not be palatable to my West Coast friends—and allotted to the municipalities as indicated in my amendment. The majority of Muslim population reside in urban areas and in municipalities, and as such I feel that they should have three more Muslim urban representatives.

"The next paragraph of my amendment runs thus:—

'(a) That the electorate for the commercial constituency be the assesses of income-tax on an annual income of Rs. 5,000 and upwards derived on business including mining and planting.'

2nd November 1935] [Mrs. A. Rukmani Lakshmipathi]

"Regarding this item of my amendment, I feel that we should democratize the electorates by lowering the franchise qualification as much as possible. I therefore suggest that the electorate for the commercial constituency should include all those who pay an income-tax on an annual income of Rs. 5,000 or upwards.

'(b) That the whole Presidency be formed into one commercial constituency with two seats reserved for Europeans, the electorate being a joint electorate.'

"The Delimitation Committee suggests that the commercial associations should form an electoral college and elect representatives. If mutual goodwill and better understanding between the Indian commercial men and the European businessmen are to be brought about there is no better method than to include them all in a joint electorate. There is a very large population of Europeans who have come to this country to do business with us, and if they wish to have the support of the Indian businessmen and if they do feel that their interests are in common with the interests of the Indian businessmen, they must form part of the commercial community of the country. The Indian Franchise Committee has however thought otherwise. They say in their report that the European merchants are averse from any system of joint electorates. Page 129 of their report says:

'We are satisfied that the European Chamber of Commerce are at present averse from joint electorate.'

I differ from the recommendation of this Committee because I do feel that in this matter they have made a reactionary recommendation and I suggest that the entire commercial community, including both European and Indian, should form one commercial constituency.

"The next paragraph of my amendment is:—

'That the franchise for the landholders constituencies be widened by lowering the qualification to an annual income of Rs. 1,000.'

Here also the principle involved is that we should not make these landholders' constituencies so many pocket boroughs, but should lower the qualification so as to enable all landlords and inamdars to vote in these constituencies. The qualification that I have suggested is that all landholders having an income of Rs. 1,000 should be entitled to vote in the landholders' constituencies. It is ridiculous to have five out of six constituencies having less than 100 voters.

"The next paragraph is to the effect:—

'That all the graduates of not less than five years' standing be the electors of the University constituency.'

In this connexion, Sir, much has been said against the proposal of the Delimitation Committee who have suggested in their first report that only the Senate should be entitled to send a representative to the Legislative Assembly. They afterwards revised their recommendation

12-30
p.m.

[Mrs. A. Rukmani Lakshmipathi] [2nd November 1935]

and have included the Academic Council, the Vice-Chancellor and the Pro-Chancellor in the University constituency. The reason that was advanced for limiting the University electorate to only the Senate and the Academic Council was that the University being an administrative body, the students have really no particular or special interest in it. One cannot possibly conceive of a University without its graduates. The system that is prevailing in the western countries is that it is the graduates that elect representatives to the legislatures and not the small body like the Senate. In other Provinces in India the graduates constitute the electorate. By this proposal the graduates are deprived of the inherent right of electing their own representative to the legislature. The Bombay Government have accepted the proposal to form a constituency on the lines I have suggested, viz., to constitute all graduates of five years' standing into the University constituency.

"The last paragraph is:—

'That there shall be no urban seats for the Provincial Council.'

In Australia all adult members of the population have the vote for the Upper Chamber. Similar is the case in all modern constitutions. I shall not discuss the question whether Second Chambers are advisable or not as it is beyond the scope of our discussion. However the arguments put forward by Messrs. Chintamani and others against the formation of Second Chambers are weighty indeed. They have said as follows: 'We feel so keenly and our conviction is so strong that in the public interest Second Chambers ought not to be established in the provinces. It is mostly for those who are concerned more for the special position of the privileged classes than for the advancement of the people at large.'

The Hon. Mr. G. T. H. BRACKEN:—"On a point of order, may I ask whether the hon. Member is in order in discussing the question of the Second Chambers which was not at all before the Delimitation Committee. That has been settled by the Government of India Act."

Mrs. A. RUKMANI LAKSHMIPATHI:—"I do realize that the question of having a Second Chamber does not come within the scope of the Delimitation Committee and that is why at the beginning I said that though we were not going to discuss the question of the advisability or otherwise of having a Second Chamber, I would merely for argument's sake refer to it.

"My reason for not advocating urban seats for the Provincial Council is that in urban areas the number of persons that will be qualified to vote will be a few hundreds with the result that those who stand for the Upper Chamber will have practically a monopoly for the seats. When our principle is to widen the electorate by widening the franchise there is no valid reason for creating six urban constituencies for the Provincial Council. The Second Report of the Delimitation Committee is also in favour of not having urban seats for the Provincial Council."

2nd November 1935]

Mr. P. RATNAVELU THEVAR:—"I second the amendment."

* Mr. G. RAMESWARA RAO:—"Mr. President, Sir, I do not propose to take much time in moving my amendment, viz.:—

'Add the following at the end:—

"and on such consideration, this Council recommends that the whole district should be the unit for an electoral constituency and that multiple voting should be allowed in all plural constituencies, as it is now obtaining".'

Sir, the principle involved has been well recognized though there is still a difference of opinion between one section of thinkers and another. The main point on which I would put it is this: that if an electorate area is cut short into a small unit as to give rise to only single member constituencies, the danger is that a local magnate or a money-lender or a zamindar or a tyrant, would have the monopoly of gathering all the votes in that small area and make it his pocket borough rather than enable the best material being sent to represent the constituency in the interests of the Government and the administration. I put it only on the question of efficiency and competency of the member and I say that competent members are very often excluded when the areas are made small and reduced to small pocket boroughs. On that ground I say that the idea of reducing the electoral area to a small unit is not quite welcome and advisable. No reasons have been advanced as to why plural constituencies now existing have been found unworkable. It may be said that according to the new system the number of voters will be large and the electorate may be pretty unwieldy. That is certainly no ground for changing the existing system. If the number of voters is likely to be large and *pari passu* the electoral area, arrangements may be made by Government for giving facilities for recording the votes of all possible and willing voters. That is the regular way of solving the difficulty. It is not enough to say that the areas must be made smaller to suit the convenience of individual members who may be unwilling to travel long distances. Therefore the reasons advanced for making the constituencies smaller are not at all sound and consequently I request the Hon. House to accept my amendment."

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"I second 12-45
the amendment moved by the hon. Member to the Second Report of the p.m.
Delimitation Committee. I do not want to traverse the same grounds which the previous speakers have traversed. The second report, as has been pointed out by a previous speaker, contained separate decisions from the first report. When the decisions in the first report were arrived at they were arrived at a meeting of the main Committee sitting along with the sub-committee. So it would have been proper if the main Committee, when they revised their first decision, had taken the view of the sub-committee or consulted them. The decision taken sitting along with the sub-committee as contained in the first

[Mr. Mahmud Schamnad] [2nd November 1935]

report of the Committee was generally accepted by the Government which consisted of several hon. Members posted with authoritative information and having much experience. When Government have accepted the first report, the Committee should have taken steps, before revising their first decision, to ascertain the views of the Government. If they had done so it would have been more proper.

“Speaking about the single non-transferable vote and cumulative vote, I should say I would prefer the single non-transferable or even cumulative voting system, for the simple reason that it is simpler. The masses make mistakes and have made mistakes before in exercising their votes according to distributive system of voting. Although some previous speakers—including the hon. the Lady Member—spoke in favour of plural or multi-member constituencies, I have to say that I differ from them. I think in the present conditions of this country it is better that we have single-member constituencies.

“Sir, it was stated that single-member constituency was less democratic. But I will point out that in European countries where democratic principles are prevailing and from where we are copying them, the system of single-member constituency is also prevailing.

“About the labour constituencies it has been stated in the report that for dock and factory labour one seat would be allotted for Malabar and South Kanara but in fixing the thirteen places in these districts on the West Coast, they have fixed only one place in South Kanara while all the rest, viz., twelve are in Malabar. Such places as Malpe, Udipi, Karkal, Kasaragod and Coondapoor in South Kanara district where there are large factories, etc., have been left out. It is a sheer injustice to leave out the labourers who work in these places.

“Now coming to the scheme of my friend, Mr. Basheer Ahmed, and his arguments to reduce the Muslim seats to the West Coast, I would point out that Mr. Raman Menon in his dissenting minute, page 29, paragraph 5 of the Second Report, states as follows:—

‘They are (1) two communications from Mr. Basheer Ahmed Sayeed, of the second batch; (2) a resolution of the Muslim Council party appended to Mr. Basheer Ahmed Sayeed’s third letter printed at 16.’

I would submit that this resolution is a fudged document and no such resolution was passed at any such meeting. On the floor of this House I have also stated before that there is no such party as the Council Muslim party of which I am a member. If necessary my hon. Friend, Mr. Tajuddin, will bear me out.

“Sir, Mr. Basheer Ahmed wrote to me a registered letter in which he suggested the existence of such a Muslim Party and also referred to a resolution that was proposed to be passed and addressed me as ‘Dear Brother in Islam.’ I sent a registered reply addressing him also as ‘Dear Brother in Islam’ and categorically denying all the statements made by him and also pointing out that no such party had any right to pass such a resolution binding me and other Members of the

2nd November 1935] [Mr. Mahmud Schamnad]

Council. I challenge him here and now, Sir, to get up in his place and say that any such resolution was passed at a meeting of any such party.”

* Mr. BASHEER AHMED SAYEED:—“Sir, now that a challenge has been thrown it is not proper that I should leave it unnoticed. I submit that I have never made any statement before the Delimitation Committee nor on the floor of this House that any such resolution was passed. The only statement that I made was that a certain draft resolution was circulated to the Members of the Muslim Party to elicit their opinion and 9 members out of 13 wrote to me saying that they had accepted the draft resolution which was sent to them and it was this that was sent to the Delimitation Committee. I may also point out that the Muslim Member on the Delimitation Committee accepted the draft resolution that is contained in the printed memorandum. I do not think it is fair that I should be personally attacked in this manner.”

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“The paragraph I read is from Mr. Raman Menon’s dissenting minute, Sir. It is stated therein that Mr. Basheer Ahmed attached to his letter a resolution of the Council Muslim Party. It is on that that I relied in making my statement. I however admire his audacity, Sir, in producing such a cooked up resolution.

“Now, Sir, to come to the first of Mr. Basheer Ahmed’s amendments, it says that ‘each district containing a Muslim population of 35,000 and above and a voting strength of 4,000 and above excluding the two West Coast districts shall be assigned one seat.’ Any one acquainted with my hon. Friend, Mr. Basheer Ahmed’s ways can easily see through this device of having 35,000 as the basis of population and 4,000 as the basis of voting strength. When I searched into the memorandum prepared by the Government, I found that it is only Chingleput district that agrees with this description and so my Friend, Mr. Basheer Ahmed’s motive is quite clear. He wants that South Arcot which is his district should have a seat for itself and Chingleput which is now tacked on to South Arcot must be separated as it comes up to his standard by possessing a Muhammadan population of 35,000 and a voting strength of 4,000. In his 7-B amendment he says Chingleput might be tacked on to Chittoor in the event of a single seat not being assigned to it. This makes his intention clear enough.

“For depriving the West Coast Muhammadans of their due share of representation one of his arguments is that the distribution of seats should not be on the basis of population but of political influence. First of all it has not been clearly stated what he means by ‘political influence.’ If it means the past political position and power held by the Muslims, the West Coast Muslims deserve better consideration than those of the East Coast, because no Muslim Chieftain or Paliagar held sway in the East Coast for more than some 50 years. But in the West Coast the Ali Rajas of Cannanore were reigning for centuries, first

[Mr. Mahmud Schamnad]

[2nd November 1935]

under the Kolatri Rajas and then independently. They were ruling over the main land and Laccadive Islands. It is only when their country was subdued by Tippu Sultan who in turn was defeated by the English that the whole country was ceded to the British. But if it means that the present political importance is to be taken into account, I need not say that it lies more in Malabar than elsewhere as pointed out by Mr. Pocker. It is much more necessary to keep the Mappillas contented and well informed about the correct policy of the Government by giving them due representation in the legislative bodies; because any misrepresentation of Government policy is likely to lead to trouble. The Mappilla rebellion of 1920 was the result of misrepresentations. There should be sufficient number of representatives in the Assembly to refute any misrepresentations that might be made in future by explaining to them the Government's policy.

"The other argument is one based on weightage. Sir, I do not understand the sophistry about weightage. It is said that weightage is given to the Muslims of the province being in a minority and that weightage should be given to Muslims in districts where they are in a smaller minority as against Muslims in districts where they are in a larger minority. This is a fallacy. Weightage is given to the Muslims of the province as a whole as against the Hindus and other non-Muslim majority of the whole province and this weightage is given in the Provincial Legislature and not in a district council. If weightage is to come into play in a district assembly or council, the Muslim minority there may claim that they should be given weightage against the non-Muslim majority in the district council. But when the weightage is given for the Provincial Council where does the question of weightage for the Muslim minorities in some districts come in? Again, Sir, if it were a district council, the Hindu majority might say that they should not be converted into a minority in the district council by giving more seats to the Muslims. But as the question is concerned with a Provincial Council, these considerations do not arise. Therefore, Sir, I submit that on a proper review of all the facts, West Coast Muslims should be given at least 12 seats—10 seats for Malabar including an urban seat for Calicut and two for South Kanara as it contains the largest Muslim population next only to Malabar. Sir, it is a well-known democratic principle that representation is given to the people and not to the areas. It is the people that ought to be represented and not areas. The Delimitation Committee in their first report (page 14) have stated:

'The majority of the Committee is not convinced by the arguments advanced that there is any case for departing from the basis of population as the principal guide in the allocation of Muslim seats to different parts of the Presidency.'

But, Sir, they have departed from the basis of population and no reason has been shown for departing from that democratic principle in the allocation of seats for Muslims. Moreover, the Muslims in the

2nd November 1935] [Mr. Mahmud Schamnad]

northern half of South Kanara are non-Mappillas. I hope all these facts will be taken into consideration before finally deciding the question."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, Sir, I beg to move the amendment standing in my name:—

'Add the following at the end:—

"and on such consideration, this Council is of opinion that in the distribution of the thirty seats for scheduled castes, a seat may be allotted to the revenue district of the Nilgiris."

"Sir, at the outset, I must say that the memorandum presented by the Government has been so well drafted that many important points once so complicated have been made clear. The efforts of Mr. Boag, the Secretary, in this connexion, must be appreciated. But I find there is one point on which the main committee has been silent. Sir, after the deliberations in London of the Second Round Table Conference and after the announcement of the Communal Award by the Premier, there was a great hue and cry in India especially among the Hindus and the depressed classes now known as the scheduled castes. On two important points the whole Communal Award was tackled in this country and they were the number of seats allotted to the depressed classes in the various provinces and the method of election. Madras got 18 seats under a system of separate electorates. Exception was taken to it by the depressed classes of the nationalist school and the Hindus who believed in a united India. When the deliberations on the Poona Pact took place there were many prominent men like the Right Honourable T. B. Saprú, Mr. Jinnah, Mr. C. Rajagopalachariar on the Hindu side and Dr. Ambedkar, Rao Bahadur R. Srinivasan, myself, Mr. Jagannatham, Rao Sahib N. Siva Raj and some other gentlemen from various other provinces on the side of the scheduled castes. After great deliberation it was decided that the representation of the depressed classes should be increased so that the depressed classes might get a better voice in the future Government of the country."

The Hon. Mr. G. T. H. BRACKEN:—"On a point of order, Mr. President, is this all relevant to the amendment?"

* The Hon. the PRESIDENT:—"I am just trying to find the relevancy of the remarks of the hon. Member. I think the hon. Member had better confine his remarks to the amendment before the House."

Rao Sahib V. I. MUNISWAMI PILLAI:—"The Government Memorandum says:

'But since the Poona Pact has been accepted as an authoritative modification of the Award, the Committee are clear that it cannot now be rejected.'

Further on, the Memorandum says:

'It follows that if every scheduled caste voter is to have a say in the elections for the reserved seats, the whole Presidency must be divided into not more than 30 multi-member constituencies.'

[Mr. V. I. Muniswami Pillai] [2nd November 1935]

Sir, the Memorandum clearly says that the whole Presidency must be divided into thirty constituencies, so that the thirty seats may be distributed equally among all the districts. Yesterday, my hon. Friend, Mr. T. S. Ramaswami Ayyar, also observed that each district must be made a unit for the purposes of election. The revenue district of Nilgiris alone is left out and even the Committee has not said anything about it. One previous speaker, the lady Member, while speaking observed that Madras city is cosmopolitan and it has to be given two seats. If cosmopolitanism is the criterion to determine the number of seats, I must point out that Nilgiris is more cosmopolitan and must be treated in a fair way. I do not see why the Nilgiris which has for a long time, even before the Reforms, played a very important part in the politics concerning the depressed classes of the Presidency should be neglected. Further on the Memorandum says:

'Any other arrangement will deprive a certain number of the scheduled caste voters of the opportunity to take part in elections for the reserved seats. It will not however disfranchise them; for the scheduled caste voter will still be at liberty to vote and even to put up a candidate belonging to his community in a constituency where no seat is reserved.'

The Hon. the Finance Member knows the conditions of the Nilgiris very well and I am sure he will realize that it will not be possible for a scheduled caste candidate to get a seat in the Nilgiris if no seat is reserved for them. There is one community which is predominating there and they are the Badagas. For the last nine years it has not been possible for any other advanced communities to get a seat in the Nilgiris and how will it be possible for the scheduled caste people in the Nilgiris to elect a candidate of their own? In view of these facts I request the Government, in their final recommendations, to allot a seat to the scheduled castes in the Nilgiris. I find, Sir, that after the Retrenchment Committee's recommendations Madras has been tacked on to Chingleput district both forming a single revenue division. Chingleput has been given two seats and Madras one seat, so that one revenue division gets three seats. I have no quarrel with the allocations of seats to these two places, but I want to urge that the revenue district of Nilgiris which is the seat of the Government for so many months in the year and has so much other importance about it, should not be neglected.

"Again, Sir, the Committee make the following observation in regard to the mode of voting:—

'The majority of the Committee desire to reiterate their objection to the distributive vote; while they prefer the cumulative vote, they have no very strong objection to the single non-transferable vote.'

What is the objection of the Committee to have the distributive vote? If there is no distributive vote the very spirit of the Poona Pact will be gone. The Hindus conceded twelve seats to the scheduled castes so that they may have more members to represent them in the Provincial Assembly. I think, Sir, in view of the state of affairs in the Presidency, the adoption of the distributive voting will be in the interests of the development of the community. It has already been accepted

2nd November 1935] [Mr. V. I. Muniswami Pillai]

by the Government and the general public that a system of separate electorate will not help the community. I strongly insist on the distributive system of voting especially in the case of the scheduled castes. I feel, Sir, that the single non-transferable vote will not, in any way, work to the advantage of the scheduled castes."

* Mr. M. A. MANIKKAVELU NAYAKAR:—"Mr. President, Sir, I second the amendment of the hon. Member who has just sat down. I second it, Sir, just to have an opportunity of speaking on the Report. For although I have given notice of some amendments, I do not want to move them, because the object of my amendments has been fully explained by other speakers who have given notice of similar amendments and spoken on them. Thus I want to save the time of the House.

"Sir, theoretically, according to the strict principles of political science, a single-member system is preferable. But my submission is that the strict principles of political science have not been applied fully and truly in the Indian constitution, because the conditions here are so out of the normal. For instance, there have been introduced the principle of reservation of seats, and the principle of weightage to certain communities.

"In the case of the election of the scheduled caste representatives, 1-15 p.m. they have adopted the system of two elections; one the primary election and the other the final election. So, the theoretical principle of single-member constituencies cannot be applied in our constitution. After all, the advantage of having single-member constituencies is not very much when we compare the disadvantages connected therewith. The only advantage, as far as I can see, is that in single-member constituencies the representative can speak authoritatively on behalf of the constituency. But in the case of dual or multi-member constituencies, the members representing the constituency will put forth various views and therefore there cannot be any strict representation of the views of the constituents. That is the only objection. The disadvantages of the single-member constituency are many. Single-member constituencies can easily be made into pocket boroughs. There is great scope for corruption, because the area is limited; the number of voters also is limited and a rich or powerful man can exercise various influences, monetary and otherwise. The advantages of multi-member constituencies are very great, considering the peculiar social and political conditions of Southern India. For instance, in plural-member constituencies there is greater scope for minority communities to get representation and also for non-Brahman Hindu communities which are not strictly minority communities. In bigger constituencies there is greater scope for such communities, as they are scattered throughout the district. In a limited area of a single-member constituency, there is not much scope for similar communities getting representation. That has been very clearly pointed out in the Government Memorandum. I shall just refer to that sentence. It is stated 'that minority communities have very poor chances of securing representation in single-member constituencies.' It is also pointed out in the

[Mr. M. A. Manikkavelu Nayakar] [2nd November 1935]

dissenting minute of Sir Ramachandra Rao 'that in single-member constituencies, minorities have not much scope for proper representation. In the sister Province of Bombay, they have adopted the dual or multi-member constituencies system. It is stated that the Bombay Government have unanimously supported that proposal, on the ground that the system of single-member constituencies will leave out of consideration the proper representation of many minority communities. Conditions in Madras and in Bombay are more or less the same.' Therefore, I urge that instead of single-member constituencies dual or multi-member constituencies system may be adopted. No doubt it is very difficult to have a whole district as a constituency, because the area would be very vast and the number of voters would be 3 to 4 lakhs. The best thing is to divide a district into 2 or 3 divisions. That scheme has been put forward admirably in the Government Memorandum. The system of having multi-member constituencies will give greater scope for the introduction of the joint electorate system which will come into operation sooner or later. Once you fix up the system of having single-member constituencies, people will get accustomed to it and they will be against changing that system when there is necessity for having joint electorate system, according to which Muslims and other communities will take part in a common electorate.

"With regard to the system of voting, personally I would prefer that the cumulative system of voting should prevail. That is the recommendation of the Committee though the Government are for the limited single voting system. The only objection to the cumulative system of voting is that a particular candidate may canvass for all the votes in his favour alone and thus make it impossible for others to get proper representation. That may be the case if the whole district is made into a single constituency. But the Government have adopted the system of having single member constituencies. Even if you have multi-member constituencies, there will not be much difficulty, because you will have to vote for only two or three candidates as the constituency will be part of a district. If they think that the cumulative system is not quite desirable, they should have at least the distributive system of voting and not the system of limited single voting. The distributive system of voting has been in vogue all these years and voters both literate and illiterate have no difficulty. Under that system there is some chance for minority communities and for some major communities who are scattered throughout the whole district, having some representation.

"With regard to the separation of town and rural voters, I submit it is very essential that the rural voters should be separated from the urban voters. It is stated in the Memorandum that the town voters being not very large, they are not likely to adversely affect the rural voting. But the urban voters are concentrated in a small area and their votes are easily polled; they have great scope for exercising the franchise and it will adversely affect rural voting which has to be collected from all over a big area.

2nd November 1935] [Mr. M. A. Manikkavelu Nayakar]

"With regard to the distribution of urban seats, I should state that the towns in my district have not been given due consideration; there are as many as six municipalities in my district and no urban seat at all has been given. The main objection for grouping a number of municipalities for one constituency is they are scattered over a big area and it would be very difficult for the candidates to canvass votes. But in my district three or four municipalities are very near one another—not more than 15 miles apart. They can be grouped together and given one urban seat. The total population of those three or four municipalities will come to more than one lakh.

"With regard to the distribution of the general seats, very great injustice has been done to my district. I shall presently show, how in spite of the large population and voting strength, injustice has been done to my district. The districts of Cuddapah, Anantapur and Bellary have each been given five seats. The population of Cuddapah is roughly 9½ lakhs and the number of voters is 142,000; yet Cuddapah gets five seats including the Muhammadan seat. The district of Anantapur with a population of 10½ lakhs and voting strength of 160,000 gets five seats. Bellary with a population of 9 lakhs and a voting strength of 159,000 gets five seats. My district with a population of 2,262,000 and a voting strength of 312,000 gets only eight seats. Look at the difference between 5 and 8; 2 or 3 seats have been taken away from my district. Then by a comparison with the southern districts, Trichinopoly, Tinnevely, Madura and Salem, I shall point out how the disparity works. Trichinopoly with a population of 19 lakhs and a voting strength of 3 lakhs gets eight seats; Tinnevely with a population of 20 lakhs and a voting strength of 3 lakhs gets eight seats. Madura with 22 lakhs population and 2½ lakhs voting strength gets eight seats. Coimbatore with a population of 2,445,000 and 212,000 voters gets as many as eleven seats. Salem with a population of 2,433,000 and a voting strength of 297,000 gets twelve seats; whereas my district with a population of 2,266,000 and 312,000 voters gets only eight seats. Apart from this, with reference to the table given at page 4 of the second report I shall show what a glaring injustice has been done to my district. There it is pointed out how certain districts have over-representation and how other districts have under-representation. The districts which had at first over-representation were East Godavari, Coimbatore and Malabar; while the districts which ought to have more representation were Ganjam, Vizagapatam, Tanjore and Ramnad. That disparity has been set right by the second report of the Committee by giving each of the districts of Ganjam, Vizagapatam, Tanjore and Ramnad one seat more. The only district that is left out without its due representation is the district of North Arcot. In the case of North Arcot the under-representation is 1·0; in the case of all other districts, it is ·3, ·4 or ·5. The only district which has lost one full seat is the district of North Arcot. The other districts which have under-representation only to the extent of ·3 or ·4 per cent, get compensatory seats, by way of a woman's seat, or an urban seat or they are territorial units for the

[Mr. M. A. Manikkavelu Nayakar] [2nd November 1935]

labour seat. Even that consolation is not given to my district. We neither get a women's seat, nor an urban seat to which we are entitled; nor is our district a territorial unit for a labour constituency.

"Another injustice done to my district is with regard to the total population in allocating seats. The Jain population in my district which is one-third of the Jain population in the whole presidency has been completely omitted. I understand that the Jain population in the North Arcot district is roughly 11,000. That has been entirely left out. I would therefore urge that the question should be looked into again and that justice should be done to my district, because it has lost one full seat. I do not want to suggest as to from which district a seat should be taken away; because it would mean I am attacking particular districts. I would just point out that in the case of Kistna, over-representation is 8; it would not suffer very much if one seat is taken away. Coimbatore has got as many as eleven seats; one seat may be taken away from that district and given to North Arcot; or a seat may be taken away from Trichinopoly or Madura. I therefore say that this question should be looked into again and that bare justice should be done to my district."

* The Hon. the PRESIDENT:—"Hon. Members will just notice that we have covered all the amendments. Amendments 3 to 8 and 10 to 14 as well as the report of the Delimitation Committee are for the discussion of the House. I know that several hon. Members still desire to speak. There are further three items of business—two Bills and one resolution—on the agenda to-day which have to be transacted before this afternoon. The City Municipal Act will be taken up for discussion on Monday."

The House then adjourned for lunch.

After Lunch (2-30 p.m.)

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know, Sir, what attitude the Government are going to take, whether we can press our motions . . ."

* The Hon. the PRESIDENT:—"The hon. Member will wait and see."

Mr. DANIEL THOMAS:—"Mr. President, Sir, I believe the House will agree with me when I say that the Delimitation Committee had a very delicate and difficult task to perform. Various conflicts, clashes and divergences had to be taken into account and a balanced scheme which would give the greatest amount of legitimate satisfaction to all castes and areas in the province, had to be worked out. From the trend of the discussions that have been taking place, I must say that except in the matter of details and except in the matter of the method of voting, there has been no stringent or carping criticism as regards the proposals contained in the report. No doubt several hon. Members representing various areas of the province have come forward and made demands for increased representation. My hon. Friend Mr. Koti Reddi

2nd November 1935] [Mr. Daniel Thomas]

asked for more seats for the Ceded districts; my hon. Friend Mr. Krishnayya Choudari stands up and says Guntur and Guntur for ever; my friend Mr. Basheer Ahmed claims that more seats should be given to the East Coast Muslims, and so on and so forth. I believe that the fact that these various members representing different areas asked for greater representation and the fact that no other criticism has been made with reference to the fundamental features of the report, are themselves an illustration that on the whole the scheme is sound and that these details of criticism will necessarily arise wherever we have to distribute a small number of seats over a large number of areas.

"I regret that my hon. Friend Mr. Nachiyappa Gounder should have said that this Committee was a Party Committee and party considerations prevailed in its deliberations. I regret, Sir, that such a statement should have proceeded from his lips, especially when there is absolutely no justification for any such criticism. On the other hand, I may just say that taking the second report in juxtaposition with the first, the changes and modifications made in the second report will themselves indicate that the considerations which prevailed with the Committee were entirely of a non-partisan character. Mr. Basheer Ahmed made certain representations with regard to the East Coast Muslims; those representations were considered and certain modifications were also made. Mr. Koti Reddi representing the Ceded districts asked for some modifications and as much effect as could be duly and legitimately given to his representations was given. I may mention that even at the very last stage, just before the report was signed by the Committee, in deference to certain suggestions made by Dr. Subbarayan with regard to constituencies in the Salem district, certain modifications were made. I mention these facts to show that the Committee was entirely unbiassed by party considerations in the matter of delimiting the constituencies.

"With reference to the general features of the report, a good deal of criticism has been made by various members of this Hon. House on the question of single-member constituencies. I would suggest that both as a matter of historic authority and as a matter of practical experience, it cannot be gainsaid that single-member constituencies are the most suitable in the political conditions now prevailing in our country. It may be mentioned here that the Secretary of State in writing his letter to the Chairman of the Hammond Commission has stated that the British Government are definitely in favour of single-member constituencies. It may also be mentioned that for the last fifty years, France has been experimenting with the single-member and multi-member constituencies. After various alterations and trials, France has finally adopted the single-member system as the basis for a stable Government. Again, in introducing the Redistribution Bill in the House of Commons, Mr. Gladstone claimed for the single-member system not only that it was conducive to the formation of stable Governments, but that even in the matter of representation of minority communities, it was not disadvantageous. Taking into account the political conditions now prevailing in our own province, I

[Mr. Daniel Thomas] [2nd November 1935]

may say that one of the points made by several hon. Members was that there should be as intimate and close connexion as possible between the member representing a certain area and the residents in that area. It cannot be gainsaid that for the purpose of achieving such a close association between the member and his constituents, a small constituency will be of definite advantage. It is also a well-known fact that electioneering campaigns are becoming increasingly expensive; what with the motor travels, various publicity arrangements, etc., even the legitimate expenses of candidates are growing and growing indefinitely. In these circumstances, it must be admitted that smaller constituencies will mean much greater economy in election campaigns than bigger constituencies. (Mr. P. V. Krishnayya Choudari: 'Question.') Another essential point which my hon. Friend will not question is this: that when there are a large number of candidates representing a single area, it often becomes a settled fact that each member tries to shove on to his colleagues the responsibilities and duties which are involved in the representation of that area. Supposing in a particular area, some work has to be done, some representation has to be made, or some agitation has to be carried on for getting some relief, then every member points to his nearest colleague, who turns round and points to another, and so the turn goes on. In fact, when there are many members collectively responsible for the carrying out of a particular work, no member takes individual responsibility, but simply points to his neighbour. These and other considerations which will, I believe, be obvious to hon. Members of this House, clearly indicate that single-member constituencies are of very great advantage in the present conditions of our province. In fighting elections in a single-member constituency, the fight will be a straight and simple fight, whereas in the case of the multi-member constituency, the alignment and the working of the parties, the organizations of the communities and the confusion of the voters will be disadvantageous and deleterious to the smooth working of the election machinery. I therefore strongly urge upon this House that the single-member constituency which is justified both by historic authority elsewhere and also by the conditions of this province, is by far the best of all devices that could be adopted for carrying on the election machinery.

"Coming now to the question of the method of voting, unfortunately, Sir, I am not in entire agreement with the report. Of course this question of the method of voting will not arise except in multi-member constituencies. Under the present scheme, there will be a very large majority of single-member constituencies and there will only be a few dual-member constituencies where seats have been reserved for the backward or depressed classes. The restriction in such cases to a single non-transferable vote will mean that the Adi-Dravidas will all vote only for the Adi-Dravida candidate, while the non-Adi-Dravidas will all vote only for the non-Adi-Dravida candidate. I believe that defeats the very object of the Poona Pact, by which the Adi-Dravidas and the non-Adi-Dravidas were sought to be brought into close association with each other. In fact, the distributive voting, to a certain extent, includes

2nd November 1935] [Mr. Daniel Thomas]

also the non-transferable vote, because if the voter so pleases, he can restrict himself to one single vote. There is nothing to prevent him from giving only a single vote, though he may give more. I therefore suggest that in the case of the dual-member constituencies, the system of distributive vote may be adopted. But, subject to this minor detail, I submit to this Hon. House that the report as put forward by the Delimitation Committee is sound in its essentials, is just in its principles, and gives the largest and fairest representation to all areas, communities and parties resident in our province.

"I have one other aspect to deal with, and that is the question of representation of Indian Christians. My hon. Friend Mr. Krishnayya Choudari has chosen to make criticisms with reference to the allocation of seats for Indian Christians. In fact he was so uncharitable as to say that because there was one member belonging to Tinnevely on the Committee, women's seat had been given to that district in excess. I may mention for his information that it was not on the recommendation of the Indian Christian Sub-Committee that that seat was given to Tinnevely; in fact, they recommended that the seat should go by rotation to Madras, South Kanara and Guntur; but it was on the insistent demand of the Women Sub-Committee that this seat was given to Tinnevely. The women's seat is not to be reckoned as one of the eight seats given to the Indian Christians. One women's seat was specially allocated to the Indian Christian community by the Women Sub-Committee and that seat was given to Tinnevely.

"Therefore, Sir, the reasons for allocating the women's seat to Tinnevely are obvious. In this connexion, I think unstinted praise should be given to the Government Memorandum from all sides of the House, for recommending that a women's seat should be given to Tinnevely. As a matter of fact, Tinnevely contains the largest number of women electors of all the various districts of the province. It contains something like 39,000 voters, that is, nearly double the number of voters in the Guntur district. In the matter of the advancement of women, it is well known that Tinnevely women are the most advanced people in this province. If you take the service list of any Government department, for instance, the Medical department and the Educational department, you will find a good majority of women are from Tinnevely. (A voice: 'What about South Kanara and Malabar?') No doubt in South Kanara and Malabar there are also very enlightened ladies, but in the matter of the number of women voters and the general advancement of women—probably there may be individual exceptions in the case of Malabar and South Kanara—Tinnevely has the largest claim for representation of women. So far as women electors are concerned, Tinnevely contains something like 10,000 voters whereas Guntur whose cause my hon. Friend Mr. Krishnayya Choudari champions so enthusiastically, has only a very few number of women voters. So, Sir, in view of these various considerations, the recommendation of the Committee that a women's seat should be given to Tinnevely is sound and just. I may also mention here that whichever area is selected for allocating a

2-45
p.m.

[Mr. Daniel Thomas] [2nd November 1935]

women's seat, it would be an extra seat and it is therefore no use saying that Tinnevely has been given this seat. On the other hand, if Guntur is given this seat, it will again be an extra seat and it is therefore no argument that the recommendation of the report is not satisfactory in this respect.

"But the main question which I wish to place before the House in connexion with Indian Christians is the new point raised by my hon. Friend, Mr. Sreshta. I may state here that I am very much in sympathy with the sentiments and ideas expressed by Mr. Sreshta. Those of us, Indian Christians, who wish to be in the forefront of national progress and who are keen on achieving national solidarity, are anxious that the time must arrive when Indian Christians will merge themselves in general electorates with only this condition, i.e., reservation of seats (the Hon. Mr. A. T. Pannirselvam: 'Why?'). My Hon. Friend Mr. Pannirselvam asks, why. The reasons for it, so far as we are concerned and those of us who agree in this matter, are obvious. It is, of course, open to my Hon. Friend, Mr. Pannirselvam, to stick to the view he expressed at the Round Table Conference and he is entitled to do so, but some of us, I believe, have a different view of the matter. The time is now near at hand when Indian Christians should no longer seek to hold aloof and the time would shortly arrive when Indian Christians should merge themselves in general electorates with the only safeguard of reservation of seats. But that time is not yet come. That method of representation can only be considered when the revision of the Communal Award is taken into consideration. That may take some time more or it may be some years hence. But until then, the question is, what is the intermediate method of representation till that stage is reached. I think that the system advocated by my hon. Friend, Mr. Sreshta—and I believe it is also advocated by certain other people of my community—does not carry the opinion of the bulk of the members of the community. Sir, according to the census figures, there are 17 lakhs of Christians in this province and by the system of elected representation nearly 8 lakhs of Christians would be left out of the pale of Indian Christians. You must remember that those 8 lakhs of Indian Christians have till now been included in the electoral area and they were till now represented by territorial Indian Christian representatives and we should not try to take away the representation which they have enjoyed for the last ten or fifteen years in various areas. The question is whether such a change should be made now. So far as this question of territorial representation is concerned, the Catholic Indian Association of Madras which represents the bulk of the Catholics in the province, excluding Malabar and South Kanara and the Andhra Christians, are in favour of the old arrangement. I may also mention here that this system of representation by territorial method in certain areas and representation through general electorates in other areas, is neither fish nor flesh. In fact, it will mean creating a split in the community and breaking the solidarity of the Indian Christians in the province. You will then be segregating the Indian Christians into two

2nd November 1935] [Mr. Daniel Thomas]

classes, those who will be represented by territorial Indian Christian representatives and those merged in general electorates. After all, the position of the Indian Christians who will be merged in the general electorate will not be better. In the new Councils there are going to be only eight or nine Indian Christian seats and as a matter of working proposition I would ask what can these scattered, stray, small numbers of Christians in various territorial constituencies in a general electorate of the province do to carry their influence in such a general constituency? After all, the number of voters in a general constituency may be some 30,000 or somewhat more and in such large numbers what can a few hundred or thousand Indian Christian voters do with probably the support of the member representing that constituency? After all, the question of Christian representation would arise only when conflicts occur between Christians and non-Christians and if no conflicts arise, there is no necessity for separate representation for Indian Christians. But when once the principle of separate representation for Indian Christians is conceded—and that is to be given effect in the constitution of the country—then Christians in non-selected areas are entitled to ask, what is to be their position and who would represent them. No doubt you may go to the representative of the district and tell him your grievances, but what sanction or what power or authority will these voters have to approach that member? Of course, we shall pray that such conflicts may not arise. As things stand at present, when every community wants separate representation, I submit that Christians have now as much right to separate representation as others.

"Over and above such things, there are certain legal difficulties also in the way of adopting this method of select representation. In the Fifth Schedule to the Government of India Act, the direction is given that a province shall be divided into territorial areas. That is the general principle. The general direction is that the whole province shall be divided into territorial areas and it is only by way of exception it is provided that in special cases where any particular areas are deemed to be unsuitable for inclusion in such general constituencies, such representation should be given. Though my hon. Friend, Mr. Sreshta said that the term 'unsuitable' may be interpreted otherwise, yet that term admits of elastic interpretation. They do not say the circumstances under which the various areas in the province should be included in Christian constituencies. For instance, as between Tanjore and Malabar, according to his meaning, he would leave it to Government to decide. That only implies that the claims of Tanjore and Malabar are so equal in the matter of population and voting strength and in various other matters that he is unable to decide as to which of these areas should be given select representation. Supposing the Government decide that Tanjore or Malabar should be selected, how, of these two districts which are equal in population and voting strength, one should be deemed unsuitable? Is it merely because of the fiat of the Government that one of the two districts will be selected for select representation? I would submit, there is no reason or justification for

[Mr. Daniel Thomas] [2nd November 1935]

the inclusion of Malabar and the exclusion of Tanjore, if Malabar is selected for the purpose. I, therefore, submit that as the Government of India Act now stands, there is the clause in the Fifth Schedule which says that unsuitable areas should be excluded, and this provision cannot be disregarded and the select system of representation adopted.

“ One other thing which I would like to mention in this connexion is this: what about the Christians in non-selected areas standing as candidates? The Christian community will not be satisfied unless a Christian resident in that area, whether selected or non-selected, is entitled to stand as a candidate. For the purpose of securing such an advantage, no doubt there is the rule which enables the Government to frame rules setting out the qualifications of candidates. But as against this power vested in the Government, there is no provision in Schedule VI which, I believe, stands in the way of framing any rules which would confer this right on Indian Christians in non-selected areas. Rule 5 of Part I of Schedule VI says:

‘ No person shall be included in the electoral roll for a Sikh constituency, a Muhammadan constituency, an Anglo-Indian constituency, a European constituency, or an Indian Christian constituency unless he is a Sikh, a Muhammadan, an Anglo-Indian, an European or an Indian Christian, as the case may be.’

Rule 6 lays down:

‘ No person shall be included in the electoral roll for a Sikh constituency, Sikh constituency, Muhammadan constituency, Anglo-Indian constituency, European constituency, or Indian Christian constituency in any province shall be included in the electoral roll for a general constituency in that province, or vote at any election to fill a general seat therein.’

“ If, therefore, Christians are to be included in general constituencies they cannot, by that very fact, be eligible to stand as candidates. I do not think, consistent with the rule which has been laid down, it will be open to the Government to frame a rule by which Christians who are entered as voters in general constituencies can be given a right to stand as candidates in a Christian constituency. I therefore submit that this is a matter which has to be further examined in view of the fact that there seems to be a doubt or uncertainty, whether in view of rules 5 and 6 quoted above, it will be open to the Government to frame a rule inconsistent with the provisions of the Act.

“ Then, Sir, in view of the difficulties both legal and practical and in view of the fact that large masses of Indian Christians will be left out of territorial constituencies in case the select method of representation is adopted and in view of the fact that most of these people,—except of course some who are ahead of the opinion of the bulk of the people—large masses of Indian Christians have not agreed to be left over and be included in a general electorate, I submit that the right which these people have so long enjoyed should not be taken away, unless they themselves want it.

8 p.m. “ I submit, Sir, that a bulk of the people have not yet made up their minds to give up their representation. However much I am in sympathy with the views of Mr. Sreshta, I am of the opinion that

2nd November 1935] [Mr. Daniel Thomas]

the view of the Indian Christian Sub-Committee which is in favour of territorial representation for Indian Christians in this province unanimously accepted by the Committee and the Government, is the proper and sound method of representation of the Indian Christians at the present moment. I would therefore appeal to the House to accept the recommendation of the Delimitation Committee.”

* MR. W. K. M. LANGLEY:—“ Mr. President, I hesitate to intervene in this debate but in view of my association with Malabar, I feel it incumbent upon me to do so because I fear that unless I add my remarks to those of other members from Malabar who have preceded me my position might not be clearly understood. I should preface my remarks by stating that although in speaking on a matter which deeply concerns Malabar, I am speaking perhaps more particularly in my personal capacity, at the same time I am glad to say that the European group support with all their authority any remarks that I may make on this particular subject. I wish to associate myself very fully with the remarks that have already been made by my hon. Friends, Mr. Palat, Mr. Pocker and Mr. Schamnad. I fear this House has perhaps heard too much from Malabar during the last two days and therefore I will be as brief as possible.

“ I wish to confine myself entirely to a serious error, a blunder I might almost say, which if it is left uncorrected will in effect do a very serious injustice to an important section of the community in Malabar. I refer particularly to the decision of the Delimitation Committee to take away the originally proposed urban seat for the Mappillas and Muhammadans in Calicut. On this particular subject there is only one particular point that I want to make and that is the very definite distinction between the Mappillas in the coast towns and the Mappillas in the interior rural areas. The Mappillas in the coast towns are much more advanced in every respect and more educated and more cultured than the Mappillas in the interior and their functions in life are quite distinct. In addition to this the Mappillas in coast towns represent, in my considered opinion, an extremely important function in the economic life of Malabar. They are the principal traders of the coast; at one time they were the only actual traders though now there are many European traders and still more Gujarati traders. But still the solid foundation of trading in Malabar is represented by the Mappillas of the coast towns. They are the essential connecting link between the interior parts where the produce come from and the coast exporters, whether Gujaratis or Europeans. They advance money in the interior and they represent I should say hundred per cent practically of the timber trade, a most important trade of Malabar. They also are the great organizers of the whole of the coir-yarn trade of Malabar which in itself affords greater employment to everybody than any other trade and also in every respect they are the people who are the connecting link and who bring the produce from the interior parts down to the coast. As such I maintain that they represent an

[Mr. W. K. M. Langley] [2nd November 1935]

important section who have problems of their own and who should have representation of their own and who cannot afford to be swamped in any general rural constituency.

"Now it might be argued in opposition to my view that, if they are so advanced commercially, they can easily seek their remedy in one of the commercial seats which are provided under the new constitution. I think I can dispose of that particular argument. Although they are extremely shrewd in business, they are nevertheless illiterate according to European standards though they have a culture of their own; but at the same time owing to the fact of their illiteracy, as far as the European language is concerned, they do not take kindly to modern methods of commercial politics in the shape of chambers of commerce and so forth. They cannot make their voices felt in that way. But still they do represent an extremely important—a pre-eminently important—community in Malabar and this urban constituency of Calicut would have provided them with an opportunity of making themselves felt, and in this House heard, politically.

"I would just advance one other point in this connexion and that is, I presume, that it is the desire of everybody who desires to work the new constitution seriously, to make classes which are regarded as comparatively backward politically, such as the Mappilla community, more politically conscious. I maintain that the easiest way to make them politically conscious is that they should have what might be regarded as an urban constituency in the leading town of Malabar such as Calicut which could serve as a rallying ground for Mappilla opinion generally in Malabar. The more advanced Mappillas of Calicut inevitably would take the lead and set an example to the less advanced Mappillas in rural constituencies and thereby, I feel that the Mappillas who are backward politically would become more politically conscious and would then throw their full weight into the kind of councils which we are now approaching.

"There is one other point. It is a point which does not, I am afraid, carry very much weight nowadays. I allude to gratitude for the part played by the Mappillas of the coast towns during the Mappilla rebellion. I do feel that the out-going Government owes it to the Mappillas of the coast towns as a recognition of their part to give them due representation. The rebellion has been referred to in one or two speeches. Mr. Schamnad said it was in 1920; but in point of fact it occurred in 1921. During the whole of that very trying period, it was inevitable that the sympathies of the Mappillas of the coast towns must have been very largely with those brave though misguided men of the interior of Malabar; but throughout the whole period of that small war which lasted for a period of nine months or more and was carried on sporadically a considerably longer time, during the whole of that time, the Mappillas of the coast towns remained absolutely firm and unshaken and I attribute it very largely to the excellent guiding influence of the more prominent Mappilla traders of the West Coast.

2nd November 1935] [Mr. W. K. M. Langley]

I feel sure that in claiming that this urban seat should be returned to the Mappillas of Calicut, I am claiming no more than what ordinary justice and right dictates."

* Mr. C. BASU DEV:—"Mr. President, Sir, at the outset allow me to associate myself with the remarks of my hon. Friend Mr. Daniel Thomas with regard to the report, just in essentials and sound in basis and for this we are not a little indebted to the indefatigable energy and the unbiased and intelligent judgment of the Chairman and the Secretary assisted by members of considerable experience and ability. I would not have risen, Mr. President, but for the fact that a large number of hon. Members who spoke on this report opposed single-member constituencies. Lest the idea should gain ground that the majority of this House are in favour of multi-member constituencies, I rise to oppose the system of multi-member constituencies and support the decision of the Committee in favour of single-member constituencies. I am certain that if a vote is taken on this issue, the House will unequivocally give its decision in favour of single-member constituencies. I shall add only a word or two to what Mr. Daniel Thomas has said at considerable length in support of the single-member constituencies. I can understand the anxiety of those who advocate multi-member constituency; there are one or two reasons. I think they are entirely opposed to the idea of greater responsibility which a single-member constituency inevitably involves. Multi-member constituencies are free from such responsibility; and only they can succeed who are adepts in those devices of demagogues described in Latin as *suppressio veri* and *suggestio falsi*. And the larger the area of the constituencies the greater are the chances of their mis-statements, and false averments going unchallenged. No wonder therefore they are against small single-member constituencies.

"With regard to the University constituency there has been again a great volume of opinion expressed against the Senate and the Academic Council forming the constituency. I cannot understand the arguments of my hon. friends against the Senate and the Academic Council. Under the Act the University consists of the Senate, the Syndicate and the Academic Council and not merely the registered graduates. Why then restrict the constituencies only to registered graduates? It is not contended that at any time the cause of University education ever suffered at the hands of hon. Members of this House and as a matter of fact the number of graduate members here is considerably high and yet another graduate cannot improve the position. I think, therefore, that if the University is to be represented the Senate and the Academic Council, as suggested, is the proper constituency. 3-15 p.m.

"Coming to the question of labour representation, I am glad the House is unanimous in agreeing with the recommendations of the Committee, and of the Government, with regard to the non-union constituency as the only good and proper form of constituency at the present moment. The recommendations of the Government are against

[Mr. C. Basu Dev] [2nd November 1935]

trade unions constituency and they are the best and most proper recommendations. At the present moment trade unions in this country are most unsatisfactory to say the least. Some trade union leaders have put forward the claim for trade union constituency with selfish motives. I do not see, Sir, why the representatives of the workers should be restricted and that only members of trade unions should have a vote in sending their representatives to this House. The object in giving representation to labour is to give some voice to 75 per cent of the workers who will be practically benefited. Any restrictions on this constituency will defeat this object and will be unfair. The recommendations of the second report of the Delimitation Committee include in one territorial constituency the textile workers of Madras and Coimbatore and combine in another constituency textile workers of Madura and Tinnevely. The textile industry in Madura, Madras and Tinnevely is static and will not expand while Coimbatore is ever expanding. Some more mills are about to be started and by the time the electoral rolls are prepared, I am sure the textile workers there will be more than 25,000. In Madras, Tinnevely and Madura, their number put together will not be more than 18,000. I therefore think that this combination of Coimbatore and Madras and Madura and Tinnevely is unjustifiable. Coimbatore alone and if necessary combined with Malabar should form one constituency and the rest of Madras, Madura and Tinnevely should be clubbed together into another constituency.

"Sir, during the debate on this report I was considerably surprised at the narrow parochial attitude of the public men pressing for what I may call the fractional claims of their respective districts. For example for 4.5 of seats that Guntur should get on the population basis only four seats are allotted. Mr. Krishnayya Choudari protests and points to another district which with a claim of 6.5 on population basis gets seven seats. I thought in this country we had only conflict of communal claims. I now see there are territorial rivalries also. Yesterday I was considerably surprised to hear my friend Mr. Palat pleading for special representation to Malabar on account of its pepper and coconut. This day in one of the interpellations there was something about legislation for protecting chillies. They are commodities of Guntur and if chillies and tobacco are to be protected Guntur will have to get yet one seat more than even what Mr. Krishnayya Choudari fights for. The recommendations of the report are essentially sound and just. The issues involved are of a complicated nature, and it is difficult to please everybody. One word more, Sir, about my claim for recognition and representation for the backward classes. (Voices: 'What about the Hindu backward classes?') I am aware that it is too late in the day to claim for the Hindu backward classes reservation of seats. But I think some justice can be done to them if in the women seats at least three may be restricted to lady members of backward Hindu classes. If this is admissible at this stage, I request the Government to consider it with sympathy. With these words I once more support the main recommendations and beg to repeat that if a vote is

2nd November 1935] [Mr. C. Basu Dev]

challenged the majority vote will be in favour of single-member constituencies and the University representation by the Senate and the Academic Council."

Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, Sir, I am grateful to the Government for the opportunity that has been afforded to discuss the Report of the Madras Delimitation Committee. I desire at the outset to give expression to my appreciation of the care with which the Committee has discharged the important duties entrusted to it, and also of the admirable memorandum prepared by Mr. Boag, which a good deal facilitated the work of the Committee.

"As I represent in this hon. House one of the Indian Commercial constituencies, my remarks will be confined to the subject of Indian commercial representation. While I share the view that more seats could have been allotted for Indian Commerce under the new constitution, I think that no useful purpose will be served by going into the question at this stage (in view of the Communal Award). Moreover, I realize the anxiety of European commercial interests that Europeans in the future provincial legislature should have at least as many seats as they enjoy at present, and also the justice of the plea that, while Indian commercial interests will be able to secure representation to some extent through the territorial seats also, the Europeans will not be able to increase their representation in any manner.

"As regards the *representation of Indian Commerce*, the Committee's recommendation in the first and second report is the continuance of the present arrangement by which the Southern India Chamber of Commerce and the Nattukottai Nagarathars' Association each return one member. I submit that I respectfully agree with the decision. The claims of the two commercial organizations for separate representation rest on the grounds of service, status, constitution and representative character.

"Established in 1909, the activities and influence of the Southern India Chamber have shown rapid progress during an unbroken period of 25 years. The Chamber was the third Indian Chamber of Commerce to be started in the whole of India. It has for the past several years been accorded separate representation on various public bodies. The constitution of the Chamber no less than the activities of the organization will show that the Chamber is impelled by high and broad ideals. No distinction whatsoever is made in respect of caste, creed or language for eligibility of membership. It has members spread over the various parts of the Presidency. The Chamber is quick in acquiring and disseminating commercial information. The various departments of the Government of Madras and the Government of India would vouchsafe to the fact how prompt and helpful this Chamber has always been in sending its opinions and suggestions from time to time on matters of commercial and economic importance. Thus it will be seen that the organization is sufficiently well established and is a really representative and authoritative body of commercial interests.

[Mr. M. A. Muthiah Chettiyar] [2nd November 1935]

"The Nattukottai Nagarathars' Association represents the Nattukottai Chettiyar bankers, popularly known as Chettiyars. The Association can, with just pride, claim that the progress of indigenous banking is in no small measure due to the activities of the Chettiyars. In this connexion I may be allowed to draw attention to what has been said by the *Indian Franchise Committee*. The Committee has said—

'The danger that in the absence of special representation for commerce and industry, the new legislatures may find themselves deprived of expert advice when it is most needed is, in our view a real one. The civil service which advises the Ministers has indeed an expert and intimate knowledge of the ordinary administration of the country. But its members have as a general rule, no first-hand experience of those great commercial, industrial, and banking undertakings which play a rapidly increasing part in the life of every community in the modern world. . . . it is therefore in our considered view desirable in order that the legislature may be better equipped to deal with economic subjects, that a certain number of seats should be filled by representatives of commerce and industry, who will speak in the legislatures from the expert and technical point of view.'

Whatsoever be the activities of other indigenous bankers, it may be safely stated that the Nattukottai Nagarathars will, in the years to come as in the past, be recognized, as the real backbone of the indigenous banking system throughout the Province. This will be clear from what two eminent authorities have said. *Thurston observed* 'that the Nattukottai Chettis in organization, co-operation and business methods are as remarkable as the European merchants.' In the words of Professor L. C. Jain, in his book on Indigenous Banking, it is clear that 'of all the indigenous bankers the Nattukottai Chettiyars are the most perfectly organized.' The Madras Delimitation Committee have stated that the distinctive nature of the Nattukottai Chettiyar bankers, so far as banking is concerned, put them in a class apart.

3-30
p.m.

"The claims of the South Indian Chamber of Commerce and the Nattukottai Nagarathars' Association for separate commercial representation have long ago been accepted by Government and have also been recognized by all the commissions and committees that had to examine the question. The privilege was first accorded to the Nattukottai Nagarathars' Association in 1910 when a Chettiyar banker was nominated to the Madras Legislative Council. With the coming into being of the Reformed Legislative Council, the Association and also the Southern India Chamber were granted the right of electing a representative. How the Indian Statutory Commission and the Indian Franchise Committee dealt with the claims of the two organizations may now be seen. The Madras Committee and the Indian Central Committee attached to the Statutory Commission recommended the continuance of the representation. The Statutory Commission agreed with the recommendation and the recommendation was accepted by the Madras Government and the Government of India. The view of the Indian Franchise Committee was that the commercial and industrial organizations which then had representation on the legislature—the Southern Indian Chamber of Commerce and the Nattukottai Nagarathars' Association being among them—'are fully capable of representing the

2nd November 1935] [Mr. M. A. Muthiah Chettiyar]

interests of industry and commerce as such.' The White Paper and the Joint Parliamentary Committee Report have also recognized the claims of the two commercial bodies for separate representation. I venture to think that I have succeeded in establishing that the Southern India Chamber of Commerce and the Nattukottai Nagarathars' Association should each be allowed to continue to return one member. However, I shall also deal with the suggestions embodied in an amendment that has been moved. It has been suggested that the constituency should be either merchants paying an income-tax or a combined electorate of all chambers and associations. With reference to the income-tax basis, I need only refer to paragraph 13 of the second report of the Delimitation Committee where it is stated as follows:—

'In this opinion the Committee is in agreement with the Indian Franchise Committee and with paragraph 10 of Appendix III to the White Paper where it is stated that "the special seats allotted to commerce and industry . . . will be filled by election through Chambers of Commerce and various associations."

Regarding combined electorate, it ignores the distinction between general commercial interests and special commercial interests. I wish to draw the attention of the House to paragraph 17 of the second report of the Delimitation Committee. The majority of the Committee are anxious to encourage the development of a strong and authoritative Indian Chamber of Commerce, which shall be the recognized mouthpiece of the commercial opinion of the province. They fear that the inclusion in the constituency of a number of individual chambers and associations, some with purely local interests, others with interests restricted to a particular industry or branch of commerce will retard such a development.

"In this connexion I would like to say a few words regarding a recommendation that has been made by the Madras Delimitation Committee in their second report. The Committee has recommended that the constituency be formed of the members of the Southern India Chamber of Commerce and of any affiliated chamber or association. That will result in frustrating the very object that the Committee has in view, viz., encourage the development of a strong and authoritative Indian Chamber of Commerce. Though affiliation of other chambers is desirable from the point of view of dissemination of commercial information, it would not be advisable in the matter of commercial representation, specially in view of the following observations contained in the Government of India Memorandum to the Statutory Commission.

'On the other hand, the recognition of Chambers of Commerce as electoral constituencies is a privilege which has long been enjoyed. The arrangement succeeds in securing men of weight in the commercial world as members of the legislatures. It sends them to the legislatures with a mandate from an authority which remains competent to enforce it and it facilitates their continuous attendance. A Chamber can always get its representatives to resign if he can't attend the legislature, and can elect another without difficulty.'

"Mr. President, Sir, I have done. I respectfully and in all earnestness appeal to all members of this hon. House to support my

[Mr. M. A. Muthiah Chettiyar] [2nd November 1935]

submissions to allow the South Indian Chamber of Commerce and the Nattukottai Nagarathars' Association to continue to return a member each."

* Dr. P. SUBBARAYAN:—" Mr. President, I am very much in favour of multi-member constituencies in spite of what Mr. Basu Dev has said in favour of single-member constituencies. I feel that for the real development of the country, multi-member constituencies are the best. Single-member constituencies would bring in what I would call parish pump politics, for the simple reason that the person who is most influential in a taluk can get returned.

" On the other hand if you include one or two divisions and make it multi-member, it is much easier for the parties to work together and any party may return a candidate who supports that party. I am a great believer in party Government, and I believe if the constitution is to be developed on right lines, two well-defined parties are essential for such development. It would be much better if the constituencies are divided as suggested in Appendix V of Mr. Boag's Memorandum.

" I know it would be very difficult to make a district a multi-member constituency, as has been suggested by various members, because the franchise has enlarged the electorate to such an extent that it will be impossible for the member elected to keep in touch with his constituency, if the whole district as a unit is to return members to the legislative assembly of the future.

" Secondly, Mr. President, I should like to mention a word or two on the question of distributive versus single non-transferable vote. I would say I was pained and surprised to hear from the Hon. the Finance Member that the Government themselves have decided from the point of view of administrative convenience that the single non-transferable vote would get rid of many of the administrative difficulties and should be the method of voting which should be adopted in the matter of future elections. I am sorry they have come to such a decision, especially when they have said in publishing the second report of the provincial Delimitation Committee that they would wait to hear the remarks made on the floor of this Council before they came to any conclusion of their own which would be submitted to the Hammond Committee. I say that in this particular instance they have been carried away more by administrative convenience than by any opinion of this Council. I feel that the single non-transferable vote would cut right across the Poona Pact and all the work that has been done to bring about a joint electorate for the scheduled castes and the rest of the Hindu population. We might as well have agreed to separate electorates, and retained the 12 more seats for the general constituencies, which would have been the case if the original award of His Majesty's Government had held the field. But I am not sorry for the Poona Pact. I do feel that as long as the disgraceful behaviour of the caste Hindu exists in the country by which he keeps a vast portion of the Hindu population as an untouchable

2nd November 1935] [Dr. P. Subbarayan]

caste, they should be given every opportunity of augmenting their strength in the future Legislative Assembly, so that their voices will be one that will have to be heard. And with 30 members there is more possibility of that being done than with 18. But at the same time, I feel that the solidarity of the Hindu community, and the abolition of the caste system and the treating of the untouchable in the manner in which he ought to be treated as part and parcel of the Hindu community, would be very much weakened if the single non-transferable vote were to rule. Even from the point of view of administrative convenience, I do not think it would be impossible for the voter, however illiterate he may be—because that is the point behind which all administrative conveniences hide—it will not really impede the voter exercising his vote properly if there is the distributive system. The Government seem to be enamoured of the single-member constituency and the dual member constituency in case where seats are reserved for the scheduled castes. Therefore, the voter will really have to decide upon two votes in the constituency where a seat is reserved for the scheduled castes and he is shrewd enough to understand that he can exercise these votes in such a way as to return one scheduled caste candidate and one belonging to either of the scheduled or general Hindu community; because one need not be surprised if in some cases, as it has happened in Anantapur in the district board elections, two scheduled caste men were returned for a constituency with a seat reserved for scheduled castes. I think more such occurrences will take place. I think that will be the only way in which the scheduled caste Hindu will have a place in the general body politic. Therefore I don't see why Government should be worried over the question of administrative convenience. I therefore feel that the members of Government even at this late hour if they can change their view, can do so. I very much hope so from the way in which the Hon. the Finance Member smiles.

" Lastly, Mr. President, I would like to deal with the representation of University seats given to this province. It has been said that the University which you want to represent and the University as defined by the statute, really consists of the Syndicate, the Academic Council and the Senate, and if three seats had been given to this province for Universities, and if you think that the University can better be represented in this Council by the University authorities, I can understand your wanting a candidate for the University returned by the Senates of the three Universities concerned. But we are governed by the statute and the statute gives only one seat for what is called University representation. I know that in the committee one particular member made a great play of the expression 'Rangoon University' which is found in the schedule with regard to Burma. But the Provincial Franchise Committee of Burma, which must have had as much intelligence as the hon. Member of the committee who put forward this argument, have decided after consideration unanimously that the graduates of the Rangoon University should return a member for the University constituency as far as the new Burma Legislative Assembly is concerned.

[Dr. P. Subbarayan] [2nd November 1935]

And with regard to other provinces also, most of the Provincial Delimitation Committees, if I remember right, all of them have decided that it should be the graduates who should return a member for representation of University in the Legislative Assembly. This is in consonance with the practice of English constituencies as well. Because in England, from time immemorial, it is not the governing body of the University that is returning the member for the University. Before the passing of the Representation of the People Act of 1918, it was those who were M.As. of the University who returned the member for the various Universities which had representation in the House of Commons. But when the new Act was passed, every graduate of the University of Oxford or Cambridge, or any of the Provincial Universities, can get himself entered on the electoral roll of that constituency by payment of a prescribed fee which is left to the Universities to decide. And I know that to-day you can become a voter of the constituency of the University by payment of one pound.

3-45 p.m. "A mere B.A. of a University who graduated only yesterday could get himself put on the electoral roll of both the Oxford and Cambridge Universities by payment of one pound. In the case of the University constituency any graduate of the various Universities can get himself put on the electoral roll by payment of the prescribed fee of £1. But here the only practice which was obtained before the new Act was passed was that every graduate of seven years' standing had a vote in the University constituency in the present elections to the Legislative Council. If really you think that some limit of years should be placed on such graduates, I can understand your retaining the present franchise qualifications for the new University representation; and if you think that for keeping the electoral rolls up to date the Universities should be empowered to prescribe a fee I can understand that also, because I think it is more from the financial point of view that a fee was prescribed in the case of representation of British Universities. But I cannot understand your taking away the franchise from a large body of electorate which possesses that right to-day and placing it in the hands of a small group such as the Senate would be. The tendency of all modern democratic constitutions has been to widen the electorate as much as possible and, when such is the case, I cannot understand either the Provincial Delimitation Committee or the Provincial Government trying to really restrict the franchise in the case of University representation. I hope, Mr. President, when the Government come to reconsider their decision with regard to this matter, they will carefully consider this question of restricting the franchise which they would do if they adopt the recommendation of the Provincial Delimitation Committee.

"Finally, Mr. President, I would like to say a word or two about Mr. Boag, because I think that without his labour it would have been impossible for the Provincial Delimitation Committee to have finished their work as quickly as they did. We sat for nearly ten days in the beginning and for about eleven days at the second meeting and I think

2nd November 1935] [Dr. P. Subbarayan]

it was his hard work and the way in which he put up his memoranda for the Committee which made it possible for the Committee to do their work in the expeditious way in which they did it. I am sure every Member of the Committee is indebted to Mr. Boag for his labours. Finally I would also like to say a word of praise to the Chairman who sat through most boisterous meetings of the Committee and kept his patience which I think was well-nigh impossible on some occasions."

* Mrs. K. ALAMELUMANGATHAYARAMMA spoke in Tamil and the following is an English summary of the speech:—

"Sir, as a Member of the Women's Sub-Committee of the Delimitation Committee I wish to say a few words in justification of the recommendation the sub-committee made. But before doing so I wish to say that the representation for this metropolitan city could have been increased to eight or ten. With the widening of the franchise we are going to have nearly 80,000 voters. At present for its 20,000 voters the city sends four representatives. I think the number of representatives for the city should keep pace with the increased number of voters. I would also suggest that the female population in the city is so large that two or more ladies' seats should be allotted to Madras. As regards the representation for the University I submit that franchise should not be restricted to the graduates only. The members of the Senate whether graduates or non-graduates and other University bodies as they are all elected representatives also should have the vote in the University constituency.

"Some hon. Members coming from the West Coast urged that a Muslim women's seat should be allotted to Malabar inasmuch as Map-pilla women in that place numbered about 21,000. They forget the fact that though the female population was large there, they were yet to see one Muslim woman on any of the local bodies on the West Coast. The proper constituency for returning a Muslim woman was therefore the city of Madras where there were many educated Muslim women in the educational institutions and there were also the wives of officials and experienced public workers. They have taken part in the Women's Conference and so on. The memorandum of the Government itself says:—

'On considerations of population and voting strength, the women's seat should go to Malabar; but it is doubtful if suitable women candidates will be forthcoming there; and it may be necessary to allot this seat to Madras City.'

"The women's sub-committee had acted impartially in this respect.

"As regards the Indian Christian women's seat, my hon. Friend Mr. Daniel Thomas has explained why it was given to Tinnevely. I think that if Guntur has as many educated Indian Christian ladies as Tinnevely, they can easily come through the general electorate.

"On the question of the representation of the backward communities I wish to say that I would be happy if some practical sympathy would be shown by hon. Members who pleaded eloquently for them."

[2nd November 1935]

* The Hon. Mr. G. T. H. BRACKEN:—"Mr. President, Sir, for three days now we have had very interesting debate on this question of delimitation and I think it is very satisfactory that almost all hon. Members have accepted the suggestion I ventured to put forward that as far as possible they should confine themselves to the general principles and not go into the details of this or that district. There were one or two exceptions, one somewhat lengthy. The various opinions that have been put forward in this House will receive the earnest consideration of the Government and I have no doubt they will be looked into with great care by the Hammond Committee. In this connexion I would suggest to hon. Members that if they could send the final editions of their speeches as early as possible, this debate will be printed very soon and sent to the Hammond Committee a little earlier."

"Another satisfactory feature of this debate is, I venture to think, that party has been kept out of it almost entirely. This is not really a party question and it is just as well that all the different proposals have been considered really on their merits."

"I do not propose to enter into the detailed arguments as there is little time available, and indeed the arguments of one side of the House have been met by arguments of the other side of the House. And after all, the Government have still to make up their minds after hearing the debate yesterday and to-day."

4 p.m. "There are, however, just one or two points which have not been answered and on which I should just like to say a few words. The hon. Member for the University spoke about disenfranchising the graduates, but under the literacy qualification all graduates can get their votes in future and if the graduates continue to vote in the University, it will be plural voting and they will get two votes . . ."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Why not give them option to vote in one constituency?"

(Another voice: "What about commercial constituencies?")

* The Hon. Mr. G. T. H. BRACKEN:—"My point is that they are not completely disenfranchised. On this question I would like to mention one personal matter. One hon. Member mentioned that the hon. Member for the University was not appointed as a Member of the Delimitation Committee although he was on the Franchise Committee. The hon. Member was a most valuable Member on the Franchise Committee and Government would have been only too glad to have continued him on the Delimitation Committee, but there was one rather serious objection which I think would be readily understood by every one in this House, viz., that if he had been put as a Member on the Delimitation Committee, Tanjore, would have got two

2nd November 1935] [Mr. G. T. H. Bracken]

representatives on that Committee. It was really necessary to distribute representation as far as possible all over the Presidency. I am very glad to have had an opportunity of explaining as to how the thing occurred."

"The hon. the Lady Member for the City of Madras, speaking about single non-transferable vote, said that it was undemocratic. I fail to see that the single non-transferable vote, or the distributive vote or the cumulative vote is either undemocratic or democratic; they all seem to be in that respect to stand on the same footing. One system may be better than another and there are other arguments of course for all the three methods. Therefore I cannot see how a single non-transferable vote is an undemocratic form of voting."

* Mrs. A. RUKMANI LAKSHMIPATHI:—"On a point of personal explanation I should like to point out to the Hon. the Finance Member that what I meant was that if the single non-transferable vote in multi-member constituencies is introduced, it will tend to bring about communal feelings. That is what I meant particularly in relation to our country where so much communal bias exists and where the people are divided into so many compartments, such as castes, and sub-castes."

* The Hon. Mr. G. T. H. BRACKEN:—"I venture to suggest that communal difficulties are not quite the same as democratic. But on the question of democracy I heard the hon. the Lady Member suggest that Harijans of Madras should get representation in preference to those in rural areas on the ground that people in rural areas were backward, and the same in regard to the West Coast. She suggested that the West Coast Muslims were rather backward. If this is not an undemocratic proposal I don't know what is."

"The hon. the Leader of the Opposition dealt at some length with the question of single-member constituency and single non-transferable vote. It is true I said that on that point the Government had made up their minds, but this did not mean to imply that it was not open to the hon. the Leader of the Opposition to convince them even at the eleventh hour if he could. I would like in conclusion to thank the hon. the Leader of the Opposition as to what he said about the Chairman of the Delimitation Committee and the Secretary of that Committee and I think all Members of this House are under a special debt of gratitude to them."

* The Hon. the PRESIDENT:—"Is the hon. Member, Mr. Krishnayya Choudari, pressing his amendment?"

Mr. P. V. KRISHNAYYA CHOUDARI:—"I just want to know, before I decide to press my amendment or not, what the attitude of the Government is on these amendments. My pressing or not pressing will depend upon what part the Government is going to take with regard to these amendments. The Hon. the President asked me to wait to find out what the attitude of the Government is on these amendments and therefore I have waited till now."

[2nd November 1935]

* The Hon. the PRESIDENT:—“Is the Hon. the Finance Member going to make any statement?”

* The Hon. Mr. G. T. H. BRACKEN:—“Sir, I would rather deprecate a vote of this House on these amendments. It is mainly a question of putting all the arguments of all sides of this House before the Government and the Hammond Committee and I venture to suggest to this Hon. House that voting will not be really helpful, but might rather confuse the matter. I would rather suggest to this Hon. House that there should be no voting at all. All the opinions expressed here will be placed before the Government and the Hammond Committee.”

* Dr. P. SUBBARAYAN:—“I am at one with the Hon. the Finance Member on this point, because I feel that voting on such matters would really lead to impossible positions, because I know in the case of the White Paper there was an agreed resolution which I moved, but there were so many amendments and if you analyse the voting on such amendments you will find there was no real agreement at all. I hope that hon. Members will not press their amendments to a division and avoid this, as I feel the Government would know from the discussions that have taken place what the feeling of a particular Member or particular section of the House is on the various questions that have been put forward.”

Mr. P. V. KRISHNAYYA CHODURI:—“In view of the remarks of the Hon. the Finance Member and also those of the hon. the Leader of the Opposition I do not press my amendment.”

The amendment was by leave withdrawn.

* The Hon. the PRESIDENT:—“Am I to take it that no other hon. Member is pressing his amendment?”

“No other hon. Member is pressing his amendment; all the other amendments are, by leave, withdrawn.”

Dr. P. SUBBARAYAN:—“May I say one word? I hope that these discussions will be sent to the Hammond Committee.”

The Hon. Mr. G. T. H. BRACKEN:—“Yes, yes.”

V.—THE MADRAS FOREST (AMENDMENT) BILL (BILL No. 22 OF 1935).

* The Hon. Sir K. V. REDDI NAYUDU:—“Sir, I beg to introduce the Bill^a further to amend the Madras Forest Act (Bill No. 22 of 1935) and to move with the special leave of the House under Standing Order No. 39 (2) that it be referred to a Select Committee consisting of the following 17 Members:—

- 1 Mr. K. A. Nachiyappa Gounder.
- 2 „ A. B. Shetty.
- 3 „ Ahmed Miran Sahib.
- 4 Rao Bahadur P. C. Muthu Chettiyar.

^a Published in the *Fort St. George Gazette*, dated the 29th October 1935.

2nd November 1935] [Sir K. V. Reddi]

- 5 Mr. U. C. Subrahmanya Bhatt.
- 6 „ M. A. Muthiah Chettiyar.
- 7 „ V. P. Narayanan Nambiyar.
- 8 Diwan Bahadur C. S. Ratnasabhapaty Mudaliyar.
- 9 Rao Bahadur R. Srinivasan.
- 10 Mr. C. Basu Dev.
- 11 Pandit Ganala Ramamurti.
- 12 Rao Sahib D. V. Narasimhaswami.
- 13 Mr. G. R. Premayya.
- 14 „ P. V. Krishnayya Choudari.
- 15 Diwan Bahadur A. Appadurai Pillai.
- 16 The Hon. the Raja of Bobbili.
- 17 The Hon. Sir K. V. Reddi Nayudu.

“Sir, the Bill is a very simple one and as hon. Members will find from the Statement of Objects and Reasons, in fact from the Bill itself, there is not much for me to say. The amendments are practically verbal alterations in three cases and only minor alterations in the remaining cases. For instance, in clause 2 we want the word ‘Sub-Assistant Conservator’ to be removed and the word ‘Extra Assistant Conservator’ substituted. The designation has been changed, but the functions of both are the same. As regards clause 3, it is only with reference to forests already established. When for the first time a forest has to be settled or demarcated, a good deal of procedure has been prescribed in the Act, such as notifications to the public and enquiries to be made as regards the claims that may be put forward, but when once this has been settled and declared to be a reserve forest, cases have occurred in which, for instance, the boundary line has changed, or a river had washed away a portion of the old boundary and under the description of the boundary, a new boundary might have come into existence. It may be that a tree or a building has been mentioned as a boundary on one side and it may be as a cause of dilapidation of that building or the destruction of that tree which no longer exists that this new boundary has come into existence. This clause is intended to re-define the boundary and therefore it is unnecessary to go into the whole procedure which had been previously gone through and about which there can possibly be no dispute.

“As regards clause 4, this has arisen on account of certain defects in section 32 which enables the Government to appoint one of the Estate Officers, where the estate has a forest, as the Forest Officer conferring on him all the powers which the Forest Act gives him. It has been found difficult to prevent cases of fraudulent removal of various produces. For instance, in various estates we have appointed the zamindar or the Dewan himself as the Forest Officer and he exercises the rights which have been conferred on the Forest Officer. But he cannot go on attending to the removal, say of small forest produce and according to the Act, as it stands, the watcher whom the zamindar

[Sir K. V. Reddi] [2nd November 1935]

might appoint cannot stop the removal of these produces. That clause is intended to give power to the Government to appoint others, besides the zamindar or the Diwan, as officers with special limited powers.

4-15 p.m. "If we allow them under section 32, they will become Forest Officers under section 34 and they will be in a position to exercise all the powers given to Forest Officers. It is not the intention of the Government to empower them with all the powers of Forest Officers. At the same time it is our intention to give them limited powers, such as power to stop the removal of forest produce unauthorizedly. That is clause 4.

"As regards clause 5, it empowers Forest Officers to prevent the removal of forest produce by carts. The word used originally was carts. In the old time motor-cars were not thought of. But nowadays persons come in motor-cars and when they go back they take forest produce in cars. Therefore in order to prevent such things, the general word 'vehicle' is used instead of the word 'cart.' Clause 6 is equally unimportant. It is intended for the purpose of protecting perishable goods. Under the present Act, the order as regards the selling of perishable goods should be given by a Magistrate. The power of directing the sale is vested only in the Magistrate. But cases have arisen in which there has not been time enough in which to take the case before a Magistrate and during the period the goods have perished. Power is now sought to be given so that in all cases in which it is not possible to go to a Magistrate, the perishable goods might be sold and the proceeds placed in the hands of the Magistrate so that he may deal with them according to law. That is all that is done here.

"At one time I thought it was not necessary to send the Bill to a Select Committee. But as I found that a number of hon. Members would like to have the matter settled before a Select Committee, I have myself moved that the Bill be referred to a Select Committee and I am sure that the House will pass the motion without any further discussion which may take place before the Select Committee."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Mr. President, Sir, I would like to say a few words on the motion before the House. My object in giving notice of a motion to refer the Bill to a Select Committee was this. Clause 3 refers to various sections. In the new section 17-A it is stated that it shall not be necessary to follow the procedure laid down in sections 4 to 16. It is all right when you have to alter the boundaries in minor matters in which the public are not concerned but what about it when you have to alter the boundaries in important cases? In such cases, the objections of the people in the surrounding areas should be heard and considered. That was why I wanted this Bill to be referred to a Select Committee where we could consider and introduce sufficient safeguards. I am glad that the Hon. the Law Member himself has referred the Bill to a Select Committee and I am thankful to him for it. I also want that before the Select Committee deals with this Bill, it may be

2nd November 1935] [Mr. K. A. Nachiyappa Gounder]

so arranged that the translations of this Bill is published in all the vernaculars and sufficient opportunity is given to the public to express their opinion. If there are any recognized forest associations their view point also may be taken."

The motion was put and carried.

VI.—THE MADRAS CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (BILL NO. 21 OF 1935).

* The Hon. Mr. P. T. RAJAN:—"Mr. President, Sir, I beg to introduce the Madras Co-operative Societies (Amendment) Bill *, (Bill No. 21 of 1935) and move that the Bill be taken into consideration at once.

"Sir, this is a very simple Bill. Under the section, as it stands, if a committee of a financing bank is to be superseded by the Registrar of Co-operative Societies, he could do so only with the concurrence of the Committee of the Central Provincial Bank. Administratively it has been found difficult, because the Committee of the Central Bank is largely composed of the representatives of the urban banks. Besides, there are certain banks which are not in any way connected with the Central Provincial Bank and consultation with it in superseding these Committees is hardly necessary. It is proposed to substitute the word 'consultation' for the word 'concurrence.' I am sure that the House will accept this Bill and pass it into law."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Mr. President, Sir, I am sorry that the Government have not given a fair chance to the Act which they themselves passed a year ago. So far as this provision is concerned, I believe the Hon. Minister remembers that it was introduced at the instance of the Government themselves in the Select Committee. That being the case, I do not see why the Government should be in such a hurry to amend it. I could see the logic of the thing in the case of the ordinary society if it was proposed to consult only the financing bank. But in the case of financing banks, they were convinced not very long ago that there should be the concurrence of the Provincial Bank for taking action under this section. Now, I will only say that there has not been sufficient experience to warrant the conclusion that this section is not going to be worked properly. It only seems to me that it is premature for the Government to bring in a Bill of this sort."

Mr. P. V. KRISHNAYYA CHAUDARI:—"Sir, I feel that this is not a very simple measure as the Hon. Minister has described it to be. It takes away a lot of power which the Central Bank has been enjoying. The Act was passed only three years ago and sufficient experience has not been gained of its working. I know in one case they have some difficulty and that happens to be a bank in the district from which I come. I therefore support the Government Bill although I feel that

[Mr. P. V. Krishnayya Choudari] [2nd November 1935]

they are taking away the privilege of the Central Bank. Before I give my assent to the Bill I should like to ask the Government to so act under this section that although the word 'consultation' only is there, there was really the word 'concurrence.' With these observations, I support the Government."

* The Hon. Mr. P. T. RAJAN:—"Sir, it is quite true that when this Bill was considered, I went out of my way to please my hon. Friend, Mr. Ramalingam Chettiyar and others who wanted the Government to take into their confidence the non-officials. At the same time, I must admit that necessity for superseding committees in large numbers has not arisen in the meantime for the Government to bring forward this amendment. As has been pointed out by my hon. Friend, Mr. Krishnayya Choudari, there was a case in which the department wanted that the committee of a certain financing bank to be superseded. The matter has been in correspondence for the past five months and as far as I can gather, no reply has been received from the Provincial Bank."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I am sorry to interrupt. But I must say that the Registrar himself was present at the meeting at which this matter was discussed and the Provincial Bank resolved that six months' time be given to the bank to rectify matters and that if it did not do so within six months, it would be superseded."

* The Hon. Mr. P. T. RAJAN:—"I am glad for the information. I am told that this kind of extension of time has been going on for the last three years. Further, as has been pointed out in the Bill itself, the Committee of Management of the Central Bank is composed largely of representatives of financing banks and as such it is not possible to get the Committee of the Provincial Bank agree to the supersession of the committees of urban banks. There are one or two cases under consideration which I can quote, but I do not want to go into them now. I can assure the House that the Registrar, when he supersedes a committee, will take care that he has tried every other alternative before he takes this extreme step. I am sure that the House can always bring to the notice of the Government of any abuse of the powers on the part of the department."

"I can assure the House once more that when the committee of a financing bank is about to be superseded, the Registrar will satisfy himself that he has taken every precaution before he resorts to this ultimate step. With this assurance, I am sure the House will accept the Bill."

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

Clauses 1 and 2 were put and carried.

The preamble was then put and carried.

2nd November 1935]

The Hon. Mr. P. T. RAJAN:—"I beg to move that the Bill be passed into law."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

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

VII.—RESOLUTION *RE* GUARANTEE IN RESPECT OF DEBENTURES ISSUED BY THE CENTRAL LAND MORTGAGE BANK.

* The Hon. Mr. P. T. RAJAN:—"Mr. President, I beg to move the following resolution standing in my name:—

'This Council recommends to Government that they may, under sub-section (2) of section 6 of the Madras Co-operative Land Mortgage Banks Act, 1934, increase the maximum amount of the guarantee given by them in respect of the debentures issued by the Central Land Mortgage Bank to a total face value of Rs. 100 lakhs exclusive of such debentures as the bank may from time to time redeem, subject to the periods of issue and the rate of interest specified in the resolution passed by this Council on the 4th August 1934.'

"Sir, it is needless for me to detain this House for any length of time. 4-30 As has been pointed out in the first sentence of the explanatory note, the House was good enough to pass a similar resolution some time back. Accordingly the Government have guaranteed the principal and interest on the debentures issued by the Central Land Mortgage Bank to the value of Rs. 50 lakhs. As has been explained in the note which has been circulated to hon. Members, the bank has issued debentures under sub-section (1) of section 6 for Rs. 35,20,100; they propose to issue debentures at the rate of Rs. 2 to 3 lakhs for issue of loans to primary banks every year. Therefore the bank wants the guarantee of the Government for further debentures to be issued by it. The Vice-President of the bank approached the Government and asked the Government to raise the guaranteed amount from Rs. 50 lakhs to Rs. 150 lakhs. The Government propose in the first instance to give them another Rs. 50 lakhs, so that when the amount comes to be exhausted, they can come before the House and thus give an opportunity to the House to know how the bank has been working. Before long, the sum of Rs. 50 lakhs guaranteed by the Government would be exhausted. (Mr. P. V. Krishnayya Choudari: 'We do not know how the bank is working; we have not got the annual report.') The annual report can be easily had from the bank. If the House wants copies of the annual report, I shall certainly ask the management of the bank to circulate copies to the Members of the House. From a perusal of the report the House will know how the bank is functioning. In view of this, I hope the House will be pleased to pass the resolution and thus raise the amount guaranteed from Rs. 50 lakhs to Rs. 100 lakhs."

[2nd November 1935]

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I second it."

Mr. P. V. KRISHNAYYA CHoudari:—" I do not wish to oppose the resolution. But before it is passed, I want some information. When the Hon. Minister wants this House to increase the amount guaranteed, he should supply us with all the relevant information. He has not yet furnished us with copies of the annual report of the Central Land Mortgage Bank. We do not know whether the debentures have been discharged by the bank or not. As long as these debentures are not discharged, we are only helping individuals holding the debentures to profit at the expense of the public. The Hon. Minister should furnish us with all these facts before he comes forward with such a resolution.

" Another point, Sir, we do not know up to what amount debentures have been issued before the Government guaranteed them. I know that the Central Land Mortgage Bank is anxious to increase the loan from Rs. 5,000 to Rs. 10,000. So far, they have not increased the amount. Until that is done, I do not think there is any necessity for this House to guarantee debentures to the value of Rs. 100 lakhs.

" Another point, Sir. The Hon. Minister promised us last time that the bank would be prepared to issue some shares for various districts, so that they can have representation and voice in the management of the Central Land Mortgage Bank. So far, nothing has been done. I myself raised various points about the distribution of shares, when the matter came up before the Council last time. Though the Hon. Minister and the President of the bank promised us, we were not able to get shares. For the last two years I tried and I was not able to get one share. Of course I got some shares in some other manner. Even though I tried to get shares for two years, I was not able to get them. Perhaps the Directors of the bank are anxious to monopolize all the shares themselves. There should be some system of the distribution of the shares so that each district may have some voice in the administration of the bank, instead of there being a clique among the share-holders.

" As we are increasing the responsibility of the Government, we must see that an executive officer is appointed to the bank. An executive officer is appointed even for banks transacting business only to the extent of Rs. 10 or 15 lakhs. The Central Land Mortgage Bank deals with crores of rupees; I do not see any reason why the Government should not take steps to see that an executive officer is appointed to the bank, who will be responsible for its management.

" Another point, Sir. The bank is now functioning only in wet land areas. In several dry-land areas, land mortgage banks have not been opened. These banks are intended both for wet-land areas and dry-land areas. Though I am coming from a wet-land area, I do not know why the land mortgage banks should be opened only in wet-land areas. The Government should state whether they are or not in favour of the banks being opened in the dry-land areas also. I know that the value of the dry land is not equivalent to that of a wet land. The Government

2nd November 1935] [Mr. P. V. Krishnayya Choudari]

may fix a lower value for the dry-land area. The bank can give loans of lesser amounts. The House does not know whether there has been increase in the number of banks. I request the Hon. Minister to give us all this information. I suggest that this resolution may be taken up for consideration in the January session."

* Mr. K. KOTI REDDI:—" Sir, I also wish to oppose the resolution. Before asking us to vote I hope the Government will furnish us with all the information that would be necessary for coming to a decision on a matter like this. The note does not give any information as to how the bank is working, whether the bank is discharging its duty properly, especially as the Government are guaranteeing the interest on debentures. If the public funds of this province should be given as guarantee for the bank's debentures, I think it is but fair that all the necessary information must be placed before this House, so that we may know about the working of the bank. The annual report of the bank must have been ordered to be circulated to the Members of this House, before the Hon. Minister comes to us for guaranteeing interest on another sum of Rs. 50 lakhs. I think that this item of business can be adjourned to the next meeting of the Council and the Hon. Minister should furnish us with the necessary information in the meanwhile.

" Then, Sir, it is stated in the note that the debentures issued by the bank are being sold at a premium and that they are popular. It is so because the Government have guaranteed these debentures. The debentures that are issued at present are at the rate of 4 per cent. Why does not the Hon. Minister want to give them guarantee for 5 per cent rate of interest, when the 4 per cent debentures are very popular. When you are certain that the debentures are being sold at 4 per cent, there is absolutely no reason why you should guarantee interest at 5 per cent. At the beginning, in order to popularise these debentures, it may be necessary to guarantee rate of interest at 5 per cent. Now it is not necessary to do so at that rate.

" Then, Sir, I am not satisfied with the working of these banks, because as my hon. Friend, Mr. Choudari pointed out, they are not discharging their duties properly in respect of all the districts in the Presidency. First of all, the very idea that these banks can be started only in wet-land areas is a great drawback in the case of dry areas. This Presidency consists mostly of dry areas, and if the operations of this land mortgage bank are to extend only to wet areas, where is fairness or equity in the general funds of the province being given to an institution which looks after only a particular tract? I hope, Sir, that the Government will see that the land mortgage bank extends its operations not only to wet areas but also to dry areas. Even with regard to wet areas, there is not a single bank in operation in the whole of the Ceded districts. It is said that they are going to have a primary bank in the Rajampet division of the Cuddapah district, but nothing has come out so far. I believe, Sir, it is rather unfair on the part of the Government . . ."

[2nd November 1935]

* The Hon. the PRESIDENT:—" May I ask the Hon. the Minister whether he is anxious to have the voting upon this resolution to-day, or whether it cannot be postponed to Monday? If he is anxious to have a vote upon it to-day, we would first of all have to secure a quorum."

* The Hon. Mr. P. T. RAJAN:—" Sir, I am entirely in your hands and in the hands of the House. If the House likes to discuss the matter further, Sir, I have not the slightest objection. In fact I have got all the necessary papers and facts here, and I can give all the information that hon. Members of the House may desire before the resolution is put to vote."

The House then adjourned to meet again at 11 a.m. on Monday, the 4th November 1935.

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

2nd November 1935]

APPENDIX I.

[Vide answer to question No. 398 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 2nd November 1935, page 428 supra.]

List of Public Prosecutors in the Madras Presidency on the 10th October 1935.

District.	Name of the public prosecutor.	Community.	Approximate period of service in the post now held.	Term for which he has been continuing or will continue.
(1)	(2)	(3)	(4)	(5)
Anantapur	M. R. E. V. M. Bayappa Reddi Garu	Non-Brahman, Hindu.	Nine months	First term.
Arcoot, North	V. S. Padmanabha Mudaliyar Avargal	Do.	Six years and one month	Two terms completed; appointment continued temporarily.
Arcoot, South	Rao Sahib T. R. Chakrapani Ayyangar Avargal	Brahman	Two years and nine months	First term.
Bellary	T. Raghavachari Garu	Do.	Eight years and nine months	Third term.
Chingleput	P. K. Seshadri Ayyangar Avargal	Do.	Three years and two months	Second term.
Chittoor	C. Venkataramana Ayyar Avargal	Do.	Appointed from 4th October 1935.	First term.
Coimbatore	Rao Sahib K. Raghavendra Rao Avargal	Do.	Four years and four months	Second term.
Cuddapah	Muhammad Habibullah Sahib Bahadur	Muhammadian	One year and eight months	First term.
Ganjam	Sriman Ramakrishna Ratho Mahasaya	Brahman	Four years and four months	Second term.
Godavari, East	M. R. V. M. A. P. Rao Nayudu Garu	Non-Brahman, Hindu.	Two months	First term.
Godavari, West	Rao Bahadur B. Venkatarayya Nayudu Garu	Do.	Three years and five months	Second term.
Guntur	C. S. Srinivasaya Chakraborty Garu	Do.	Two years and eleven months	First term.
Kistna	S. Jayarama Rao Nayudu Garu	Do.	Three months	First term.
Kurnool	T. R. Ramachandra Sastri Garu	Brahman	Seven years and six months	Third term.
Madras	Mr. L. H. Bewes	European	Seven years and five months	No term fixed for the post.
Madura	M. R. E. V. Rao Bahadur C. Krishnan Nayar Avargal	Non-Brahman, Hindu.	Nineteen years and one month	Six terms completed; reappointed for two years from 1st September 1934.
Malabar, North	G. Damodara Rao Avargal	Brahman	Six years and one month	Third term.
Malabar, South	K. V. Suryanarayana Ayyar Avargal	Do.	Three years and eight months	Second term.
Nellore	K. Rao Yalva Ali Sahib Bahadur	Muhammadian	Ten years and eleven months	Fourth term.
Ramanad	M. R. E. V. M. S. V. Manickavasagam Pillai Avargal	Non-Brahman, Hindu.	Seven years and four months	Third term.
Salem	M. S. Vilayathachariyari Avargal	Brahman	Ten months	First term.
South Kanara	K. K. Sadasiva Rao Avargal	Do.	Three months	First term.
Tanjore, East	T. S. Kuppuswami Ayyar Avargal	Do.	Three years and eight months	Second term.
Tanjore, West	Rao Bahadur A. Narasimha Chariyari Avargal	Do.	One year and two months	First term.
Tinnevely	Rao Sahib P. Avudayappa Pillai Avargal	Non-Brahman, Hindu.	Three years and two months	Second term.
Trichinopoly	Rao Bahadur T. M. Narayanaswami Pillai Avargal	Do.	Two years and eleven months	First term.
Vizagapatnam (Plains)	Rao Bahadur D. Srinama Sastri Garu	Brahman	Nearly twelve years	Fourth term.
Vizagapatnam (Agency)	A. Appalasami Nayudu Garu	Non-Brahman, Hindu.	Nine months	First term.

[2nd November 1935]

APPENDIX II.

[Vide answer to question No. 400 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 2nd November 1935, page 430 supra.]

Memorial from N. Subrahmanya Mudaliyar and eleven others, to the Secretary to Government, Public Works and Labour Department.

With reference to the introduction of Mettur hydro-electric power in the North Arcot district, the undersigned ryots of the village Pagavalu, Walaja taluk, beg to submit this memorial to urge on the Government the necessity of the State undertaking the distribution of the rural load for reasons set forth hereunder:—

1. Private companies have no direct interest in the development of the rural area. Grant of monopoly in such cases will amount to the denial of the benefit for ever to the ryots. Licences would always follow a dog in the manger policy.
2. Licensees cannot command the necessary capital as the lay out of the transmission lines to the farthest ends would involve heavy outlay. They would always demand the ryots to show a collective load when each asks for power. As ryots have no co-operative spirit they can never get power if licensees were to get the monopoly.
3. The present experience shows that the licensees do not bestow attention to the development of agricultural load.
4. Even in the solitary instances the licensees collect such a rate that agriculture can never think of utilizing power for its development.
5. Grant of licences to individuals or bodies would necessarily lead to the failure of a scheme calculated to primarily benefit the agriculturists.
6. The State can utilize the services of the Agricultural department for purposes of propaganda which advantage none else can have.
7. The ryot population is conservative by instinct and unless the power and prestige of the Government is behind a new venture the country will be slow to take up to new innovations in agriculture.
8. Government could easily install the pumps and other machinery and collect the cost by instalments utilizing the existing machinery for the purpose.
9. Development of the rural load will bring direct and indirect benefits to the State in the long run.
10. In Mysore, the Punjab and the United Provinces, it is the State that is distributing electricity to the farmers and the licensees are avoided.

2nd November 1935]

11. If the distribution is retained in the hands of the Government the profits will be shared by the ryots and not go as dividends to capitalists.
12. Politically it is desirable that the source of power to manipulate the key industry of the country is retained in the hands of the Government.
13. The failure of the licensees to develop agricultural load will retard rural development until Doomsday.
14. The failure of licensees will permanently stand in the way of the development of electrical pumping in the Province.
15. The Government cannot find a better district than North Arcot to develop agricultural load as an object lesson to the other district and licensees in the Presidency as this district contains the largest number of wells in the Presidency, as the agricultural season in the district coincides with the season when the greatest amount of secondary power is produced in the headworks and as the soil of the district permits the cultivation of all valuable commercial and food crops.

For the reasons contained above, the development of the agricultural load in the district must be entirely in the hands of the Government and all applications for licences, it is prayed, should be summarily refused.

APPENDIX III.

[Vide answer to question No. 411 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 2nd November 1935, page 436 supra.]

(1)

Letter from the Commissioner, Palamcottah Municipality, dated 13th July 1935, R.C. No. 401/35.

[Taxes—Cycles—Reduction—Sanction requested.]

The Council has at its meeting held on 25th June 1935 resolved to reduce the cycle tax of Rs. 2 per half year to Re. 1 to take effect from 1st April 1936. The amount realized as tax on cycles in 1933-34 was Rs. 1,602 and that in 1934-35, Rs. 2,480. The increase is due to the exercise of the powers under section 107 of the District Municipalities Act V of 1920 as amended.

2. I request that the Government may be pleased to accord necessary sanction to the reduction.

3. A copy of the resolution of the Council is submitted.

[2nd November 1935]

(2)

Extract from the proceedings of a meeting of the Municipal Council, Palamcottah, held on 25th June 1935.

[*Subject No. 13.*—Mahazar from M.R.Ry. S. V. Sundararaja Ayyangar Avargal, B.A., B.L., and others for the abolition of cycle tax or to reduce it to Re. 1 per annum (R.C. No. 401 of 1935).]

Resolution.—Cycle tax reduced to Rs. 2 per year; to take effect from 1st April 1936.

(3)

G.O. Ms. No. 3221, L. & M., dated 8th August 1935.

READ—the following paper:—

From the Commissioner, Palamcottah Municipality, dated 13th July 1935, No. 401.

Order—Ms. No. 3221, L. & M., dated 8th August 1935.

The Government are not prepared to sanction the proposal of the Palamcottah Municipal Council in its resolution No. 13, dated 25th June 1935, to reduce with effect from 1st April 1936 the rate of the tax on cycles to Rs. 2 per year.

(By order of the Government, Ministry of Local Self-Government)

M. V. SANKARA VARIAR,
Assistant Secretary to Government.

To the Commissioner, Palamcottah Municipality, through the Chairman.

APPENDIX IV.

[Vide answer to question No. 412 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 2nd November 1935, page 437 supra.]

(1)

Letter from the Commissioner, Tinnevelly Municipality, dated 4th August 1935, No. 14-16.

I beg to enclose copy of resolution No. 233, dated 1st August 1935, passed by the Tinnevelly Municipal Council, reducing the cycle tax from Rs. 2 to 4 annas per half year, with effect from 1st October 1935, and I request orders of the Government on that.

Resolution No. 233, dated 1st August 1935.

Letter from the President of the Tinnevelly-Palamcottah Cycle Owners' Association to reduce the tax levied on cycles to Re. 1 per annum and connected papers.

A tax of 4 annas per half year to be levied from 1st October 1935. Necessary notification to issue with sanction of the Local Government.

2nd November 1935]

(2)

G.O. Ms. No. 3304, L. & M., dated 15th August 1935.

READ—the following paper:—

From the Commissioner, Tinnevelly Municipality, No. 14-16, dated 4th August 1935.

Order—Ms. No. 3304, L. & M., dated 15th August 1935.

The attention of the Commissioner is drawn to the third proviso to sub-section (3) of section 78 of the Madras District Municipalities Act, 1920, and he is informed that the municipal council cannot now take into consideration any proposal to alter the rates of taxes so far as the current year is concerned. The resolution of the municipal council No. 233, dated 1st August 1935, resolving to reduce the rate of tax on cycles with effect from 1st October 1935 is illegal and *ultra vires* and cannot be approved by the Government.

(By order of the Government, Ministry of Local Self-Government)

M. V. SANKARA VARIAR,
Assistant Secretary to Government.

To the Commissioner, Tinnevelly Municipality (through the Chairman).
„ Examiner of Local Fund Accounts.

(3)

Extract from the proceedings of a meeting of the Municipal Council, Palamcottah, held on 17th August 1935.

[No. 31—G.O. Ms. No. 3221, L. & M., dated 8th August 1935, informing that the Government are not prepared to sanction this Council's proposal for the reduction of cycle-tax (R.C. No. 401/35. T. 3).]

Resolution.—The Government will be addressed for reconsideration of the matter.

(4)

G.O. Ms. No. 4242, L. & M., dated 16th October 1935.

READ—the following papers:—

G.O. No. 3221, L. & M., dated 8th August 1935.

From the Commissioner, Palamcottah Municipality, R.C. No. 401/35-T, dated 18th August 1935.

Order—Ms. No. 4242, L. & M., dated 16th October 1935.

In the present state of its finances the Palamcottah Municipal Council cannot afford the loss of revenue involved in its proposal to reduce the rate of the tax on cycles. The Government cannot therefore

[2nd November 1935]

reconsider their orders in G.O. No. 3221, L. & M., dated 8th August 1935, unless the Council is willing to find the loss in revenue by other means of taxation.

(By order of the Government, Ministry of Local Self-Government)

M. V. SANKARA VARIAR,
Assistant Secretary to Government.

To the Commissioner, Tinnevely Municipality (through the Chairman).

APPENDIX V.

[Vide answer to question No. 416 asked by Diwan Bahadur S. Ellappa Chettiyar at the meeting of the Legislative Council held on the 2nd November 1935, page 441 supra.]

G.O. Ms. No. 777 I., dated 28th March 1934.

[Ferries—Coimbatore and Salem—Ferries managed by Mettur District Committee—Closure—Orders.]

READ—the following papers:—

From the Chairman, Mettur Committee, No. 131-M.C., dated 15th February 1934.

From the Chairman, Mettur Committee, No. 218-M.C., dated 8th March 1934.

From the Board of Revenue (Land Revenue and Settlement), No. E. 1268/34-3, dated 21st March 1934.

Order—Ms. No. 777 I., dated 28th March 1934.

The Government approve the proposals of the Chairman, Mettur Committee, which are supported by the Board of Revenue to close fifteen* ferries in Salem district and to extend the provisions of the Canals and Public Ferries Act to the ferry at Koonandiyur-New Kodathiramangalam across the Thoppayar in the Salem district.

2. Necessary notifications under sections 8 and 10 of the Act will be published in the *Fort St. George Gazette*.

3. Under section 11 of the Act, the management of the new ferry is assigned to the Mettur Committee.

(By order of the Government, Ministry of Public Works)

N. GOPALASWAMI,
Secretary to Government.

To the Chairman, Mettur Committee.

„ the Board of Revenue (Land Revenue and Settlement).

„ the Collectors of Salem and Coimbatore.

„ the Superintendent, Government Press, for publication of notifications.

[2nd November 1935]

APPENDIX VI.

[Vide answer to question No. 424-A asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 2nd November 1935, page 448 supra.]

Letter No. 2395-B/34-13, Law (General), dated 12th September 1935, to M.R.Ry. Rao Bahadur T. M. Narayanaswami Pillai Avargal, M.A., B.L., M.L.C., Trichinopoly.

[The Eighth Provincial Conference of the Process-servers' Association—Resolutions—Reference—Correspondence ending with your letter, dated 2nd May 1935.]

I am directed to say that the Government have carefully considered the resolutions passed by the Eighth Provincial Conference of the Process-servers' Association, but that they regret their inability to comply with the requests contained therein.

APPENDIX VII.

[Vide answer to question No. 424-D asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 2nd November 1935, page 451 supra.]

Notification.

Under the provisions of section 78 of the Indian Registration Act XVI of 1908, as amended by subsequent Acts, the Government are pleased to make, with effect from the 1st January 1932, the under-mentioned alterations in the Table of Registration Fees, published at pages 316–319 of Part I of the *Fort St. George Gazette*, dated the 30th March 1909, as amended by subsequent notifications:—

Add the following as a new sub-clause 1 (k):—

“ 1. (1) Besides the fee payable under the foregoing provisions, there shall be paid for the registration of every document of such length as would in the opinion of the registering officer occupy more than two pages of the register, an extra copying fee at the rate prescribed in article 14 (1) *infra* for every page or part thereof in excess of the first two pages.

NOTE (1).—A page in the register book shall be taken to consist of 400 words. In respect of a document, which in the registering officer's opinion, consists of 1,000 words, the extra fee shall be leviable for $(1,000 - 2 \times 400) = 200$ words only.

NOTE (2).—This article is not applicable to documents registered under Registration Rule 114.”

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Monday, the 4th November 1935.

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

P R E S E N T :

Reddi Nayudu, Kt., The Hon. Rai Bahadur Sir K. V.	Muniswami Pillai, Rao Sahib V. I.
Pannirselvam, The Hon. Rao Bahadur A. T.	Murugappa Chettiyar, Diwan Bahadur A. M. M.
Souter, C.S.I., I.C.S., The Hon. Mr. C. A.	Muthiah Chettiyar, Mr. M. A.
Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.	Muthu Chettiyar, Rao Bahadur P. C.
Raja of Bobbili, K.C.I.E., The Hon. the Rajan, The Hon. Mr. P. T.	Nachiyappa Gounder, Mr. K. A.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.	Nadimuthu Pillai, Mr. A. Pl. N. V.
Abdul Hameed Khan Sahib Bahadur.	Nanjappa Bahadur, Subadar-Major S. A.
Ahmed Meeran Sahib Bahadur.	Narasa Reddi, Mr. T.
Alagannan Chettiyar, Rao Sahib A. S.	Narasimhaswami, Rao Sahib D. V.
Alamelumangathayaramma, Mrs. K.	Narayanan Nambiyar, Mr. V. P.
Annamalai Chettiyar, Mr. S. A. A.	Narayanawami Pillai, Rao Bahadur T. M.
Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T.	Natesa Mudaliyar, Diwan Bahadur C. Palat, Mr. R. M.
Ari Gowder, Mr. H. B.	Patnaik Mahasayo, Sriman M. G.
Basheer Ahmed Sayeed Sahib Bahadur.	Patro, K.C.I.E., Rao Bahadur Sir A. P.
Basu Dev, Mr. C.	Pattabhiramayya, Mr. K.
Boag, C.I.E., I.C.S., Mr. G. T.	Peddi Raju, Mr. P.
Devadasan, Mr. M.	Pocker Sahib Bahadur, B.
Dharmalingam Pillai, Rao Sahib V.	Premayya, Mr. G. R.
Duraiswami Reddiyar, Mr. K. M.	Rajagopala Pillai, Mr. P. V.
Ellappa Chettiyar, Diwan Bahadur S.	Ramachandra Padayachi, Mr. P. K.
Foulkes, Mr. G. F. F.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Indrayya, Mr. C.	Ramalinga Reddi, Mr. C.
Jagannatham, Mr. H. M.	Ramamurti, Rao Sahib Pandit Ganala.
Javad Hussain Khan Sahib Bahadur, Khan Bahadur.	Raman Menon, Mr. K. P.
Jayaram Nayudu, Rao Sahib C.	Ramaswami Ayyar, Mr. T. S.
Jones, I.C.S., Mr. C. E.	Ramaswami Mudaliyar, Mr. V. M.
Kesavaramamurti Nayudu, Mr. K.	Rameswara Rao, Mr. G.
Kolanda Reddi, Rai Sahib C.	Ranganatha Mudaliyar, Mr. A.
Koti Reddi, Mr. K.	Ranganatha Mudaliyar, Mr. G.
Krishnayya Choudari, Mr. P. V.	Rangaswami Reddi, Mr. M. B.
Krishnamurti, Rao Bahadur D.	Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi.	Ratnavelu Thevar, Mr. P.
Kuppuswami Choudari, Mr. J.	Reid, Mr. D. M.
Langley, Mr. W. K. M.	Rukmani Lakshmiopathi, Mrs. A.
Madanagopal Nayudu, Mr. R.	Russell, I.C.S., Mr. T. B.
Mahboob Ali Baig Sahib Bahadur.	Schamnad Sahib Bahadur, Khan Bahadur Mahmud.
Manikkavelu Nayakar, Mr. M. A.	Scott Brown, I.C.S., Mr. W.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Sesha Reddi, Rao Bahadur B. P.
Moses, Mr. P. C.	Shetty, Mr. A. B.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.	Simhachalam Pantulu, Mr. G.
	Siva Raj, Rao Sahib N.
	Sivasubrahmanya Ayyar, Mr. K. S.
	Smith, Mr. J. M.
	Sreshtha, Mr. M. S.

[4th November 1935]

PRESENT—cont.

Srinivasa Ayyangar, Mr. T. C.
 Srinivasan, Rao Bahadur R.
 Sriramulu, Mr. G.
 Stanes, Mr. F. J.
 Subbarayan, Dr. P.
 Subrahmanya Bhatt, Mr. U. C.
 Sundara Rao Nayudu, Mr. T.
 Tajuddin Sahib Bahadur, Khan Sahib
 Syed.
 Thangal, Mr. P. M.

Uzielli, C.I.E., I.C.S., Mr. H. R.
 Vasudeva Pillai, Mr. V. G.
 Vedachala Mudaliyar, Mr. M.
 Venugopal Nayudu, Rao Bahadur R. K.
 Wright, Sir William.
 Yakub Hasan Sahib Bahadur.
 Zamindar of Bodinayakkanur, The.
 Zamindar of Chemudu, The.
 Zamindar of Kirlampudi, The.
 Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Excise

Recruitment to the Excise department.

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

(a) how many Excise Sub-Inspectors, Assistant Inspectors and Inspectors have been recruited in each year from 1931 including the current year;

(b) the communitywar and districtwar strength of each class of officers in each year;

(c) on what principles such selections are made; and

(d) whether the majority communities are given due representation and, if not, why not?

A.—(a) & (b) The attention of the hon. Member is invited to question No. 545 and the answers given thereto at the meeting of the Legislative Council held on 25th January 1935.

(c) Admission to the service in the class of Inspectors is governed by the Madras Excise Service Rules and that to the class of Assistant Inspectors and Sub-Inspectors by the Madras Excise Subordinate Service Rules. These rules have been published.

(d) The rules provide for the due representation of all communities.

MR. K. A. NACHIYAPPA GOUNDER:—“ May I ask, Sir, whether Government keep in view the claims of the various important and predominant communities in giving representation in this service? ”

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—“ As stated in the answer, the rules provide for the due representation of all communities.”

4th November 1935]

Co-operation

Instruction of panchayatdars and supervisors of co-operative societies in the knowledge of co-operation.

* 427 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there are any proposals for spreading knowledge of co-operation by holding classes for instruction to the panchayatdars and supervisors of co-operative societies in each district or in selected districts;

(b) if so, what they are;

(c) how much the Government propose to spend on this scheme; and

(d) whether any grant is got or anticipated from the Government of India for the purpose and, if so, how much, and how long it is likely to continue?

A.—A scheme for the improved training of supervisors and panchayatdars has been received from the Registrar of Co-operative Societies in connexion with a general scheme of co-operative training and education proposed to be given to the staff of the department and of non-official institutions and to panchayatdars and members of co-operative societies, with the aid of a grant from the Government of India. The whole scheme is under the consideration of Government. It is not yet possible to furnish the other particulars asked for.

MR. G. R. PREMAYYA:—“ The question asks whether any grant is anticipated from the Government of India and if so, how much; I don't find any answer to that in the answer on the paper; it simply says that a scheme has been received from the Registrar for the improved training of supervisors, etc., with the aid of a grant from the Government of India. It does not say how much grant has been given? ”

THE HON. MR. P. T. RAJAN:—“ The Government of India propose to give us a grant of Rs. 3,59,000.”

RAO SAHIB V. I. MUNISWAMI PILLAI:—“ Is the scheme to be tried throughout the Presidency or in selected places? Are they going to have centres of training in different places, or only in one or two districts? ”

THE HON. MR. P. T. RAJAN:—“ The whole scheme is under consideration. At this stage I cannot say whether it is going to be limited to a few centres or spread out throughout the province.”

Local Self-Government

Replies of presidents of district boards in regard to delegation of powers to the secretaries of district boards.

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

(a) what reply each of the presidents of district boards gave for the communication sent to them by the Government in the matter of delegating some of the powers to the secretaries of district boards; and

[4th November 1935]

(b) whether copies of them will be placed on the table?

A.—The correspondence is confidential.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, whether the correspondence is confidential only at this stage, or it is confidential all through? "

The Hon. the RAJA OF BOBBILI:—" The Government consider that such correspondence should always be treated as confidential."

Mr. G. R. PREMAYYA:—" Why should there be any confidential correspondence? Local self-governing bodies are democratic bodies? "

The Hon. the RAJA OF BOBBILI:—" This correspondence is confidential because it contains the personal views of the presidents of district boards."

Irrigation

Damage to the Raja Vaikal channel since the construction of the Mettur dam.

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

(a) whether it is a fact that the Raja Vaikal channel branching from Jadarpalayam in Namakkal taluk of Salem district has been a perennial one ever since it was constructed, unlike Kalingarayan channel in Erode taluk or any other channel;

(b) whether the Government have taken any expert opinion whether the flow in the Cauvery channel regulated by Korambu system in Namakkal taluk is increased or continued for longer period than before;

(c) if so, whether a copy of such opinion obtained will be placed on the table;

(d) how often since the construction of the Mettur dam the Korambu has given way and how many days the water dried up in the channel; and

(e) on what basis or on what statistics the Government issued G.O. No. 736, Revenue, dated 12th April 1934?

A.—(a) The Government are not aware that the facts are as suggested.

(b) & (c) The Engineers of the Government reported that the Cauvery-Mettur Project would assure a steadier and better supply to the channel than it was receiving prior to the construction of the Project when it was wholly dependent on rainfall and the condition of the river. The Government do not consider it necessary to place the reports on the table of the House.

(d) The Government have no information.

4th November 1935]

(c) The hon. Member is referred to the answer given to clause (d) of question No. 426 at the meeting of the Council held on 22nd January 1935.

Mr. K. A. NACHIYAPPA GOUNDER:—" The answer says that ' the Government are not aware that the facts are as suggested '. Will they enquire into the matter and find out what the facts are? "

The Hon. Mr. C. A. SOUTER:—" I do not think so, Sir."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, what difficulty there is; because the Government will be in a better position to find the actual state of things? "

The Hon. Mr. C. A. SOUTER:—" I think it is best we take the present conditions as they are now."

Mr. K. A. NACHIYAPPA GOUNDER:—" Arising out of the answer to clauses (b) and (c), may I ask, Sir, whether the river dried up ever at that point and consequently there was scarcity of water in the channel? "

The Hon. Mr. C. A. SOUTER:—" At what time, when."

Mr. K. A. NACHIYAPPA GOUNDER:—" Before the construction of the Mettur Dam. I want to know whether the river failed to supply water at that point where the korambu is constructed? "

The Hon. Mr. C. A. SOUTER:—" Does the hon. Member mean since the Mettur Dam was constructed, or when."

Mr. K. A. NACHIYAPPA GOUNDER:—" Before the Mettur Dam was constructed? "

The Hon. Mr. C. A. SOUTER:—" I have no information."

Public Service

Proposal to raise the age-limit of minority communities for recruitment to gazetted posts.

* 430 Q.—Mr. P. V. RAJAGOPAL PILLAI: With reference to his reply to question No. 189 answered on 9th August 1935, will the Hon. the Member for Revenue be pleased to state—

(a) whether any decision has since been arrived at with regard to the raising of the age-limit of minority communities for gazetted appointments; and

(b) if the reply to clause (a) is in the affirmative, what the age limit so fixed is?

A.—The matter is still under consideration.

Mr. M. DEVADASAN:—" May I know for how long the matter will be under consideration? "

[4th November 1935]

The Hon. Mr. C. A. SOUTER:—"The matter is not an easy one, and must be very carefully considered."

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I ask whether the Public Service Commission has been consulted in this matter, and what its opinion is?"

The Hon. Mr. C. A. SOUTER:—"Notice, Sir."

Control of Dramatic Performances

Order under section 144, Criminal Procedure Code, on the Gadag Dattatriya Nataka Company, prohibiting the staging of a drama entitled 'Bhagavan Yesukrista.'

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

(a) whether the Gadag Dattatriya Nataka Company, which is now staging dramas in Kanarese in Mangalore, petitioned to the Government and the Collector of South Kanara against an order under section 144 of the Criminal Procedure Code passed by the Sub-divisional Magistrate against them restraining them from playing a drama entitled 'Bhagavan Yesukrista'; and

(b) what action the Government have taken or propose to take in the matter and whether the Government will be pleased to place on the table a copy of the order, if any, passed on the subject?

A.—(a) No petition in the matter was received by the Government. It is understood that the Manager of the Company has made representations to the District Magistrate.

(b) The Government propose to take no action.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether it is the idea of the Government that Hindu dramatic companies should not play dramas based on Christian sacred history?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The matter has not yet come at all to the Government, and therefore the question as to what the Government think about it does not arise."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know on what grounds this order was passed; whether the officer concerned ever cared to send for a copy of the drama in order to see if it contained any objectionable matter?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The answer says the Government have no information at all about it. Further, I may point out that any order under section 144 is a judicial order, and the person aggrieved has always got a statutory remedy of taking the matter to the highest judicial authorities."

[4th November 1935]

General

Alleged conversion of a Hindu temple in Salem district into a Catholic church.

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

(a) whether it is a fact that the Roman Catholic missionaries in Salem district have converted an Adi-Dravida Hindu temple into a church in Mettupalaiyam of Kumaramangalam estate, Tiruchengodu taluk, Salem district;

(b) whether any complaints or representations have been made to the Government or to other local officials in the matter; and how they have been disposed of; and

(c) whether the temple still continues as a church or whether it has again been reconverted into a Hindu temple?

A.—(a) The information available with the Government is as follows:—

The Adi-Dravidas of Mettupalaiyam village, Tiruchengodu taluk, Salem district, have been converted to Roman Catholicism. The village has been in existence for the last 50 or 60 years and the Mariamman temple in it was built by the Adi-Dravidas of the village. It was not used by the Adi-Dravidas of any other village or by the caste-Hindus of the place for their worship. There was no image in the temple but only a stone which was worshipped by the Adi-Dravidas. This and other articles of the old Mariamman temple are now kept inside the buildings. Apparently the building was converted into a church by the converts.

(b) A copy of a resolution passed by the Hindu Association, Nagore, protesting against the conversion of the temple was received by the Government. No action was taken in the matter as none was considered necessary.

(c) The Government have no information.

Mr. K. A. NACHIYAPPA GOUNDER:—"In the answer it is stated: 'It was not used by the Adi-Dravidas of any other village or by the caste Hindus of the place for their worship. Am I to understand, Sir, that the Government mean that the public temple of a place cannot be a public property of all the people unless used day to day by people of other places also?'"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I believe a temple can be private property just as much as any other property; the information of the Government is that that building which was used as a place of worship was used exclusively by the Adi-Dravidas of that particular village."

[4th November 1935]

Mr. K. A. NACHİYAPPA GOUNDER:—“What I ask is whether it is not public property in general?”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“There is involved a proposition of law which I am not prepared to expound now and here.”

Rao Sahib V. I. MUNISWAMI PILLAI:—“It is stated in the answer: ‘The village has been in existence for the last 50 or 60 years and the Mariamman temple in it was built by the Adi-Dravidas of the village.’ Since it was constructed by the Hindu Adi-Dravidas, how can it become the property of Christian Adi-Dravidas?”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“The building was built by the Adi-Dravida residents of that village when they were Hindus for the purpose of using it as a place of worship, and when they became Christians, they are also using it as a place of worship.”

Mr. M. S. SRESHTA:—“Is it not after all a judicial civil matter in which the Government should not interfere?”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“They are not interfering, Sir.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“With regard to the statement that there was no image in the temple but only a stone which was worshipped by the Adi-Dravidas, may I know whether it is not a fact that stones in the shape of images and lingams are being worshipped by the caste Hindus as Gods and whether Government realize it?”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“We do not say that it was not a temple. We do admit that it was being used as a place of worship.”

Electricity

Insertion of a condition in the electric licences issued to private bodies for the development of rural areas.

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

(a) whether it is a fact that in the North Arcot, South Arcot, Salem, Tinnevely and Ramnad districts, private bodies have applied for electric licences covering large rural areas, though in such licences the compulsory areas proposed to be developed by them consist of only a few streets within the municipal or union limits; and

(b) whether, before granting the licence in future, the Government propose to impose any restriction on private licensees insisting on them to develop rural road according to an annual programme fixed by the Government?

A.—(a) Yes, except in the South Arcot district for which a licence has already been granted.

[4th November 1935]

(b) The question whether distributing licences are to be granted to private companies in rural areas commanded by a State Hydro-Electric project or whether the Government should retain in their own hands the development of such areas is under consideration. If it is decided to adopt the former alternative, the suggestion of the hon. Member will be duly considered.

Mr. U. C. SUBRAHMANYA BHATT:—“May I know whether it will not be better for the Government themselves to chalk out a programme of work for rural as well as urban areas and publish the same for the information of the public as one of the means of advance propaganda for the sale of power and also to insist on the licensees to develop according to the programme chalked out?”

The Hon. Sir K. V. REDDI NAYUDU:—“Extensive service is already under the consideration of the Government. As regards the particular method suggested by the hon. Member, I do not know what to say.”

Mr. K. A. NACHİYAPPA GOUNDER:—“In answer to clause (a), it is said ‘Yes.’ I want to know, Sir, whether it does not conclusively prove the lack of interest on the part of the licensees to develop rural areas and the consequent futility of giving them licences for such areas?”

The Hon. Sir K. V. REDDI NAYUDU:—“If it is profitable, certainly it is open to the licensees to see that they extend their operations as far as possible.”

Mr. K. A. NACHİYAPPA GOUNDER:—“If there is this lack of interest, will Government see that in future they insist on such conditions in the licence, or take up the work themselves with a view to give facilities to rural areas?”

The Hon. Sir K. V. REDDI NAYUDU:—“The Government have no information as to the lack of interest on the part of these licensees.”

Mr. U. C. SUBRAHMANYA BHATT:—“May I know whether the Hon. Member would consider the suggestion contained in my question?”

The Hon. Sir K. V. REDDI NAYUDU:—“I have no objection to consider any suggestion coming from hon. Members; but whether we will be able to follow it up or not is another matter.”

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

II.—RESOLUTION RE GUARANTEE IN RESPECT OF DEBENTURES ISSUED BY CENTRAL LAND MORTGAGE BANK—cont.

* The Hon. the PRESIDENT:—“Discussion will now continue on the resolution moved by the Hon. Mr. P. T. Rajan on Saturday.”

Mr. C. BASU DEV:—“With regard to this resolution, may I submit, Sir, that inasmuch as the annual report of the bank has been

520 RESOLUTION *re* GUARANTEE IN RESPECT OF DEBENTURES ISSUED
BY CENTRAL LAND MORTGAGE BANK

[Mr. C. Basu Dev] [4th November 1935]

supplied to us only just now, the further consideration of this resolution may be postponed to some other day during this meeting of the Council? "

* The Hon. the PRESIDENT:—" Has it been moved as a proposition? "

Mr. C. BASU DEV:—" I made a suggestion to the Hon. the President. If he so desires, I shall move it as a proposition."

* The Hon. the PRESIDENT:—" The hon. Member may choose to move it in the form of a motion, so that it may be discussed and put to the vote of the House."

Mr. C. BASU DEV:—" Mr. President, Sir, I beg to move that the further discussion of this resolution be taken up on the 8th instant. In support of this motion, I would like to say that the annual report on the working of the Land Mortgage Bank has just been placed in our hands. The resolution is calculated to commit the Government to a further amount of Rs. 50 lakhs, and I think, Sir, that it is but fair that this House should have the fullest opportunity not only to discuss the whole question but also to know what it discusses by having all the information available."

Mr. P. V. KRISHNAYYA CHOUDARI:—" In seconding this motion moved by my hon. Friend, Mr. Basu Dev, I have to bring two facts to the notice of this House. There were certain bonds at 4 per cent and others at 5 per cent interest. I do not know why the bank has redeemed 4 per cent bonds for Rs. 22,800 when they had 5 per cent bonds for redeeming. Just now, an unofficial copy of the report on the working of the bank—I feel it is only an unofficial copy because it has not been approved by the shareholders of the bank and it cannot yet be called the annual report under the Act,—has been given to us. We can go through the report and also study the several points raised by hon. Members on Saturday evening, if some time is given to us. I appeal to the Hon. Minister to give us an opportunity to study the report, so that we may be ready for discussing it one of these days. We can take up the City Municipal Bill now and so there won't be any waste of time on this account. I appeal to the Hon. Minister to accept this proposition."

The Hon. Mr. P. T. RAJAN:—" I have no objection, Sir, if the House wishes to have some more time to go through the annual report. The resolution may be taken up for consideration after the hon. Members have had such an opportunity. Originally I thought that if I answered the points raised by my friend, Mr. Choudari, the House would accept the resolution even now; but in view of the feeling expressed by my hon. Friends, I have no objection to accept this proposal. I hope the House will agree to this resolution being taken up on the 8th instant."

* The Hon. the PRESIDENT:—" The question is that the further discussion of this resolution be taken up on the 8th instant."

The motion was put and carried.

4th November 1935]

III.—A * BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919,
FOR CERTAIN PURPOSES (BILL No. 11 OF 1934).

* The Hon. the PRESIDENT:—" Hon. Members might remember that clauses 3, 4, 5, 6, 25, 28 and 46 of the City Municipal Bill were postponed. We shall now take up the postponed clauses first and after finishing them, we shall go to the other clauses. 11-15 a.m.

" Clause 3, sub-clause (v) is for the consideration of the House."

Clause 3.

Mr. P. V. KRISHNAYYA CHOUDARI:—" Mr. President, Sir, I move—
' In sub-clause (v) in the definition of " company," omit the words " and includes any co-operative society registered or deemed to be registered under any law for the time being in force in British India or any part thereof ".'

" The reason for my moving this amendment is that everywhere co-operative societies and banks are at present enjoying some privileges as they are primarily intended for the benefit of the poorer classes of the population. As a matter of fact even in respect of registration charges, the Government have relaxed their rule in favour of co-operative societies by giving them some concession. I do not know why this provision has been inserted, while it did not find a place in the previous Bill. As co-operative banks should be treated on a separate basis, I feel that this portion should be omitted from the clause, if the provisions of this clause are really going to be for the benefit of the poor people. For these reasons I move my amendment."

Rao Sahib V. I. MUNISWAMI PILLAI:—" Mr. President, Sir, in seconding this amendment, I wish to say that co-operative societies cannot be considered as companies at all. If you consider how the co-operative societies determine their profit and loss for the year, what they take into account is the actual realizations. Apart from that, according to the co-operative law, a fourth of the profits should always be set apart as reserve fund and that can under no circumstances be spent for any other purpose without the sanction of the Registrar, and most of the societies which have created this reserve fund have been adding to that fund year by year, but they have not spent any amount out of this fund for their purposes. Further, Sir, before the Retrenchment Committee came into existence, the co-operative societies were enjoying many benefits, but on account of the recommendations of that Committee, many of such privileges have been cut out. Prior to that the co-operative societies need not spend anything for registration of documents but now they have been charged half rates. Moreover, the object of a co-operative society is to encourage thrift among its members who are mostly persons belonging to the masses. Considering all these things, a co-operative society cannot be termed a ' company.'

* This Bill was discussed in part at the previous meeting till 9th August 1935.

[Mr. V. I. Muniswami Pillai] [4th November 1935]

"Then, Sir, the result of this provision in the Bill will be that the panchayatdars who are almost all of them honorary, will be put to great inconvenience. They have to furnish statements to the Corporation, municipalities and the district boards, as regards their profits every half year. As the co-operative societies are generally run by non-official agencies it is not at all times possible to furnish the statements at the required time and also with the amount of accuracy that is required by these local bodies. I therefore entirely agree with my hon. Friend, Mr. Krishnayya Choudari, that the deletion of these words from the clause will be a great benefit to the poorer classes of the people who resort to these co-operative societies."

* The Hon. the RAJA OF BOBBILI:—"Sir, the hon. Member in moving his amendment has not evidently referred to the other provisions in the Bill which definitely lay down that registered co-operative societies which have a paid-up capital of less than Rs. 50,000 are exempted; and then on the recommendation of the Commissioner it is open to the Corporation to exempt any society from this tax. It has been found that there are various societies in Madras which although they have a nominal capital, are making large profits. It is therefore considered necessary and desirable that they should not be exempted altogether from the operation of this section, but if small societies should be exempted, that is, those with a paid-up capital of Rs. 50,000 and less, power has been given to the Corporation to exempt any society which in their opinion deserves such assistance. I think that that is sufficient. I therefore have to oppose this amendment and I submit that the provision in the Select Committee Report may be accepted by this House."

The amendment was put and lost.

Clause 3 was put and carried.

Clause 4.

Section 5 (i).

* The Hon. the PRESIDENT:—"Discussion will continue on amendment No. 2 in the printed list, namely:—

'In sub-section (1) (a), add the following words at the end:—

"and one specially reserved for Anglo-Indians, the Adi-Dravida, Labour and Anglo-Indian seats to be filled by election through joint electorate".'

"Mrs. Lakshmipathi moved the amendment and it was duly seconded on the previous occasion."

* The Hon. the RAJA OF BOBBILI:—"Sir, last time when this question was under discussion, a motion for postponing the consideration of this clause was moved and so the discussion on this has not been completed. In this connexion I should like to say a few words explaining the attitude of the Government on this question. As the

4th November 1935] [The Raja of Bobbili]

Act stands at present, there is no reservation of seats for any community. At the time the Bill was originally introduced, Government left the matter open to the decision of the Select Committee and the Council. In the Select Committee, we devoted a considerable amount of time to find out an agreed solution of this most difficult question. I believe, what is found in the Report of the Select Committee has the largest amount of support; and generally in the matter of reservation of seats and representation of special interests and communities, Government have been more or less guided by the wishes of the minorities concerned. I would therefore appeal to hon. Members of this House that in a matter like this, if they want to respect the wishes of the minorities who are sought to be represented, they have to put forward agreed proposals which in the opinion of those minorities are the best to safeguard their interests and to give them proper representation. I therefore find myself in a position in which I am compelled to oppose the present amendment."

* Mr. V. T. ARASU:—"Mr. President, after hearing the Hon. the Minister I am constrained to say that the Hon. the Chief Minister does not evidently seem to have understood the implications of the amendment moved by my hon. Friend, Mrs. Rukmani Lakshmipathi. The amendment says that one extra seat should be provided and that it should be allotted to the Anglo-Indian community. As regards that suggestion, the Hon. the Chief Minister has not made any reply at all. As regards the second suggestion contained in the amendment, namely, that election to these seats should be by means of joint electorates, the Hon. the Chief Minister said that the wishes of the communities concerned ought to be respected. I am not going to dispute that proposition. But as far as I am aware, I do not think either the members of the Adi-Dravida community or the members of the Labour Unions have objected to a system of joint electorates which is suggested in the amendment. At any rate, as far as the members of the Adi-Dravida community are concerned, I can say with a certain amount of confidence that they welcome the proposal contained in the amendment, namely, election to the reserved seats should be from the general electorate. Even for elections to the legislative bodies, it has been agreed that they should be on the basis of the joint electorate, namely, that all communities should vote together in one election returning a member reserved for that community in the general constituency. I think there is no point in opposing this amendment and I therefore appeal that my hon. friend's amendment be accepted."

* The Hon. the RAJA OF BOBBILI:—"I wish to correct the hon. Member. The Act provides for one seat for Anglo-Indians to be returned by the Anglo-Indian Association. Of course the amendment under discussion provides for joint electorate, the councillor, I presume being elected generally by the Anglo-Indian, Adi-Dravida and Labour electorate."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, the present practice obtaining in the districts whereby the representatives

[Mr. V. I. Muniswami Pillai] [4th November 1935]

of the depressed and scheduled classes are returned by the joint electorates appears to be favourable. Therefore, I submit similar procedure may also be adopted in the Corporation."

* Mr. C. BASU DEV:—"Mr. President, I am surprised that with the experience of joint electorates in the district boards and municipalities, my hon. Friend, Mr. Muniswami Pillai, should voice his approval of joint electorates. I claim to have intimate contact with the depressed classes and I am confident that there is not a single group among them who, after having seen the working of the joint electorate, are in favour of it. They have condemned it and if possible they would like to alter the arrangements proposed by the Government of India Act also.

"I do not know what the hon. Member, the mover of this amendment, means by a joint electorate for Labour. Are Labour seats to be thrown open to the voters of all classes and the candidature open to non-workers as well? I fail to understand what character the representative elected from such a constituency will have and how he will be different from any other candidate to be elected by the ordinary general constituency.

"I beg to refer once more to the joint electorate sought to be imposed on the depressed classes. Hon. Members will not be doing a service to these unfortunate classes but will positively be inflicting a hardship upon them. Depressed class members of the district boards and municipalities do not even dare to visit their colleagues' houses. That is the sad fate. I do not understand the necessity for joint electorate when it has been condemned by the members of the community and by all unbiassed and fair minded persons."

Mr. C. RAMALINGA REDDI:—"Mr. President, I have been told that the system of joint electorate for Adi-Dravidas and Caste Hindus has been working on the whole satisfactorily in district boards and municipalities and recently in the elections which have just now been completed, I understand that an Adi-Dravida has been returned to the general seat, and of course to the reserved seat also. In any case, we have before us, the great attempt of Mahatma Gandhi to keep the Adi-Dravidas and the Hindus not merely in the same fold, but to introduce electoral and other conditions by which the solidarity of the Hindu community would perhaps be gradually promoted; and anything which seeks to undo that great work achieved at Poona seems to me to be conceived in an anti-nationalist spirit. It may be that there are people who take pride in the fact that they can undo on the banks of the Cooum what greater men have been trying to achieve elsewhere. Even granting that there are certain disadvantages, it would, on the whole, have been better if Madras had fallen in line with the general and nobler impulses of the country to promote the solidarity of the Indian people and Indian nationalism. As regards how the representation of Labour, or for the matter of that, Adi-Dravidas could be secured in its distinctive fashion by means of the joint electorate, the

4th November 1935] [Mr. C. Ramalinga Reddi]

hon. Member seems to forget the expedient adopted in the Poona Pact. Joint electorate is not intended to secure the return of a colourless labourite or an Adi-Dravida who is merely an Adi-Dravida. In fact the logic of it requires that the election should be in two stages, the primary election by the labourites themselves and the final election in the joint electorate by which one or more of those candidates would be finally chosen."

Mr. C. BASU DEV:—"On a point of information, Mr. President, I would like to know whether the question of primary election is included in the hon. Member's amendment or is the member for Chittoor making a new suggestion or moving a further amendment."

Mr. C. RAMALINGA REDDI:—"That is not a point of personal explanation at all. The hon. Member has no right to interrupt me for eliciting information nor do I consider myself to be an encyclopædia for giving information.

"All I can say is that the experience of primary elections is widespread. In America it is a permanent feature. Candidates of various political parties, the Democratic party and the Republicans, have to go through a form of primary election before candidates are chosen. It is nothing strange. It is nothing difficult. I, therefore, feel it would be a good thing if the Hon. the Chief Minister would agree to the further consideration of this measure and try to preserve all the good that has been secured under the Poona Pact and also extend the principle to the representation of Labour. I appeal to him not in a spirit of criticism but in the belief that he too would like to do his little bit to promote the solidarity of our people and as far as possible prevent all those fissiparous tendencies which have been the bane of our national life."

* Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President, during the last session, in moving this amendment that two seats for Adi-Dravidas, two for Labour and one for Anglo-Indians be reserved in the general constituencies, through a system of joint electorate, I gave my reasons in support of the amendment. I have not got much to add to it now and to what my hon. Friend, Mr. C. R. Reddi, has said. I have only one thing to say and that is to appeal to the Anglo-Indians to join the Hindus, Adi-Dravidas and Labour in getting themselves elected through general constituencies. They are the children of the soil; they are Indians and they have therefore to throw in their lot with the people of this country. My hon. Friend, Mr. Muniswami Pillai, pointed out that this system of joint electorate has been working very well in the local boards and there has been no difficulty so far. The Local Boards Act was amended in 1930, according to which seats have been reserved for Muslims, Adi-Dravidas, Christians, Europeans and women. When the system of joint electorates is easily worked in the local boards I do not see any reason why the same principle should not be followed in the Madras Corporation. The Hon. the Chief Minister said that the minority communities are not in favour of it.

[Mrs. A. Rukmani Lakshminipathi] [4th November 1935]

But I should like to ask the Hon. Minister whether there was any specific proposal from the Anglo-Indians rejecting the offer of a joint electorate. The Government have agreed to the principle of joint electorate when they gave their consent to the Poona Pact. The provision as it stands in the amended Bill, if carried through, will go against the very spirit of the Poona Pact."

* The Hon. the RAJA OF BOBBILI:—"When I spoke on the amendment at the beginning, I never claimed to be speaking for the whole body of depressed classes. What I stated was that the representatives in the Select Committee and in the Council with whom I have discussed the matter, were in favour of separate electorates. It will be seen from a perusal of the Bill as introduced that the Government as such had no intention of violating the Poona Pact by separating the various communities by separate electorates. I realize the noble impulses of those who were responsible for the Poona Pact in bringing together various communities. It should be, I am sure, the natural desire of every Indian that every attempt should be made to bring together various communities. But one may sometimes differ in the methods to be adopted to bring about such a happy state of affairs and I am one of those who believe that the quickest way of achieving that end is not through imposing the wishes of the majority on the minorities but leaving the matter to the minorities themselves. I feel that they are the best judges of their interests. I am this morning handicapped by the fact that many of the members of this House representing the depressed classes are absent. If they are willing to accept the amendment now before the House, Government will not have the slightest objection in accepting it."

11-45 a.m. "If it is necessary, although I hesitate to make the suggestion, my suggestion is this. This suggestion has been proposed from time to time. If it is the general desire of the House, I have no objection to postpone this provision till the evening so that the House, before coming to a decision, may have an opportunity of hearing the views of members of the depressed classes in this House."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"The Hon. the Chief Minister has said that the members of the depressed classes may not have an opportunity of giving out their views. In that view the further consideration of this amendment may be taken up afterwards."

* The Hon. the RAJA OF BOBBILI:—"We will just postpone it now; if we are ready we will take it up this evening."

Mr. C. RAMALINGA REDDI:—"I am thankful to the Raja Sahib for acceding to my desire for adjournment of this amendment. But this is a matter in which a certain amount of private confabulation is necessary. I do not think we will be able to take it up this evening; a more prolonged examination of the question is necessary in the interests of both the minorities and the national welfare."

4th November 1935]

* The Hon. the RAJA OF BOBBILI:—"I was suggesting a short adjournment and in case we do not come to any adjustment the question may be taken up later on. Last time considerable criticism was made because the opinion of the Council has not been settled. Members are considerably handicapped in dealing with the remaining provisions of the Act. I do not want to give any further cause for complaint. By this postponement we are placing the members at a great disadvantage in proceeding with the further sections of the Bill. I may also state that we postponed the discussion of this important provision last time and that I expect those who have spoken on the motion for adjournment would take advantage of the intervening period of time to think over the matter and come together. I am sorry to say we have practically forgotten the matter. ('Hear, hear.') It has come up now again before the House. Certainly I have no objection to accede to the request of Mr. C. Ramalinga Reddi."

* The Hon. the PRESIDENT:—"I take it that the further consideration of amendment No. 2 is postponed."

"Consequently amendments 3, 4 and 6 in the printed list have to be postponed until the amendments up to 11 are disposed of. Amendments 3, 4 and 6 fix the number of divisional councillors at more than 45. I shall therefore first of all dispose of amendments 5, 7, 8, 9, 10 and 11."

* Mr. C. BASU DEV:—"I move—

'In sub-section (1) (a), in line 3, for the word "three" substitute the word "four".'

"This amendment is to give increased representation to the depressed classes. Sir, I do not think any words of mine are necessary to commend this amendment to the acceptance of this House. The importance of the depressed classes has sufficiently been recognized by the House and by the country and especially after the challenge of Dr. Ambedkar, the importance of the depressed classes has reached the highest magnitude. I think, Sir, the time has come when the caste Hindus should make amends for the privileges and rights which they had so wrongfully and unjustly withheld from the depressed classes for generations. I beg to hope, Sir, there will be very little opposition to this amendment."

Mr. M. DEVADASAN:—"I second it."

* Mr. C. BASU DEV:—"The next amendment I move is—

'In line 4 for the word "two" substitute the word "six".'

"Sir, this amendment is intended to give increased representation to labour. As recommended by the sub-committee labour gets only two seats. I beg to move that this be increased by four so as to make the total number six. Sir, if in the franchise qualifications subtenancy has been accepted by the Select Committee as a qualification entitling a person to the franchise I would not have asked even for

[Mr. C. Basu Dev] [4th November 1935]

a single seat for the labourers. Under the present franchise arrangements, workers are studiously avoided. If sub-tenants are enfranchised I do not see how it is going to work any hardship on any body. For reasons best known to the majority of the Select Committee they have voted for the exclusion of sub-tenancy as a franchise qualification. In the present franchise qualification even literacy has been omitted. This again takes out a considerable percentage of workers from the electoral rolls. In the absence of sub-tenancy and literacy as franchise qualifications, I think, Sir, nearly 80 or 85 per cent of the factory workers of the City will not have the vote. I therefore plead that this House will accept my amendment that the number of seats be increased to six."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, Sir, I rise to second the amendment moved by my hon. Friend, Mr. Basu Dev, to give increased representation to the Adi-Dravidas. I also happen to be a representative of the Adi-Dravidas and so I take this opportunity of supporting this amendment. In the course of his speech my hon. Friend dragged the recent expression of opinion by Dr. Ambedkar and I would say, Sir, whatever he might have said in his personal capacity does not affect either myself or my community in this Presidency. But being a beneficial amendment I support it."

* The Hon. the RAJA OF BOBBILI:—"In moving this amendment my hon. Friend, Mr. Basu Dev, has not stated how to get the seat. As far as the position of the Government is concerned, Government are of opinion that in the interests of administration the total strength of the Corporation should not exceed 65. Within those limits it is the business of the House to adjust the representation and the claims of the various communities. Before proceeding to vote on the amendment now before the House, hon. Members will have to first make up their minds where to get these additional seats from. Apart from that, it will be very difficult, for, merely speaking on the merits of the question, when the Adi-Dravidas are here given three seats there are no valid reasons why four should not be given or five should not be given. So we are trying to fit in the claims of the Adi-Dravidas as far as possible and to save time we have given them the right to contest the other seats. But if we are to go on increasing the number of seats I do not know where it will lead us to. As regards the seats for labour, I presume apart from the seats specially reserved to represent labour, the labour population in our Corporation will be in a position to influence the choice of divisional councillors in a number of divisions. I therefore feel, Sir, that what is now proposed to be given is the minimum and they are not debarred from contesting other constituencies. It is the minimum, in order to see that they have necessary representation in the Corporation to put forth their views on questions. Because seats reserved for labour and Adi-Dravidas are limited in numbers they are not debarred from contesting other seats. I do not feel that the interests of the Councillors elected by the divisions

4th November 1935] [The Raja of Bobbili]

necessarily conflict with the interests of these communities. If we are to avoid confusion I appeal to hon. Members of this House to go on the basis of the Select Committee report."

Mr. C. RAMALINGA REDDI:—"I have not been able to follow the 12 Hon. the Chief Minister in his arguments. Either he has given too much or he has given too little. If he thinks these people are important enough to influence the results in an election, then there is no need at all to secure to them special representation by means of reservation or by means of a special electorate. The whole point of the mover of this amendment is that if the franchise had been more democratic, then this increase would not be necessary. As things are, my Hon. Friend the Chief Minister bases his arguments on the contention that 65 is the possible maximum, and anything more than that would mean inefficiency in the Corporation. I do not see why we should give to 65 this mystic significance and why some increase should be regarded as so objectionable. If we are going to give them separate representation at all, it seems to me it should be a representation on an adequate scale. In a big city like Madras problems pertaining to the habitations of the poor Adi-Dravidas and factories and places where the labourers congregate are not only of special importance now, but as the city grows, they will be of increasing importance. Anybody who has seen Bombay or Calcutta knows what a ghastly feature the slums there present. I think more adequate representation of these two categories, Adi-Dravidas and Labourers, would make for the efficiency of municipal administration in this city.

"Then again my Hon. Friend the Chief Minister says there is nothing to preclude them from contesting the general seats. It seems to me, if you are going to give them separate electorates, if you are going to segregate them for purposes of their own representation from the general public, the chances of their being welcome as candidates in general constituencies will to that extent become less and not more. I can understand the existence of such a system as now prevails in the district boards where there are joint electorates, some of the Adi-Dravidas being chosen as candidates for general seats and also their trying to come at the head of the polls. But once you introduce this system of compartmental representation, the idea of trying to get the benefit of both the worlds, namely, separate representation through compartmental constituencies as well as being chosen as candidates for a general constituency, is almost an impossible thing. I therefore think that a case has been made out and would request the Hon. the Chief Minister to see even if he could not meet me in full, whether he could not meet me to some extent."

* Mr. C. BASU DEV:—"In reply to the Hon. the Chief Minister I would like to refer to what happened in the Select Committee. The question of the maximum strength of the council was put off till after the claims of the various interests like Commerce, University, Railways, etc., were discussed and the number of their representatives decided

[Mr. C. Basu Dev]

[4th November 1935]

upon. But just as I moved for the representation of Labour, then instead of considering this claim also it was suddenly and I say unfairly decided that the Committee should proceed to fix the strength of the Council. The consequence was that Labour got only the leavings of the table after the claims of every influential interest was more or less satisfactorily settled. This, Sir, was very unfair and to confirm it here will be grossly unjust and unfair. If really the anxiety of the Government or the Select Committee was not to exceed a fixed number for the strength of the Corporation Council, they ought to have proceeded first to consider it; that was not done. But now the Hon. the Chief Minister says that it is not possible to increase the number fixed. I am very glad to find that my hon. Friend from Chittoor has supported my case with his usual intelligence and eloquence. As he said there is no mystic significance in the number 65. Is it contended by the Hon. the Chief Minister that such prominent members as constitute the various Indian Commercial Associations in this City are unable to make their influence felt in the course of the elections to the general seats that they need to be given special representation? Take the present strength of the Corporation Council; how many of them are there who belong to the poorer and middle classes and how many who belong to the richer classes, and what influence they exert on the former? That will show the necessity that in the new constitution the interests of the poorer classes will have to be adequately safeguarded. If there is any objection to increasing the strength of the Corporation, I would very respectfully urge that the five seats which are now proposed to be given to the Indian Commercial bodies, be utilized for the purpose of my amendment. As it is, not more than 10 per cent of these workers will have the qualification to come into the electoral rolls of constituencies and 90 per cent will not have votes. Further it is wrong to contend that the worker has influence in deciding the results of elections. It is only the bourgeois classes that have influence and certainly not the workers. I therefore once more very earnestly and respectfully plead for the acceptance of the amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, I have no hesitation in saying that there is no special fascination or significance in the number 65. What I have to state is we spent much time over this question, we had to fix some number and 65 appeared to be the reasonable number, which would give the Council a manageable size. If it is increased by 5 or 10, I do not mean to say that it will be unmanageable or it will be against the interests of the administration. I am sure hon. Members will realize that all these proportions of representation have been fixed having in view the maximum. If you are to depart from that maximum, naturally the other interests represented will be entitled to ask that their representation be increased proportionately. The question is not whether the Adi-Dravidas should get one more seat or Labour should get four more seats. Is it this principle on which the House should proceed, viz., that we should give reasonable safeguards to the

4th November 1935] [The Raja of Bobbili]

interests of Labour and the Depressed classes by representing them in the Corporation, so that whenever questions affecting their welfare and interests come up they will be able to place their case for the consideration of the Council, or is it our desire and intention that we should give them representation so that their view should prevail in the Council by force of numbers and votes? If it is the latter you will have to proceed on a different basis altogether. I may also bring it to the notice of the hon. Members who have taken part in the discussions, that we have made another provision in the Act as regards Adi-Dravidas which runs as follows:—

"If on the preparation of the electoral roll under sub-section (1), the number of Adi-Dravidas thereon does not bear to their population in the City at the census immediately preceding the preparation of the roll, the same proportion as that which the aggregate number of electors of other communities bears to the total population in the City of such communities, the Local Government may prescribe such special qualifications as they may deem fit, in order to make up the deficiency. All the Adi-Dravidas possessing the qualifications so prescribed shall be included in the electoral roll."

"I may also state that so far there has not been even this reservation. I therefore appeal to the hon. Members for the present to accept the proposal in the Bill. I am sure the interests of these classes are sufficiently safeguarded in the Bill."

The Hon. the PRESIDENT:—"I shall put the two parts of the amendment separately."

"The first part of the amendment, viz.—in sub-section (1) (a) of clause 4 in line 3, substitute 'four' for 'three'."

The amendment was declared carried.

The Hon. the Raja of Bobbili demanded a poll, and the House divided thus:

Ayes.

12-15
p.m.

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| 1 Mr. M. Devadasan. | 12 Mr. P. Peddi Raju. |
| 2 " P. V. Rajagopala Pillai. | 13 " K. A. Nachiyappa Gounder. |
| 3 " V. G. Vasudeva Pillai. | 14 " M. S. Sreshta. |
| 4 Dr. P. Subbarayan. | 15 Rao Sahib V. I. Muniswami Pillai. |
| 5 Diwan Bahadur T. A. Ramalingam Chettiyar. | 16 Mr. T. Narasa Reddi. |
| 6 Mr. T. C. Srinivasa Ayyangar. | 17 " H. M. Jagannatham. |
| 7 " V. T. Arasu. | 18 " C. Basu Dev. |
| 8 B. Pocker Sahib Bahadur. | 19 " U. C. Subrahmanya Bhatt. |
| 9 Rao Bahadur P. C. Muthu Chettiyar. | 20 " C. Ramalinga Reddi. |
| 10 Rao Sahib A. S. Alagannan Chettiyar. | 21 Mrs. A. Rukmani Lakshmipathi. |
| 11 Mr. K. Ahmed Meeran Sahib. | 22 Mr. P. Ratnavelu Thevar. |
| | 23 " G. R. Premayya. |
| | 24 " K. Koti Reddi. |

Noes.

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| 1 The Hon. Sir K. V. Reddi Nayudu. | 8 Diwan Bahadur C. Natesa Mudaliyar. |
| 2 " Rao Bahadur A. T. Pannirselvam. | 9 Mrs. K. Alamelumangathayaramma. |
| 3 " Mr. C. A. Souter. | 10 Mr. W. Scott Brown. |
| 4 " Mr. G. T. H. Bracken. | 11 " H. R. Uzielli. |
| 5 " the Raja of Bobbili. | 12 " C. E. Jones. |
| 6 " Mr. P. T. Rajan. | 13 " G. T. Boag. |
| 7 " Diwan Bahadur S. Kumaraswami Reddiyar. | 14 " R. Madanagopal Nayudu. |
| | 15 " T. B. Russell. |

[4th November 1935]

Noes—cont.

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| 16 Mr. T. Sundara Rao Nayudu. | 29 Rao Bahadur D. Krishnamurti. |
| 17 Khan Sahib Syed Tajuddin Sahib Bahadur. | 30 Sriman M. G. Patnaik Mahasayo. |
| 18 Mr. R. M. Palat. | 31 The Zamindar of Bodinayakkanur. |
| 19 Diwan Bahadur A. Appadurai Pillai. | 32 The Zamindar of Mirzapuram. |
| 20 Sir William Wright. | 33 Mr. G. Sriramulu. |
| 21 Mr. D. M. Reid. | 34 " J. Kuppuswami Choudari. |
| 22 " W. K. M. Langley. | 35 " C. Indrayya. |
| 23 The Zamindar of Kirlampudi. | 36 " K. Pattabhiramayya. |
| 24 Rao Bahadur B. P. Sesha Reddi. | 37 Khan Bahadur T. M. Moidoo Sahib Bahadur. |
| 25 Mr. G. F. F. Foulkes. | 38 Mr. M. Vedachala Mudaliyar. |
| 26 " F. J. Stanes. | 39 Rao Sahib C. Jayaram Nayudu. |
| 27 Khan Bahadur Javad Hussain Khan Sahib Bahadur. | 40 " D. V. Narasimhaswami. |
| 28 Mr. G. Simhachalam Pantulu. | 41 Mr. K. Kesavaramamurti Nayudu. |
| | 42 " P. V. Krishnayya Choudari. |
| | 43 Mahboob Ali Baig Sahib Bahadur. |

Neutral.

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| 1 Rao Sahib V. Dharmalingam Pillai. | 4 Mr. K. P. Raman Menon. |
| 2 K. P. V. S. Muhammad Meera Ravuttai Bahadur. | 5 Diwan Bahadur C. S. Ratnasabhapati Mudaliyar. |
| 3 Subadar-Major S. A. Nanjappa Bahadur. | 6 Mr. P. M. Thangal. |
| | 7 Rai Sahib C. Kolanda Reddi. |

Ayes 24. Noes 43. Neutral 7.

The motion was lost.

The second part of the amendment, viz.—

" In line 4 of sub-section (1) (a) of clause (4), for the word 'two' substitute the word 'six' "

was then put and declared lost.

Mr. C. Basu Dev demanded a poll and the House divided thus:

Ayes.

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| 1 Mr. M. Devadasan. | 7 Mr. P. Ratnavelu Thevar. |
| 2 Rao Sahib V. I. Muniswami Pillai. | 8 " K. P. Raman Menon. |
| 3 Mr. C. Basu Dev. | 9 Diwan Bahadur C. S. Ratnasabhapati Mudaliyar. |
| 4 " U. C. Subrahmanya Bhatt. | 10 Mr. P. M. Thangal. |
| 5 " C. Ramalinga Reddi. | 11 Rai Sahib C. Kolanda Reddi. |
| 6 Mrs. A. Rukmani Lakshminpathi. | 12 Mr. K. Koti Reddi. |

Noes.

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|--|---|
| 1 The Hon. Sir K. V. Reddi Nayudu. | 15 Mr. T. B. Russell. |
| 2 " Rao Bahadur A. T. Pannirselvam. | 16 " T. Sundara Rao Nayudu. |
| 3 " Mr. C. A. Souter. | 17 Khan Sahib Syed Tajuddin Sahib Bahadur. |
| 4 " Mr. G. T. H. Bracken. | 18 Mr. R. M. Palat. |
| 5 " the Raja of Bobbili. | 19 Diwan Bahadur A. Appadurai Pillai. |
| 6 " Mr. P. T. Rajan. | 20 Sir William Wright. |
| 7 " Diwan Bahadur S. Kumaraswami Reddiyar. | 21 Mr. D. M. Reid. |
| 8 Diwan Bahadur C. Natesa Mudaliyar. | 22 " W. K. M. Langley. |
| 9 Mrs. K. Alamelumangathayaramma. | 23 The Zamindar of Kirlampudi. |
| 10 Mr. W. Scott Brown. | 24 Rao Bahadur B. P. Sesha Reddi. |
| 11 " H. R. Uzielli. | 25 Mr. V. G. Vasudeva Pillai. |
| 12 " C. E. Jones. | 26 " Mr. G. F. F. Foulkes. |
| 13 " G. T. Boag. | 27 " F. J. Stanes. |
| 14 " R. Madanagopal Nayudu. | 28 Khan Bahadur Javad Hussain Khan Sahib Bahadur. |

4th November 1935]

Noes—cont.

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| 29 Mr. G. Simhachalam Pantulu. | 46 Diwan Bahadur T. A. Ramalingam Chettiyyar. |
| 30 Rao Sahib V. Dharmalingam Pillai. | 47 Mr. T. C. Srinivasa Ayyangar. |
| 31 Rao Bahadur D. Krishnamurti. | 48 " V. T. Arasu. |
| 32 Sriman M. G. Patnaik Mahasayo. | 49 B. Pocker Sahib Bahadur. |
| 33 Khan Bahadur Mahmud Schannad Sahib Bahadur. | 50 Rao Bahadur P. C. Muthu Chettiyyar. |
| 34 The Zamindar of Bodinayakkanur. | 51 Rao Sahib A. S. Alagannan Chettiyyar. |
| 35 The Zamindar of Mirzapuram. | 52 Mr. P. Peddi Raju. |
| 36 Mr. G. Sriramulu. | 53 " Muhammad Mcera Ravuttar. |
| 37 " J. Kuppuswami Choudari. | 54 " K. A. Nachiyappa Gounder. |
| 38 " C. Indrayya. | 55 " M. A. Muthiah Chettiyyar. |
| 39 " K. Pattabhiramayya. | 56 " T. Narasa Reddi. |
| 40 Khan Bahadur T. M. Moidoo Sahib Bahadur. | 57 Subadar-Major S. A. Nanjappa Bahadur. |
| 41 Mr. M. Vedachala Mudaliyar. | 58 Mr. P. V. Krishnayya Choudari. |
| 42 Rao Sahib C. Jayaram Nayudu. | 59 Mahboob Ali Baig Sahib Bahadur. |
| 43 " D. V. Narasimhaswami. | |
| 44 Mr. K. Kesavaramamurti Nayudu. | |
| 45 Dr. P. Subbarayan. | |

Ayes 12.

Noes 59.

The motion was lost.

* Mr. M. DEVADASAN:—" Sir, I beg to move—

' In sub-section (1) (a), add the following at the end:—

" and two, to seats specially reserved for Indian Christians ".

The population of the Madras city consists of all classes and castes of people including the Indian Christians. The number of Hindu voters comes to nearly 79,677 and the Christian voters number 6,346. Anglo-Indian voters number 3,420. Section 5 (1) allots seats for the various interests such as the Madras Chamber of Commerce, the Madras Trades Association, the Southern India Chamber of Commerce, the Andhra Chamber of Commerce, the Nattukkottai Nagarathars' Association, the Southern India Skins and Hides Merchants' Association, the Piece-Goods Merchants' Association and the Rice and Grains Merchants' Association, the Anglo-Indian Association, the Port Trust of Madras, the South Indian Railway and the Madras and Southern Mahratta Railway Companies, the Senate of the Madras University and so on. In the Select Committee there was nobody representing the interests of the Indian Christians and in consequence their claims were not fully considered. I hear that a memorandum was submitted by the Indian Christian Association requesting the provision of seats for Indian Christians. That has not been accepted. I do not know why they have not taken into consideration the interests of the Indian Christians. This community is a separate class apart and it will be impossible to safeguard their interests if proper representation is not given to them. The interests of the Indian Christians are now being neglected as the interests of the depressed classes were neglected in the past. Recently there was a chance for electing a Christian as the Mayor of the Madras Corporation, but nobody supported that claim as the Christians are not so rich and influential as other class of people. This is an indication as to what the fate of the Indian Christians will be in a general electorate. I submit, Sir, that I have moved this motion

[Mr. M. Devadasan] [4th November 1935]

because an injustice has been done to the Indian Christians. I have not given notice of many amendments. Only in very necessary cases I have given notice of amendments and this is one of them. I hope the Hon. Minister will, without difficulty, accept this amendment and give at least two seats to the Indian Christians. On a population basis, when 40 seats have been allotted for the Hindu population which consists of 79,677 voters, the Indian Christians are justly entitled to three seats. The Hon. Mr. Pannirselvam who was time and again representing the interests of the depressed classes and the Indian Christians, after his elevation to the Treasury Bench, does not pay sufficient attention to them. The Indian Christians are thus handicapped. With these few words I request the Hon. Minister to accept my amendment."

12-30 p.m. Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, as an Indian Christian Member representing the city of Madras, I think it is incumbent upon me to place before this House a few facts in support of the motion which was moved by my hon. Friend, Mr. Devadasan, and which runs as follows:—

*"In sub-section (1) (a), add the following at the end:
"and two, to seats specially reserved for Indian Christians."*

Sir, this has been done with a view to secure two seats at least for Indian Christian members. Sir, it is well known that Indian Christians form one-tenth of the population of Madras. If sixty seats are to be allotted for the various communities and interests on the Madras Corporation, it stands to common reason that at least one-tenth portion of the number of seats should be set apart for Indian Christians. Unfortunately Indian Christians are not in a position to command men and money to influence the elections. That is the reason why it has not been possible in the past to put forward Indian Christian candidates to stand for election to the Madras Corporation. You will be pleased to see, Sir, that in the Corporation, as now constituted, there is a solitary Indian Christian. My hon. Friend, Mr. Sundara Rao Nayudu, says that there are two elected Indian Christians on the Corporation Council but he cannot give the names of those two. I would like to ask him whether as Secretary to the Hon. the Chief Minister he is not contradicting himself when he says that he cannot give the names."

Mr. T. SUNDARA RAO NAYUDU:—"On a point of personal explanation. Not that I did not want to mention the names of the two Indian Christian members. Of course, if the hon. Member presses me, I may say for his information that Mrs. Hanen Angelo and Mr. Chakkarai Chetti are the two Indian Christian members representing the Indian Christian community."

Diwan Bahadur A. APPADURAI PILLAI:—"I am sorry for the knowledge of the hon. Gentleman, Mr. T. Sundara Rao Nayudu, who says that Mrs. Hanen Angelo represents the Indian Christian community. Mrs. Hanen Angelo is an Anglo-Indian lady. There is only one Indian Christian in the Corporation Council. Last time when the

4th November 1935] [Mr. A. Appadurai Pillai]

question of offering the Mayoralty of the Corporation of Madras to an Indian Christian came up for consideration, his claims were passed over. The grounds on which his claims were passed over need not be discussed here.

"Sir, though one-tenth of the population of Madras is Indian Christian, it is not possible for them to get through election. That door is not open to them for the simple reason that they are wanting in men and money. But, Sir, the community is a very important community. As the Hon. House knows, from the point of view of education, steadfastness and balance of judgment the Indian Christian community is one of the most forward communities. Fidelity has been the watchword of the community and the achievements of the members of the community stand to-day as a monument of the community's steadiness in purpose and common sense. In the matter of education a number of educational institutions, in the matter of public health a number of hospitals, and in the matter of public morality a number of rescue homes and the like are all results of Christian endeavour. It is unnecessary for me to point out that it is necessary on the part of the Corporation to have a few more Indian Christian members on its Council so that they may ventilate the grievances of the Indian Christian community. I find that an *ad hoc* committee which discussed this Bill has recommended that two seats should be reserved for the Indian Christian community. The Corporation when dealing with this report was kind enough to suggest three seats. Unfortunately, now according to this Bill, no seat has been reserved for the Indian Christian community. The Select Committee which considered this Bill has recommended that no reservation should be made for any community whatsoever. I find from the proceedings of the Select Committee, page 13, that there was a general discussion on the subject of representation of the depressed classes, Mussalmans and minorities on the Council. Mr. Basu Dev proposed that the consideration of the fixing of the total number of seats be adjourned to the next meeting. The motion was lost.

"I take it that it was the decision of the Select Committee that no reservation of seat should be made or could be made for any community whatever and it should apply to Indian Christians also. But my point is that unfortunately in the Select Committee that sat to consider the City Municipal Bill, a very important Bill with reference to the residents of this city, there was no representative of the Indian Christian community and the proof of the pudding is in the eating of it. Here is the proof that the interests of the Indian Christians have not been pressed with that amount of persuasion which would otherwise have been possible. If no reservation is being made for any community, I would never have suggested the reservation of seats to my community. Here we find reservation of two seats for Adi-Dravidas and two seats for labour. My hon. Friend, Mr. Basu Dev, attempted vainly that the number of seats reserved for these communities might be increased from 3 to 4 and from 2 to 3. My submission is that Indian Christians are

[Mr. A. Appadurai Pillai] [4th November 1935]

in no way better than the Adi-Dravidas or labourers. Most of the Indian Christians are wage-earners and are employed in various services, either in Government, or Corporation or local bodies. Most of them are salaried men without any property. They are scattered throughout the city. There is no single division in Madras where the Indian Christians are not found. Most of them are living as sub-tenants in crowded houses and they are in no way better than the Adi-Dravida brethren or the labourers. At any rate the Adi-Dravidas are very strong in numbers but unfortunately the members of my community are not in position to make themselves felt, because they are not so numerically strong, nor do they congregate in any particular locality. There are one or two places, it may be mentioned, where the Indian Christians are found in large numbers, for instance, in Rayapuram and Purasawakam. Unfortunately no member of that community has been elected from either of those two places to represent the Indian Christians on the Corporation Council. That is proof positive of my statement that they are not in a position to contest any seat in election and they will not be successful unless reservation is made.

"These are the grounds on which I would appeal to the Hon. the Chief Minister to revise if possible the decision of the Select Committee not to reserve any seat for any community.

"There is one point which has already been urged, viz., that the maximum number of members has been fixed at 65. I suppose there is no magic attached to that number. I do not think a House which consists of 65 members would become unmanageable if it is increased to 68 or 70. For the matter of that some of the members might be absent and in that case the members present will be often less than 65 and the Council will thus be quite manageable. On this consideration I would suggest very respectfully that the Indian Christian representation might be granted in the manner suggested in the amendment.

"There is one more point that I would like to urge for the favourable consideration of this Hon. House. I would like to refer to what is contained in the Statement of Objects and Reasons attached to the Bill when it was originally introduced and it reads as follows:—

'The system of nominations as it at present exists will go and the representation of minority communities will be secured not by reservation of seats as is the case in mufassal local bodies, but by so adjusting the divisions in the city as to secure as far as possible the return of members of the various communities, e.g., Nungambakkam division, could be so subdivided as to return a member of the depressed classes, representing cheris and a European from the other half. Similarly a predominantly Muslim area could be expected to return Muslim members. Power is proposed to be taken to alter the boundaries of the divisions from time to time.'

12-45 p.m. "Unfortunately such a device would not be helpful in the case of the Indian Christian community, for the simple reason that it is not possible to locate them in any particular division. Adjustment of boundaries applicable to depressed classes and Europeans may not apply in the case of Indian Christians with the same force. The Indian Christian voters—six thousand or ten thousand in number—are scattered

4th November 1935] [Mr. A. Appadurai Pillai]

in all the divisions of the City and it is not possible to adjust the boundaries of any division in such a way as to give a bias in favour of Indian Christians. I would beg the Hon. the Chief Minister to note that peculiar position in the case of Indian Christians and see if it is not possible to reserve a few seats for them and remove their grievance that they have been denied any representation whatsoever on the Corporation of Madras. With these remarks, I heartily support the motion moved by my hon. Friend Mr. Devadasan."

Mr. M. S. SRESHTA:—"Mr. President, Sir, I wish to support this resolution on a question of principle. So far, there has been no reservation of seats for any minority community on the Corporation of Madras. But now, for the first time, the principle of reservation is introduced. That being so I cannot understand why one minority community should be treated in one fashion and another minority community in another. In the case of the depressed classes, reservation of seats has been approved of; in the case of labour, another minority community, reservation of seats has been approved of. (An hon. Member. Labour is not a community but a class.) That is worse still. If a class is allowed to have reservation of seats, why not a community? As regards Muslims, I understand that reservation was recommended, but in the meeting of the Select Committee, the Muslims did not want reservation because only a certain number of seats were recommended for reservation while they wanted more and rather than have a smaller number reserved they did not want any reservation at all. But in the case of Indian Christians, no offer was made at all. For if we had been offered, we are such a meek and humble community that we would have accepted what was offered. Even now the number asked for is only two and I do not see what difficulty there will be in giving this number. I earnestly appeal to the Hon. the Raja Sahib who is piloting this Bill to grant the very modest request of the Indian Christians. It might be asked whether as a matter of fact the present practice has worked injustice. I find that there is only one Indian Christian member on the Corporation, whereas the population of Indian Christians justifies about four. That gives you an idea of the treatment that the Indian Christians get so far as representation is concerned. Now under the new Act also they would be entitled to about four or five seats and the reservation of only two seats asked for, will not greatly increase the number of Indian Christians in the Corporation. Probably they will get only one unreserved seat and two reserved seats, altogether three seats. So they will not get a disproportionate number of seats. If there is any fear that by this reservation Indian Christians would be getting a number of seats disproportionate to their number, then I say, Sir, that the Hon. Chief Minister would be justified in opposing my proposition. But as it is, I do not see on what grounds this request can be refused. My hon. Friend, Mr. Appadurai Pillai, gave a large number of reasons why the Indian Christian community should be treated with some consideration. I do not want to go into all those grounds. But I only want to state a few grounds. It might be that in

[Mr. M. S. Sreshta] [4th November 1935]

the case of the Mussalmans they expect to have a large number elected under the new Act. As a matter of fact they are getting a large number elected under the present Act. But why cannot the Indian Christians get a proportionate number elected? The reason is, first of all, Indian Christians are very poor. There are a few well-to-do people of course. In education also they are a little more advanced than other minority communities, but their poverty stands in the way. Another reason is they are all scattered about in the City. 'A miss is as good as a mile'—as the proverb says. Indian Christians are smaller in number than other communities and they have no chance of being elected in the general electorate. If you had a system of proportional representation as they have in some other countries, it might not be necessary to have any reservation nor any system of separate electorates. It might be asked, why sitting on this side of the House where we have as a rule stood for joint electorates, I support a system of reservation. I say I am not entirely wedded to a system of joint electorates. If I spoke in favour of joint electorates and if I am now erring, I may say I am erring in good company, for the hon. Lady Member Mrs. Lakshmipathi also the other day said that Indian Christians should get proper consideration in regard to seats, that they should not merely get the seats reserved for them in certain areas but also be allowed to vote in the general electorate. Therefore my position is not at all antagonistic to any position I have hitherto taken up, because I feel that till the time is ripe for a general joint electorate we ought to have reservation of seats for the minority community either by means of special electorates or otherwise. As I pointed out, our request is for equality of treatment; it is not for inequitable treatment. We do not want any preferential treatment. We want merely equitable and equal treatment and the facts which I have quoted are more eloquent than any arguments which may be adduced by any of us in favour of the resolution which has been moved by my hon. Friend. I trust that this resolution will find favour with the Government and will not meet with opposition from hon. Members of this Council."

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, I did not want to intervene in the debate but for the remark made by Diwan Bahadur Appadurai Pillai to the effect that Indian Christians are not recognized in the City of Madras. I say, Sir, he is not correct when he says that. It is well known, Sir, that for a very long time from time immemorial the leader of the northern part of the City was Mr. R. N. Prakasa Mudaliyar. Afterwards his brother Mr. Danapala Mudaliyar represented the northern part of the City in the Corporation. Though they are Indian Christians they keep the Mudaliyar title. Then again, Sir, there is Mr. Chakrai Chettiyar an Indian Christian. He stood for election in a Mudaliyar division against a Mudaliyar and he defeated the Mudaliyar by a large majority and was returned to the Corporation. What about Mr. M. Ratnaswami and various other Indian Christians who occupy high offices? Dr. Asirvada Nadar was for about nine years and more representing a Hindu division in the Corporation

4th November 1935] [Mr. C. Natesa Mudaliyar]

of Madras. I do not think there was one Indian Christian in Mr. Chakrai Chettiyar's division. With all that, the Hindus and the people of other communities supported him against the people of their own communities. The real fact of the matter is that there are not enough Indian Christian candidates. What is Mr. Appadurai Pillai doing, I ask? Could he not stand for election in the Purasawakam division? If he did, he would be elected. He is well known to all the Hindu families in the City of Madras. Why should he not stand for election instead of saying that there is no reservation of seats? He would not stand for election nor would other Indian Christians stand. (Mr. M. S. Sreshta: 'Why?') If they stood for election, we Hindus and people of other communities are ready to support Indian Christian candidates. I do not want to oppose reservation of seats for any community, for all my life I have stood for the principle of separate electorates and reservation of seats."

Diwan Bahadur A. APPADURAI PILLAI:—"On a point of information, Mr. President. The hon. Member has asked why I and Indian Christians like myself did not come forward and contest elections. It is for the simple reason that we did not find unanimity amongst ourselves and we did not find enough supporters. The Purasawakam division was recently contested by an Indian Christian. But a Hindu had a better chance and Mr. Damodara Nayudu was returned. There are various reasons for this which you are aware of."

* Diwan Bahadur C. NATESA MUDALIYAR:—"If there is no unanimity among them, other communities are not responsible. They need not have any fear that because they would have to stand against Hindus they would not be supported. If a Christian of ability and good position stands for election, the Hindus, Muslims and people of other communities are sure to elect him. Moreover, Sir, in the first division, it was a Christian who defeated a Christian and not a Hindu. In the case of Danapala Mudaliyar, it was Mrs. Hannen Angelo who defeated him. The Hindus have always supported Indian Christians whether Anglo-Indian Christians or Indian Christians stood for election. For a number of years, till his death, Sir, R. N. Prakasa Mudaliyar was accepted as the leader by the Hindus and other communities. Why should Mr. Appadurai Pillai fear when there are so many instances like this? As I said before I am not against the reservation of seats for Indian Christians on the Corporation, I am not against even a separate electorate, for all along separate electorate and reservation of seats has been my life principle. If the Government thinks that Indian Christians should have seats reserved for them, let them reserve the seats. But what I want to do is to assure Mr. Appadurai Pillai that he need not have any doubts about Hindu support for Christian candidates. Did not the Hindus and other communities combined elect Mr. Swamikannu Pillai as the President of the Council and later on Mr. Ratnaswami? I believe that it is the Hindu Ministers that made it a point of supporting Indian Christians and made Mr. Ratnaswami,

[Mr. C. Natesa Mudaliyar] [4th November 1935]

Principal of Law College. It was probably due to their efforts that Mr. Ratnaswami was made a Member of the Services Commission. Indian Christians can have no grievance against the Hindu community whether Brahman or non-Brahman and other communities as Muslims.

(Mr. M. S. Sreshta rose up to speak.)

* The Hon. the PRESIDENT:—"I will give the hon. Member another turn."

* Diwan Bahadur C. NATESA MUDALIYAR:—"The Council and everybody elsewhere have proved that they are for Indian Christians. If I may say so, Sir, mostly the Justice Party is responsible for Indian Christians occupying high places in the Presidency. I do not want to say more. It may be disputed, but it is my firm conviction, that reservation for some communities at present is a necessity. As I said before, Mr. Appadurai Pillai may insist upon reservation of seats and the Government may accept his proposition. I am not against it at all. But I only want to assure him that if he says 'I am afraid of other communities', he is wrong. He spent most of the time in Government service in the mufassal and therefore he did not know what was taking place in Madras and in the party of which he is the Chief Whip. Sir, this party is responsible for the high appointments held by Indian Christians and other minority communities and it is on that account harmony among all communities prevails in this Presidency."

1 p.m. Mr. M. S. SRESHTA:—"On a point of personal explanation, Sir. My hon. Friend, Mr. Natesa Mudaliyar, has misunderstood what I said. The other day I asked for joint electorates in addition to special electorates in certain districts, i.e., special electorates in certain districts and joint electorates in other districts. It will work up to the ideal of joint electorates in all cases and no special electorates at all."

Mrs. K. ALAMELUMANGATHAYARAMMA then spoke in Tamil and the following is an English summary of the speech:—"Hon. Members who have spoken in favour of this amendment want that two seats should be reserved for Indian Christians. I am not speaking against the amendment. They seem to argue: three seats have been reserved for Adi-Dravidas; why not reserve seats for Indian Christians also? Indian Christians are more forward in all respects than Adi-Dravidas. They can easily be elected. There is no doubt about it, only if they stand for election; they never take the trouble of standing for election; they take active interest only in educating themselves, and in seeking good appointments; they do not stand for election; if they do so, they will surely be elected. In these days even women do not claim reserved seats or nomination; they are quite willing to stand for election. As such, Indian Christians should not ask for reservation of seats."

* The Hon. the RAJA OF BOBBILI:—"Sir, the argument that has been advanced in support of this amendment is that no member of the Indian Christian community was on the Select Committee and that,

4th November 1935] [The Raja of Bobbili]

therefore, their case did not receive the attention it deserves. Whether a particular community is represented or not on the Select Committee, it is the responsibility of the Government to see that the interests of all the communities are provided for in legislation.

"My hon. Friend, Mr. Appadurai Pillai, started enumerating the part played by the Indian Christian community and the services rendered to the country. I am glad to say that the Indian Christian community is certainly a valuable asset to the country, and the nation. If the Government or the framers of the Bill have left out the Indian Christian community for any special reservation, it is not because they consider the community as unimportant or insignificant; because it was felt that all the representatives of all the communities should be returned by joint electorates, we did not provide for special reservation or separate electorates for the Indian Christian community. It has been stated by those who are supporting this amendment, that, if no reservation at all was given to any community, they would not ask for it. I must state that reservation is being given to Adi-Dravidas, because up till now none of them has been returned to the Madras Corporation by the general electorate; they have always come in through the door of nomination. I hope that special reservation will be only a temporary feature and before long experience will prove that there would be no need for such reservation even for Adi-Dravidas. My hon. Friend, Mr. Appadurai Pillai, contradicts himself by saying that politically and economically Indian Christians in the City are in the same position as the depressed classes. As far as that part of his speech goes, I do not agree with him. By that, it should not be understood that the Government are against any special protection being given to the Indian Christians; we have proceeded on the basis that such of those communities which are being represented continuously on the Corporation by election need not be brought in by reservation. If we are to go back on that principle, will it not be necessary to recast the portion of the Act dealing with constitution and then provide for the representation of all minorities by reservation or otherwise? I therefore feel that it is not fair to find fault either with the Select Committee or with the Government for not providing reservation for Indian Christians. If, in spite of these observations of mine, my hon. Friends representing the Indian Christian community insist on special provision being made and if there is a general desire in all sides of the House, the Government will be prepared to consider the question of earmarking one of the 40 proposed divisions to that community by rotation."

* Mr. M. DEVADASAN:—"Sir, the Hon. Minister stated that special provision for reservation of seats made for the depressed classes and other communities is only temporary and it is intended to satisfy the interests of these people. He stated that there was no necessity for reservation of seats for Indian Christians. There is no reason why this temporary protection should not be extended to the Indian Christians also who

[Mr. M. Devadasan] [4th November 1935]

form a minority in the City of Madras till such time when no such protection is further needed. My hon. Friend, Mr. Appardurai Pillai, stated at the outset that the Indian Christians formed an important class in point of education; but with regard to their social, political and economic condition you will find that they are not so well off as other communities. Comparatively, they are placed in poor circumstances. It is but just fair and necessary that there should be reservation for Indian Christians. The Hon. Minister stated that there was no necessity for special representation for Indian Christians. This principle of reservation of seats for minority communities has been adopted in the case of municipalities and local boards. I do not find any reason why the same principle should not be adopted in the case of the City of Madras. My hon. Friends, Mr. Sundara Rao Nayudu and Mr. Natesa Mudaliyar, our Deputy President, have stated that they have always been kind to the Indian Christians by co-operating with them. Of course I welcome such an assurance. I appeal to them to extend the same co-operation and vote for this amendment. Both of them confused the issue by asking whether Anglo-Indians also were not Indian Christians. (Diwan Bahadur C. Natesa Mudaliyar: 'Certainly not; I have much personal knowledge of these communities.') There is special provision for the Anglo-Indians. I do not see any reason why there should not be similar provision for the Indian Christians. My hon. Friends stated that many Indian Christians had been returned to the Corporation many times without any difficulty. I know of many cases where they had failed, although they were members of the Justice Party. The Hon. Minister was pleased to give us assurance that, if it was necessary, he would earmark one seat for Indian Christians. I appeal to him once more to reconsider the question and provide for reservation of seats for Indian Christians."

The amendment was put and lost.

* The Hon. the PRESIDENT:—"I should like to know from the hon. Member (Mrs. Rukmani Lakshmipathi) the implication of the two amendments Nos. 4 and 6."

* Mrs. A. RUKMANI LAKSHMIPATHI:—"I shall move these amendments after discussion on amendment 2 is over. I beg to move the following amendment:—

'For sub-sections (1) (b) and (c), substitute the following:—

"six councillors elected jointly by the Madras Chamber of Commerce, the Trades Association and the Southern India Chamber of Commerce, one of these seats being reserved for Europeans."

"In favour of this amendment I have not much to say except to advance the same old argument in favour of joint electorates. For the information of this House I may point out that the *ad hoc* committee

4th November 1935] [Mrs. A. Rukmani Lakshmipathi]

appointed by the Government in 1929 to amend the Municipal Act of 1919, stated as follows:—

'Six councillors to be elected jointly by the Madras Chamber of Commerce, the Trades Association and the Southern India Chamber of Commerce, these to form one combined constituency. Three of the seats shall be reserved for Europeans.'

"That there must be community of interests as between European businessmen and Indian commercial men cannot be denied. So far as business is concerned, there should be no conflict of interests, because the Europeans have come to India to carry on business relations with us, and as such, they should identify themselves completely with the interests of the Indians. If they want that there should be friendship and mutual good relationship between themselves and Indian businessmen, they should favour this amendment. I am not however particular about the number of seats to be reserved for them, whether it is to be one or two or three. If they do not accept this amendment, namely, that one seat should be reserved for them, I am willing to accept the recommendation of the *ad hoc* committee. They should give the impression that though they are foreigners, they are one with the Indians. Of course there is no racial feeling here; and if there be any, it should not find a place here, and they should completely identify themselves with the interests of the Indians. For these reasons, Sir, I move this amendment."

Mr. C. RAMALINGA REDDI:—"I beg to second this amendment. I hope my European friends here would agree to this amendment; and in case they find it impossible to agree, they would state frankly why it is as businessmen they do not want to be associated with fellow-Indian businessmen in the election of representatives to the City Council. At present, purely European industry and business is getting more and more mixed up with Indian capital than it used to be years ago. I see from the reports of most joint stock companies that on the directorate also there are a large number of Indians. The capital is probably as much Indian as European. So, time has brought about a close association among the European and Indian businessmen. It is true that they maintain separate chambers of commerce; but when one reads the resolutions of these bodies, excepting on questions of what I may call imperial interests or matters of politico-economic importance, their views on most of the current problems are identical. Even if there are differences, I do not think the European businessmen need be afraid of not receiving that recognition, which is due to their importance, from their Indian colleagues. I think we ought to be taking a step forward in this matter and proving the identity of business interests by trying to evolve common institutions in place of the separate ones that have so long existed. Therefore, I appeal to my European friends to agree to this amendment, and I am sure the Hon. the Chief Minister will not stand in the way of its being passed if the European representatives do not raise a protest. As I said, in case they find it impossible to

[Mr. C. Ramalinga Reddi] [4th November 1935]

agree, they may state exactly the grounds on which they find the giving of institutional form to the identity of their business interests impossible.

"With your permission, Sir, I would change the word 'one' into 'three' in line 4 of the amendment, if the Mover also agrees."

* The Hon. the PRESIDENT:—"I take it that the hon. Mover has no objection."

Mrs. A. RUKMANI LAKSHMIPATHI:—"I accept the suggestions to substitute the word 'one' by the word 'three'."

* Sir WILLIAM WRIGHT:—"Mr. President, Sir, I must express my regret that I have to oppose this amendment, in spite of what I may term the friendly way in which it has been proposed by my two friends on the opposite side of the House."

"I would first like to point out to the Hon. the Lady Member who moved this amendment that we are pleased to find that she does apparently accept the principle that there should be specific representation of mercantile interests in the Council and she also, I am particularly pleased to note, was prepared to accept the principle that, to some extent, mercantile representation should be European. Now I would ask the hon. the Lady Member who moved this amendment and the hon. Member who seconded it, whether if you are going to accept the principle that this representation is in the interests of Corporation, it will not surely be reasonable that those who are willing to provide that representation should have the last word in saying how their representatives are to be elected. Now I do not think that the Southern India Chamber of Commerce, any more than the Madras Chamber or, for that matter, any of the other bodies referred to in these two sub-sections, would wish for a joint electorate. I am sure reference will be made to this later on by members who belong to this House and who are members of the Southern India Chamber or the other bodies. But I would like here to say that the Madras Chamber of Commerce, although it is, of course, very predominantly European, has Indian members. I foresee in the future a time when there will be many more Indian members because of that very community of interests to which my friend the Lady Member has referred. I think if we look further into the future, although not into the immediate future, we shall have probably only one Chamber of Commerce in Madras representing all commercial interests. This however is not now the case."

"Sir, a challenge was made to me—I suppose it was extended to me as Chairman of the Madras Chamber of Commerce—to say what exactly is the reason for our objecting to this joint electorate. Well, Sir, the reply to this is very simple indeed. If we were to be a joint electorate I consider it would be essential that members of the two Chambers were elected in the same way, and that the qualifications for membership of the two Chambers should be the same. Now, Sir, the qualifications for membership of the two Chambers are very different indeed. The number of members in the Southern India Chamber is

4th November 1935] [Sir William Wright]

very much larger than in the Madras Chamber of Commerce and the members of the former are very largely elected—and I am sure that whoever speaks on behalf of the Southern India Chamber will confirm this—as individuals. The members of the Madras Chamber of Commerce are also to a large extent elected individually—they do not represent themselves but those large commercial organizations which have been built up during the last century and a half in Madras. I claim, Sir, that both the Madras Chamber and the Southern India Chamber have a very long history of useful work in the commerce and trade, and therefore in the prosperity of the City of Madras. I would like to see both these two bodies, and in fact all the bodies which are mentioned in those two sub-sections, continue their useful activities; and it is in the interests of the City Council itself I say that it is extremely important that each should have adequate representation. I do not think for one moment that the representation proposed to be given to these two bodies is excessive. I would therefore ask the House not to accept the amendment, but to allow the representation of the various commercial bodies, as recommended by the Select Committee to be embodied in this Bill."

The House then adjourned for lunch.

After Lunch (2-30 p.m.)

* Mr. C. BASU DEV:—"Mr. President, Sir, I rise to oppose the amendment. I do so not because there is any fear that the amendment would be carried or that those opposed to this amendment have not made out their case. Sir William Wright in his very clear and weighty speech made out a very strong case why this amendment ought not to be accepted. I rise only to express my gratitude, not only on my behalf, but also on behalf of the sober public of the City for the very excellent way in which the European element on the Madras Corporation had helped in the deliberations of that body. For their intelligent, unbiassed and independent opinion, the European group in the Madras Corporation has earned a name and also the gratitude of the public. Sir, the amendment has two aspects. One is to reduce the number of their representatives and the other to make them members of a joint electorate, so to say, along with the other Indian commercial bodies. Sir, I will not say much about the question of constituting a joint electorate, as the divergence in constitutions of the two different chambers is itself a very strong point against it. Sir, the other day when the Madras Maternity Benefit Bill was discussed and passed into law, my hon. Friend from Vellore, who sits by accident behind the Treasury Bench, but whose political opinions are really identical with those who sit opposite, had occasion to offer a very high compliment to the Madras Chamber of Commerce. When the opinions of the Madras Chamber of Commerce and the Southern India Chamber of Commerce were invited on this very salutary measure—the Madras Maternity Benefit Bill—which is now fortunately passed into an Act, the opinion which the Southern India Chamber of Commerce submitted for the consideration of the House

[Mr. C. Basu Dev] [4th November 1935]

was reactionary and frightfully illiberal in itself and much more so when compared with the very useful and very practical suggestions for its improvement made by the Madras Chamber of Commerce. Then my hon. Friend, Mr. Ramaswami Mudaliyar, had to pay a compliment to the sense of fairness and sense of proportion of the Madras Chamber of Commerce and to condemn the attitude of the South Indian Chamber of Commerce. Sir, in the interests of the public, I do not want that the liberal traditions and the generous impulses with which the members of the Madras Chamber of Commerce are inspired should be swamped by the reactionary and illiberal attitude of the members of the South Indian Chamber of Commerce. Sir, I hear cries from the Opposition. If only my hon. Friends would read the recommendations made by both the bodies on the Madras Maternity Benefit Bill, I am sure they will approve of what I have stated. Sir, with these few words, I very strongly oppose the amendment."

* Mr. V. T. ARASU:— "Mr. President, Sir, my hon. and learned Friend, Mr. Basu Dev, opened by saying that the hon. Gentleman who leads the European group in this House, Sir William Wright, has, in a very clear and exhaustive manner stated to this House, the reasons why the amendment moved by my hon. Friend, Mrs. Lakshmi-pathi, should be rejected. As far as I could see, I think the hon. Gentleman who leads the European group in this House has not at all made out any case against the amendment moved by Mrs. Lakshmi-pathi. Sir, a categorical question was put to the European group in this House by my hon. Friend, Mr. C. R. Reddi, and the question is this: what is the special reason or reasons that they have against the clubbing of the members of the Madras Chamber of Commerce and the South Indian Chamber of Commerce? Sir, I submit that that question remains unanswered. My hon. Friend, Sir William Wright, only stated in the course of his speech that the qualifications for membership of these two Chambers, namely, the South Indian Chamber of Commerce and the Madras Chamber of Commerce, are very different; whereas in the case of the Madras Chamber of Commerce the qualification for membership is connexion with a well-established business house, the qualification for the membership of the South Indian Chamber of Commerce is merely payment of a certain fee. I admit, Sir, that that is the case. I also admit the statement of the hon. Sir William Wright that the total number of members of the Madras Chamber of Commerce as compared with the total number of members of the South Indian Chamber of Commerce is very small and that there is the chance of the members of the South Indian Chamber of Commerce swamping and out-voting if both the Chambers should be clubbed together for election purposes. Sir, the third point made by the Hon. Sir William Wright is that the representation provided for in the Bill, namely, six seats for the European commercial interests and five for Indian commercial interests are not excessive and that they should be retained. I am in entire agreement with that position and I also admit the correctness of the statement made by my hon. Friend,

4th November 1935] [Mr. V. T. Arasu]

Sir William Wright. I here wish to repeat the question put by my hon. Friend, Mr. C. R. Reddi, and that is, what objection can there be to the two chambers being clubbed together if Europeans are assured of a certain number of seats on the Corporation? All that is required by the European community is that their community and their commercial interests should be represented on the Corporation by a certain number of members. If supposing out of the 11 seats provided for commerce as a whole, six seats are reserved for Europeans and the constituency is to be both the Chambers put together, what objection can there be to that suggestion? I, for one, am unable to understand why any reasonable set of people should take exception to that procedure, provided that the number of six is guaranteed to the Europeans. Sir, that is from the broader aspect of the question.

"Coming down to the other aspect, I personally feel that there is no need whatever for any separate representation being given to two different business communities in the City Corporation. Sir, I can understand separate representation being given to European commerce in a legislative body like the Provincial Legislative Assembly or the Federal Assembly, where questions concerning taxation and politico-economic questions of a very important nature are likely to be discussed and therefore it is essential that members of the European community should be represented on those bodies to give their considered opinions. But, in a small body like the Madras Corporation Council, where the questions that are likely to be discussed are matters concerning rates, health and sanitation, etc. I cannot understand why, for deciding whether we should have a ditch here or there or whether we should put up a building or not, construct a new school or not, there should be any separate representation for any business community whatever. Even granting for the sake of argument that some representation need be given, I do not feel that there is any need whatever for the business community to be divided into two separate classes. Already we have too many classes in this country and to divide the business community which constitutes one solid block into two, namely, European and Indian business community, is very unfortunate and should be put an end to.

"For these reasons, I think the amendment moved by Mrs. Lakshmi-pathi is very sound in principle, namely, that there should be a joint electorate and that the Europeans, if they insist on it, may be guaranteed certain number of seats. In that connexion, I would like to suggest that the number of seats allotted for Commerce, namely, six for European commerce and five for Indian commerce may be retained and out of this eleven, six seats may be reserved for European commerce. My important reason for suggesting that there should be a joint electorate, and if necessary, the European element may be assured of a certain number of seats is this: that the interests of both European and Indian commerce being identical are not likely to come into conflict, and therefore their outlook will be one and the same.

[Mr. V. T. Arasu] [4th November 1935]

2-45 p.m. "Therefore, there is no case for separate representation. The second and the more important reason is that the number of members of the Southern India Chamber of Commerce being greater than that of the Madras Chamber of Commerce, we can be sure of returning only such members of the European community as will sympathize with the national aspirations."

* The Hon. the RAJA OF BOBBILI:—"Mr. President, I think this question has been sufficiently thrashed out. As Sir William Wright pointed out, in the case of the Madras Chamber of Commerce, it is the institutions that are represented and in the case of the Southern India Chamber of Commerce generally individuals are elected to the chamber. That point has not been met by the various arguments made by hon. Members. It has always been the case that since this Act first came into force separate representation has been provided for the Madras Chamber of Commerce, the Trades Association and the Southern India Chamber of Commerce. Now we have clubbed together the Madras Trades Association and the Madras Chamber of Commerce into one constituency and the Southern India Chamber of Commerce and others into another. I do not see why we should go against the wishes of the institutions which are sought to be given representation. Therefore, I oppose the motion."

Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President, I should like to make an appeal to the members of the Southern India Chamber of Commerce as also to the Madras Chamber of Commerce not to lay so much stress on the disparity of the qualification of voters who elect representatives to their respective chambers. The interests of business as a whole should be considered whether it be Indian business or business conducted by Europeans. Both the Chambers have therefore got to throw in their lot and elect common representatives to the City Corporation. There are no vital points of business that you are concerned with here. The Corporation councillors are expected to discharge civic functions, like looking into the health conditions of the City, the educational requirements, conservancy affairs and so on. There is not any special interest of European business that has to be considered. I am afraid my hon. Friend, Sir William Wright, has not made out any strong case against this amendment. He has not given any valid reasons for his objections except that there was disparity in qualification for membership of the two chambers of commerce. I do not see in what manner the European business will be placed in jeopardy. I appeal that in the national interests of the country and in the interests of the business solidarity, both chambers should get their representatives elected through a joint electorate. I would also appeal to my hon. Friend, Mr. Hameed Khan, and Mr. Narayanan Nambiyar to withdraw their amendments for giving separate representations to different associations, the Grain Merchants Association, the Hides and Skins Merchants Association and so on. The country is already divided into so many water-tight compartments and the result of such an amendment will be to divide the business

4th November 1935] [Mrs. A. Rukmani Lakshmipathi]

community into further divisions. This is against national interests. Instead of bringing all classes of people together, we shall be dividing the business community into further compartments. If the hon. Members of the European group are trying to oppose my amendment, it means that they are trying to divide us and take away our solidarity from us. With these few words, I press my amendment."

* Sir WILLIAM WRIGHT:—"On a point of personal explanation. When speaking this morning, I never once suggested or asked for European commercial representation throughout my speech. I was dealing with the proposals in the Bill that six councillors should be elected by the Madras Chamber of Commerce, a not entirely European body, which is likely to be even less so in the future."

The amendment was put and lost.

Clause 4.—Section 5.

* Mr. C. BASU DEV:—"Mr. President, I do not want to move the first amendment standing in my name but would move the alternative amendment, namely:—

"For sub-section 1 (c), substitute the following:—

"(c) Two councillors elected in such manner as may be prescribed, by Indian companies or Indians resident in Madras and engaged in trade, commerce or industry and paying an income-tax on an annual income of Rs. 3,000 and above."

"The object of my amendment is two-fold, firstly to reduce the representation for the Indian commerce and secondly to make it as broad-based as possible. I have already said how the number of Europeans in the Corporation should be as great as possible in the interests of the public. But I say that Indian commerce cannot claim for any representation and say that they have no influence in deciding the results of election. I am sure members of Indian commerce are influential persons who are, can, and always will, continue to dominate in the elections to the Corporation Council. Such being the case, I do not see why any representation at all is to be given to the Indian commerce. I do not want to be misunderstood as standing in the way of representation of the Indian commerce. As the Hon. the Chief Minister and a few other speakers have pointed out, the object of giving representation is not to give them adequate or sufficient voice but some voice through which they can express their grievance. If that is the object—and that ought to be the object—two seats for Indian commerce will be ample and that any more seat given to it will be at the expense of the general public. The recommendation of the Select Committee is not only to the Madras and Southern India Chamber but also that representation should be given to the Andhra Chamber of Commerce—a body of recent origin—the Nagarathars'

[Mr. C. Basu Dev] [4th November 1935]

Association—I do not know how many of them are in Madras—the Skins and Hides Merchants and so forth. I know my hon. Friend, the Lady Member for the City, will join me in protesting against this provision. I am glad of the assurance of the hon. Member and I hope I shall have the persuasive and powerful eloquence of Mr. C. R. Reddi also on my side."

Mr. M. DEVADASAN:—"Mr. President, Sir, I second the amendment of my hon. Friend. I do not know if this motion will share the same fate as the others of the morning. I think there ought to be some principle upon which representation is to be accorded to the various commercial bodies. I see that all interests have been clubbed together without rhyme or reason. I ask, Sir, what is the logical principle on which provision has been made for the various interests. I hope I shall not be misunderstood as opposing representation of Indian commerce. There are 40 general seats allotted for Hindus and other classes of people. Those members who might come in through general election may have various interests. With due deference to Mr. Muthiah Chettiyar, I say they can come in by general election and represent those interests. I think, Sir, two is enough for them, and this will enable other minorities to come in. By limiting five into two there must be sufficient provision for meeting the needs of other communities. So I second the amendment."

3 p.m. * Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, I am anxious to get as many places for commerce as possible whether European or Indian. I wish to say that the commercial representatives on the Corporation whether Indian or European have functioned well and I have no doubt that the other representatives will always say how useful commercial representatives have been in the Corporation in the management of its finance and various questions connected with economy and retrenchment in the Corporation. That aspect of the case I have no doubt hon. Members of the House would take note of. Indian commerce has been enjoying two seats though they have always been claiming for more. I should like very much to retain the other institutions also recommended by the Bill. Sir, it will be agreed that the interests of the Indian Chamber of Commerce are equally important and I am one who does not want to draw any distinction between Europeans and Indians as I always feel that both should be strongly represented. The institutions have been long established and they deserve representation and I have no doubt that the representation will be very effective on the Council. With regard to the suggestion of income-tax qualification I do not want to tire the House as I have stated my views while speaking on the Delimitation proposals. It may be that persons doing extensive business may not be paying income-tax in certain years. I therefore oppose the amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, this proposal evoked keen discussion at the Select Committee stage as well as before that."

4th November 1935] [The Raja of Bobbili]

Government felt it undesirable to disenfranchise old established associations like the South Indian Chamber of Commerce. As this has to represent particular interests it is considered representations by institutions will be more effective in putting the view point of the commercial community before the public and the Corporation. Instead of that if we have constituencies consisting of those who pay income-tax on an annual income of Rs. 3,000 it was felt that when questions concerning the commercial community come up for discussion there is no possibility of the electorate being brought together to consider or deliberate on these questions. As this is a case of commercial representation it is considered that it is the most effective way of representation of commercial interests. Therefore the proposal under discussion now before the House was not acceptable and it was decided to adhere to the original proposals and give representations to institutions. I therefore oppose this amendment."

* Mr. C. BASU DEV:—"I am sorry I did not hear arguments whatever in favour of as many as five seats to be given to Indian commerce. This question of equality of treatment of Indians with Europeans has been very longstanding. I remember as a student attending the sittings of the Statutory Commission on services whereat the Indian public men pleaded that the Indian Executive Councillor should draw as much salary as the European Executive Councillor, there should be no discrimination between Europeans and Indians and that as much money should be paid to Indians as has been paid to the Europeans. Similarly perhaps (A voice: 'Is it a reply?') I suppose, Sir, that the Select Committee had given nearly as many seats for Indian commerce as they had agreed to the Madras Chamber of Commerce on this very principle of equality of treatment. Sir, I am afraid, I will have to cause some inconvenience to the Members of the House by challenging a vote on this issue. On the other occasion with regard to increased representation to workers I had to cause some inconvenience for showing to the public what exactly is the attitude of this House to the poorer classes. This vote also will show how exactly reverse is the position."

The amendment of Mr. C. Basu Dev was put and declared lost. A poll was demanded and the House divided thus:—

Ayes.

1 Mr. C. Basu Dev. | 2 Mr. M. Devadasan.

Noes.

1 The Hon. Sir K. V. Reddi Nayudu.	8 Rao Bahadur Dr. C. Natesa Mudaliyar.
2 " Rao Bahadur A. T. Panirselvam.	9 Mrs. K. Alamelumangathayaramma.
3 " Mr. C. A. Souter.	10 Mr. W. Scott Brown.
4 " Mr. G. T. H. Bracken.	11 " H. R. Uzielli.
5 " Diwan Bahadur S. Kumaraswami Reddiyar.	12 " G. T. Boag.
6 " Mr. P. T. Rajan.	13 " R. Madanagopal Nayudu.
7 " the Raja of Bobbili.	14 " T. B. Russell.
	15 " T. Sundara Rao Nayudu.

[4th November 1935]

Noes—cont.

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| 16 Khan Sahib Syed Tajuddin Sahib Bahadur. | 39 Rao Sahib Pandit Ganala Ramamurti. |
| 17 Mr. R. M. Palat. | 40 Mr. M. B. Rangaswami Reddi. |
| 18 Rao Bahadur R. Srinivasan. | 41 Dr. P. Subbarayan. |
| 19 Diwan Bahadur A. Appadurai Pillai. | 42 Mr. V. T. Arasu. |
| 20 Sir William Wright. | 43 Rao Bahadur P. C. Muthu Chettiyar. |
| 21 Mr. D. M. Reid. | 44 Mr. A. P. N. V. Nadimuthu Pillai. |
| 22 " W. K. M. Langley. | 45 " K. A. Nachiyappa Gounder. |
| 23 Rao Bahadur B. P. Sesha Reddi. | 46 " K. S. Sivasubrahmanya Ayyar. |
| 24 Mr. P. C. Moses. | 47 " M. A. Muthiah Chettiyar. |
| 25 " P. V. Rajagopala Pillai. | 48 " M. S. Sreshta. |
| 26 " G. F. F. Foulkes. | 49 " K. M. Doraiswami Reddiar. |
| 27 " F. J. Stanes. | 50 Rao Sahib V. I. Muniswami Pillai. |
| 28 Khan Bahadur Javad Hussain Khan Sahib Bahadur. | 51 Mr. T. Narasa Reddi. |
| 29 Mr. G. Simhachalam. | 52 Subadar-Major S. A. Nanjappa Bahadur. |
| 30 Rao Bahadur D. Krishnamurti. | 53 Mr. V. P. Narayanan Nambiyar. |
| 31 Srikanth M. G. Patnaik Mahasayo. | 54 " U. C. Subrahmanya Bhatt. |
| 32 Khan Bahadur Mahmud Schamnad Sahib Bahadur. | 55 Diwan Bahadur S. Ellappa Chettiyar. |
| 33 The Zamindar of Mirzapuram. | 56 Mr. C. Ramalinga Reddi. |
| 34 Bodinayakkanur. | 57 Mrs. A. Rukmani Lakshmipathi. |
| 35 Mr. G. Sriramulu. | 58 Mr. K. P. Raman Menon. |
| 36 " C. Indrayya. | 59 " H. B. Ari Gowder. |
| 37 Khan Bahadur T. M. Moidoo Sahib Bahadur. | 60 " G. R. Premayya. |
| 38 Rao Sahib C. Jayaram Nayudu. | 61 " C. E. Jones. |

Neutrals.

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| 1 Mr. V. M. Ramaswami Mudaliyar. | 4 Mr. K. Kesava Ramamurti Nayudu. |
| 2 Rao Sahib N. Siva Raj. | 5 " K. Ahmed Meeran Sahib. |
| 3 " D. V. Narasimhaswami. | |

Ayes 2. Noes 61. Neutral 5.

The amendment was lost.

3-15 p.m. * Mr. V. P. NARAYANAN NAMBIYAR:—"Sir, I do not move amendment No. 14, but I move 14-A, which is as follows:—

'For sub-section (1) (c), substitute the following:—

"(c) One councillor elected by the Southern India Chamber of Commerce.

One councillor elected by the Andhra Chamber of Commerce.

One councillor elected by the Nattukkottai Nagarathars' Association.

One councillor elected by the Southern India Skins and Hides Association.

One councillor elected by the Piece-goods Merchants' Association.

One councillor elected by the Rice and Grain Merchants' Association."

4th November 1935] [Mr. V. P. Narayanan Nambiyar]

"Sir, my reasons for moving this amendment are as follows: In the Bill as was introduced, six seats were provided for Indian commerce, but when it came to the Select Committee, this number was reduced to five. I am sure this House will agree with me that the number of seats allocated for Indian commerce should not in any way be reduced. My hon Friend, Mr. Basu Dev, thinks that Indian commercial representation should be limited to two. But the division on the amendment of Mr. Basu Dev is proof positive that the House is against the curtailment of the number of seats for Indian commerce. The amusing portion of Mr. Basu Dev's speech is the appeal for the support of Mr. C. R. Reddi in the matter. I realize the anxiety of Mr. Basu Dev to enlist the sympathy of Mr. C. R. Reddi as the time for the expiry of the life of the Council is approaching, but it is asking for the moon.

"Again, apart from the fact that the Select Committee has reduced the number from six to five, from the point of convenience also my amendment ought to be accepted. The Select Committee has mentioned six commercial organizations for representation and provided only five seats."

* Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, I second this amendment. I wish to point out that for six associations there are only five seats. I do not want on this occasion to speak on the necessity for representation for these associations for while speaking on the previous amendment I have given my reasons. So I shall content myself by pointing out that though I share the view that the South Indian Chamber should get more, as I find that the Government are committed to the total number of 65 being the strength of the Council and as they find it impossible to increase the number, I would move, with the permission of the Mover of this amendment that the last item in the list be deleted, in which case there will be five seats for the five associations ear-marked."

* Mr. V. T. ARASU:—"Mr. President, I rise to oppose the amendment just now moved by Mr. V. P. Narayanan Nambiyar. It appears very strange that while the tendency now is to put an end to this division of the business community in India even into two classes, namely, European business community and Indian business community, an attempt should now be made to subdivide the Indian community into several minor groups. From that point of view I oppose it. My second reason is I can point out several instances of one gentleman being a member of practically all the associations given in the list. To be more precise I can point to an instance where a certain gentleman is a member of the South Indian Chamber of Commerce, of the Andhra Chamber of Commerce, of the Nattukkottai Nagarathars' Association. (Mr. M. A. Muthiah Chettiyar: 'Question.'). My friend can go on questioning, but I can point out definite instances where same gentlemen are members of more than three or four bodies mentioned in this list. I have one instance where a particular gentleman is a member

[Mr. V. T. Arasu]

[4th November 1935]

of the South Indian Chamber of Commerce, Andhra Chamber of Commerce, Southern India Skins and Hides Association, Piece-goods Merchants' Association. I can also name that gentleman—he is Janab Abdul Hakim Sahib. He is a member of the four associations and also happens to be president or vice-president of three. So I submit that it is unfair that a particular individual should be given the opportunity to vote in several associations. That would be giving undue advantage to certain gentlemen who happen to be in a fortunate position. This is a negation of the very principle of representation. For this reason, I think the House will reject the amendment altogether."

Mr. M. S. SRESHTA:—"Mr. President, I wish to say a few words on this subject. It has been already decided that six councillors should be elected by the members of the Madras Chamber of Commerce and the members of the Madras Trades Association, and I think very rightly decided. If it is a joint election by a large number of associations it would be certainly difficult, especially so here. As my friend here pointed out, what connexion is there between Rice and Grain Merchants' Association and Skins and Hides Merchants' Association? It is quite possible that one member may be in both the associations, for the interests of one are entirely different from those of the other; they may be even adverse. But in any case, there are six associations and five members; that means to say, the five members will have to be elected by some sort of permutation and combination; it would be rather difficult. So it would be much easier for each association to select one member. The argument adduced by my friend on the other side that it would be very difficult to combine European with the Indian Association would apply to this subdivision of Indian business associations. The terms under which one can become a member of each association may be different. As I have pointed out, the class of people who enter these associations may be different, and then the interests are different. Therefore I think it would be certainly desirable that there should be as many members as there are associations so that there may be no difficulty in regard to representation. As regards the desirability of having business men in the Corporation, I think there can be no doubt about it whatever. In the Madras City in which so much business is being carried on, I think some importance must be given to people carrying on trade. I believe in London, practically the Mayor is a tradesman, and the aldermen are mostly tradesmen. That shows what important part trade plays in a corporation. With these words I support this amendment."

* Mr. C. BASU DEV:—"My hon. Friend, Mr. Nambiyar, while moving his amendment spoke about my seeking the sympathy of the hon. Member from Chittoor and how I would not be able to get the sympathy of the Congress. After I entered public life, especially this House, I had at no time attempted to canvass political sympathy from my opponents on false pretences. Perhaps my friend's observation is a reflection of what he has done."

4th November 1935]

* The Hon. the PRESIDENT:—"The hon. member, Mr. Basu Dev, to-day especially, has been entertaining the House with too many irrelevant remarks. I would ask the hon. Member to please confine his remarks to the amendment before the House."

* Mr. C. BASU DEV:—"I bow to your ruling, Sir, I am thankful to you for directing my remarks in the proper and relevant channel. I thought an unprovoked and irrelevant attack made against me needed reply, but in obedience to your ruling I shall take some other opportunity."

Mr. President, the vote of this House on the previous amendment showed how hollow was the sympathy feigned or affected by Members of this House to poorer classes, and how entirely capitalistic their outlook. I do not complain, but I hope the public will understand the position and see that at least in the next Council to be formed it shall be filled with members with greater sympathy for the poorer people and a greater sense of proportion, so that one interest however powerful may not be given a preponderating voice in any body, either this House or the local bodies. The hon. Member representing the South Indian Chamber of Commerce, Mr. Kumararaja of Chettinad, dealt with the claims of the various institutions which are now in this amendment. I do not have any facts as to what the special interests are, how the interests of one are opposed to those of the other, how the interests of the piecegoods merchants are in any way inimical to the interests of the Nattukottai Nagarathars, how the interests of the rice and grain merchants are opposed to those of the Andhra Chamber and so on. I would only say that this is a reactionary amendment, an amendment for the safeguarding of vested interests, without any reason at all behind it and without any sense of propriety in it. We are asked that every association that can possibly be conceived of should be given representation on the Corporation without giving any facts about them. It is an affront to the intelligence and understanding of this House. I am emphatically of opinion that the amendment ought not to be accepted by this House."

* The Hon. the RAJA OF BOBBILI:—"I understand, Sir, that my hon. Friend, Mr. V. P. Narayanan Nambiyar, has moved an amendment standing in his name, providing for separate representation for each of these institutions mentioned in the Bill as amended by the Select Committee, which in effect would mean increasing the number of seats allotted to the Indian commercial interests from five to six. I have already made it clear that it will not be possible for Government to accept any amendment which has the effect of increasing the total strength of the Council. I believe, Sir, subject to correction, that an amendment has also been moved to delete the Rice and Grain Merchants' Association. If this proposal meets with the general approval of the House, Government will have no objection to delete that item. At the same time I would say there must be some sort of elasticity in the rules, and instead of fixing one seat for each association which

[The Raja of Bobbili] [4th November 1935]

would mean that the South Indian Chamber of Commerce would have less representation than at present, it may be left to the Government by rules which may be prescribed, to give individual representation to some of the associations, or club them all together.

3-30 p.m. "My hon. Friend, Mr. Arasu, has drawn attention to the fact that it would be most undemocratic to permit a single individual to exercise in the same constituency three or four votes. I am only speaking with reference to the amendment as proposed by the Select Committee and as it stands in the Bill as amended by the Select Committee. It is the intention that by having a common constituency each individual should vote only once. It was never the intention to allow a single individual, by virtue of his membership of different associations, to vote separately. In the result my proposal comes to this: that five councillors should be elected by the bodies other than the Rice and Grain Merchants' Association in the manner prescribed by Government."

* Mr. V. P. NARAYANAN NAMBIYAR:—"Mr. President, Sir, my hon. Friend, Mr. Arasu, in opposing my amendment asked why a distinction should be drawn between various commercial bodies. There is fundamental difference between general commercial interests and special commercial interests. The Indian Franchise Committee has said that functional representation is assuming increasing importance in the sphere of commerce. That being so, I think that representation provided for the commercial bodies mentioned is necessary. With reference to the amendment to my amendment, I have absolutely no objection to accept the deletion of the words 'one councillor elected by the Rice and Grain Merchants' Association,' if that is the commercial opinion."

* The Hon. the RAJA OF BOBBILI:—"Mr. President, my proposition is to delete the words 'and the Rice and Grain Merchants' Association' in clause 5 (1) (c). The idea is that instead of providing separate representation in the Bill itself, the method of providing whether each institution should have a separate seat or seats according to its importance may be left to the Government. That object will be achieved if 5 (1) (c) is left in the form found in the Select Committee Report and the words 'and the Rice and Grains Merchants' Association' are deleted."

Mr. V. P. NARAYANAN NAMBIYAR:—"I agree to that also."

* The Hon. the PRESIDENT:—"The better procedure would be for somebody to move for the deletion of the words 'and the Rice and Grain Merchants' Association' from section 5 (1) (c)."

Mr. M. S. SRESHTA:—"Mr. President, I move—

In section 5 (1) (c) delete the words 'and the Rice and Grains Merchants' Association' occurring at the end."

Mr. V. P. NARAYANAN NAMBIYAR:—"I second it."

4th November 1935]

* Mr. V. T. ARASU:—"Sir, I should enter my emphatic protest against the proposed deletion. If any association should, on the basis of the number of members and the importance of the trade, be entitled to have representation, it is this Rice and Grain Merchants' Association. It has got a very large membership. If any Association should be deleted from 5 (1) (c), I suggest that the Nattukottai Nagarathars' Association may be deleted."

Mr. V. P. NARAYANAN NAMBIYAR:—"Mr. President, I beg leave to withdraw my amendment to sub-section (1) (c)."

The amendment was by leave withdrawn.

The Hon. the PRESIDENT:—"I will now put to the House the amendment of Mr. M. S. Sreshta, viz., in sub-section (1) (c) to delete the words 'and the Rice and Grains Merchants' Association' occurring at the end."

The motion was put and declared carried.

Mr. V. T. Arasu demanded a poll and the House divided thus:—

Ayes.

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|---|--|
| 1 The Hon. Diwan Bahadur S. Kumaraswami Reddiyar. | 21 Sriman M. G. Patnaik Mahasayo. |
| 2 " Mr. P. T. Rajan. | 22 Khan Bahadur Mahmud Schamnad Sahib Bahadur. |
| 3 " The Raja of Bobbili. | 23 Mr. G. Sriramulu. |
| 4 Mr. R. Madanagopal Nayudu. | 24 " J. Kuppuswami Choudari. |
| 5 " T. B. Russell. | 25 " C. Indrayya. |
| 6 " T. Sundara Rao Nayudu. | 26 Rao Sahib C. Jayaram Nayudu. |
| 7 Khan Sahib Sayed Tajuddin Sahib Bahadur. | 27 " D. V. Narasimhaswami. |
| 8 Mr. R. M. Palat. | 28 " Paudit Ganala Ramamurti. |
| 9 " V. M. Ramaswami Mudaliyar. | 29 Mr. M. B. Rangaswami Reddi. |
| 10 Diwan Bahadur A. Appadurai Pillai. | 30 " M. A. Muthiah Chettiyar. |
| 11 Sir William Wright. | 31 " M. S. Sreshta. |
| 12 Mr. D. M. Reid. | 32 Rao Sahib V. I. Muniswami Pillai. |
| 13 " W. K. M. Langley. | 33 Mr. T. Narasa Reddi. |
| 14 Rao Bahadur B. P. Sesha Reddi. | 34 Subadar-Major S. A. Nanjappa Bahadur. |
| 15 Mr. P. C. Moses. | 35 Mr. K. P. Raman Menon. |
| 16 " G. F. F. Foulkes. | 36 The Zamindar of Chemudu. |
| 17 Khan Bahadur Javad Hussain Khan Sahib Bahadur. | 37 Diwan Bahadur S. Ellappa Chettiyar. |
| 18 Mr. G. Simhachalam Pantulu. | 38 Mr. V. P. Narayanan Nambiyar. |
| 19 " P. K. Ramachandra Padayachi. | |
| 20 Rao Bahadur D. Krishnamurti. | |

Noes.

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| 1 Diwan Bahadur C. Natesa Mudaliyar. | 9 Mrs. A. Rukmani Lakshmipathi. |
| 2 Mr. M. Devadasan. | 10 Mr. P. Ratnavelu Thevar. |
| 3 Rao Sahib N. Siva Raj. | 11 " H. B. Ari Gowder. |
| 4 Mr. V. T. Arasu. | 12 Rao Bahadur R. K. Venugopal Nayudu. |
| 5 " K. S. Sivasubrahmanya Ayyar. | 13 Mr. G. R. Premayya. |
| 6 " K. A. Nachiyappa Gounder. | 14 " K. Koti Reddi. |
| 7 " U. C. Subrahmanya Bhatt. | 15 " P. V. Krishnayya Choudari. |
| 8 " C. Ramalinga Reddi. | 16 " K. Kesavaramamurti Nayudu. |

[4th November 1935]

Neutral.

1 The Hon. Sir K. V. Reddi Nayudu.	10 Mr. P. V. Rajagopala Pillai.
2 " Rao Bahadur A. T. Pan- nirselvam.	11 " F. J. Stanes.
3 " Mr. C. A. Souter.	12 The Zamindar of Mirzapuram.
4 " Mr. G. T. H. Bracken.	13 " Bodinayakkanur.
5 Mrs. K. Alamelumangathayamma.	14 Dr. P. Subbarayan.
6 Mr. W. Scott Brown.	15 Mr. T. C. Srinivasa Ayyangar.
7 " H. R. Uzielli.	16 Rao Bahadur P. C. Muthu Chetti- yar.
8 " C. E. Jones.	17 Mr. K. Ahmed Meeran Sahib.
9 " G. T. Boag.	18 " A. Pl. N. V. Nadimuthu Pillai.
	19 " C. Basu Dev.

Ayes 38. Noes 16. Neutral 19.

The motion was carried.

* Mrs. A. RUKMANI LAKSHMIPATHI:—" Sir, I move—

'In sub-section (1), delete sub-clauses (d), (e) and (f).'

"According to the amending Bill the Anglo-Indian Association is entitled to elect a representative to the Corporation. I do not mind accepting the amendment as suggested in the amending Bill if their representative were elected at least by 'Anglo-Indians.' But even that I would not accept it being against the very principle underlying the amendment, I had given notice of to the effect that the Anglo-Indians should return a member under the system of joint electorate. The Anglo-Indian Association being a very small body, much smaller than the Anglo-Indian community, that Association as such could not possibly be given a representative of its own. I am not sure whether the Anglo-Indian Association represents the entire Anglo-Indian population of the City.

3-45 P.m. "In view of the fact that I wish the Anglo-Indians to associate themselves with the general public of the City I move that the amendment be accepted, viz., that the Anglo-Indian Association should not be given separate representation.

"Regarding sub-section (1) (e) of section 5 'one Councillor elected by the Trustees of the Port of Madras' I see no reason why the trustees of the Port of Madras should be given separate representation, because they have no special interests to be safeguarded by their own special representative. I am against the very idea of associations like the Anglo-Indian Association, having separate representation. The same argument advanced by me against various interests or associations electing their special representatives should be discountenanced on principle. Sub-section 5 (f) which reads thus:—That 'one Councillor appointed by the South Indian Railway and the Madras and Southern Mahratta Railway Companies' is retrograde and undemocratic.

4th November 1935] [Mrs. A. Rukmani Lakshmipathi]

"With these few words I move for the deletion of sub-clauses (d), (e) and (f) of sub-section (1) of section 5, because I do not think that in the interests of the general public we would be right in giving separate representation to these bodies. They can come in through the general electorates."

The amendment was duly seconded.

* Sir WILLIAM WRIGHT:—"It is my unfortunate fate that I should appear in this House as an ungallant Member. Whenever the hon. the Lady Member speaks then I have to get up and oppose her. Now, Sir, as regards sub-clause (d), 'one Councillor elected by the Anglo-Indian Association of Madras,' I must say that I am in sympathy with the views of the hon. the Lady Member that the Councillor should be elected by the Anglo-Indians and not by the Anglo-Indian Association. But I understand that there is some difficulty in forming an electorate of the Anglo-Indians and so, if they are to have representation, it seems necessary that their Member should be elected by the Anglo-Indian Association. There is no Member here who can speak for the Anglo-Indian community and I am taking up cudgels on their behalf because I do not think there is anybody here who will take up their cause. The Anglo-Indian community have peculiar problems of their own in their daily life in this City, and I think it would be only fair to the community that they should have a direct representative of their own on the Council of the Corporation.

"As regards sub-clauses (e) and (f) that one Councillor should be elected by the Trustees of the Port of Madras and another by the South Indian Railway and the Madras and Southern Mahratta Railway, I think the question of the Anglo-Indian Association having a representative of their own has no analogy whatever as suggested by the hon. Lady Member. In the one case you have got the Anglo-Indians as a community with peculiar problems of their own having a representative in the Madras Corporation for their own benefit. As regards the Port Trust and the Railways being represented in the Corporation, their representation is in the interests of the Corporation and the City itself. In recent years the word 'safeguards' has become unpopular, but in my opinion it is a safeguard and, in the interests of the Corporation, having a large port in its midst that there should be a representative of the Port Trust on the Council. In the City there must be constantly arising problems in connexion with the administration of that port and in its relation to the governing body of the City. When they are discussed both sides of the question should be presented to the Corporation in debate by people who really know what they are talking about and problems constantly do arise regarding the relations between the Port Trust and the City, and will no doubt constantly arise in the future. So it is very necessary and essential that in order to safeguard the interests of the Corporation they should have the benefit of advice from somebody who is directly connected with the Port Trust. All that

[Sir William Wright] [4th November 1935]

I have said above in regard to Port Trust equally applies to Railways. When you have two Railways serving the City there must be constantly questions arising between the executives of the Railways and the Corporation which governs the City. Therefore it is absolutely essential that in order to safeguard the interests of the Corporation and even the working of Corporation itself, that they should have the benefit of advice of the Members from the two Railways, such members being in a position to sit in the Corporation Council and speak with authority on all technical problems which may arise."

* The Hon. the RAJA OF BOBBILI:—"Sir, We are not providing for any additional or new representation for the first time as it may appear from reading this Bill. In the old Act in section 5 (c) itself it is stated, 'three elected or appointed by such other associations or corporate bodies as the Governor in Council may by notification direct.' Under the old Act itself the Anglo-Indian Association, the Port Trust and the University have been given the privilege of sending three Members. Railways are always represented by nomination. So it is not desirable that we should deprive these interests of representation in future in the Corporation both in the interests of these bodies as well as the Corporation itself. I think such representation is necessary and therefore I oppose this amendment."

* Mr. BASHEER AHMED SAYEED:—"Sir, I rise to endorse what Sir William Wright has stated in the cause of Anglo-Indians. Anglo-Indians have got certain privileges all this time and I do not think any reasonable man would say that the privilege that is now being enjoyed by the Association of Anglo-Indians should be taken away. Anglo-Indians, as Sir William Wright has pointed out, stand for distinct interests. So far as such matters are concerned and so long as I am going to stand for the interests which are specially peculiar to Muslims, I think it my duty that I should support the special interests of Anglo-Indian community? The hon. Lady Member for the City seems to think that some innovation has been made. That is not the case. I am deliberately opposed to any encroachment upon special interests of the minorities. I think, the Anglo-Indian community, having been clubbed together with Europeans, in many fields have suffered in the enjoyment of their rights. They also have given expression to the fact that they ought to have separate representation—and it is but a logical conclusion that they should have separate representation and separate electorates. So far as Corporation and municipalities are concerned, we are working on the general electorate basis. But only we have to reserve certain seats for certain communities alone. Government, by notification, has long ago fixed that these three bodies, viz., the Port Trust, the Railways and the Anglo-Indians may have separate representation. Now a representative of the Anglo-Indian community sits in the Corporation Council and I say he ought to continue to sit, and that right of the Anglo-Indians ought not to be taken away. I therefore strongly oppose the amendment."

The amendment was put and lost.

4th November 1935]

* Mr. C. BASU DEV:—"Regarding the representation of the University of Madras, I do not see how it is proper or what is the object behind giving representation to the University on the Council of the Corporation."

* The Hon. the PRESIDENT:—"I take it that he is not moving his amendment."

Mr. C. BASU DEV:—"I would like to say a few words. The Corporation does not run any college nor is it interested in questions connected with the University education and yet it is urged that the University must be given one seat on the Corporation out of the 65 seats. In so far as giving a seat to the University takes away the representation of general interests of workers I am opposed to it. In view of the fact, however, that the House has agreed to give separate representation to bodies of Indian Commerce whose strength, whose existence and whose history is a matter of considerable doubt, I do not think I should be justified in denying representation to the premier University of Madras on the Corporation whether there is any need for such representation or not."

The amendment (amendment No. 16 in the printed list) was not moved.

* Diwan Bahadur A. APPADURAI PILLAI:—"I beg to move the amendment that stands in my name which runs as follows:—

Insert the following after sub-section (1) (g):—

"(g-1) one Councillor elected by the Indian Christian Association and one Councillor elected by the Madras City Catholic Association".

"Mr. President, Sir, the Indian Christian Association and the Madras City Catholic Association which are registered corporate bodies are intended for the moral, material and social progress of the community. These associations have been in existence for nearly 50 years and responsible members of the community have been the presidents. Diwan Bahadur Subramaniam, Dr. Sathianatham, Dr. Asirvatha Nadar and Dr. Palaniyandi, all very respectful members of the community have been Presidents of Indian Christian Association.

"Similarly the Madras City Catholic Association is a registered 4 p.m. corporate body presided over by no less a person than His Grace the Archbishop of Madras. It has among its members respectable members of the community such as Mr. Ruthnaswami of the Madras Services Commission, the Hon. the Home Member who is in our midst not to make mention of several other members who have won the confidence and respect of Christians and non-Christians alike. The late Mr. Swamikannu Pillai was a member and so also Diwan Bahadur Arogyaswami Mudaliyar. Under the existing Municipal Act, there was an opportunity for corporate bodies to seek representation on the Corporation of Madras. Clause (e) of section 5 provided for three members elected or appointed

[Mr. A. Appadurai Pillai] [4th November 1935]

by such other associations or corporate bodies as the Governor in Council may, by notification, direct. It has been the fortune of the Anglo-Indian Association to be declared by the Governor in Council as a corporate body fit to be represented on the Corporation. There was then an opportunity both for the Indian Christian Association and the Catholic Indian Association as corporate bodies to get representation on the Corporation. Unfortunately that section has been scrapped in the present Bill and in its place we find only the Anglo-Indian Association mentioned. No provision has been made for any other corporate body. The Indian Christian Association and the Catholic Indian Association have always been consulted whenever important political questions came up for consideration. It is within your knowledge how the Indian Christian Members of this House strenuously advocated the cause of Indian Christians in connexion with the delimitation of constituencies. In connexion with the Montagu-Chelmsford Reforms also the Indian Christian community played a very prominent part. As has been admitted already on the floor of the House, by very responsible Members of the House, the Indian Christian Members have been known for their sound views and balance of judgment. Considering all these, it would be admittedly unfair, if I may use the word, to leave the Indian Christian Association and the Catholic Indian Association without any representation on the Corporation. I would therefore appeal to the Hon. the Chief Minister and to this Hon. House to give an opportunity to the two associations that are operating in the City of Madras to be represented on the Corporation.

"There is one misapprehension, Mr. President, which very often arises in connexion with Indian Christian representation. Whenever we get up and say that Indian Christian representation is inadequate, speakers one after another get up and say that there are influential members of the community who can fight their way in a general election, for instance, Sir Prakasam Mudaliyar, Diwan Bahadur Arogyaswami Mudaliyar and Mr. Ruthnaswami and so on. But all Indian Christians are not Mr. Ruthnaswami or Arogyaswami Mudaliyar or Appadurai Pillai. I speak on behalf of the Indian Christian masses, most of whom are people in low salaried employments and not in very good circumstances. A few members here and a few members there may be holding good positions and may be able to command the convenience and other things necessary to fight an election, but the majority of them are dependent. Unless some opportunity is given to them for fair representation in the Corporation and other local bodies along with other associations, I think the community will be dealt with very unfairly. The Anglo-Indian Association, I am glad to find, has been allowed to have a representative on the Corporation. I am entirely in favour of it. At the same time I would ask the House to show the same amount of charity and friendliness and extend the same concession to the Catholic Indian Association and the Indian Christian Association. If the Hon. Minister considers that I am asking for too much when I ask for two seats, I should be satisfied with a single seat for both the associations.

4th November 1935] [Mr. A. Appadurai Pillai]

The Hon. the Chief Minister on the last occasion when I moved an amendment was kind enough to promise that in case I was able to accept one seat he would be prepared to consider that request provided the other sections of the House did not object. I would appeal to him that if that promise is held out now, I would not press this motion and would rest content with one seat and explain to the members of the Catholic Indian Association and the Indian Christian Association that their rights have been adequately safeguarded. With these words I move the amendment standing in my name."

* Mr. G. R. PREMAYYA:—"Mr. President, Sir, I second the amendment. I endorse what has been said by my hon. Friend, Mr. Appadurai Pillai. I want to remind the Hon. the Chief Minister to keep the promise which he was gracious enough to make, namely, that he would reserve a division for the Christian seat, when the motion of my hon. Friend, Mr. Devadasan, was under consideration. Mr. Devadasan was very anxious to have more and he pressed his motion which was defeated. The Hon. the Chief Minister's promise continued. I think he will fulfil his promise. It is only to remind him of that that I second this motion."

* Mr. M. DEVADASAN:—"Mr. President, Sir, my hon. Friend stated that I was too anxious in the morning and did not accept the offer of the Hon. the Chief Minister. Sir, I did not reject the offer. The Hon. the Chief Minister was kind enough to say that he would have one seat reserved if all sections of the House agreed. At that moment I did not know whether all sections of the House would agree. Now it is open to the Hon. the Chief Minister to reconsider his offer. When every community in the City of Madras has been given adequate representation for the protection of its interests, I do not see why the Indian Christian community alone should be left in the lurch. Bare justice requires that there should be sufficient safeguard for the interest of the Madras Christians. I submit that this Act would not be complete and satisfactory unless adequate representation is given to the Indian Christian community."

* The Hon. the RAJA OF BOBBILI:—"Sir, speaking on the previous amendment No. 11, I said it was not possible for the Government to accept any proposal which would involve an increase in the strength of the Council but that if there was a general agreement in the House I would certainly consider the question of the reservation of one division in rotation for returning an Indian Christian Councillor of the Corporation. Unfortunately at that time my proposal was not accepted. I do not say my proposal was rejected. At least I can say that it was not accepted and the amendment withdrawn. I am afraid my Indian Christian friends have lost the opportunity then offered. As far as I am concerned my undertaking still holds good. I am afraid without increasing the total strength of the Council it will not be possible to give one seat to this Association. At this stage it is too late. I find a difficulty to give effect to my proposal made in the morning. I am afraid that opportunity has

[The Raja of Bobbili] [4th November 1935]

now been lost and I do not see how this amendment can be accepted without increasing the total strength of the Council to which Government have objection."

Mr. M. S. SRESHTA:—" May I suggest that the matter may be deferred till to-morrow so that we might consider what the Hon. Chief Minister meant when he made the proposal this morning and find out what the attitude of the other sections of the House will be? "

* The Hon. the RAJA OF BOBBILI:—" My proposal was not accepted and the House has voted down the previous amendment. I do not see how it is open for us to go back. What I suggested was that one particular division might be earmarked for an Indian Christian representative if all the sections of the House agreed to it. But that was not accepted and the Council has passed the relevant clause. Even if we are to defer the matter for to-morrow or the day after, I do not see any way in which we can give effect to the original proposal of mine at this stage. Of course, I should like to know whether Leaders of other parties would like to have this matter deferred."

Dr. P. SUBBARAYAN:—" Sir, personally I do not see why when seats have not been reserved for the Muslim community and for women, the Indian Christian community which is better educated than either the Muslims or the women, should be treated differentially. I rather feel that since the mystic number of 65 cannot be increased, I should not be in favour of one of the 40 divisions being earmarked for any single community. If the Hon. Minister is willing to increase the mystic number 65 to 70 or even 68, I would be willing to allot two seats for women and one for Indian Christians. As long as he does not increase the number, I do not see how we can get over the difficulty."

Mr. K. P. RAMAN MENON:—" Sir, I do not want to oppose the desire of Mr. Appadurai Pillai that Indian Christians should be properly represented. I also feel that without increasing the total number it will be impossible to accede to his request. Sir, when the delimitation proposals were discussed on the floor of this House we heard a great deal about the desire of the Indian Christian community to merge themselves in the general electorate. How can they now turn round and ask for special representatives elected by associations of their own? It seems to me quite illogical. I appeal to the hon. Member to withdraw his amendment."

4-15
P.m.

Mr. C. RAMALINGA REDDI:—" Sir, I would like to associate myself with the sentiments expressed by the two previous speakers. I do not think the case for this amendment is really strong. Indian Christians are most advanced in culture and education; they have played a prominent part in the public life of the country and why should they not take their chance in the joint electorate which has never shown any reluctance to support proper candidates from the Indian Christian community? I am unable to understand their turning round and asking for special representation at this stage after the lofty sentiments

4th November 1935] [Mr. C. Ramalinga Reddi]

they expressed recently in connexion with the franchise and delimitation proposals under the new constitution. It seems to be lowering of their old demand. Again I cannot approve of the idea that a certain division should be earmarked for returning a member of a particular community. It seems to me that the electors should have full freedom to elect whomsoever they like unfettered in this manner. I therefore suggest that the Hon. the Chief Minister would do well to refuse to accept this amendment and any other proposals made with a view to getting that amendment effected in some way or other."

* Diwan Bahadur A. APPADURAI PILLAI:—" Mr. President, Sir, I am very sorry to see the cold reception given to this amendment of mine. I for one, generally hesitate to bring forward such amendments. Inasmuch as similar provision has been made in the Bill in the case of some communities and as similar concessions had not been made in respect of my community, I thought I might bring forward this amendment asking that the two associations referred to might be given the privilege of electing one member each. I was prepared to accept the suggestion made by the Hon. the Chief Minister this morning to set apart at least one division out of 45 divisions of the Corporation for an Indian Christian candidate. Now even that small concession or little mercy is not to be shown to the Indian Christian community. I take it as the fair indication of the sort of sympathy that the Indian Christians can expect from the majority community."

The amendment was put and declared lost.

A poll was demanded and the House divided thus:—

Ayes.

1 Diwan Bahadur A. Appadurai Pillai.	6 Mr. T. S. Ramaswami Ayyar.
2 Mr. M. Devadasan.	7 " M. S. Sreshta.
3 Rao Sahib N. Siva Raj.	8 Rao Sahib V. I. Muniswami Pillai.
4 Mr. P. C. Moses.	9 Mr. C. Basu Dev.
5 " G. F. F. Foulkes.	10 " G. R. Premayya.

Noes.

1 The Hon. Sir K. V. Reddi Nayudu.	18 Mr. W. K. M. Langley.
2 " Rao Bahadur A. T. Pannirselvam.	19 The Zamindar of Kirlampudi.
3 " Mr. C. A. Souter.	20 Mr. B. P. Sesha Reddi.
4 " " G. T. H. Bracken.	21 " J. M. Smith.
5 " " P. T. Rajan.	22 " F. J. Stanes.
6 " the Raja of Bobbili.	23 Khan Bahadur Javad Hussain Khan Sahib Bahadur.
7 Mr. W. Scott Brown.	24 Mr. P. K. Ramachandra Padayachi.
8 " H. R. Uzielli.	25 Rao Sahib V. Dharmalingam Pillai.
9 " C. E. Jones.	26 Rao Bahadur D. Krishnamurti.
10 " G. T. Boag.	27 Sriman M. G. Patnaik Mahasayo.
11 " R. Madanagopal Nayudu.	28 Khan Bahadur Mahmud Schmnad Sahib Bahadur.
12 " T. B. Russell.	29 Zamindar of Mirzapuram.
13 " T. Sundara Rao Nayudu.	30 Mr. G. Sriramulu.
14 Khan Sahib Syed Tajuddin Sahib Bahadur.	31 " J. Kuppuswami Choudari.
15 Mr. G. Ranganatha Mudaliyar.	32 " C. Indrayya.
16 Sir William Wright.	33 " R. Pattabhiramayya.
17 Mr. D. M. Reid.	34 " S. A. A. Annamalai Chettiyyar.

[4th November 1935]

Noes—cont.

35 Rao Sahib D. V. Narasimhaswami.	41 Rao Bahadur T. M. Narayanaswami Pillai.
36 Mr. K. Kesavaramamurti Nayudu.	42 Mr. C. Ramalinga Reddi.
37 Dr. P. Subbarayan.	43 Mrs. A. Rukmani Lakshmipathi.
38 Mr. T. C. Srinivasa Ayyangar.	44 Mr. K. P. Raman Menon.
39 Rao Bahadur P. C. Muthu Chettiar.	45 The Zamindar of Chemudu.
40 Subadar-Major S. A. Nanjappa Bahadur.	46 Mr. P. V. Krishnayya Choudari.
	47 Mahaboob Ali Baig Sahib Bahadur.

Ayes 10. Noes 47.

The motion was lost.

Clause 5—Section 6.

* Mr. D. M. REID:—"Sir, this amendment" is consequential on amendment No. 199 which says 'delete rule 14 added by the Select Committee, etc.' I am quite ready, Sir, to move the present amendment to this extremely important clause of the Bill or if you think that it would be better if I do so when we come to amendment No. 199 which deals with the whole point, I shall do so. It seems to me that if we pass this first amendment, the whole of the other amendments 199, 200, 203 and 204 will have to follow. I will do as you wish."

* The Hon. the PRESIDENT:—"If the House feels that the discussion of these two amendments 20 and 20-A should be taken up along with the other amendments, No. 199 and those following, I have absolutely no objection. Clause 5 will have to be held over until the other clause is considered."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, as my hon. Friend, Mr. Reid, pointed out, the amendments go together. The substantive amendment is amendment No. 199 to clause 220. I therefore feel that it would be better if all these amendments are taken together."

* The Hon. the RAJA OF BOBBILI:—"I have no objection to the course suggested."

Discussion on amendments 20 and 20-A in the printed list was postponed.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I beg to move the following amendment:—

'For section 7 substitute the following:—

"7. The Corporation shall appoint a person to be Commissioner from among the District Collectors subject to the approval of the Local Self-Government Department and the Commissioner shall not be a member of the Council."

The reason for moving this amendment is that the Corporation should be given the power and privilege of selecting its Commissioner, instead of the Government thrusting the officer they like on the Corporation. If the Government would supply the Corporation the list of District Collectors who are eligible to be appointed as commissioners, and the Corporation is given the option of choosing one of those

* Delete the words 'excluding taxation appeals.'

4th November 1935] [Mr. P. V. Krishnayya Choudari]

officers, then it will be possible for the Corporation and the officer whom they select to work amicably. Such an arrangement would be more convenient and will be in the interest of better administration. I do not propose that like the Calcutta Corporation, the Madras Corporation should appoint its own officer. I only say that the Corporation should select the officer and the selection has to be approved by the Government. In that case the choice will be of the Corporation and not of the Government. In the interest of better understanding between the Corporation and the Commissioner, I request the Hon. Minister to accept this amendment."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, I wish to point out that this amendment may be taken after amendment 22-A which covers a larger ground. If we know the voting on amendment No. 22-A, we can easily take up this amendment."

* The Hon. the PRESIDENT:—"Both the amendments may be taken up and discussed and put to vote."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I moved such an amendment in the Select Committee. It was not carried. I have brought forward this amendment as a sort of compromise. Dr. Subbarayan's amendment is wider in scope and if the House is prepared to accept his amendment I have no objection. With these words I move my amendment."

Mr. G. R. PREMAYYA:—"I second it."

Dr. P. SUBBARAYAN:—"Mr. President, I move that for section 7 of the Act, the following section shall be substituted:— 4-30 p.m.

"7. The Commissioner shall be appointed by the Corporation from out of a panel recommended by the Madras Services Commission."

I do not think, Sir, any words are needed from me to commend this amendment to the hon. Members of this House; because I do feel that when Corporations such as the Calcutta Corporation have got the right to appoint their own Chief Executive Officers, the Madras Corporation which is the premier Corporation in this province should have the same right. I know it has been said that it will lead to political influences if the Corporation gets the right to appoint whomsoever it likes. That is the reason why I suggest this amendment. There is already a satisfactory machinery in the hands of the Government of Madras, namely, the Madras Public Services Commission through which they can get a panel, and one of the candidates in the panel recommended by the Commission can be appointed by the Corporation. That will mean that the Government do not interfere with the Corporation in this appointment of the Chief Executive Officer. The Corporation will not really be carried away by political considerations either; on the other hand, it will be able to strengthen the hands of the Public Services Commission in the matter of the selection of the

[Dr. P. Subbarayan] [4th November 1935]

officer. For, once the names of a few candidates are approved by the Commission, the Corporation will have only to choose one from among them."

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

Mr. T. S. RAMASWAMI AYYAR:—"With your leave, Sir, I desire to move an amendment to the amendment of Dr. Subbarayan, i.e., to delete the words 'from out of a panel recommended by the Madras Services Commission.' It is an amendment to an amendment."

* The Hon. the PRESIDENT:—"It may be an amendment to an amendment, but it is going to cut it through."

Mr. T. S. RAMASWAMI AYYAR:—"I submit that the question of principle here is one that arises with regard to the power of the Corporation to appoint the Commissioner. So far as that is concerned, Dr. Subbarayan's amendment and my amendment are the same; only, Dr. Subbarayan's amendment restricts the scope of the appointment. The original section says that the Government should appoint; Mr. Krishnayya Choudari's amendment is that the Corporation should appoint from a list of Collectors; Dr. P. Subbarayan's amendment is—and he also agrees with Mr. Choudari—that the Corporation should appoint, but restricts the scope and says that the appointment should be made out of a panel. The question of the appointing authority is therefore involved in all these cases. I simply restrict the power, by my amendment, to the Corporation itself. I therefore submit that on the question of principle, there is no conflict between my amendment and Dr. Subbarayan's amendment."

* The Hon. the PRESIDENT:—"I am not in entire agreement with the hon. Member; but anyhow, I have no objection to allow him to move his amendment."

Mr. T. S. RAMASWAMI AYYAR:—"I am obliged to you, Sir. My amendment is to delete the words 'from out of a panel recommended by the Madras Services Commission' from the amendment of Dr. Subbarayan. The amendment will then read: 'The Commissioner shall be appointed by the Corporation.' No doubt there is great difference between this amendment and the section as drafted; because, according to section 7, the Commissioner shall be appointed by the local Government, while my amendment seeks to have that power vested in the Corporation. I wish this question had received greater attention from the Select Committee than it has done. So far as the Madras Corporation is concerned, we do feel that the Corporation should have the power of appointment even as regards the Commissioner. In Corporations like the Calcutta Corporation, the power of appointing the executive officers vests in the Corporation. If you are anxious that local self-government should develop in this province, the premier Corporation of the province at least should have, just like the Corporations of Bombay and Calcutta, the power to appoint its own Commissioner. The Corporation has now the power of appointing the other officers; in regard to the Commissioner's appointment alone

4th November 1935] [Mr. T. S. Ramaswami Ayyar]

the practice has been for the Government to appoint him. I do not see any reason why the Madras Corporation should not be entrusted with the duty of choosing its Chief Executive Officer. After all, there are certain regulations governing such appointments; it is not as if the Corporation is going to appoint any one who is not fit to hold that post. The qualifications for the Commissioner's post will certainly be laid down in the regulations and it need not be presumed that the Corporation will, in all cases, try to appoint somebody who will not be fit. If only this House looks into the proceedings of the Corporation, it will be found that in very many cases of appointment, such as the Health Officer, the Revenue Officer, etc., the Corporation has very often selected Government servants. It need not be thought that the Corporation would try to bring in a non-official or otherwise abuse the patronage vested in it. The premier Corporation of the province should certainly be expected to exercise this patronage very carefully. If necessary, the Government may even have the power of veto. When there has been no abuse of such power in the past in regard to other appointments, why should not the power be extended to the appointment of the Commissioner also? It is said that the future Government of the province will be a popular one responsible to the people and therefore one can trust such a Government to make the best choice. I am not now saying that the Government of Madras cannot make a proper selection. I am only pleading for the right of the Corporation which is supposed to be an autonomous body. An employer who pays his employee should certainly have the power of selecting his employee; it is the wearer that knows where the shoe pinches. The Corporation should be able to find out who will be the best officer and which kind of officer will be useful to it. At one time an officer with experience of revenue matters may be necessary; at another time, an officer with other qualifications may be necessary—that is a matter which will have to be judged by the circumstances at the time of appointment. I therefore feel strongly that the Corporation should be given this power.

"With regard to the point that the Local Government may be entrusted with the duty of making a good choice, though, as I said, I do not say that the Government will not make a good selection, I do not see why they should have all such power concentrated in themselves. For instance, they have this power not only with regard to the Corporation but with regard to the local bodies. Why not give away some of these powers to the local bodies and be only a revising authority? Where power is abused or not exercised properly let the Government interfere. I do not think it is fair that the Government should interfere with the day to day administration of local bodies. I therefore plead, Sir, that the Corporation should be entrusted with the power of appointing its Chief Executive Officer."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

Dr. P. SUBBARAYAN:—"May I mention a word? I find that in drafting the amendment, the words 'and shall not be a member of the

[Dr. P. Subbarayan] [4th November 1935]

Council' have been left out. They should be added on to my amendment. It was not my intention, at the time of drafting, that the Commissioner should be a member of the Madras Corporation Council. I therefore propose, Sir, that those words may now be added to my amendment."

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

* The Hon. the PRESIDENT:—"Dr. Subbarayan further amends his amendment, by which the words 'and shall not be a member of the Council' are added at the end."

Mr. T. S. RAMASWAMI AYYAR:—"It follows, Sir, that my amendment also will have those words added on to it. I therefore suggest that those words may be added on to my amendment also."

* The Hon. the PRESIDENT:—"I presume that the hon. Member agrees to Dr. Subbarayan's later amendment."

Mr. T. S. RAMASWAMI AYYAR:—"Yes."

* Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, Sir, the question of the appointment of the Chief Executive Officer to municipal bodies has been engaging the attention of this House on various occasions, especially after a Bill was introduced by my hon. Friend, Mr. A. Ranganatha Mudaliyar, with reference to mufassal municipalities. In that connexion, the question of the appointment of the Commissioner of the Madras Corporation was also discussed in this House. I want to draw a distinction between the Executive Officer of the Corporation and the executive officers of mufassal municipalities. I am one of those who still feel that the appointment of Commissioners may not be necessary for certain mufassal municipalities. But the Madras Corporation stands on a different footing. Before the year 1920 the Corporation had an official President, practically akin to the present Commissioner of the Corporation and this was also the case in Calcutta and Bombay at that time. When later they amended the Calcutta Act, the Corporation was allowed to choose its own Commissioner."

"Mr. Ramaswami Ayyar referred to the appointment of certain senior officers by the Corporation itself on a salary of Rs. 500 or so who are all below the Commissioner, such as the Health Officer, the Educational Officer, the Electrical Engineer, the Engineer for Special Works, the Revenue Officer, etc., about half a dozen at the most. Sir, I have witnessed the elections to these posts by the Council, resulting in the appointment of certain officers. We must however draw a clear line of distinction between the appointment of these officers and that of the Commissioner. The Commissioner is one who is there for only a period of three years, and he is one about whom the Councillors of the Corporation have no idea—as to who he is, what his abilities are, etc. I venture to suggest therefore that the Councillors of the Corporation are not in a fit position to discuss the merits and abilities of any of the three names that may be submitted by the

4th November 1935] [Mr. M. A. Muthiah Chettiyar]

Services Commission. With reference to the various other officers of the Corporation, no doubt, the question is not the same; for, a Revenue Officer or a Health Officer or an Engineer is generally a person who has already served the Corporation for say fifteen years or more, and is known to practically all the councillors, having risen from the lower ranks; for example, the Assistant Engineer works his way up to the post of Engineer. The Corporation knows the abilities of such people and it will therefore be easy for the Corporation in such cases, to choose the officer. Even there, we have had occasions when canvassing prevailed; but still, the Council was in a position to exercise its discretion and find out who the best man was.

"Then, Sir, with regard to the power of appointment of the Chief Executive Officer, I say that it should be kept away from the Corporation Council. Under the City Municipal Act, there are three distinct authorities, the Commissioner, the Standing Committees and the Council, and the powers of these three authorities have been delimited in the Act, and if there should be no friction at all, the position of the Commissioner also should be made distinct and clear. For the sake of argument, I will take the case where the Services Commission give three names, say, A, B and C. The Council knows nothing about the three persons who are District Collectors. It would be unfair to the three gentlemen, who probably may not have thought about this appointment at all—though of course it may be put in the City Council Act that the Services Commission may select three names out of the 25 District Collectors,—if the City Corporation were to discuss the merits and demerits of these persons. And if it should happen that one of the candidates recommended by the Services Commission is a Muslim, another an Indian Christian and the third a member of the depressed classes, it will be very interesting to witness the election of this officer in the City Council. I have no doubt, on that occasion the various representatives of the different communities will pull their strings in favour of the representative of their community. So, it will lead to all sorts of complications. If supposing A is elected by a majority of the members and the person appointed is to function for three years, human nature as we know being what it is, it is difficult to expect the Councillors not to pester their representative with requests. It is therefore essential that the appointment of the Commissioner should be kept away from the Council of the Corporation. One thing I am prepared to say and that is, if the Councillors of the Corporation have no confidence in the Ministry to appoint the Commissioner, I would suggest that such appointment of the senior officer of the Corporation be given to the Services Commission who will select a person to be the Commissioner of the Corporation. I think that will be better in the circumstances. Then the question of voting in the Council will be avoided. For these reasons I feel that the question of appointment of the Chief Executive Officer of the Corporation must be kept as far away from the Council as possible. Moreover, Sir, the person appointed has to manage a very big staff and it is essential that the person who is appointed to the post should come

4-45
p.m.

[Mr. M. A. Muthiah Chettiyar] [4th November 1935]

there without any prejudice or obligation to the Members of the Council. I hope the Hon. the Leader of the Opposition and my hon. Friend, Mr. Ramaswami Ayyar, who know the affairs of the Corporation, will appreciate this point and will be convinced of my suggestion; and if they agree with this, I appeal to them to withdraw their amendment."

Mr. K. P. RAMAN MENON:—"Mr. President, Sir, I am sceptical about giving the Council of the City Corporation a hand in the appointment of the Commissioner. One is not unaware of the fact that in the matter of the superior appointments, barring the Commissioner, very much canvassing does take place. I believe it is within the experience of the Councillors of the Corporation that they are very often pestered by the candidates themselves or by persons interested in the candidates in respect of the appointments. When such is the case, how much more difficult would it be if they should be pestered again in respect of the appointment of the Commissioner, which is the highest appointment in the whole service of the Corporation.

"Then, again, Sir, I cannot see eye to eye with Mr. Ramaswami Ayyar, with reference to the position that the Commissioner takes and the position taken by various other Government appointments. Mr. Ramaswami Ayyar asks, why should not the Corporation be given the power to appoint the Commissioner, because practically the Corporation is the employer and the Commissioner is the employee.

"Now, so far as the Government is concerned, the Madras Government which is going to function after the Reforms come into existence, what is the justification for the existence of the Public Services Commission? Can we visualize the Legislative Council making the appointments? Viewing the question from the standpoint taken by Mr. Ramaswami Ayyar, if the Corporation can appoint the Commissioner, why not the Legislative Council make all the appointments under the Madras Government? We shall just visualize such a situation. You can see the absurdity of the position taken, because it is impossible for the Legislative Council consisting of so many diverse interests to make it a point to choose particular men fitted for any particular post. We have instituted what is known as the Public Services Commission which finds statutory recognition under the Government of India Act. In order to avoid this trouble and the responsibility of making the appointments, such an institution is recognized by Statute. Similarly, therefore, I should have thought that the Corporation would be anxious to get rid of this responsibility of making these appointments. First of all, there is the absolutely demoralizing effect of canvassing that is sure to go on. I can visualize the possibility of persons occupying responsible posts of District Collectors and persons of corresponding status, going about from house to house of the Councillors of the Corporation and canvassing particularly for their votes in order to get the appointment. That certainly can be avoided if the Public Services Commission is to make the selection and recommend the appointment to the Corporation.

4th November 1935] [Mr. K. P. Raman Menon]

Sir, the amendments proposed by Mr. Krishnayya Choudari, Dr. Subbarayan and Mr. Ramaswami Ayyar come to the same thing so far as this matter is concerned. They all recommend that the power of appointment should be in the Corporation of Madras. First of all, 'is that desirable' is the question that has to be decided. Then, 'is it desirable that a restriction ought to be placed upon the Corporation in making the choice', is the next question to be decided. I, for one, am not for thinking that the appointment should be made by the Corporation at all, but that it should be made by somebody else—a totally different individual. If, as a matter of fact, the coming Government is going to be a democratic Government, why should you not have confidence in the Ministers and in the Public Services Commission to make these appointments, and why should you not have confidence in those persons to select a person who will be fit in all ways to fill the responsible post of the Commissioner of the Corporation? I would rather trust the Government for the time being. We need not think in terms of the present-day Government, an alien Government which is in power and the popular side in the opposition, but you should think of a popular Government sitting here and agreeing with your views. As a matter of fact, when the new constitution functions, it will be a responsible Government, responsible to the Legislature and responsible to the public. Why not trust them with the proper machinery, the Public Services Commission, to make the appointment? I would, therefore, earnestly request the hon. Gentlemen who have moved the amendments to withdraw them and to leave it to the Government to choose the best candidate that they would think fit."

* The Hon. the RAJA OF BOBBILI:—"Sir, now there are three separate amendments under discussion. The first proposes that the Corporation should appoint a person to be the Commissioner from among the District Collectors subject to the approval of the Local Self-Government Department and that the Commissioner shall not be a Member of the Council. The second amendment means in effect that the Commissioner should be appointed by the Corporation out of a panel recommended by the Services Commission. My hon. Friend, Mr. Ramaswami Ayyar, has moved an amendment to the above amendment to the effect that the Corporation itself should appoint its Chief Executive Officer. In support of these amendments, various grounds have been advanced and I should particularly refer to a few of them. It has been stated that the Calcutta Corporation exercises such powers and therefore a premier Corporation like Madras should have similar powers. Now, Sir, the exercise of this power in Calcutta has, in some instances, as hon. Members are aware, led to unhappy results. We need not follow that analogy here. Of course, the real difficulty in entrusting the power of appointment to such an important post in the hands of an elective body is that there is bound to be a number of competitors for this post and it is not desirable that Government servants should be induced or encouraged to go and canvass for the votes of Councillors for election as the Commissioner. Apart from that, in view of the coming constitutional changes,

[The Raja of Bobbili] [4th November 1935]

I think, it is necessary and desirable that we should revise our views about the autonomy of local boards and Local Self-Government. I do not see any inconsistency or anything undemocratic in having an autonomous Government at the top exercising some sort of ultimate control over local bodies. Any person with sufficient administrative experience would realize that it is most dangerous and inadvisable to create independent bodies with full autonomous powers which are not subject to the ultimate control of the Local Government. Now that we are likely in a very short time to have a Ministry fully responsible to the Legislature, I do not see why we should consider that the future Government would be unwilling or unable to discharge its responsibilities and would not select the best men for these appointments. In the matter of these appointments, I would submit that the Local Government alone will be competent to judge the capacity or suitability of particular individuals for these posts and neither the Services Commission nor the Corporation who have no experience of the work of these individuals will be the best judges for selecting the most suitable candidate for the post.

"As regards the amendment of Dr. Subbarayan, there is another difficulty. According to the Services Commission Act, they will have to deal only with appointments to Government service and I am afraid, it will be outside the scope of the Public Services Commission Act to saddle them with further responsibilities in making the selection to the post of Commissioner of the Corporation.

"Then, again, Sir, as regards the other minor appointments in the Corporation, we find that the appointments are made subject to the approval of the Local Government."

5 p.m. "Moreover, all these amendments have not even provided for any such safeguard and the most important appointment in the Corporation is proposed to be made without even the approval of the Government. In answer to the point raised by my hon. Friend, Mr. Ramaswami Ayyar, that the Corporation must have a free right in the choice of the Commissioner, I, for one, am not prepared to treat the Government and the Corporation as two conflicting elements or independent bodies as far as public interests are concerned. When Government are giving large grants and loans to the Corporation every year from the public funds, they must have some say in the choice of the Executive Officer and see that every possible care is taken to discharge the executive functions of the Corporation efficiently. By my opposition to these amendments, it should not be understood that it is due to any distrust of the Corporation; but it is conceived in the best interests of the Corporation itself that the appointment of the Commissioner should be taken out of the influence of the Councillors of the Corporation of Madras."

Further discussion was postponed till the 6th November 1935.

4th November 1935]

IV.—THE MADRAS PUBLIC SERVICE COMMISSION BILL—APPOINTMENT
OF CHAIRMAN OF THE SELECT COMMITTEE.

* The Hon. the PRESIDENT:—"I wish to announce that I appoint the Hon. Mr. Souter as the Chairman of the Select Committee to consider the Madras Public Service Commission Bill."

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

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

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Tuesday, the 5th November 1935.

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

PRESENT :

Reddi Nayudu, Kt., The Hon. Rai Bahadur Sir K. V.	Murugappa Chettiyar, Diwan Bahadur A. M. M.
Pannirselvam, The Hon. Rao Bahadur A. T.	Muthiah Chettiyar, Mr. M. A.
Souter, C.S.I., I.C.S., The Hon. Mr. C. A.	Muthu Chettiyar, Rao Bahadur P. C.
Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.	Nachiyappa Gounder, Mr. K. A.
Raja of Bobbili, K.C.I.E., The Hon. the Rajan, The Hon. Mr. P. T.	Nanjappa Bahadur, Subadar-Major S. A.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.	Narasa Reddi, Mr. T.
Abdul Hameed Khan Sahib Bahadur.	Narasimhaswami, Rao Sahib D. V.
Ahmed Meeran Sahib Bahadur.	Narayanan Nambiyar, Mr. V. P.
Alagannan Chettiyar, Rao Sahib A. S.	Narayanawami Pillai, Rao Bahadur T. M.
Alamelumangathayaramma, Mrs. K.	Natesa Mudaliyar, Diwan Bahadur C.
Annamalai Chettiyar, Mr. S. A. A.	Palat, Mr. R. M.
Appadurai Pillai, Diwan Bahadur A.	Patnaik Mahasayo, Sriman M. G.
Arasu, Mr. V. T.	Patro, Rao Bahadur Sir A. P.
Ari Gowder, Mr. H. B.	Pattabhiramayya, Mr. K.
Basheer Ahmed Sayeed Sahib Bahadur.	Peddi Raju, Mr. P.
Basu Dev, Mr. C.	Pocker Sahib Bahadur, B.
Boag, C.I.E., I.C.S., Mr. G. T.	Premayya, Mr. G. R.
Devadasan, Mr. M.	Rajagopala Pillai, Mr. P. V.
Dharmalingam Pillai, Rao Sahib V.	Raja of Khallikote, The.
Duraishwami Reddiyar, Mr. K. M.	Ramachandra Padayachi, Mr. P. K.
Ellappa Chettiyar, Diwan Bahadur S.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Foulkes, Mr. G. F. F.	Ramalinga Reddi, Mr. C.
Indrayya, Mr. C.	Ramamurti, Rao Sahib Pandit Ganala.
Jagannatham, Mr. H. M.	Raman Menon, Mr. K. P.
Jayaram Nayudu, Rao Sahib C.	Ramaswami Ayyar, Mr. T. S.
Jones, I.C.S., Mr. C. E.	Ramaswami Mudaliyar, Mr. V. M.
Kesavaramamurti Nayudu, Mr. K.	Rameswara Rao, Mr. G.
Kolanda Reddi, Rai Sahib C.	Ranganatha Mudaliyar, Mr. A.
Koti Reddi, Mr. K.	Ranganatha Mudaliyar, Mr. G.
Krishnayya Choudari, Mr. P. V.	Rangaswami Reddi, Mr. M. B.
Krishnamurti, Rao Bahadur D.	Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Kuppuswami Choudari, Mr. J.	Ratnavelu Thevar, Mr. P.
Langley, Mr. W. K. M.	Reid, Mr. D. M.
Madanagopal Nayudu, Mr. R.	Rukmani Lakshminpathi, Mrs. A.
Maharaja of Venkatagiri, The.	Russell, I.C.S., Mr. T. B.
Mahboob Ali Baig Sahib Bahadur.	Schamnad Sahib Bahadur, Khan Bahadur Mahmud.
Manikkavelu Nayakar, Mr. M. A.	Scott Brown, I.C.S., Mr. W.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Sesha Reddi, Rao Bahadur B. P.
Moses, Mr. P. C.	Shetty, Mr. A. B.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.	Sinhachalam Pantulu, Mr. G.
Muniswami Pillai, Rao Sahib V. I.	Siva Raj, Rao Sahib N.
	Smith, Mr. J. M.
	Sreshta, Mr. M. S.

[5th November 1935]

PRESENT—cont.

Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Rao Bahadur R.
Sriramulu, Mr. G.
Stanes, Mr. F. J.
Subbarayan, Dr. P.
Subrahmanya Bhatt, Mr. U. C.
Sundara Rao Nayudu, Mr. T.
Syed Tajuddin Sahib Bahadur, Khan
Sahib.
Thangal, Mr. P. M.

Uzielli, c.i.e., I.C.S., Mr. H. R.
Vasudeva Pillai, Mr. V. G.
Vedachala Mudaliyar, Mr. M.
Venugopal Nayudu, Rao Bahadur R. K.
Wright, Sir William.
Yakub Hasan Sahib Bahadur.
Zamindar of Bodinayakkanur, The.
Zamindar of Chemudu, The.
Zamindar of Kirlampudi, The.
Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Administration of Justice

Representation of the depressed classes in the cadre of District Munsifs.

* 434 Q.—Mr. M. DEVADASAN: Will the Hon. the Law Member be pleased to state how many of the District Munsifs are from the depressed classes?

A.—None.

Mr. C. BASU DEV:—“ May I know if any application from any advocate belonging to the depressed classes for appointment as District Munsif was received? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ The Government did not receive any application. These appointments are made by the High Court and the Government are not aware whether any such application was received by them.”

Mr. K. P. RAMAN MENON:—“ May I know, Sir, whether the Government will ascertain the number of law graduates among the depressed classes? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ We will address the Vice-Chancellor of the University if the House wants the information.”

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Will the Government at least draw the attention of the High Court to the fact of a big community having no representation among the Munsifs and Sub-Judges? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I should think the High Court must be expected to know the state of affairs.”

Mr. V. T. ARASU:—“ May I ask if it is not the duty of the Government to draw the attention of the High Court to the paucity of representation of the depressed classes in the Judicial Department? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I have no objection to communicate a copy of the questions that have been raised, to the High Court.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ Will the Government, along with communicating the copy of the question, be pleased to communicate their opinion on the point, Sir? ”

5th November 1935]

The Hon. Sir K. V. REDDI NAYUDU:—“ It will be an interference with the powers of the High Court in whom the powers of appointment are vested.”

Mr. M. DEVADASAN:—“ May I request the Hon. the Law Member to call for information from the High Court whether any member of the depressed classes has applied for the post? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ That will be an interference with the discretion of the High Court.”

Mr. M. S. SRESHTA:—“ Will the Hon. the Law Member be pleased to ascertain whether not only with regard to the depressed classes but also with regard to the other minority communities due consideration has been given to the communal principle which is followed by the Government? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ No, Sir.”

Mr. M. DEVADASAN:—“ May I ask whether the Government will not obtain the information if the House wants it? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ If the Government considers that it ought to be called for they will do so.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know if the Government would not communicate and recommend the views of the Legislature to the High Court? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ The opinion of this House will be communicated to the High Court.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Are we to take it, Sir, that the Government has no opinion to express, whether to recommend according to the wishes of this House or not? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ Not in this particular case.”

Mr. V. T. ARASU:—“ Is it that Government has no opinion of its own? ”

(No reply.)

Fees and travelling allowances drawn by Public Prosecutors and Assistant Public Prosecutors during the last three years.

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

(a) the fees earned by the Public Prosecutors districtwar for the last three years;

(b) the travelling allowances drawn during the last three years districtwar by the Public Prosecutors;

(c) the fees earned by the Assistant Public Prosecutors districtwar for the last three years; and

(d) the travelling allowances drawn by the Assistant Public Prosecutors districtwar for the last three years?

A.—The Government have no information.

[5th November 1935]

Increments to unpassed men in the Judicial Service.

* 436 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Law Member be pleased to state—

(a) whether there are any unpassed men in Judicial Service, who have been made permanent long ago and who are not allowed to draw increments;

(b) whether it is a fact that some unpassed clerks in Judicial Service have been allowed to draw increments, and if so, why; and

(c) if so, why the Government have not restored uniformity in the matter?

A.—The Government have no information, but have called for it.

Electricity

Action taken on the recommendations contained in paragraphs 18-22 of the Administration Report of the Electricity Department for 1934-35.

* 437 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Law Member be pleased to state what action the Government have taken or propose to take on the recommendations contained in paragraphs 18 to 22 of the Administration Report for the year 1934-35 of the Electricity Department?

A.—The recommendations are under the consideration of Government.

Mrs. A. RUKMANI LAKSHMIPATHI:—“ May I know the opinion that the Government hold on the thermal system? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ The thermal system is as good as the hydro-electric system; perhaps it may cost a little more.”

Mrs. A. RUKMANI LAKSHMIPATHI:—“ Of the two systems which would be preferred by the Hon. the Law Member? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ Wherever possible hydro-electric power, if it is cheaper.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I know, Sir, if the Government will form their opinion as early as possible in view of the fact that the Mettur Project is being pushed through swiftly? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ Certainly as soon as it is possible.”

Prisons and Prisoners

Release of Mr. Narasimhachari, a prisoner of the Cocanada Conspiracy Case.

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

(a) whether it is a fact that Mr. Narasimhachari, a prisoner of the Cocanada Conspiracy case, has been released;

5th November 1935]

(b) if so, whether a copy of the order of his release will be placed on the table; and

(c) how his health is now and whether he will be committed to prison as soon as he is better in health?

A.—(a) He was released on medical grounds by the Government on 19th August 1935.

(b) A copy * of G.O. Ms. No. 2666, Law (General), dated 18th September 1935, is placed on the table of the House.

(c) Government have no information about the present state of his health. As he has been acquitted by the High Court in C.A. No. 513 of 1935 on its file, the second part of the question does not arise.

Mr. K. A. NACHIYAPPA GOUNDER:—“ In the order of release, certain conditions have been stipulated. But in answer to clause (c), they have stated that he has been acquitted by the High Court. Do the conditions still hold good, Sir? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ How can they, Sir? He is no longer a prisoner, as he has been acquitted.”

Date of release of Mr. T. V. Narasimhachari, a political prisoner.

* 439 Q.—Mr. P. RATNAVELU THEVAR: Will the Hon. the Law Member be pleased to state—

(a) on what date the political prisoner Mr. T. V. Narasimhachari was ordered to be released;

(b) whether any conditions were attached to the release and, if so, what those conditions are; and

(c) whether Government will be pleased to place on the table of the House the medical report on which the release of the prisoner was ordered?

A.—(a) There is no prisoner by that name convicted of any offence connected with political movement. The hon. Member apparently has in mind Chilakamarri Narasimhachari who was released conditionally on 19th August 1935.

(b) Yes, the following conditions were attached to the release:

- (1) that the said Chilakamarri Narasimhachari will, as soon as he is in a fit state of health to move about, present himself to the Superintendent of Police, or, if he be absent, to the Manager of the office of the District Superintendent of Police, East Godavari, and will produce the copy of the conditions of his release delivered to him by the Superintendent of Prisons, Madras.
- (2) That he will thenceforth report himself, once in each month, at such time and to such officer as he may be directed by the said Superintendent or Manager.

[5th November 1935]

- (3) That he will not quit the said district of East Godavari without the written permission of the said Superintendent or Manager.
- (4) That he will accept and fulfil the conditions on which such permission may be granted.
- (5) That he will not commit any offence punishable by any law in force in British India.
- (6) That he will not associate with notoriously bad characters or lead a dissolute life.
- (7) That he will live honestly and peaceably and will endeavour to earn an honest livelihood.

(c) The medical report ^a is placed on the table.

Health condition of Mr. Mukundalal Sircar, a prisoner confined in the Central Jail, Salem.

* 440 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Law Member be pleased to state—

- (a) whether Mr. Mukundalal Sircar, convicted in the Madras Conspiracy case, has been reduced in weight after entering jail;
- (b) what his weight was at the time of his admission into the jail;
- (c) what his present weight is;
- (d) whether it is a fact that he is suffering from a number of ailments, such as, lumbago, appendicitis, tooth-ache;
- (e) whether the Government will furnish a list of the ailments from which he is suffering;
- (f) whether the jail authorities took any steps to arrest the growth of these diseases;
- (g) if so, what the results are of the steps taken by the jail authorities;
- (h) whether it is fact that he is confined in Salem Jail segregated from all other prisoners, including prisoners convicted of the same offence; and
- (i) whether such segregation has affected his health seriously?

A.—(a) Yes.

(b) 117 lb.

(c) The Government have no information. His weight on 18th September 1935 was 110 lb.

(d) No. The latest report issued on the 18th of last month is that his health is alright.

(e), (f) & (g) Do not arise.

(h) The hon. Member is referred to the answer to clause (e) of question No. 220.

(i) No.

^a Printed as Appendix II on page 670 infra.

[5th November 1935]

Poor provision of baths and clothing to 'C' class prisoners in the Central Jail, Vellore.

* 441 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Law Member be pleased to state—

(a) whether it is a fact that 'C' class prisoners in Vellore Jail are given baths only once a week, viz., on Sundays; and

(b) whether it is a fact that 'C' class prisoners in that jail are given only one set of clothes without any other set for change?

A.—The information has been called for.

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I take it, Sir, that the Government are prepared to consider and remedy the defects pointed out as soon as the information is received?"

The Hon. Sir K. V. REDDI NAYUDU:—"Yes, Sir, if any defect deserves to be remedied, it will be attended to."

Mrs. A. RUKMANI LASHMIPATHI:—"Will the Hon. the Law Member recommend to the C class prisoners and convicts more than one bath once a week?"

The Hon. Sir K. V. REDDI NAYUDU:—"The question will be considered."

Control of Cinematographs

Cinema companies licensed since 1930.

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

(a) how many cinema companies have been licensed in each district in each year since 1930;

(b) how many films have passed through the Cinema Board in each of those years; and

(c) what the rules are for constituting and functioning of such boards?

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

(c) The attention of the M.L.C. is invited to the provisions in section 7 of the Cinematograph Act, 1918 (II of 1918), Part VII of the Madras Cinematograph Rules, 1933, published on pages 193-198 of the *Fort St. George Gazette*, Part I, dated the 30th January 1934, and the canons laid down in Appendix G to the Indian Cinematograph Committee Report.

Mr. K. A. NACHIYAPPA GOUNDER:—"In answer to clauses (a) and (b), the Government have stated that they have no information. May I ask, Sir, whether there is any great difficulty in obtaining the information?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I really cannot see what useful purpose will be served by collecting statistics for five years regarding the number of companies licensed and the films which passed through the Cinema Board."

[5th November 1935]

Police*Need for the continuance of the Malabar Special Police Force.*

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

- (a) when the Malabar Special Police Force was created;
 (b) what the circumstances were that warranted the creation of the same; and
 (c) whether there is still necessity to continue the Malabar Special Police?

A.—(a) & (b) The Malabar Special Police was first constituted in 1921 to supplement the operations of the Military in connexion with the Mappilla rebellion of 1920–21.

(c) Yes.

General*Declaration of Sri Rama Navami as a holiday for all Hindus.*

* 444 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Member for Revenue be pleased to state—

- (a) whether the Government are contemplating to declare Sri Rama Navami as a general holiday for all Hindus; and
 (b) whether the term 'Vaishnavites' in relation to this holiday has been defined anywhere, and if so, what it is?

A.—(a) No.

(b) No, but the term is well understood and includes only those who worship Vishnu solely.

Mr. G. RAMESWARA RAO:—"Is the Hon. Member aware that Sri Rama Navami is observed as a day of fasting and prayer by all classes of the Hindu community whether they are Vaishnavites or not?"

The Hon. Mr. C. A. SOUTER:—"I cannot say, Sir."

Mr. G. RAMESWARA RAO:—"May I request the Hon. Member to make enquiries, if necessary, from his Indian colleagues and from other agencies?"

The Hon. Mr. C. A. SOUTER:—"I do not think it necessary, Sir."

Irrigation*Restrictions on the user of the water in the Kalingarayan Channel, Erode taluk.*

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

(a) for how many months water is allowed in the Kalingarayan channel in Erode taluk of Coimbatore district and what the period is during which water is allowed in the channel,

(b) whether the authorities can prevent the ryots from taking water for their fields during the period of flow, and, if so, on what authority;

(c) whether it is a fact that the authorities have prevented the ryots from taking water even after the 1st June this year, and, if so, on what authority and circumstances;

[5th November 1935]

(d) whether complaints have been received in this behalf and how they have been disposed of; and

(e) what the loss estimated in the betel, plantain, and other crops is on account of such stoppage in supply?

A.—(a) Water is allowed in the Kalingarayan channel for ten months from 15th June to 14th April.

(b) According to the rules now in force for the distribution of water in this channel, water can be distributed by turns under rule 3 (a) which is reproduced below, when the supply falls below requirements.

"When the full available discharge falls below requirements, water will be distributed by turns. These will be regulated by the *Subdivisional Officer's written orders* on each occasion which shall also be communicated to the Tahsildar, but should it be necessary for the section officer or sub-overseer to anticipate his orders by reason of urgency, their disposal shall be immediately committed to writing and shall be forwarded to the Tahsildar for information and to the Subdivisional Officer for approval."

(c) Last year water was allowed on 1st June 1934 as experimental measure in view of promises made to the ryots during the Irrigation Conference of 1932, instead of the usual date of 15th June 1934. There was not sufficient water to adopt the same course this year and water could be allowed only from the 15th of June, the usual date.

(d) No complaints have been received from the ryots.

(e) The reference to stoppage in supply is not understood.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask, Sir, whether the Government are aware that such restrictions have put the ryots to great difficulty—restriction in the matter of supply of water?"

The Hon. Mr. C. A. SOUTER:—"There is no such restriction, Sir."

Mr. K. A. NACHIYAPPA GOUNDER:—"With regard to clause (c), may I ask, Sir, if the sudden stoppage of water to the fields in June last has caused any damage to the crops?"

The Hon. Mr. C. A. SOUTER:—"I think the answer to (c) covers everything. Water was allowed as an experimental measure from the 1st June. There was no sufficient water to adopt that course this year. There was no stoppage and there was nothing that was done which had not been in force for many years."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, if water was not supplied on the 1st June last?"

The Hon. Mr. C. A. SOUTER:—"The fact is as stated in answer to clause (c)."

[5th November 1935]

Land Revenue Administration

Assignment of lands in the Tanjore district for wet cultivation under the Mettur Project.

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

(a) how many acres of waste land have been proposed to be assigned to the people of Tanjore for wet cultivation under the Mettur Project; and

(b) how many of these acres have been assigned or are proposed to be assigned to the members of the depressed classes?

A.—(a) Two statements^a showing the total extents of waste lands available for assignment for wet cultivation under the Cauvery-Mettur Project in the Tanjore district are appended to this answer.

(b) No assignment has yet been made to members of the depressed classes or to others. No lands have been reserved for assignment to members of the depressed classes.

Mr. M. DEVADASAN:—“ May I ask, Sir, whether the Government have directed the District Collector to reserve in favour of the Depressed Classes a portion of the 25,000 acres that are sought to be assigned to the various classes? ”

The Hon. Mr. C. A. SOUTER:—“ I do not think there is any statement that anything is assigned to the various classes anywhere.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ In view of the fact that the lands are all wet and are valuable, may I ask, Sir, whether the Government would dispose of them by public auction, whether it be to the general public or the depressed classes? ”

The Hon. Mr. C. A. SOUTER:—“ The Government have not, so far as I am aware, made any such proposal.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask whether the Government will favourably consider the scheme for the colonization of the unemployed in these waste lands that are now available? ”

The Hon. Mr. C. A. SOUTER:—“ Sir, that is a very large question.”

Mr. V. T. ARASU:—“ May I ask whether the Government or the Hon. Member has received any petition from an association of Man-nargudi requesting the Government to assign a portion of these lands for colonization by the educated unemployed young men? ”

The Hon. Mr. C. A. SOUTER:—“ Notice, Sir.”

^a Printed as Appendix III on page 671 infra.

5th November 1935]

Mr. V. T. ARASU:—“ Am I to take it that the Government are not prepared to consider any such question of colonization of the unemployed on these lands? ”

The Hon. Mr. C. A. SOUTER:—“ Notice, Sir.”

Alleged circular of the Board of Revenue for reclassification of lands in South Kanara every year.

* 447 Q.—**Mr. U. C. SUBRAHMANYA BHATT:** Will the Hon. the Member for Revenue be pleased to state whether it is a fact that the Revenue Board has issued circulars to the Revenue officials in the district of South Kanara to reclassify lands every year in case any lands are converted into garden or wet; and to tax single-crop lands when a second crop is raised on the higher basis?

A.—The Government have no information whether the Board of Revenue has issued any circulars on the point. The attention of the hon. Member is however invited to paragraph 40 and paragraph 12 of the Resettlement Notification appended to G.O. No. 42, Revenue, dated the 5th January 1935, which was laid on the table of the Legislative Council.

Mr. U. C. SUBRAHMANYA BHATT:—“ May I know whether the Hon. Member will call for a report from the Board of Revenue whether they have issued any order? ”

The Hon. Mr. C. A. SOUTER:—“ I have no objection, Sir.”

Mr. U. C. SUBRAHMANYA BHATT:—“ May I ask if it is a cardinal principle of the ryotwari system that when once the classification of the land is settled, it should not be disturbed for another thirty years? ”

The Hon. Mr. C. A. SOUTER:—“ As a general statement, it may be true, but there are exceptions.”

Mr. U. C. SUBRAHMANYA BHATT:—“ May I know, Sir, whether the making of improvements and converting the lands from ordinary into garden lands or wet lands or from single crop wet lands into double crop wet lands, come under the exception? ”

The Hon. Mr. C. A. SOUTER:—“ Notice, Sir.”

Arrest and imprisonment of pattadars in South Kanara for default in the payment of land revenue.

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

(a) whether it is a fact that the Revenue officials in South Kanara are having recourse to arrest and imprisonment of pattadars for enforcing collections of arrears of land revenue; and

(b) whether there have been instances when pattadars were arrested and imprisoned to enforce payment of land revenue in other districts of this Presidency within the last ten years; if so, how many, where and when?

[5th November 1935]

A.—(a) The Government have seen an account published in the 'Hindu', dated 21st October 1935, of the arrest and release of a defaulter in the South Kanara district and have received a memorandum on the subject from the hon. Member. They have called for a report from the Collector.

(b) The Government have not the information.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know, Sir, whether, in view of the serious distress in the sub-taluks of Hosdrug, the Hon. Member will consider the question of reclassifying the lands on which pepper is grown and bringing them into line with the classification obtaining in the neighbouring district of Malabar?"

The Hon. Mr. C. A. SOUTER:—"Does that question arise out of question No. 448, Sir?"

The Hon. the PRESIDENT:—"Yes, by indirect implication."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know what the position of the Government is with regard to this, especially after the sympathetic assurances given by the Hon. Member on the floor of the House in reply to the adjournment motion? Has the enquiry been made?"

The Hon. Mr. C. A. SOUTER:—"The Government have received no further information yet."

Mr. K. KOTI REDDI:—"May I ask if the Government propose to delete the provision from the Statute?"

The Hon. Mr. C. A. SOUTER:—"I think, Sir, the hon. Member will get the answer if he will read my speech on the adjournment motion."

Collection of enhanced water-rate in the Cauvery-irrigated area of the Namakkal taluk without previous notice.

11-15 a.m. * 449 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Government without previous individual notice to the ryots collected the enhanced water-rate in the Cauvery-irrigated area of Namakkal taluk of Salem district by coercive process in fasli 1344;

(b) if so, how the Government justify their course of action;

(c) what the actual amount is of water-rate collections in fasli 1343 and in fasli 1344 (separately) in each of the following, viz., Selur estate, Kunnathur Agraharam, Bommalapalaiyam Agraharam of Namakkal taluk;

(d) what the percentage of increase is;

(e) whether there has been any precedent to enhance the water-rate at that percentage;

(f) whether the Government consulted the Law officers or ascertained public opinion as to the propriety, legality or expediency of enhancing the water-rate at this unusual percentage;

[5th November 1935]

(g) whether the Government are aware of the local feeling of the ryots about the injustice of the levy and collection of such high water-rate; and

(h) if so, what remedy they propose for it?

A.—(a) The Government are not aware that the facts are as suggested;

(b) Does not arise.

(c) & (d) The Government have no information.

(e) The rates of water-cess for irrigation from the Cauvery channels in the Salem district are the same as those prescribed for irrigation from similar channels in the Trichinopoly district and in the old delta of the Tanjore district.

(f) The Government fully considered the legal and other aspects of the question before issuing the rules fixing the rates and published the rules for criticism before finally issuing them.

(g) & (h) The Government have received representations from certain landholders in the Salem district, which are under consideration. The Government have also sanctioned the levy of water-cess at concessional rates for fasli 1345.

Mr. K. A. NACHIYAPPA GOUNDER:—"In answer to (a) it is said that the Government are not aware that the facts are as suggested and with regard to (c) and (d) the Government have no information. May I request the Government, Sir, to enquire and ascertain the facts about them since the whole question is under consideration."

The Hon. Mr. C. A. SOUTER:—"I see no reason to call for any information in this particular case."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether the water-rates both in Tanjore and Trichinopoly were in the same level prior to the issue of the Government Order?"

The Hon. Mr. C. A. SOUTER:—"My recollection is that."

Kist payable on paimash garden lands in certain villages of Namakkal taluk.

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

(a) what the prevailing rate is of kist payable for paimash garden lands on the borders of the Cauvery channel in the proprietary estates and inam villages in Namakkal taluk of Salem district;

(b) by what percentage it is higher than ordinary dry rates in the adjoining dry lands; and

(c) what justification the Government have for levying extra water-rate on those garden lands?

[5th November 1935]

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

(c) Under section 1 of the Madras Irrigation Cess Act, it is lawful for the Government to levy a *separate* cess for water.

Mr. K. A. NACHYAPPA GOUNDER:—"In answer to clauses (a) and (b), the Government say they have no information. May I request the Government to call for the information and furnish the same to the House."

The Hon. Mr. C. A. SOUTER:—"I see no reason to do it."

Legality of the levy of water-rate on paimash garden lands in Salem district.

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

(a) whether it is a fact that the aghaharamdars of Bommala-palayam in Namakkal taluk gave notice of suit for the levy of water-rate on paimash garden lands in or about the year 1925;

(b) if so, whether the Government on a report from the Board of Revenue decided not to levy water-rate on paimash garden lands in that aghaharam and ordered a refund of the moneys already collected;

(c) whether the Government further directed that no charge should be made in future for irrigation by lift;

(d) whether a copy of the report and the orders referred to in clauses (b) and (c) will be placed on the table;

(e) whether it is a fact that in spite of these decisions and elaborate enquiries prior to them, the Revenue Officers in Salem district issued a demand for the collection of enhanced water-rate on paimash garden lands for fasli 1344; and

(f) whether the issue of demand was made after consulting legal advisers; if so, whether a copy of the legal opinion obtained will be placed on the table; if not, why not?

A.—(a) Yes.

(b) & (c) The Government, on the recommendation of the Board of Revenue, directed in 1925 that no charge should be levied in future for irrigation by lift of the garden lands of the Bommala-palayam aghaharam village from the Raja channel, and that the amount of water-cess already collected, the recovery of which was not barred by limitation, should be refunded.

(d) No.

(e) It is probable that such a demand was issued, as since the decision of 1925, the position has been altered by the construction of the Mettur Dam, and the issue of new rules for the levy of water-cess.

(f) The whole question is under the consideration of the Government.

[5th November 1935]

Mr. K. A. NACHYAPPA GOUNDER:—"It is said, Sir, in answer to (b) and (c) that the Government directed in 1925 that no charge should be levied in future for irrigation, etc. May I ask, Sir, what prompted the Government to levy the charge now?"

The Hon. Mr. C. A. SOUTER:—"Government are not aware that it has been done. The answer to (e) says that it is probable that such a demand was issued. Government are not aware of what has been done."

Mr. K. A. NACHYAPPA GOUNDER:—"With reference to (d), Government say 'No.' May I know what difficulty there is in placing it on the table?"

The Hon. Mr. C. A. SOUTER:—"Government do not think it right to place the report on the table."

Appeals under the Irrigation Cess Act, 1865.

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

(a) how many appeals have been brought before the Government in the matter of levy of water-rate under the Irrigation Cess Act, 1865, in each year for the past ten years (districtwar figures may be furnished if possible); and

(b) of these, how many have been allowed and how many dismissed?

A.—The particulars are not available and cannot be compiled without an expenditure of time and labour wholly incommensurate with the value of the results.

Mr. K. A. NACHYAPPA GOUNDER:—"Sir, is it not possible to furnish the information since the Revenue Member said the other day that there were not many such cases and as this information can be easily available from the appeal registers that may be maintained in the Secretariat?"

The Hon. Mr. C. A. SOUTER:—"I think, if the House would read the questions they would agree with the answer given by the Government."

Appeals under the Madras Land Encroachment Act, 1905.

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

(a) how many appeals have been brought before the Government in the matter of encroachment under the Madras Land Encroachment Act, 1905, in each year for the past ten years (districtwar figures may be furnished if possible); and

(b) of these, how many have been allowed and how many dismissed?

A.—The particulars are not available and cannot be compiled without an expenditure of time and labour wholly incommensurate with the value of the result.

[5th November 1935]

Commerce*Import of foreign rice and paddy since July 1935.*

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

(a) what the quantities are of import of foreign rice and paddy into this province during each of the fortnights commencing from the second fortnight of July 1935; and

(b) what the amounts are of duty realized on each variety during each of the periods?

A.—(a) A statement^a is appended.

(b) The Government have no information. The duty is twelve annas per maund on import of broken rice.

Provincial Finance*Details of expenditure of the grants received from the Government of India during 1934-35 and 1935-36.*

* 455 Q.—Mr. A. B. SHETTY: Will the Hon. the Member for Finance be pleased to place on the table of the House the orders of Government for the utilization of various grants received from the Government of India during 1934-35 and 1935-36?

A.—Copies^b of the following Government Orders are placed on the table:—

- G.O. No. 2091, Revenue, dated 4th September 1935.
- G.O. No. 2760, L. & M., dated 11th June 1934.
- G.O. No. 1436, L. & M., dated 10th April 1935.
- G.O. No. 3311, L. & M., dated 15th August 1935.
- G.O. No. 3325, L. & M., dated 16th August 1935.
- G.O. No. 3737, L. & M., dated 14th September 1935.
- G.O. No. 3938, L. & M., dated 26th September 1935.
- G.O. No. 368, Development, dated 8th March 1935.
- G.O. No. 720, Development, dated 16th May 1935.
- G.O. No. 782 W., dated 27th March 1935.
- G.O. No. 884 W., dated 5th April 1935.
- G.O. No. 1770, P.H., dated 12th July 1935.
- G.O. No. 1771, P.H., dated 12th July 1935.
- G.O. No. 2297, P.H., dated 5th September 1935.
- G.O. No. 2007, P.H., dated 1st August 1935.
- G.O. No. 2583, P.H., dated 3rd October 1935.

Orders for the utilization of a sum of Rs. 1.35 lakhs out of the block grant of Rs. 14 lakhs for rural uplift schemes, though earmarked for specific purposes, have yet to be issued. The specific purposes for which the amount is intended are—

- (i) Rs. 0.73 lakh for rural water-supply schemes;
- (ii) Rs. 0.22 lakh for rural sanitation;

^a Printed as Appendix IV on page 671 infra.

^b Printed as Appendix V on pages 672-724 infra.

[5th November 1935]

- (iii) Rs. 0.10 lakh for village communications; and
- (iv) a fresh allotment of Rs. 0.30 lakh for rural broadcasting schemes.

Proposals relating to these items are under the consideration of Government.

Mr. G. RAMESWARA RAO:—“ In the Government Order published at page 34, viz., G.O. No. 1770, I find that the Bellary district has been included in item 5. I just want to know why Cuddapah which is proverbially malarial has been excepted from these operations? ”

The Hon. Mr. G. T. H. BRACKEN:—“ The amount of money available is limited and so it is not possible to take up every district at once.”

Mr. V. T. ARASU:—“ From the statement appended to this question it is stated that there is a great disparity in the amount of grants given to various district boards, 5 or 6 lakhs in certain cases, because they have submitted estimates for construction of bridges and nothing in the case of others. May I know from the Hon. the Chief Minister whether the district boards which are not in a position to submit estimates for construction of bridges will receive grants for the improvement of roads other than first and second class roads? ”

The Hon. the RAJA OF BOBBILI:—“ The point is no funds are available for distribution to district boards for roads other than first and second class roads. As regards bridges, every year Government call for information from the district boards as to the number of detailed estimates ready and take them into consideration and money is allotted. If those district boards which have not got any money come forward with plans and estimates certainly their claims will be included in the programme for next year. But as there are no separate funds available for distribution for being spent on roads other than first and second class roads, I am not in a position to give any hope.”

Mr. V. T. ARASU:—“ Is it suggested that the grants given by the Government of India cannot be spent by this Government for improvement of roads other than first and second class roads? ”

The Hon. the RAJA OF BOBBILI:—“ They have not made any such suggestion.”

Local Self-Government*Alleged insufficiency of time for the preparation of voters' lists relating to elections to district boards.*

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

(a) which are the district boards for which elections have to take place in the course of this year; and

(b) whether it is a fact that sufficient time is not allowed for the preparation of the voters' lists as prescribed in the rules?

[5th November 1935]

A.—(a) West Godavari, Guntur, Ongole, Kurnool, Chittoor, Cuddapah, Bellary, Anantapur, North Arcot, South Arcot, Trichinopoly, Tinnevely and South Kanara.

(b) No.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know about the conduct of elections for other district boards which are left out in the list? "

The Hon. the RAJA OF BOBBILI:—" It is stated that the elections will be completed this year according to the list."

Mr. V. T. ARASU:—" What about the elections in North and South Arcot districts? "

The Hon. the RAJA OF BOBBILI:—" Elections will be completed this year."

Mr. V. T. ARASU:—" Have notifications been issued in respect of districts for which elections have not been conducted? "

The Hon. the RAJA OF BOBBILI:—" If the hon. Member would mention particular instances, I can give the information."

Mr. V. T. ARASU:—" Have notifications been issued in respect of North Arcot and South Arcot? "

The Hon. the RAJA OF BOBBILI:—" As regards North Arcot the question of bifurcation is under consideration and so no notification has been issued. As regards South Arcot it will be issued in a day or two if it has not already issued."

Mr. V. T. ARASU:—" May I know, Sir, when the order regarding the bifurcation of North Arcot will be issued? "

The Hon. the RAJA OF BOBBILI:—" I already said the matter is under consideration."

Nominations to the bifurcated District Boards of Guntur and Ganjam districts.

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

(a) whether there are any proposals for making nominations for the newly bifurcated District Boards of Guntur and Ganjam; and

(b) if so, what they are and what the communities are which are proposed to be nominated on the bifurcated boards in both the districts?

A.—The Government have not considered the proposal of nominating members to the new Ongole District Board and to the new district boards to be formed on the bifurcation of the Ganjam District Board. The names of the persons nominated to the new Guntur District Board have been published in the *Fort St. George Gazette*, dated 22nd October 1935. The communities represented by them are Muslims, Indian Christians and Adi-Dravidas.

5th November 1935]

Mr. K. A. NACHIYAPPA GOUNDER:—" In answer to clauses (a) and (b) the Government say that they have not considered the proposal of nominating members to the new Ongole District Board and to the new district boards. May I know, Sir, whether it is the policy of the Government to take up nominations only when it suits party purposes? "

The Hon. the RAJA OF BOBBILI:—" Nomination will be made when it is considered necessary."

Orders of Government regarding the revision of pay of pandits, etc., employed in Secondary Schools managed by local boards and municipalities.

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

(a) whether orders have been passed revising the scales of pay of pandits, etc., employed in the local boards and municipal secondary schools;

(b) if so, whether a copy of it will be placed on the table; and

(c) whether a copy of the report of the Director of Public Instruction on which this order was passed will be placed on the table?

A.—(a) Yes.

(b) G.O. No. 3395, L. & M., dated 20th August 1935, has been placed on the table in answer to question No. 285.

(c) No, as no useful purpose is likely to be served by placing the Director of Public Instruction's report on the table.

Agriculture

Research work carried on consequent on the grants given by the Imperial Council of Agricultural Research at Delhi.

* 459 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(a) how many items of research work are being carried on by the grants given by the Imperial Council of Agriculture at Delhi; what the grant sanctioned for each work is, and at what stage each of them now is;

(b) whether this Government are undertaking any such works from their own funds; and

(c) if so, what they are, what the estimated cost of each is, and how long each of them is to go on?

A.—(a) A statement * showing the schemes of research financed by the Imperial Council of Agricultural Research and the amount of grant for each is appended (Appendix I). Brief notes * on items 1 to 3, 5, 9 and 10 of the schemes are also appended (Appendix II).

* Printed as Appendix VI on pages 724-737 infra.

[5th November 1935]

As work on items 4, 6, 7 and 8 was started only recently, there is not much progress to report as yet.

- (b) Work on lines of research similar to that financed by the Imperial Council of Agricultural Research is already being carried on by the Agricultural and Veterinary departments. The financial assistance given by the Imperial Council of Agricultural Research is only to subsidize special schemes of inquiry or research on particular crops or problems. The attention of the hon. Member is invited to the Administration Reports of both the departments which contain detailed information of the research work done.
- (c) As no separate provision is made in the civil budget estimates for research work normally carried on by the departments and that required for carrying on administrative and other functions, it is not possible to give an estimate of the expenditure on research work. The hon. Member's attention is however invited to the civil budget estimates relating to these departments. The provision made under "Agricultural Research Stations" and "Research Institute" under "34. c. Agriculture" gives an idea of the amount the Government have been spending on agricultural research. It is not possible to say definitely how long particular lines of research are likely to be continued by these departments.

Co-operation

Refusal of Government for the acquisition of some land for the District Urban Bank, Salem.

* 460 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

- (a) whether the District Urban Bank at Salem applied for acquisition of some land for properly shaping the compound of the said bank premises;
- (b) whether it is a fact that the acquisition was refused to be complied with; and
- (c) if so, what the reasons therefor are and whether a copy of the order in the matter will be placed on the table?

A.—The bank applied for acquisition of land for the construction of 'a meeting hall for the bank and the public' and for improving the front view of the bank building. The Government did not consider that the Land Acquisition Act should be applied for acquiring land for the purposes referred to. A copy of the order passed by Government is placed on the table.

5th November 1935]

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask, Sir, whether this is not a public purpose which comes under the purview of the Land Acquisition Act?"

The Hon. Mr. P. T. RAJAN:—"I do not think so."

Fisheries

Qualifications and functions of some of the personnel of the Fisheries department.

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

(a) the qualifications required for and the functions performed by the following:—

- (i) Assistant Director of Fisheries (Coast),
- (ii) Assistant Director of Fisheries (Inland), and

(b) the qualifications of the following:—

- (i) Director of Fisheries, and
- (ii) Assistant Director of Fisheries?

A.—*Qualifications.*—The attention of the hon. Member is invited to rule 3 (c) of the special rules relating to the Madras Fisheries Service on pages 60-63 of the Madras Service Manual, Volume I.

Functions of the Assistant Director (Coast) and Assistant Director (Inland).

Assistant Director (Coast).—(1) Socio-economic work including control of the fisheries elementary schools and the Fisheries Training Institute, Calicut, and the organization and supervision of fishermen co-operative societies.

(2) Supervision of the Tanur station.

(3) Administration of fish-curing yards on the West Coast.

Assistant Director (Inland).—(1) Stocking and development of fisheries in all inland waters taken over by the Fisheries department.

(2) Administration of fish-curing yards and organization and supervision of co-operative societies for fishermen in the districts of Chingleput and Nellore.

Industries

Proposal to open an experimental porcelain factory by the Government.

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

(a) what action has been taken on the recommendation made by the Advisory Committee for Industries at its meeting held on 24th March 1933 that an experimental factory for making porcelain ware be started by the Government in a suitable centre where the necessary raw materials are available; and

[5th November 1935]

(b) whether the Industries department have made any recommendation as to what would be a suitable centre, and what the cost would be for starting an experimental factory for making porcelain ware?

A.—(a) The Director of Industries was asked to examine and report on the recommendation.

(b) The answer is in the negative, as Government subsequently decided not to start an experimental factory for financial reasons.

Mr. M. S. SRESHTA:—"In view of the fact that the decision was arrived at three years ago, will the Hon. Minister be pleased to consider the desirability of reconsidering the question of including the item in the next budget?"

The Hon. Mr. P. T. RAJAN:—"I am prepared to consider the suggestion for what it is worth."

Work turned out by the department of sericulture.

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

(a) when a separate department of sericulture was created; and

(b) what the nature of work turned out by the department till now is?

A.—(a) There is no separate department of sericulture. A sericultural branch in the Department of Agriculture was created in 1919 originally.

(b) The hon. Member's attention is invited to the annual administration reports of the Department of Industries, which are placed at the disposal of the Press.

Mr. V. T. ARASU:—"May I know, Sir, whether any officer of the Industries department was deputed by this Government to make a special study of this branch of industry in Japan and other countries?"

The Hon. Mr. P. T. RAJAN:—"An officer has gone to Japan."

Mr. V. T. ARASU:—"Has that officer submitted any report on his work in Japan?"

The Hon. Mr. P. T. RAJAN:—"I believe so; if the hon. Member wants further information, I want notice."

Grants and loans paid to indigenous industrial concerns since 1925.

* 464 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Public Works be pleased to state—

(a) what the amounts are of grants and loans sanctioned and paid to indigenous industrial concerns and other private industries in this province in each year since 1925;

[5th November 1935]

- (b) what the amount is of loan so far recovered in the case of each;
- (c) what is still due in the case of each; and
- (d) what the amount is so far written off in the case of each?

A.—A statement* furnishing the particulars is appended.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether the figures in column 4 relate to overdues or only current or future instalments?"

The Hon. Mr. P. T. RAJAN:—"Figures in column 4 represent balance of loans outstanding."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know, Sir, if the Hon. Minister thinks that he has worked the State Aid to Industries Act satisfactorily because a little over a lakh of rupees has been spent for the purpose of encouraging industries?"

The Hon. Mr. P. T. RAJAN:—"I suppose so far as finance permitted, we have worked that Act."

Mr. V. T. ARASU:—"The statement shows that a sum of Rupees 2,49,215-8-0 due by the Carnatic Paper Mills was written off. I want to know whether the Hon. Minister is aware that under the State Aid to Industries Act loans are advanced only to parties who are able to provide securities to the extent of double the loan applied for. And if so why in the case of the Carnatic Paper Mills it was found necessary to write off such a large sum?"

The Hon. Mr. P. T. RAJAN:—"This was given in 1925. I cannot answer off hand. If the hon. Member wants more information, I want notice."

Diwan Bahadur A. APPADURAI PILLAI:—"From the statistics given on page 63 there is a decided fall in the disposal of loan applications. We see in 1925 three loans were granted; in 1927—1; in 1928—2; in 1929—no loan; in 1930—2; in 1931—2; in 1932—1; in 1933—1; in 1934—no loan; in 1935—1. Will the Hon. Minister be pleased to consider why in recent years in 1932, 1933 and 1934 the amounts sanctioned were very small compared with the amount of the budget grant?"

The Hon. Mr. P. T. RAJAN:—"It all depends on the applications. If the Government think that those who apply for loans are in a position to repay, they will consider."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know, Sir, whether these do not form the first charge on the assets of the companies?"

The Hon. Mr. P. T. RAJAN:—"I think so."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"If so, may I know why some loans were written off?"

[5th November 1935]

The Hon. Mr. P. T. RAJAN:—"Nothing can be done in those cases."

Mr. C. BASU DEV:—"May I know, Sir, whether Government satisfy themselves that the workers employed in the Industrial concerns are properly looked after before they make any grant-in-aid for such industries?"

The Hon. Mr. P. T. RAJAN:—"I do not think in regard to these loans Government have anything to do with the workers."

Mr. M. S. SRESHTA:—"How many applications have been received in each of the last three years?"

The Hon. Mr. P. T. RAJAN:—"I cannot answer off hand, Sir."

11-30 a.m. Mr. K. KOTI REDDI:—"May I take it, Sir, that whenever a deputation waits on the Hon. the Minister, any amount can be written off?"

The Hon. Mr. P. T. RAJAN:—"I should not think so, Sir; the hon. Member is mistaken."

Registration

Investiture of powers on Sub-Registrars to conduct enquiries under section 35 of the Registration Act.

* 465 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(a) the number of Sub-Registrars who are invested with powers to conduct original enquiries regarding fact of execution under the proviso to sub-section (3) of section 35 of the Registration Act;

(b) whether the results so far achieved by such investment are encouraging as to extend it to all Sub-Registrars or at least to Sub-Registrars of more than ten years standing; and

(c) if the Government are not prepared to order such extension, what the special reasons are for it?

A.—(a) Twelve.

(b) & (c) A report received from the Inspector-General shows that the system has worked satisfactorily. The Government consider that its working may be watched for a few more years before it is further extended.

Mr. G. RAMESWARA RAO:—"Sir, when the Sub-Registrars are entrusted with the power of enquiring into the genuineness of wills involving large amounts of property, is there any difficulty in allowing them to enquire into deeds which are inter vivos as opposed to posthumous documents?"

The Hon. Mr. P. T. RAJAN:—"It will involve unnecessary labour."

5th November 1935]

Mr. G. RAMESWARA RAO:—"The answer says that a report received from the Inspector-General shows that the system has worked satisfactorily."

The Hon. Mr. P. T. RAJAN:—"It has been found satisfactory just at present; the question of extension will be considered after it has worked for a few more years."

Promotion of clerks as Sub-Registrars in the Ceded districts.

* 466 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any clerks in the Registration department have been taken from the Ceded districts as Sub-Registrars last year or this year;

(b) how many vacancies there are now among Sub-Registrars which are available for clerks;

(c) how many of such vacancies are likely to be allotted to eligible clerks from the Ceded districts; and

(d) whether any proportion is fixed for the Ceded districts' clerks to be promoted to Sub-Registrars' posts?

A.—The Government have called for the information.

Mr. G. RAMESWARA RAO:—"With reference to clause (d), whether any proportion is fixed for the Ceded Districts clerks to be promoted as Sub-Registrars, may I ask the Hon. Minister to consider this and fix up the proportion for the Ceded districts?"

The Hon. Mr. P. T. RAJAN:—"I do not think any proportion can be fixed for any particular district."

Education

Promotion of non-graduates as Senior Deputy Inspectors of Schools.

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

(a) whether it is a fact that non-graduates are being promoted as Senior Deputy Inspectors of Schools from the cadre of Junior Deputy Inspectors of Schools;

(b) whether it is a fact that the Director of Public Instruction was till now promoting only graduates as Senior Deputy Inspectors of Schools; and

(c) if so, what are the reasons for departing from that practice?

A.—Deputy Inspectors of the Junior grade who are not graduates are not promoted as Deputy Inspectors of the Senior grade.

Mr. G. R. PREMAYYA:—"I see from the answer that non-graduates are not promoted as Deputy Inspectors of the Senior grade. May I take it that departmental experience and administrative capacity are also deciding factors in the matter of promotion?"

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

[5th November 1935]

Working of the modified form of compulsory education.

* 468 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Education and Excise be pleased to state in how many places the new modified form of compulsion as enacted by the beginning of this year has been introduced; what those places are and when such compulsion has been introduced in each of such places, and how the scheme is working in each of such places?

A.—The modified form of compulsory elementary education has not as yet been introduced in any area.

Inspection of elementary schools by District Educational Officers during the last triennium.

* 469 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Education and Excise be pleased to state the number of elementary schools visited during the last three years by the District Educational Officers in the respective districts districtwar?

A.—The Government have not the information.

Mr. V. T. ARASU:—“ May I know from the Hon. Minister whether the District Educational Officers ever visited the elementary schools at all? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ It is not part of their normal duty. They exercise the general power of supervision over deputy inspectors. They may visit some schools.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Is it a fact that there is a provision in the rules that the District Educational Officer should visit 10 per cent of the schools? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Not as far as I know.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ Does not the Government think it desirable that some of the schools are inspected by the District Educational Officer? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ It would be desirable that they inspect these schools if it was possible for them and if they had the time. I do not think it is possible for them to inspect any considerable number of schools.”

Mr. K. KOTI REDDI:—“ In view of the fact that a lot of corruption is prevailing among the deputy inspectors, may I know whether it would not be desirable on the part of the Government to insist upon a certain percentage of elementary schools being visited every year by the District Educational Officer? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I do not admit the premises.”

5th November 1935]

Mr. G. RAMESWARA RAO:—“ Does the District Educational Officer generally know the language of the district he is posted to? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I think such postings of officers who know the language are arranged as far as possible.”

Excise*Restrictions on the marking of coconut trees in and around Salem town for tapping.*

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

(a) what the reasons are for the change in the conditions for the sale of toddy shops in and around Salem town;

(b) whether it is a fact that trees are not marked in and around Salem town to a limited radius for any other shop except those in Salem town and its outskirts during this year;

(c) if so, whether the same principle was strictly followed during last year and the year before; if not, what the reasons are for imposing such conditions this year; and

(d) what the normal rent value was of a coconut tree for tapping toddy in each of the years of 1932–33, 1933–34, 1934–35 and what it is in the current year 1935–36 in the said area; if there be great reduction, what the reasons therefor are?

A.—(a) The hon. Member presumably refers to the sale of five toddy shops in Salem town and ten rural toddy shops adjoining them, in one group, for a period of two years commencing from the 1st October 1935. The shops were sold in one group because there were no bids for them when they were put up in auction separately. Sale by groups is a recognized method of disposing of shops if local circumstances render it desirable.

(b) to (d) The Government have no information.

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

II.—ADJOURNMENT MOTION *RE* ALLEGED GOVERNMENT INTERFERENCE IN DISTRICT BOARD ELECTIONS IN WEST GODAVARI.

* Mr. P. PEDDI RAJU:—“ Under Standing Order No. 19, I beg leave to move that the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the interference of the Government in the district board elections in West Godavari.

“ The elections were held on the 28th of last month, and orders were issued a few days previous to that and subsequently.”

Mr. V. T. ARASU:—“ I second it.”

* The Hon. the PRESIDENT:—“ Will the hon. Member briefly state his reasons? ”

[5th November 1935]

* Mr. P. PEDDI RAJU:—"Sir, in certain cases the results were declared, but by an executive fiat the Government stated that the declarations were invalid and the notifications in the Gazette were to have no effect, and ordered fresh elections. My submission is that it is only the courts that have got that power and not the Government. Another thing is they stopped the counting of votes for which Government have no power. And the third thing I want to mention is that the presidential elections ought to come up about the middle of this month but Government have extended the date by one month."

* The Hon. the PRESIDENT:—"Has the Hon. Minister anything to say?"

The Hon. the RAJA OF BOBBILI:—"Sir, as regards the three points mentioned, taking the question of restoration of nominations, Government have, in response to the appeals made to them, restored the names of three candidates whose nominations in their opinion have been improperly declared invalid. That question is now before the District Court as well as the High Court. I consider it objectionable to discuss the matter here as it is *sub judice*."

"As regards the question of stopping the counting of votes in the Attili circle, Government have received information that certain disturbances have occurred and some arrests have been made. Government have therefore ordered the counting of the votes in the ballot boxes to be stopped, and they have asked the District Magistrate for a report. This action has been taken under the powers conferred on Government under section 38 of the Act and rule 35 of the Electoral Rules which I believe do give power to Government to interfere in this matter before the election is complete. As the hon. Member has waited for five or six days for bringing in this motion after having given notice, I can only say that if he waits for a few days more, I would be in a position after receiving the report of the District Magistrate, to place the full facts before the House. But if he desires to have this motion to-day, I have no objection to that part of the matter being discussed."

* Mr. P. PEDDI RAJU:—"So far as the first portion is concerned, I might say that of the three nominations which were held to be valid by Government, only one is pending in the High Court and I am not going to refer to it because it is *sub judice*. Other matters alone I am going to refer to."

* The Hon. the PRESIDENT:—"I think the motion is in order. Does any hon. Member object? (After a pause.) No objection having been taken, the motion will be taken up for discussion at 4 p.m. to-day."

NON-OFFICIAL BUSINESS.

II-A.—MOTION TO POSTPONE CERTAIN ITEMS IN THE AGENDA.

* Mr. C. BASU DEV:—"Sir, before the items on the agenda are taken up, I move that items 1 and 2 be postponed till items 4, 6, 8 and 9 are disposed of, because these are formal matters and will not take more than 2 or 3 minutes on the whole."

5th November 1935]

Mr. M. DEVADASAN:—"I second it."

* The Hon. the PRESIDENT:—"The motion is that items 1 and 2 be postponed till items 4, 6, 8 and 9 are disposed of."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, I object to the postponement because we have got only two non-official days and, besides, my Friend is not going to get any advantage by taking up those items referred to by him first and passing them now. So we can go according to the agenda and finish the Debt Conciliation Bill. On the 9th again we can finish the balance of the business. There is another Bill of mine which will not take much time. I object to this motion, Sir."

* Mr. C. BASU DEV:—"If an hon. Member who has given notice of a motion is not in his place, he misses that chance for that meeting of the Council and we have to wait for some months till the next meeting. (A voice: 'He ought to be here.') I leave it to the sense of the House."

The motion was by leave withdrawn.

III.—AMENDMENT TO STANDING ORDER No. 5 (b) (5).

* The Hon. the PRESIDENT:—"The first item on the agenda is a motion by Mr. P. V. Krishnayya Choudari to amend Standing Order No. 5 (b) (5). Under Standing Order No. 77, I have now to read the draft amendment and ask whether the hon. Member has the leave of the House. The amendment has been circulated to the hon. Members of this House and is also printed in the agenda. It is as follows:—

'For Standing Order No. 5 (b) (5), substitute the following:—

"(5) A separate ballot shall be held—

- (a) for motions relating to Bills mentioned in (iv) of clause (2);
- (b) for motions relating to Bills mentioned in (v) of clause (2); and
- (c) for resolutions."

I wish to know whether the hon. Member has the leave of the House. (After a pause.) Since no Member objects, I take it that the hon. Member has the leave of the House. The draft amendment is now to be referred to a Select Committee. Six members of the Select Committee have to be elected by the Council by means of the single transferable vote in accordance with the regulations framed in this behalf. Other Members are the President, the Deputy President, the Advocate-General, the Member who has given notice of the amendment, the Member of Government concerned and one of the Members of the panel of Chairmen to be nominated by me. I fix 3 p.m. to-day, as the latest hour within which nominations may be handed over to the Secretary.

"If the number of candidates nominated exceeds the number of vacancies to be filled, viz., six, there will be an election between 12 noon and 2 p.m. to-morrow (6th November 1935)."

[5th November 1935]

IV.—THE MADRAS DEBT CONCILIATION BILL (BILL NO. 9 OF 1934).

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I beg to present the Report* of the Select Committee on the Madras Debt Conciliation Bill (Bill No. 9 of 1934) and move that the Bill* as amended by the Select Committee be taken into consideration. Sir, this Bill has been pending for a long time, and I am glad that it is at last possible now to be considered by the House. There are one or two matters I should like to mention at the present stage. There is in the country a very legitimate desire that at the present period of depression, the agriculturist who has suffered the most, should receive speedy relief, and also that the relief should be made available in such a way that he easily gets it without much trouble and without much effort. I heartily agree with these views and I should certainly have been glad, Sir, to make the range of this Bill more comprehensive. In other provinces Bills of a comprehensive character for the relief of agriculturists have been brought in by the respective Governments and have been passed. But here, as we have been complaining from the beginning, the Local Government did not take any initiative in the matter and I took the responsibility of bringing in this measure. I was very much handicapped and I had to take the only model available at the time I introduced this Bill and this Bill was based on the Central Provinces Debt Conciliation Bill. So, naturally, the scope of this Bill is very much restricted. It is only confined to bringing into existence a machinery for bringing the debtor and creditor together and making them come to an understanding, because that was the line on which the Central Provinces Government moved, and as I said, I had to take for my guidance that Bill passed by the Central Provinces Government. Sir, naturally, the representatives of the people in this House are anxious that we ought to be able to introduce in this Bill provisions under which we can give relief to our agriculturists in the same way as the Bills passed by other Governments, especially the Punjab and United Provinces Governments, have granted relief to the agriculturists. As I said, Sir, I am in agreement with that view; but unfortunately, under the rules, we cannot introduce those provisions in this Bill the scope of which is, as I submitted, very restricted. So, Sir, the only way in which we can introduce those provisions for the relief of agriculturists in our Presidency will be either by getting the Government of this Province, as other Governments have done elsewhere, undertake legislation of that kind—I hope the Government will consider that position—or non-officials themselves taking the initiative.

"Sir, in the Select Committee, several Members were anxious to extend the scope of the Bill and possibly such attempts will again be made. Of course the question whether such amendments will be in order or not is for you, Sir, to decide. I have nothing to do with that. But I may say that I am in entire sympathy with that demand to give further relief to the agriculturists. At this stage I only want to say that the scope of the present Bill is restricted.

* Printed as Appendix IX on pages 739-754 infra.

5th November 1935] [Mr. T. A. Ramalingam Chettiyar]

"The Select Committee, Sir, has not introduced very many changes in the clauses of the Bill except in clause 15 which gives guidance to the Boards specifying the matters that will have to be taken into consideration in granting certificates. With these few words I commend my motion for the acceptance of the House."

The motion was duly seconded.

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

Clause 1.

Sub-clause (1).

Mr. P. V. KRISHNAYYA CHOUDARI:—"I move—

'In sub-clause (1), for the words "the Madras Debt Conciliation Act, 1933," substitute the words "the Madras Agriculturists' Indebtedness Relief Act, 1935."

"The reason for my moving this amendment is to bring it in conformity with the Acts in force in the other Provinces. At the same time, Sir, in the Statement of Objects and Reasons, the hon. Mover has himself mentioned in various places that it is intended for the agriculturists. So I suggest that it must be called the Madras Agriculturists' Indebtedness Relief Act. In the definitions also, the word 'Agriculture' has been given a comprehensive definition. In these circumstances I feel that the name should be Agriculturists' Indebtedness Relief Act because it affects all people."

Rai Sahib C. KOLANDA REDDI:—"I second it."

Mr. K. KOTI REDDI:—"Sir, I do not see why it should be insisted upon that there should be this change. Section 2 includes landholders and they may not be agriculturists. The provisions of this Bill would still apply to them. Such being the case it is not necessary to change the title of the Bill into Agriculturists' Indebtedness Relief Act."

Mr. C. BASU DEV:—"I oppose the amendment on the ground that it goes against the aim of the Bill which is to afford relief to all debtors and not merely to agriculturists. Even the creditors will be advantageously affected by this Bill. The creditor and the agriculturist debtor and every other debtor stand to gain by this measure. I think therefore that we should retain the words 'Debt Conciliation Bill.' Debt Conciliation is the essence of this measure."

* Mr. W. K. M. LANGLEY:—"Mr. President, Sir, I oppose this amendment. My hon. Friend the member for Guntur was one of those on the Select Committee principally concerned in altering the whole scope of this Bill and so making it applicable not only to the small agriculturist but also to any debtor and so covering any sort of debt whether incurred in trade or by personal extravagance. The definition of agriculture was so altered that any man who keeps a couple of silkworms is regarded under the Bill as an agriculturist. My hon. Friend, Mr. Koti Reddi, has just let the cat out of the bag and has shown that the intention of my hon. Friend the Mover of the amendment and his

[Mr. W. K. M. Langley] [5th November 1935]

friends was to extend the Bill beyond the agriculturists. It seems to me therefore that it is hardly honest on the part of my hon. Friend, the Member for Guntur, to now wish to alter the title of the Bill so as to give it a purely agricultural flavour. So I beg to oppose the amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, I am not anxious to restrict the Act only to agriculturists. Under its provisions agriculturists, sericulturists and others will come. It should be a beneficial measure to all persons like that. In Punjab and Bengal there are similar Acts and they are called the Agriculturists' Relief Acts. In conformity with that I wanted that we should change the name. Anyhow, I have no objection to withdraw my amendment."

The amendment was by leave withdrawn.

Sub-clause (3).

Mr. P. V. KRISHNAYYA CHOUDARI:—"I move
'that sub-clause (3) be omitted.'

"I am moving this motion for omitting sub-clause (3) only with a view to give these facilities without delay. Sir, people are anxious that this Bill should be passed into law as soon as possible so that the benefit we give may be available to them very early. If the Bill is to come into force as soon as it is passed into law, it would be an advantage instead of there being postponements. I do not know whether the Government have any idea of again experimenting in particular districts just as they are doing in the case of the Agriculturists Loans Act. I want that they should come out openly and say what their intentions are. If that is not the case, I do not see any reason why they should come forward every time with notifications for each district. With that idea I move that as soon as the assent of His Excellency the Governor and the Governor-General is received, the Act should come into operation without any postponement. As we have been suffering these three or four years without any relief, I very much wish that this suffering is not prolonged a moment longer than necessary. With that idea it is that I have moved for the omission of sub-clause (3)."

Mr. G. R. PREMAYYA:—"I second it."

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, the effect of the omission of this sub-clause will be to make the Act come into force as soon as the Governor-General's assent is published. The amendment is not acceptable because it is necessary to have time for framing the rules and for selecting the persons to be appointed to the Debt Conciliation Board and also for deciding the question whether each district should have one Board or whether there should be more than one Board, before the Act is brought into force. It is certainly not intended that there should be any delay in bringing the Act into force."

5th November 1935]

Mr. P. V. KRISHNAYYA CHOUDARI:—"I do not know what prevents the Government from framing the rules now alone, even before assent is given. I am not able to understand the difficulty. Many of the Bills that we have passed have come into force as Acts from the date assent is given. My idea in moving this amendment is simply this: to give the people the benefit of this measure as soon as possible. Rules can be framed without any delay. As soon as legislation is passed and the assent is given, the Boards also may be formed. But I have no objection to fix the date of coming into force of this Act as one month after the date on which assent is given."

* The Hon. Sir K. V. REDDI NAYUDU:—"There is no ambiguity in the matter at all. It is not the intention of Government that any delay should be caused in the matter. They will do everything in their power to expedite the framing of these rules and the coming into force of this Act. But this Government has no power to make the rules unless the assent of the Governor-General is received. However, as the hon. Member suggests, we shall set to work even before the assent is received. I think that ought to satisfy the hon. Member."

The amendment was by leave withdrawn.

Clause 1 was then put and carried.

Clause 2.

* The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I beg to move the following amendment:—

- (a) In line 3 of sub-clause (f), before the word "payable" insert the word "whether"; and
- (b) In line 4 of sub-clause (f), before the word "whether" insert the word "and".

"This is the noncontentious part of the amendment of which I have given notice and accordingly I move it first."

The Hon. Mr. G. T. H. BRACKEN:—"I second it."

The amendment was put and carried.

* The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I beg to move the following amendment:—

- 'In sub-clause (f) of clause 2, after the words "land revenue or anything recoverable as an arrear of land revenue" in lines 6 to 8, insert the words and figures "rent as defined in the Madras Estates Land Act, 1908."'

"Sir, the object of this amendment is to exclude from the definition of debt any rent or arrears of rent whether it is, in the shape of mere rent or of a decree. Such amounts should not form the subject-matter of arbitration by the boards that we constitute. The Government consider that the rent due to a zamindar is not a debt. Debt, as ordinarily understood, is the amount borrowed for the purpose of the borrower. Rent, on the other hand, is the money due to the landlord as his share of the produce of the land and as such it is different from our conception of debt. The principle on which the rent is based is that

[Sir K. V. Reddi] [5th November 1935]

the landlord is entitled to have his share of the produce of the land, though of course in many instances his share has been converted into money rent. But the basic principle is the same. To call the landlord's share of the produce of the land as debt would be wrong and Government consider that it should not be so treated. Further if that is granted, the landlord would have difficulty in paying peshkash to the Government, because he can pay the peshkash only after receiving the rent. Considering the practical difficulties that would be caused and remembering that by no stretch of imagination could one call the landlord's share of the produce of the land as debt, the Government think that rent ought to be excluded from the definition of debt in this Bill."

Rao Bahadur P. C. MUTHU CHETTIYAR seconded the amendment.

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Mr. President, Sir, I am sorry that the Government should have taken upon themselves the task of bringing forward an amendment of this kind and I am also surprised at the arguments advanced by the Hon. the Law Member in support of it. When the Hon. the Law Member says that rent is not debt, he forgets that rent also is a sum due to the landlord and if it is money due to the landlord, certainly it is a debt. It cannot be said that if the dues are of one kind they constitute a debt but if they are of another kind they do not constitute a debt. So far as the debtor is concerned it is a liability which he has to bear and provide for. The only other reason that the Hon. the Law Member gave was that the zamindar would have difficulty in paying peshkash. But is he not aware that most of the creditors are also debtors in their turn to somebody else? Do they not borrow for the purposes of lending money to others? When the Hon. Member is making the Bill applicable in the case of other creditors who may themselves be debtors, it is quite illogical to argue that because the zamindar has to meet some other demands, rent cannot be treated as debt. The whole scheme of the Act is forgotten by the Hon. Member when he advances this argument. We bring together the debtor and all his creditors and we try by persuasion of the creditors and the debtor so that all the debts of the debtor are satisfied in one way or the other. If now some of the debts are going to be taken out of the scheme, to that extent, it will not be possible to wipe out the liabilities of the debtors. After all the right of the landlord is not taken away. Rent is included in the definition of the words 'secured debt.' Secured debt is defined as follows:—

'Secured debt includes mortgage-debt or any debt for which there is security, lien or charge created by deed, statute or otherwise.'

"Now after the Estates Land Act, this right of the landholder is secured by statute. Again, Sir, under sections 12 and 15, the right of the secured creditor to proceed against the property, in this case, the right of the landholder to proceed against the land on which rent is due, is not taken away. That is preserved. All that is sought to be done here is this: The creditor will have to appear before the board and prove what debt is due to him. The Board will see whether any arrangement is possible. If no arrangement is possible and if the creditor is unreasonable, the penalty imposed on him is that the costs

5th November 1935] [Mr. T. A. Ramalingam Chettiyar]

in any suit that he may file in the ordinary way for recovering his dues would be denied to him and also from the date of the order that may be passed or the certificate that may be given, he will get only 6 per cent interest in the place of any other interest provided in the statute or any agreement. That is all the penalty that the landholder might suffer. His right of priority, his right to the security—these are all preserved. Under these circumstances, I do not see, Sir, what reason can be urged for taking away the landholder from the scheme altogether, so that wherever a tenant may owe some money to a landholder, practically the provisions of this Act would not apply, because one of the debts cannot be dealt with by this Act. It seems to me that the Government do not realize exactly what this amendment is leading to. They are making the Act inapplicable to practically all the tenants in the zamindaris. That will be the practical result of the amendment that is now proposed by the Government. I hope, Sir, after the Government realize what this amendment will lead to, they will not press it."

* Sir A. P. PATRO:—"Mr. President, Sir, I thought that the author of the Bill had some substantial grounds to oppose the Government amendment, but as it is, he seems to have forgotten logic as well as consistency. If we refer to the Punjab Act which is evidently intended for the relief of agriculturist debtors, we find the following definition of debt:—

"Debt" includes all liabilities of a debtor in cash or in kind, secured or unsecured, whether mature or not, but shall not include debts incurred for the purposes of trade, arrears of wages, land revenue or anything recoverable as an arrear of land revenue, or any debt which is barred by the law of limitation, or debts due to co-operative banks or to co-operative societies or to the Imperial Bank of India or to any banking company registered under the Indian Companies Act, 1913, or the law relating to companies for the time being in force in British India."

"Hon. Members will see, Sir, that this definition exempts various kinds of dues. In the Punjab where the Act has been working for some time, it has been found necessary to have these exemptions."

"Now, Sir, what is the difference between the land revenue or assessment paid to the Government and the assessment or money rent or rent in kind paid to a zamindar?"

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"That is not included in the Punjab Act. My learned friend is mistaking something else."

* Sir A. P. PATRO:—"I am coming to that presently. My hon. Friend is impatient. Now, Sir, land revenue is exempted in the Punjab Act as well as in the Bill before us. I ask the hon. Member who is a lawyer what difference will he make between the arrears of land revenue on patta land due to Government and arrears of rent due on patta land in zamindari areas? The zamindari ryot has the full right of occupancy, the right to sell, and the right of alienation. When the arrears due to the Government from the pattadar are exempted, why should there be any difficulty in exempting the rent due to the zamindar? There was this deficiency in the Bill as amended by the Select Committee and now the Government propose to make up that

[Sir A. P. Patro]

[5th November 1935]

deficiency by adding that rent as defined in the Madras Estates Land Act. This should not come within the purview of the definition of the word debt. This is very necessary both in the interests of the tenants and the zamindars. My hon. Friend seems to be labouring under a great misapprehension. He thinks that the zamindars are a different class of people and they can be easily dealt with much easier than the Government can be dealt with. If he thinks that these people can be inconvenienced easily, I am afraid he is very much mistaken. The tenants in both cases are on the same footing. The arrears of land revenue could summarily be recovered; the arrears of rent also could summarily be recovered. The land-tax in one case and the land revenue in the other case—both of them could be summarily recovered. I do not see what difference there is between the taxes due to Government and the rents due to zamindars. The zamindari ryot has occupancy rights quite as well as the pattadar. There is absolutely no difference between the two under the Estates Land Act especially after it has been amended. As I have said, when there is absolutely no difference between the nature of the rights of the tenants in both cases, I do not see any reason why the arrears in one case should not be exempted while the arrears in the other case are exempted, especially when you find that in the Punjab Act so many things such as the debts due to co-operative societies, banks, money borrowed for the purpose of trade, are exempted from the definition of debt. I think the same is the case with the Central Provinces Act also, on which my hon. Friend has modelled his Bill. Clause 2 (e) of the Act in the Central Provinces runs as follows:—

“Debt” includes all liabilities owing to a creditor, in cash or kind, secured or unsecured, payable under a decree or order of a civil court or otherwise, whether due or not due, but shall not include arrears of wages, land revenue or anything recoverable as an arrear of land revenue, or any money for the recovery of which a suit is barred by limitation.

12-15 P.M. “The idea underlying the Central Provinces Bill is that the concession should be extended to rent due to the zamindar. If hon. Members will refer to the Bengal Bill—it is still pending there—they will find this; debt includes the liabilities of the debtor, cash or kind . . . but does not include the following:—

“Any amount due as arrears of wages or any rent due at the time when the Board determines the amount of debt.

“Evidently the Bengal Bill contemplates that rents due to the landholders should be exempted from the operation of the Act. Arrears of rent due to the landholder or zamindar under the Estates Land Act should be excluded from the operation of the Bill. When you have excluded land revenue payable to the Government, it is but just that you should exclude the rents payable under the Estates Land Act also. The relations between the landholder and the tenant should be fixed and regulated by the Estates Land Act and not by a separate Act like this indirectly. The Bill should not indirectly affect the relationship between the tenant and the landholder. For these reasons, I support the amendment brought forward by the Government.”

5th November 1935]

Mr. K. P. RAMAN MENON:—“Sir, I cannot agree with Mr. Ramalingam Chettiyar. I believe that the object of the Bill is really to give protection to persons who borrow from unscrupulous money-lenders. Mr. Chettiyar's object I take it, is not to avoid payment of rent or revenue or anything due to the persons to whom it is due under the law of the land. If that is the object of the Bill I fail to see why arrears of rent due to the landholder should stand on a different footing from arrears due to the Government. (Government tax is a due because the Government is the overlord of the land and because it affords protection to the people; it is known as a tax. The landholder is to take a definite portion of the produce of the land and it is regulated by various Acts in particular districts. I fail to see why the landholder should be compelled to go to the Board at the instance of the tenant who has to pay his dues to the landlord to whom he is liable to pay the rent either under a contract or under the custom of the land. All dues are debts, no doubt. But why should the author of the Bill exclude from the purview of the Act certain debts and not others? It will be hard to include arrears of wages which are probably payments for services rendered by persons and earned by them. Why should land revenue be excluded? Because it is a paramount charge on the land. Similarly, the rent payable to the landholder—though it is not a paramount charge—is almost equal to the paramount charge. I submit, therefore, that simply because all dues are debts, there is no reason why certain dues which have to be paid under the law of the land, should not be excluded from the purview of the Act? Look at the definition of the word ‘debt.’ The rent due to the landholder is a secured debt. There are provisions in the Bill which would compel the landlord to go before the Board of Conciliators, in connexion with any proceeding he might have to take to enforce his rights. Why should he, who is entitled to get a certain share of the produce of the land, be asked to go before this tribunal and why should he suffer? Is it because he is unfortunately the landlord? I submit, therefore, that there is absolutely no reason why the rent which is payable to the landholder should not also be exempted. I would ask the Hon. the Law Member to exclude all rent, not only rents payable under the Estates Land Act, but all rents payable, for example under the Malabar Tenancy Act. There are other Acts which fix the rent which is recoverable on the property. All these rents should be excluded is my suggestion to the Hon. the Law Member.”

Sriman M. G. PATNAIK Mahasaya:—“Sir, under the Estates Land Act the Government as well as the assignees, the zamindar or the inamdar are co-owners with the kudivaramdar, the ryot. Though the land is in the hands of the kudivaramdar, the ryot, he pays rent to the co-owner, to the inamdar, the landholder or the Government; because they are co-owners with the ryot. They are really co-sharers. The ryot is not the owner of the property; the owner of the property is the Government or the landholder or the inamdar. Suppose there are two brothers entitled to a joint property in equal shares. You want to deprive one of the brothers, who is a co-sharer, of his equal

[Sriman M. G. Patnaik Mahasayo] [5th November 1935]

right in the property. The ryot is a co-owner according to the law recognized under the Estates Land Act. I do not know how the rent payable by the tenant can be called a debt; it is not a debt. By virtue of their share of the produce of the land, the Government or the zamindar or the inamdar is entitled to that share. The land is let out to the tenant by the landholder for the sake of getting rent. Therefore there is no distinction between the rents payable to the Government or to the zamindar or inamdar. I do not see why the rent payable to the zamindar should not be excluded. It is based upon the custom of the land. The zamindar cannot enhance the rent as he pleases. It is fixed by custom, or by statute. So also Government revenue. Of course the Government have got the right of increasing the rent to some extent. Land-cess is based not upon contract but upon statute. If that is the basis, I do not see why any distinction should be made between what is payable to the zamindar and to the Government. I therefore submit that the rent payable to the zamindar should be treated on the same footing as land revenue."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, we discussed this aspect in the Select Committee and it threw out by a decent majority the amendment to the same effect moved by my hon. Friend, Kumararaja of Venkatagiri. As a matter of fact we have not done any harm to the zamindars regarding their rights. The zamindar is likely to accept the terms proposed by the tenant in the presence of the Board of Conciliation; if the zamindar is not prepared to do so, he has got the privilege of attaching the property of the tenant according to the Estates Land Act. Nobody can forbid the zamindar from taking legal action. It would facilitate the tenant and the zamindar to come to a sort of amicable settlement if the matter goes before the Debt Conciliation Board."

12-30 P.M. "Another point, Sir. For various reasons the zamindar may allow the rent to accrue for more than a year, sometimes for two or three years. The ryot would not be in a position to pay the full amount all at once. He can only appeal to the zamindar through the Conciliation Board and the influence of the Board may prevail with the zamindar and he may accept the terms put forward by the tenant, so that he may act according to public opinion. This will facilitate the tenant paying his dues to the zamindar. It will not take away the privilege of the zamindar which he has got under the Estates Land Act."

"Another point which I want to bring to the notice of the House is this: there is a lot of difference between rent paid by a ryot to the zamindar and to the Government. When we were discussing the amending Bill to the Estates Land Act yesterday in the Select Committee, one Raja Sahib suggested, in connexion with the proposal that zamindars should give remissions whenever Government gave such remissions, that the Government and the zamindar should not be treated on the same footing. But if in this case, the comparison with the Government is to stand, I think it is not justifiable. I therefore request the Hon. Leader of the House not to press his amendment."

[5th November 1935] [Mr. P. V. Krishnayya Choudari]

"The Hon. the Law Member said that the zamindars have to pay peshkash. That is why we don't want to include them in the operation of this Bill. Mr. Raman Menon stated that Malabar tenants should be given the same privilege. But how can they pay? If the debts are all going to be settled by the Conciliation Board, how can they pay even their income-tax? I think, Sir, the Act will then be of no use at all. We have already safeguarded the interests of the zamindars by providing that rent should be treated as secured debt. Only we have provided for conciliatory steps being taken. With these observations, Sir, I oppose the amendment of the Hon. the Law Member. I also appeal to the zamindars to accept this position, as there won't be any difficulty in the matter of collections, because they have got vested privileges according to law."

* Mr. K. KOTI REDDI:—"Mr. President, Sir, from the attitude the Government have been taking in this respect, I believe nothing is likely to come out of this Bill. Hon. Members who have spoken in favour of the amendment moved by the Government have forgotten one vital fact, namely, that the necessity for bringing in this Bill has risen out of the extraordinary situation in this country, due to the inordinate fall in the price of agricultural products which have been the means by which the ryots have been enabled to pay land revenue to the Government, rent to the zamindar and interest and principal due to the sowcar. I am sure that if that point is remembered, hon. Members who have given their support to the amendment will withdraw it. On account of the extraordinary fall in the price of agricultural products, the rents due to zamindars have also fallen into arrears during the last three or four years. So also, the money due to sowcars has fallen into arrears. If we are going to show any consideration for the relief of the ryot, I do not see how we can make a distinction between the debt due to the zamindar in the shape of rent and the debt due to the sowcar by the tenant. I may even go further and say that I cannot personally see any distinction between the rent paid to the zamindar and the land revenue paid to the Government. But there is this difference, that so far as land revenue is concerned, taking all calculations into account, it is at least four times less than the average rent demanded by the zamindar. (Rao Bahadur Sir A. P. Patro: 'The remedy is the Estates Land Act.') But we are dealing now with present circumstances. If a large amount of arrears is due to the Government, I would rather have that also included in this Bill; but I know very little is due to the Government in the shape of arrears of revenue."

"My Friend, Mr. Patnaik, said that the debt arises out of contract. But is that a ground for denying the ryot any relief that is possible under this Bill? The zamindars say they have ample sympathy for the tenants when it is a question of bartering away their rights to others; but when it affects them, I am afraid they are not budging even an inch. This House must consider deeply whether we are really going to give any relief to the ryot; if we are prepared to do that, there can be no distinction between the rent to be given to the zamindar and the debt to be given to the sowcar. Why should the sowcar suffer? What is the

[Mr. K. Koti Reddi] [5th November 1935]

difference between a rich man and a rich zamindar? I cannot see any. If you are to show any concession to the ryot by touching one man, why not touch another? If you do not stand by sanctity of contract statutory arrangements that have been come to, can as well be disturbed; but if you really feel that the necessity has arisen for showing some consideration to the ryot, show it all through. I am not for favouring one man as against another. As I have already said, so far as Government are concerned, the hardship is not so much, because the amount of land revenue is small as compared to what the zamindar gets. If the zamindars are prepared to say that they will take only such amount as the Government are taking, I think hon. Members will be quite prepared to put them on the same level as the Government. So long as they are not prepared to do so, I am afraid we cannot show the same consideration to them as we have to show the Government in this respect."

* Rao Sahib N. SIVA RAJ:—"Mr. President, Sir, there can be no doubt as to the position that was taken by the Government Member in moving this amendment. I thought, Sir, that so able and experienced a gentleman as the hon. Member from Coimbatore would have understood the position and supported the motion. On the other hand, I was surprised to see that he opposed it; and curiously enough, he was supported in his arguments by my Friend Mr. Koti Reddi, an able Barrister himself.

"Sir, in a sense it ought to be said that in this country the relationship between the landholder and the ryot has not been understood to the extent that it ought to be. For, I often see people treating the landholder in terms of the English landlord and the Indian ryot in terms of the English tenant. As has been pointed out by my Friend Mr. Patnaik who is an authority on the Estates Land Act, the relationship is not contractual, but it is really customary and it has now been placed on a statutory basis. If this is understood, then all these difficulties will not arise. In the first place, what is meant by rent? According to the history of all land systems in this country and according to the principle underlying the Estates Land Act, rent is nothing but land revenue paid to Government through the agency of the zamindar; and that has also been stated in another way when it is said that the zamindar is merely an assignee of the right of Government to collect land revenue. If my friend has no objection to exclude land revenue or anything recoverable as arrear of land revenue from the category of debt under this Bill; I do not see why the definition ought not to exclude rent.

"My second point in support of the motion is that rent has been made a charge on the holding of the ryot under the Madras Estates Land Act. For the first time in the history of tenancy legislation in this province, we know that when the Estates Land Act declared the rights of both parties, i.e., the ryots on the one hand and the landholder on the other, the one great substantive right conferred on the zamindar or landholder was this right of treating rent as a charge on the holding

[5th November 1935] [Mr. N. Siva Raj]

of the ryot. But so far as this definition goes, for all practical purposes, it takes away the difference that does exist between secured and unsecured debts, and in so doing, if you do not exclude rent from the category of debt under this Bill, it will amount to taking away the one right that was conferred on the landholders under the Estates Land Act.

"There is also a third reason why I feel that this motion should be supported. Rent under the Madras Estates Land Act has practically become statutory in its nature. It is no more contractual; and even if it was customary at one time, it is no more so. For instance, take the question of enhancement of rent or commutation of rent. These have been controlled by statute, and a certain procedure has to be followed before a settlement can be effected. There is also a provision going to be made with regard to remission of rent. Taking all these points into consideration, one can clearly see that rent is not merely a matter of contract between two persons—the landlord and the tenant. If we do not accept the amendment, what will happen is that there will be a conflict between the Estates Land Act and the Debt Conciliation Bill. I think therefore that all the objections so far heard against the amendment have been merely raised with the idea of satisfying the tenant. Even if this motion is not carried, I think you will only be giving the tenants a sense of false security; for, under the provisions of the Madras Estates Land Act, rent can be recovered in many other ways. That is why I say I am in favour of this amendment, and I find there is no point in opposing it."

MAHBOOB ALI BAIG SAHIB Bahadur:—"Mr. President, it is 12-45 p.m. obviously unfair to include the rent payable to the zamindars under the definition of 'debt' under the provisions of this Bill. As my hon. Friend, Mr. Siva Raj pointed out, there is practically no difference between the rent payable to the zamindar and the land revenue payable to the Government. I am sure, hon. Members are aware how the system of landlord and tenant came into vogue in this country and it is also well known that the zamindar is a mere assignee of the land revenue payable to the Government. Most of them were farmers of rent, some of them were poligars or military chiefs who were assigned the land revenue payable to the Government in lieu of the services rendered by them to the Government. Therefore, Sir, there is no difference at all between the rent payable to the zamindar and the land revenue payable to the Government. After the permanent settlement of 1802, the estates were settled upon the zamindars and a sort of contractual relationship came to be established between the zamindars and the tenants and that is the reason why we find enhanced rents being collected by the zamindars from the tenants. When this legislature is thinking of reducing the rent payable by the tenant to the zamindar on a sliding scale according to the value of the agricultural produce, there is no meaning in urging that the rent payable by the tenant to the zamindar should be included in the term 'debt' under this Bill. If you want to seek any remedy for this, the Bill which my hon. Friend, Mr. Patnaik has brought forward will be the relevant Bill where any remedy for reducing the enhanced rate of interest that is

[Mr. Mahboob Ali Baig] [5th November 1935]

being at present paid by the tenants to the zamindars could be sought. But, as I have already submitted, there is no difference between the rent and land revenue. If any excess is extracted by the zamindar from the tenant that can be remedied under the Bill to amend the Madras Estates Land Act which has been introduced by Mr. Patnaik.

"Another reason why I should think that this amendment should be supported is, whereas in the case of the revenue due to Government provision has been made under the rules framed by the Government for granting remissions, in regard to enhancement of rent so far as the zamindari tenants are concerned, we are thinking of framing rules under the Madras Estates Land Act. So, when we are thinking of providing for a sliding scale of rent according to the prices of agricultural produce, there is no reason why the rent payable by the tenant to the zamindar should be made subject to alterations. As a matter of fact, zamindars also pay their peshkash, which is the land revenue payable by the zamindars to the Government. Instead of the tenants themselves paying the rent to Government, the zamindars get the rent from the tenants as agents. As I have already stated, on account of historical circumstances the zamindars were liable to pay peshkash, and unless the Government are persuaded to reduce the peshkash there is no reason why we should ask them to reduce the rent payable to them, especially in view of the fact that we are going to provide for a proper remedy under the Estates Land Act."

* Mr. V. P. NARAYANAN NAMBIYAR:—"Mr. President, Sir, I support the amendment before the House. Though I have nothing to add to the weighty reasons that have been urged by the hon. Member from Ganjam and the hon. Member from Malabar, I should like to answer two points that have been raised by my hon. Friend from Cuddapah, Mr. Koti Reddi. He said, the Hon. Gentleman—the Law Member has forgotten a very vital point—the extraordinary situation that is now prevailing. Sir, this is a Bill conceived in the best interests of agricultural indebtedness and with the object that it should enure to the benefit of the people for all time. It is not an ordinance meant to last for a year or two to meet an exceptional situation. Again, this is not an amendment which admits of an inquiry into the relationship between landlords and the tenants. If we accept the fundamental position that rent is but the enjoyment of one's own share through the agency of another, then there would be no difficulty. Sir, I support the amendment and join in the request of my hon. Friend, Mr. Raman Menon, that rent payable under the Malabar Tenancy Act be also excluded."

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, the revenue payable to Government by the zamindar and the rent payable by the tenant to the zamindar amount to the same thing; one is called revenue governed by the Revenue Recovery Act, 1864, and the other is termed 'rent' governed by the Rent Recovery Act VIII of 1865. Both the Acts were passed almost simultaneously, one to safeguard the collection of revenue and the other Act VIII of 1865 to

[5th November 1935] [Mr. A. Appadurai Pillai]

safeguard the collection of rent. Latterly, as the House knows, Act VIII of 1865 was replaced by the Madras Estates Land Act, 1908, and this Act has been considered on the floor of this House on several occasions. The hon. Members may very well know how the position of the landlord and the tenant came to be regularized by the provisions of the Estates Land Act. Whatever may be the case, revenue payable to Government and rent payable to the zamindar or inamdar or whoever the intermediary, partake of the same nature and they are identically the same. In the amendment it is proposed to take out of the purview of the definition of 'rent' land revenue or anything recoverable as an arrear of land revenue for the simple reason that land revenue is a primary charge in the land and as it is payable to Government it takes precedence over all other items, and that is the reason why, whoever may be the owner of the land and whoever happens to be the occupier of the land, Government have got the first and primary claim over the land regardless of the fact whoever pays the amount and whatever be the other encumbrances upon the property. Is it not fair, Sir, that when the landholder or the zamindar comes in between the Government and the ryot, the amount that is due from the ryot should also be treated in the same way as land revenue and be made the first claim upon the land? It is with that object, I take it, that the Hon. the Law Member has moved this amendment. The direction indicated in the amendment, namely, that the privilege attached to land revenue should in all fairness be extended also to rent, because just as land revenue happens to be the first claim on the land regardless of other encumbrances, so also rent payable to the zamindar will have to be treated as the first charge. We all know the ryot in a zamindari tract is called a tenant while the ryot in a ryotwari area is called a ryot. In ryotwari areas we have got the Government and the ryot. In zamindaris there is the intermediary in the person of the zamindar, who takes upon himself the responsibility of collecting the amount from the cultivator and paying it to the Government, and he ought not to be placed in any inconvenient position merely because he undertakes the responsibility of collecting the revenue on behalf of the Government. He has himself got to pay to the Government his share of the rent in the shape of peshkash in return for the amount he collects from his tenants. It is therefore very necessary that any concession or liberty shown to land revenue should in fairness be equally shown to the zamindar's rent as well. With these remarks, I heartily support the amendment moved by the Hon. the Law Member."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I just want to add one word. Both in the Central Provinces Act and in the Punjab Act which provide for Conciliation Boards, debt due to the landholder is not excluded, and in the Bill that is drafted by the Bengal Government and is under the consideration of the Bengal Legislative Council rent that is due is not again excluded. That is a point which I would ask the House to take into consideration. There have been two legislations already and another pending, and in none of these, rent due to the landholder is excluded. I will only add that while the zamindars

[Mr. T. A. Ramalingam Chettiyar] [5th November 1935]

have been showing a lot of sympathy to the tenants wherever they go, if they are going to insist that rent ought to be taken out of the Bill, the real effect of the sympathy will be seen, and it will mean that they are prepared to be generous at the expense of others and not at their own expense."

* The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, the expression of opinion on the part of so many members of this House is a clear indication that the amendment is in the right direction. My hon. Friends, Mr. Muthu Chettiyar, Sir Patro, Messrs. Raman Menon, Patnaik, Siva Raj, Narayanan Nambiyar and Appadurai Pillai clearly met many of the points raised by those three or four members who were in opposition to the amendment. It does not therefore require many arguments from me to support my original amendment. My hon. Friend Mr. Ramalingam Chetti started with the definition that money due is debt. Perhaps if he was relying upon the derivation of the word 'debt' he might be correct. But, Sir, surely his definition will land us in very serious difficulties. Take for instance a decree for damages in tort. A man breaks his leg and he goes to a court and gets a decree for damages either from the Municipality or somebody; that will certainly be money due to him. Would the hon. Member seriously contend that these decrees of court would have to be brought in as debts and treated by this board. (Mr. K. Koti Reddi: 'Undoubtedly'.)

1 p.m. "That has not been my conception when I read the Bill. It was never intended that a court decree of that kind should also be brought in here. The basic principle of debt, for the relief of which this Bill is intended, is that money for purposes of interest is lent to others by the creditor of his own free choice as a sort of business. It is in such cases alone, I thought that the Bill was intended to be operative.

"As has been remarked by one or two hon. Members, it is not a voluntary act on the part of the zamindar to give certain lands to a tenant. It is by the operation of the statute that all those who were actually in possession on a particular date, to wit, 1st July 1908 got occupancy rights and by virtue of that they will have to pay rent. The rent is, therefore, a statutory due recognized by an Act of the Legislature and no choice is left to the zamindar to turn out the tenant from the land. On the other hand, the creditor has the choice of lending money or not. It is open to him to refuse the loan. But can a zamindar refuse to allow a man to remain on the land so long as he has the occupancy right, or his ancestors had the right from before 1st July 1908? There is absolutely no analogy between the zamindar and the money-lender.

"As regards the other points, they have been fully dealt with by other hon. Members, especially that argument that no reasonable distinction can be drawn between land revenue on the one hand and rent due to the zamindar on the other. It has been pointed out that the zamindar is only an intermediary. He pays to the Government a portion of the amount which at one time used to be paid by the tenant.

5th November 1935] [Sir K. V. Reddi]

Simply because the Government gave the melvaram right of it to the zamindar it does not alter the position. The rent payable by the tenant, therefore, is exactly on a footing with the revenue which is paid to the Government and it will be unfair and unjust to make any distinction.

"My hon. Friend Mr. Ramalingam Chettiyar said that there are provisions in this Bill which exclude rents for all practical purposes from the definition of debt. He has pointed out that this is a charge on the land; and secured debts are made, expressly or by implication, so invulnerable that if the creditor does not come to an agreement, it will no longer bar him from recovering his debts. That is no doubt true. The reason why the zamindars want this amendment and the Government support them is this. There is any amount of delay caused by these proceedings. When an amount is to be recovered, mark you it is not through the courts—it is by a special procedure provided by the Estates Land Act. It is open now to the tenant to go to the board. Under the provisions of this Bill, the amount cannot be recovered even in a court of law and the procedure has to be gone through. It might be one year; and we have in fact provided for one year. Is it fair that the zamindar should be precluded from getting his rent within one year and if so, what will be his position and his capacity to pay peshkash to the Government? It is said 'so do the money-lenders borrow their money'. But in their case it is a voluntary act. He borrows of his own accord and lends it of his own free will. It is not insisted upon by law. It is not so in the case of the zamindar. (A hon. Member: 'When the amounts were lent, this Bill was never thought of'.) That does not alter the position. He has taken to it as a business and he must take the consequences. I think, Sir, there is absolutely no sound or good reason to show that the amendment is wrong."

* The Hon. the RAJA OF BOBBILI:—"Mr. President, after having heard the arguments against this amendment I wish to make a few remarks. I will, first of all, request hon. Members to realize that the very principle of this Bill is to provide some sort of remedy for the extraordinary state of affairs owing to the economic depression which has affected not only this country but other countries in the world. Land values and the value of produce have gone down to what they were 4 or 5 years ago. The intention of this Bill is to give some kind of relief to those who borrowed money in the past before the economic depression set in. It follows that the relief we propose to give in this Bill should be to those debtors who borrowed money before the economic depression set in and I do not see how rents under the Estates Land Act can be included by any stretch of imagination under the definition of debts. This Bill is intended to meet cases of debts contracted by borrowing money. As regards rent, it is fixed by statute and the statute also fixes the rate of interest that can be claimed for arrears. I do not see how those who are opposing this amendment consider that they are really helping the ryots except in thinking

[The Raja of Bobbili] [5th November 1935]

that any difficulty placed in the way of the landholders from realizing their rent will indirectly be helping the tenants. As some hon. Members have stated, whatever may be the award it is open to the landholder either to agree or not. The second proviso to clause 12 states as follows:—

‘Provided further that when a secured creditor does not agree to the settlement, such settlement shall not affect his right to proceed against the secured property.’

“The net result would be that an inducement would be given to the ryot not to pay his rent in due time and he hopes by going to the Conciliation Board, he can get some material benefit. After all delay, he will have to pay his dues plus interest in addition to the normal rent. I am afraid that if rent is not excluded from the definition of debt, it will neither be to the advantage of the ryots nor to the landholders.

“It is not a question of showing sympathy to the tenants. In the interests of both the tenants and the landholders, it is necessary that we should not raise any obstacle in the realization of rents.

“My hon. Friend Mr. Koti Reddi said that he wanted to treat this amendment as a test whether zamindars are really in sympathy with the tenants or not. I must state for his benefit that even without his intervention and advocacy, there are many zamindars who have realized the difficulties of the tenants and have given them remissions and other facilities to help the tenants to tide over their difficulties. I would, therefore, submit that it is against the principles of this Bill to include rent under the definition of debts because it is not a case of contracting debts by borrowing. I appeal to the House to accept the amendment.”

The amendment was put and declared carried.

A poll was demanded and the bell was rung.

Mr. T. B. Russell entered the Chamber at that time.

Mr. P. V. KRISHNAYYA CHOUDARI:—“May I know, Sir, if the hon. Member can take part in the voting?”

The Hon. the PRESIDENT:—“He was in the hall when the bell ceased ringing.”

The House divided thus:

Ayes.

- | | |
|------------------------------------|-----------------------------------|
| 1 The Hon. Sir K. V. Reddi Nayudu. | 10 Mr. W. Scott Brown. |
| 2 “ Rao Bahadur A. T. Pan- | 11 “ H. R. Uzielli. |
| nirselvam. | 12 “ C. E. Jones. |
| 3 “ Mr. C. A. Souter. | 13 “ G. T. Boag. |
| 4 “ Mr. G. T. H. Bracken. | 14 “ R. Madanagopal Nayudu. |
| 5 “ Diwan Bahadur S. Kuma- | 15 “ T. B. Russell. |
| raswami Reddiyar. | 16 “ T. Sundara Rao Nayudu. |
| 6 “ Mr. P. T. Rajan. | 17 Khan Sahib Syed Tajuddin Sahib |
| 7 “ the Raja of Bobbili. | Bahadur. |
| 8 Diwan Bahadur C. Natesa Mudali- | 18 Rao Bahadur R. Srinivasan. |
| yar. | 19 Diwan Bahadur A. Appadurai |
| 9 Mrs. K. Alamelumangathayaramma. | Pillai. |

5th November 1935]

Ayes—cont.

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| 20 Mr. M. Devadasan. | 42 Khan Bahadur T. M. Moidoo Sahib |
| 21 Rao Sahib N. Siva Raj. | Bahadur. |
| 22 Mr. W. K. M. Langley. | 43 Mr. M. Vedachala Mudaliyar. |
| 23 The Zamidar of Kirlampudi. | 44 Rao Sahib D. V. Narasimhaswami. |
| 24 Mr. P. V. Rajagopala Pillai. | 45 “ Pandit Ganala Rama- |
| 25 “ V. G. Vasudeva Pillai. | murti. |
| 26 “ G. E. F. Foulkes. | 46 Mr. K. Kesavaramamurti-Nayudu. |
| 27 “ G. Simhachalam Pantulu. | 47 “ M. B. Rangaswami Reddi. |
| 28 “ P. K. Ramachandra Padayachi. | 48 Rao Bahadur P. C. Muthu Chetti- |
| 29 Rao Sahib V. Dharmalingam Pillai. | yar. |
| 30 Rao Bahadur D. Krishnamurti. | 49 Mr. C. Basu Dev. |
| 31 “ Sir A. P. Patro. | 50 Subadar-Major S. A. Nanjappa |
| 32 Sriman M. G. Patnaik Mahasayo. | Bahadur. |
| 33 The Raja of Khallikote. | 51 Mr. V. P. Narayanan Nambiyar. |
| 34 Khan Bahadur Mahmud Schamnad | 52 “ K. P. Raman Menon. |
| Sahib Bahadur. | 53 Diwan Bahadur C. S. Ratnasabha- |
| 35 Diwan Bahadur A. M. M. Murug- | pati Mudaliyar. |
| appa Chettiyar. | 54 The Zamindar of Chemudu. |
| 36 The Zamindar of Mirzapuram. | 55 Mr. G. R. Premayya. |
| 37 The Zamindar of Bodinayakkanur. | 56 “ P. M. Thangal. |
| 38 Mr. G. Srinamulu. | 57 Rai Sahib C. Kolanda Reddi. |
| 39 “ J. Kuppaswami Choudari. | 58 Diwan Bahadur S. Ellappa Chetti- |
| 40 “ C. Indrayya. | yar. |
| 41 “ K. Pattabhiramayya. | 59 Mr. Mahboob Ali Baig. |

Noes.

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|----------------------------------|----------------------------------|
| 1 Diwan Bahadur T. A. Ramalingam | 9 Mr. K. A. Nachiyappa Gounder. |
| Chettiyar. | 10 “ G. Rameswara Rao. |
| 2 Mr. T. C. Srinivasa Ayyangar. | 11 “ U. C. Subrahmanya Bhatt. |
| 3 “ T. S. Ramaswami Ayyar. | 12 Mrs. A. Rukmani Lakshmipathi. |
| 4 “ V. T. Arasu. | 13 Mr. P. Ratnavela Thevar. |
| 5 B. Pocker Sahib Bahadur. | 14 Rao Bahadur R. K. Venugopal |
| 6 Mr. M. A. Manikkavelu Nayakar. | Nayudu. |
| 7 “ K. Ahmed Meeran. | 15 Mr. K. Koti Reddi. |
| 8 “ P. Peddi Raju. | 16 “ P. V. Krishnayya Choudari. |

Neutral.

1 Rao Bahadur B. P. Sesha Reddi.

Ayes 59. Noes 16. Neutral 1.

The motion was carried.

* Mr. G. R. PREMAYYA:—“I move—

‘In lines 5 and 6 for the words “but shall not include arrears of wages” substitute the following:—
“and shall include arrears of agricultural wages but shall not.”’

“Sir, Mr. Ramalingam Chettiyar’s Bill is a copy of the Punjab Bill. The conditions may differ in the two places. In the Select Committee several sections were moved to suit the conditions of this Presidency. So I have suggested this amendment to suit the condition of our labourers of this Presidency. Sir, this Bill as it is drafted is no use for the agricultural labourers and wage earners. These agricultural labourers agree with the ryots that they may be paid their salaries or wages in kind. Generally these wage earners work for the whole year and when the ryot thinks that he cannot pay

1-15
p.m.

[Mr. G. R. Premayya] [5th November 1935]

he picks up a quarrel and then the employee is out. Generally, Sir, the employee cannot go to the court and he simply changes the landlord and earns his livelihood. To protect such people I have given notice of this amendment. Some of my friends think that this is a dis-service done to the community. But I have known it in the villages that on several occasions the members of the depressed classes who work under big ryots forego the poor wages due to them. In such cases I want to protect them by introducing this amendment in the Bill. This is very modest and very reasonable amendment and the Hon. the Law Member will be doing a great service to this class of people if he accepts my amendment. Sir, several of the small ryots who own very little land come to delta taluks and live as agricultural wage earners. Such people will not be protected at all if my amendment is refused. So I think that the Hon. the Law Member will have very little difficulty to accept my amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second my friend's amendment. But I want to bring it to the mover's notice that he is doing a dis-service because we have provided for the safeguards for the wage earners. If this is to be added the wage earners will get a small moiety, an anna or so in the rupee. I want to bring it to the notice of the mover."

The Hon. the PRESIDENT:—"The hon. Member would have done better service by not seconding it."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Mr. President, it is not in the view that the wage earner should not have the benefit of the Bill that he is excluded. The reason for the exclusion is this. As in most cases, the wage earners cannot afford to wait to go to the conciliation board to get relief under this Bill or any other. The mover will also note that once the application is filed nothing can be done till the whole thing is disposed of in a year. That means the wage-earner will have to wait for one year to get his wages. It is not doing him any service to add his wages in the Bill. So I would ask the mover to withdraw the amendment."

* Mr. M. DEVADASAN:—"My Friend Mr. Premayya said that the present Bill is a copy of the Punjab Bill. (A voice: 'The Punjab Bill was passed later.') Then both this Bill and the Punjab Bill might have a common origin. There is a provision in the Bill for the agricultural wages to be also included. I must point out that what is good in one province may not be good in another province. Agricultural labourers do their work and ought to get their wages. It may be possible that in some cases there are dues to be recovered from their masters. Of course, most of the people do not resort to courts when they do not get the sum; if they go to court then there will be multiplicity of suits and the wage-earners cannot successfully prosecute their cases. It is often amicably settled between landlords and tenants. As the previous speakers have pointed out, I submit that the inclusion will make their position worse than what it is at present. If this amendment is accepted more dis-service could not be done to

5th November 1935] [Mr. M. Devadasan]

the community whom my friend and myself represent here. If this is accepted the wage-earner cannot get as much as he would get in ordinary courts. It might come to one anna or two annas in the rupee and this will not be any service to him. This amendment is therefore against his interest and I will ask him to withdraw it."

Sriman M. G. PATNAIK Mahasaya:—"Sir, we are all surprised that Mr. Premayya should have brought forward this amendment. His real object seems to be to place before this House the difficulties the wage-earners are put to in the villages. They find it extremely difficult to realize their wages and he thinks if the conciliatory board is constituted the wage-earner can go to it and realize something. Otherwise they cannot go to courts and realize. But it will be doing some service to include this in the definition of debt. But he must remember that unless the debtor himself makes the application the wage-earner cannot go to the conciliatory board and so his object cannot be gained. So it is no good to pursue his amendment."

* The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, the matter is not so very easy as it is sought to be made by some of the hon. Members. There are both advantages as well as disadvantages. The advantage is that the man need not go to a court of law. He need not engage a vakil and stand the chance of fighting a man not at arms length but who is decidedly superior to hold his position. And then if he goes to the board the advantage is he need not pay any stamp duty or need pay only a small stamp duty and there is the possibility of the board taking a lenient view. But on the other hand there is the danger of reducing the dues to a small amount. I will state there is the advantage of saving costs, saving trouble of judicial court, saving pleaders fee and so on. On the other side there is the risk of the amount being scaled down, because the main object of this Bill is to scale down the debt due. What I say is, hon. Members who represent or claim to represent these labour classes might consult before lunch is over and let us know. So far as Government are concerned they will be entirely neutral in the matter."

At this stage the House rose for lunch.

After Lunch (2-30 p.m.)

* Mr. G. R. PREMAYYA:—"Mr. President, Sir, accepting the advice of the Hon. the Law Member, I consulted several of my friends, but their opinion was much divided and several of the Members could not understand what I wanted. I again explain that if the labourer is dispensed with at the end of a year without his wages being paid, how is he to be protected? I speak for those who earn Rs. 100 and above as yearly wage. If these people are not to be protected by this Bill, I do not know how this measure can be called a beneficial one. Even the rich ryots now cannot go to court; when that is the case, how can you expect the small labourers to go to court to recover their dues? They have very little money to spend. I only want somebody to suggest to me as to how this man is to be protected. If anybody would suggest any course, I am ready to withdraw my amendment."

[Mr. G. R. Premayya] [5th November 1935]

The Hon. the PRESIDENT:—"No suggestion forthcoming, is the hon. Member prepared to say anything more?"

Mr. G. R. PREMAYYA:—"At least I expected some promise from the Hon. the Law Member, because nothing is said here to protect such people."

The Hon. Sir K. V. REDDI NAYUDU:—"I do not know, Mr. President, what I can promise in the matter: no proposition has been placed before me to accept or reject. I see difficulty either way. If the hon. Member wants the Government to be neutral, Government will be neutral on the vote that may be taken."

The amendment was put and declared lost.

Mr. G. R. Premayya asked for a poll, and the House divided thus:—

Ayes.

1 Rao Bahadur R. Srinivasan.	9 Rao Sahib V. I. Muniswami Pillai.
2 Mr. G. Simhachalam Pantulu.	10 Mr. C. Basu Dev.
3 " G. Srinamulu.	11 " K. P. Raman Menon.
4 " C. Indrayya.	12 Diwan Bahadur C. S. Ratnasabhapati Mudaliyar.
5 " K. Pattabhiramayya.	13 Mr. G. R. Premayya.
6 Rao Sahib C. Jayaram Nayudu.	14 " P. M. Thangal.
7 " D. V. Narasimhaswami.	15 Rai Sahib C. Kolanda Reddi.
8 Mr. M. B. Rangaswami Reddi.	

Noes.

1 Diwan Bahadur A. Appadurai Pillai.	14 Mr. K. Ahmed Meeran.
2 Mr. M. Devadasan.	15 Rao Sahib Pandit Ganala Ramamurti.
3 Rao Sahib N. Siva Raj.	16 Diwan Bahadur A. M. M. Murugappa Chettiyar.
4 Sir William Wright.	17 The Zamindar of Mirzapuram.
5 Mr. W. K. M. Langley.	18 Rao Bahadur T. M. Narayanaswami Pillai.
6 Rao Bahadur B. P. Sessa Reddi.	19 Mr. U. C. Subrahmanya Bhatt.
7 Mr. V. G. Vasudeva Pillai.	20 Mrs. A. Rukmani Lakshmiopathi.
8 " G. F. Foulkes.	21 Mr. P. Ratnavelu Thevar.
9 Diwan Bahadur T. A. Ramalingam Chettiyar.	22 " K. Koti Reddi.
10 Mr. T. C. Srinivasa Ayyangar.	23 Diwan Bahadur S. Ellappa Chettiyar.
11 " T. S. Ramaswami Ayyar.	
12 " V. T. Arasu.	
13 Rao Bahadur P. C. Muthu Chettiyar.	

Neutral.

1 The Hon. Sir K. V. Reddi Nayudu.	13 Mr. G. T. Boag.
2 " Rao Bahadur A. T. Pan-nirselvam.	14 " R. Madanagopal Nayudu.
3 " Mr. C. A. Souter.	15 " T. B. Russell.
4 " Mr. G. T. H. Bracken.	16 " T. Sundara Rao Nayudu.
5 " Diwan Bahadur S. Kumaraswami Reddiyar.	17 The Zamindar of Kirlampudi.
6 " Mr. P. T. Rajan.	18 Mr. P. V. Rajagopal Pillai.
7 " the Raja of Bobbili.	19 " P. K. Ramachandra Pada-yachi.
8 Diwan Bahadur C. Natesa Mudaliyar.	20 Rao Sahib V. Dharmalingam Pillai.
9 Mrs. K. Alamelumangathayaramma.	21 Rao Bahadur Sir A. P. Patro.
10 Mr. W. Scott Brown.	22 Sriman M. G. Patnaik Mahasaya.
11 " H. R. Uzielli.	23 Khan Bahadur Mahmud Schamnadsahib Bahadur.
12 " C. E. Jones.	24 Mr. J. Kuppuswami Choudari.
	25 " P. Peddi Raju.
	26 " T. Narasa Reddi.

5th November 1935]

Neutral—cont.

27 Mr. H. M. Jagannatham.	29 Mr. V. P. Narayanan Nambiyar.
28 Subadar-Major S. A. Nanjappa Bahadur.	30 " P. V. Krishnayya Choudari.
	31 " K. Kesavaramamurti Nayudu.

Ayes 15. Noes 23. Neutral 31.

The amendment was lost.

Mr. V. P. NARAYANAN NAMBIYAR:—"The Hon. the Law Member suggests that amendments 5, 6, 6-A and 9 might be taken up along with item 33. I agree to that."

The Hon. Sir K. V. REDDI NAYUDU:—"I submit that amendments 5, 6 and 9 in the printed list and item 6-A in the second list go together, and the main proposition is in item No. 33, which seeks to delete the second proviso in that clause. These are minute points, so we can take these items when we come to No. 33."

* The Hon. the PRESIDENT:—"I think the House is agreed upon that postponement."

The House signified its assent and the items were postponed.

*Clause 2.**Sub-clause (g).*

The Hon. Sir K. V. REDDI NAYUDU:—"I beg to move—

'in sub-clause (g), in line 1, for the words "person who" substitute "person (i) who,"

in line 5, for the words "otherwise whose" substitute "otherwise; and

(ii) whose."

"This is only a drafting amendment."

The Hon. Mr. C. A. SOUTER:—"I second it."

The amendment was put and carried.

Rai Sahib C. KOLANDA REDDI:—"What about my amendment to sub-clause (f), Sir?"

* The Hon. the PRESIDENT:—"I wish to inform the hon. Member that amendments Nos. 5, 6 and 9 in the list printed and amendment 6-A in the list roneoed and circulated will be postponed until we reach the amendment to delete the second proviso to sub-clause (1) of clause 12."

Rao Bahadur Sir A. P. PATRO:—"What about my amendment to omit the words in sub-clause (g), viz., 'or landholder whether he cultivates the land personally or otherwise.'?"

* The Hon. the PRESIDENT:—"It will be taken up after the amendment of Mr. R. Srinivasan to this sub-clause is disposed of."

Rao Bahadur R. SRINIVASAN:—"Sir, I move—

'In lines 5 and 6, for the words "one hundred" substitute the word "ten."

[Mr. R. Srinivasan] [5th November 1935]

"Sir, I have moved this amendment to enable the small debtors who are generally tenants or labourers to approach the board. Labourers who are indebted to their landlords are kept in their services for generations under threat of evicting them from their house-sites and dwellings and sale of their cattle. I hope the hon. Members of the House will take pity on the poor people and agree to this amendment."

Rao Sahib V. I. MUNISWAMI PILLAI:—"I second it."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"The reason why these small debtors have not been brought within the scope of the Act is that it will be putting these poor people to unnecessary trouble and delay to ask them to appear before the board and prove their assets and liabilities. While we have all sympathy for the poor labourer who may be denied his wages, if we bring him under the scope of this Bill, we will be doing him not good but harm."

"Further, if even Rs. 10 is to be allowed as the basis for an application, the number of applications before the board will increase enormously and it will be impossible to provide an agency to deal with them. Even as it is petitions take sometimes five years before they are disposed by insolvency courts. Under this provision we are following more or less the same procedure as insolvency petitions. Such being the case, can a man from whom Rs. 10 or Rs. 20 is due afford to go and appear before the board several times in the course of one year? That is the reason why a limit has been fixed."

* Mr. M. DEVADASAN:—"Sir, this is a case in which I feel that I am unable to see eye to eye with my hon. Friend, Mr. Srinivasan. The conciliation board can take cognizance of cases on which debts exceed Rs. 100. In my opinion that figure is too small and should be raised to Rs. 500 which is the amount of liability admissible in an insolvency court. The Bill has embodied provisions of law borrowed from several Acts. Even as it is, the Bill will tend to do injury to the people and it will affect the credit of the country. If a man who is in need of money asks somebody to lend him money, the lender may be unwilling to lend money on the ground that the borrower might be going to the conciliation board the next day and throw himself to the mercy of that body. As such there will be great difficulties caused by amendments like this. I feel sorry that the Bill does not confer any benefit whatsoever upon the lenders or upon the borrowers. On the other hand it is likely to complicate the matters and the people who are in urgent need of money may not raise a pie if we apply the Act to cases where the debt is Rs. 10 or more."

"Sir, though I have not given notice of any amendment to this clause, if I may do so, I would suggest that even this minimum of Rs. 100 provided in the Bill should be raised considerably in the interests of justice and expediency. I oppose the amendment moved by my hon. Friend, Mr. Srinivasan, as it will adversely affect the poor people and request him to withdraw it."

5th November 1935]

The Hon. Sir K. V. REDDI NAYUDU:—"May I say one word, Sir? The difficulty of my hon. Friend, Mr. Srinivasan, seems to be that ordinarily small debts of Rs. 5 and Rs. 10 are incurred, but that the wonderful creditors manage to increase the sums to Rs. 200 or Rs. 300. That seems to be his main complaint. I may tell him that if a debt exceeds Rs. 100—does not matter how it came to that figure—it will come under the purview of the Act. Therefore there will be no difficulty. If there is any case in which a man lending Rs. 10 somehow manages to develop it into Rs. 100, it will come under the Bill. But, so long as it is only Rs. 99-15-0 it cannot come under this Bill. I think the difficulty he anticipates will not arise. He may therefore withdraw his amendment."

The amendment was, by leave, withdrawn.

* Rao Bahadur Sir A. P. PATRO:—"Sir, I move—

'In sub-clause (g), omit the following words, namely:—

"or landholder whether he cultivates the land personally or otherwise."

"This Bill is intended for the relief of agriculturists and for that purpose to make provision for the setting up of conciliation boards. That being the case, where is the necessity for bringing in the landholders? The hon. Mover of this Bill will consider that point. One zamindar lends to another zamindar Rs. 50,000. Does that debt come under the provisions of this Bill? There is only one debtor and one creditor and there is a mortgage held by one zamindar against the other zamindars. In this Bill there is no limit fixed with regard to debts. In the Central Provinces Bill and in the Punjab Bill Rs. 20,000 has been fixed as the limit. In this Bill there is no limit prescribed. The Select Committee thought it better to omit any limit and the omission of this limit prescribed in the other Acts leads to this difficulty, viz., if a zamindar lends to another zamindar, what is to be the position of the creditor and the debtor. Nowhere in the Bill do you find any solution for that. A 'landholder' says the Bill, 'shall be taken to mean all persons holding under a Sanad-i-Milkiyat-i-istimrar, all other zamindars, shrotriyamdars, jagirdars, inamdars and all persons farming the land revenue under Government.' This definition is taken from a portion of the definitions in the Estates Land Act. But by applying that definition to a landholder in this Bill, you will create a lot of difficulties. Therefore if you omit the words 'or landholder whether he cultivates the land personally or otherwise' and restrict it only to occupancy tenants or pattadars who are actually cultivating the land, the whole thing becomes quite clear. Otherwise, as defined in the Bill, it is meaningless. I therefore took an extreme case as an illustration. Here is one landholder debtor. He will not come under this Bill. It is necessary that there should be 40 per cent of the debtors applying for it and so on."

"In the case of a single debtor the difficulty arises as to whether 3 p.m. he is a man who actually cultivates the land or not. My friend says

[Sir A. P. Patro] [5th November 1935]

that more than 40 per cent of the debtors come under this category. Therefore it is quite apparent on the face of it that the term 'landholder' is not comprehensive and would not be helpful for the purpose of the administration of this Act. If a landholder who is not a cultivator is a debtor, the question arises as to how his debts could be adjusted. Hence it is necessary that this provision should be confined to people who are occupancy tenants or land-owners who are cultivating the lands personally. If the scope of the clause is not restricted, it has no meaning."

* Rai Sahib C. KOLANDA REDDI:—"I beg to second this motion. The definition of the word 'debtor' is rather wide and I am afraid it will cover everybody under the sun on God's earth. If the words 'or landholder whether he cultivates the land personally or otherwise' are deleted, it will only apply to agriculturists. There are so many who masquerade under the name of 'agriculturists.' To them it will not apply if this amendment is carried. We have consulted some of the aristocrats and the plutocrats. They are amenable to the suggestion that relief must be afforded to the ryot at the present moment and they are so sympathetic as to make sacrifices in matters which really concern the agriculturists. By agriculturists I mean the real, genuine ryot who ekes out his livelihood by agriculture. All the rest are pseudo-agriculturists. If this amendment is carried, the word 'debtor' will be restricted to the ryot and ryot alone. I think many of my friends who promised to show their sympathy to persons who are really agriculturists will exhibit that in a tangible manner by accepting this amendment. With these words I am glad to second the motion made by my hon. Friend, Sir Patro."

* The ZAMINDAR OF MIRZAPURAM:—"Sir, I rise to oppose the motion made by my hon. Friend, Sir Patro. If this amendment is accepted it would mean that we are excluding a large class of persons who depend upon agriculture and who under the Estates Land Act come under the definition of 'landholders.' I do not think, Sir, that it is fair to exclude a large number of persons such as the inamdars, the aghaharamdars and small landholders. I request the Government and the framer of the Bill not to accept this amendment."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, one has only to read the definition of the word 'landholder' with the amendment that is sought to be introduced to find out what difficulties it would lead to, if this amendment is accepted. As the word 'landholder' includes the ordinary ryot who cultivates the land, we will be excluding all the ryotwari landholders as well as the landholders under the Estates Land Act. It was pointed out in the Select Committee that a person, though he does not actually cultivate the land, but depends on agricultural income, should also be treated as an agriculturist and so it was thought necessary that the definition of the word 'debtor' should include them. Now if this amendment is carried the ryotwari-landholders who cultivate their lands as also those who let out their lands on lease will be excluded from the operation of this Bill

5th November 1935] [Mr. T. A. Ramalingam Chettiyar]

and also the owners of estates, whether they are zamindaris or inams or owners of some other estate. Only the tenants under the pattadars in the ryotwari area and the tenants in the estates will come under the operation of the Bill. I do not think that that is the intention of the mover of the amendment. But that unfortunately will be the result of the amendment if it is accepted.

Then it is stated that this Bill is intended for giving relief to the tenants. In many cases the pattadar is in no better position, sometimes he is in a worse position, than the tenants. As the Government statistics show there are very many pattadars who pay Re. 1 and Rs. 2 as kist. A very large portion of the population consists of pattadars who pay very small kists to the Government, they do not all cultivate their lands. So I would like the mover of the amendment to see what will be its effect if it is accepted. As regards the case he mentioned whether a landholder who has advanced Rs. 50,000 to a neighbouring landholder as loan will come under this Bill, I should like to tell him that we in the southern parts are not situated in the same position as in the northern districts. There are the so-called zamindars in the south whose estates may not be worth more than Rs. 5,000 or Rs. 6,000. Landholders, whose estates are not worth more than Rs. 5,000 or Rs. 6,000, are in need of as much relief as tenants or ryotwari pattadars under the Government. We cannot be always looking at big zamindars and say that since they (the small zamindars) come under the definition of 'landholder' no relief should be given to them. That will be most unfortunate. It may be that there are several people whose estates are worth several lakhs of rupees and they come under the definition in this clause. But the remedy to exclude such people will be to fix the jurisdiction of the Board as I had done in the original Bill. If the learned mover of the amendment is agreeable to that, personally I have no objection to accepting an amendment fixing an amount as the maximum limit of jurisdiction of these Boards."

* Mr. C. BASU DEV:—"Sir, I rise to oppose this amendment. I do not see any reason why the landholders who are in debt and who find it difficult on account of their commitments should not be given some measure of relief. It is not suggested that as soon as a debtor applies to the Debt Conciliation Board and gets his debts settled, the Government is going to say 'here is money for you, go and disburse it to all your creditors.' Nor is it contended that the landholders will use their superior influence to monopolize the Government's help to the detriment of others."

"I do not think that the Government will come forward to meet the liabilities of the debtors of this Province. There is absolutely no harm if the help of the Debt Conciliation Committees is sought and secured by the landholders. If the majority of the creditors or whatever percentage of creditors this House may finally adopt, if they agree, then only they can come within the beneficial provisions of this Act. I do not see why any person should be excluded from the purview of this Act. I therefore oppose it."

3-15
p.m.

[5th November 1935]

* Mr. W. K. M. LANGLEY:—"Mr. President, Sir, I strongly support my hon. Friend, Sir Patro's amendment. I have already remarked, I remark now and I shall remark again if necessity arises that the whole character of the Bill has been altered by the Select Committee. We have all heard about the misfortunes of the small agriculturist, the man who works with his own hands and whose entire livelihood is agriculture in a small way. We viewed this Bill with considerable sympathy. It was under close consideration of the European Chambers of Commerce a year ago at the meeting of the Associated Chambers of Commerce at Calcutta. Their general feeling was one of sympathy. But it was made very clear that their sympathy was solely with the working agriculturist, the man of small means. This Bill was supported in the hope that my hon. Friend, the Mover of the Bill, was going to bring relief to these poor people who are so greatly in need of it. But what happened in the Select Committee? The whole character of the Bill was completely altered. It is now apparently designed to relieve any debtor whether worthy or not, whether he is earning his living by agriculture or not. Therefore I strongly welcome this particular amendment which is designed to some extent to put that matter right."

"The particular question raised by this amendment has already been under consideration in Bengal in connexion with the Bengal Relief of Indebtedness Bill. I have before me a minute of the Bengal Chamber of Commerce who appointed a sub-committee to consider this Bill and make a report to the Select Committee which was sitting on the Bill. I observe that they took up this particular point in connexion with clause 2 (9) of the Bill which defined a debtor as one whose primary means of livelihood is agriculture whether he cultivates with his own hands or not. So the same point to which my hon. Friend, Sir Patro, objected seems to have arisen there and it was provided in the Bengal Bill that in the event of any question arising as to the interpretation of this definition in particular cases, the settlement board concerned was authorized to give a final decision in the matter. The Chamber Committee of the Bengal Chamber did not agree that the position should be left thus and pointed out that the object of the Bill was or should be to afford relief to the actual cultivator or ryot and that the Chamber was strongly of opinion that the scope of the Bill in this respect should be rigidly and clearly defined. Sir, I range myself entirely with these very pregnant remarks made by the Committee of the Bengal Chamber of Commerce, the leading Chamber of Commerce in this country. I also support very strongly my hon. Friend, Sir Patro, in his endeavour to get this Bill confined to the person we are all anxious to relieve, namely, the small agriculturist and nobody else."

* Mr. K. KOTI REDDI:—"Mr. President, Sir, I oppose the amendment moved by the hon. Member from Ganjam. I have not been able to understand what he is driving at. Is he in favour or against the small agriculturist? Is he in favour or against the landholders? I have not been able to get it from him. This Bill has been introduced

[Mr. K. Koti Reddi]

not merely for the purpose of giving relief to the small agriculturists, whoever they may be, but to others as it has been necessitated on account of the extraordinary fall in prices of foodstuffs and other commercial products due to the depression. If we restrict the operation of the Bill only to certain classes any amount of difficulty will arise. Is the ryotwari landholder, an agriculturist or not? Some ryots do not cultivate their land themselves, but others cultivate thousands of acres by their own labour as well as by hired labour. As Mr. Basu Dev pointed out nobody is going to get anything out of this Bill. If the Government or somebody else are going to give money for nothing then there need be a fight for apportioning it; but where you give money on easy terms, I do not see why the small ryotwari landholder or the zamindar should not have the benefit of it. If by bringing the creditors and the debtor together, the creditor could be made to forego a part of his debts, I do not see why the benefits of such conciliation should not go to ryotwari landholder or the zamindari landholder big or small. The benefit ought to go to each and everybody whoever he may be. I do not see why any restriction should be placed on the operation of the Bill."

Sir A. P. PATRO:—"Mr. President, Sir, it is difficult for me to answer the criticisms of those who have not understood the object with which I moved my amendment. The effect of my amendment is to confine the operation of this Bill to the actual agriculturists who suffer under the present economic depression. It was never intended that this Bill should provide for a sort of board which will decide all claims and all debts. If the main object of the Bill is clearly kept in view, the question is whether the inclusion of the landholder—the landholder as defined in the Estates Land Act—is consistent . . ."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"May I say, Sir, that the word landholder is defined in this Bill itself and we need not go to the Estates Land Act for the definition. For the purposes of this Bill it is defined in the Bill itself."

Sir A. P. PATRO:—"My object is to point out that it is not the object of this Bill to protect the landholders and the zamindars but the poor cultivating agriculturist who is suffering from the economic depression. The big landlords who are in debt are not subject to economic depression. First let us confine this Bill to the actual poor struggling agriculturists and if this experiment is successful we can extend the operation of this Act to other classes. No reasons except mere words have been put forward by the hon. Members Messrs. Basu Dev and Koti Reddi, with whom it is very difficult to argue. The definition of landholder is too wide to include him also in the Bill. He may be an absentee landlord living in Madras or Calcutta or anywhere else and he may not be cultivating the land. Such a class of people are not intended to be protected by this Bill. If my amendment is accepted, it will confine the benefits of the Bill only to those who are in need of such help."

* The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I regret I am unable to accept the amendment on behalf of the Government. I can see the force of the argument put forward by Mr. Langley

[Sir K. V. Reddi] [5th November 1935]

when he said that the Bill is intended for the benefit of the small agriculturists and not for the benefit of the bigger people. But that purpose will be served if we fix a maximum to the amount of debts which these boards may take into consideration. In the beginning my hon. Friend, the Mover of the Bill, wanted to fix it at Rs. 25,000. The Government themselves wanted to fix it at Rs. 10,000, because the Special Officer recommended that it should be fixed at Rs. 10,000. But the Select Committee did not want to fix any limit and it is that that has caused this difficulty. I am perfectly at one with Mr. Langley and I shall be very glad when the relevant clause is reached, if an amendment is proposed to fix the limit of these debts. Personally, I feel, subject to this limit, even landholders whether they are actually cultivating the land or not, should be included in the definition of the word debtor if they owe money. Amongst these landholders we are accustomed to think only of the bigger ones having large estates fetching six lakhs and ten lakhs of rupees. But there are very many small people known as mohasidars, inamdars and even samindars in partible estates who have got only very small estates. There are zamindars and zamindars and some of them are involved in debts. The landholders whom I call mohasidars have only 100 or 200 acres on account of division of the property in the family. I do not see why such people, whether they are actually cultivating the land themselves or cultivating it with the help of farm labourers while financing themselves, should not have the benefit of this Act. The object of limiting the Act to smaller men can be achieved if we prescribe a limit for the debts by saying that debts beyond Rs. 25,000 or so need not be considered by this Board. For these bigger zamindars will have always bigger debts and they will not come under the Bill. If it is the object of the House that the time of these boards need not be taken up by the settlement of disputes among big zamindars, if it is the intention of the House that the big zamindars can take care of themselves they can get moneys from banks and from other sources (Sir Patro: 'You have to fix a limit.') I have already said that Government wanted to fix a limit at Rs. 10,000 and when the question comes up, it is open to any hon. Member to move an amendment to that effect.

"It will be considered at the time. That will be the proper place. This is not the place to see that the provisions of the Bill are restricted to small landholders."

The amendment was put and lost.

Clause 2.

Sub-clause (i).

* The Hon. Sir K. V. REDDI NAYUDU:—"I beg to move, Sir, the following amendment:—

'After the words "lien or charge" insert the words "on immovable property".'

5th November 1935] [Sir K. V. Reddi]

"It has been brought to the notice of the Government that lien or charge may be also upon movable properties, like pledging of jewels, etc. It is not the intention of the Bill that these jewels should be brought into as assets. This is a verbal amendment and I hope it will be accepted by the House."

Mr. G. T. BOAG:—"I second it."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I accept the amendment."

The amendment was put and carried.

Clause 2.

Sub-clause (j).

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I beg to move the following amendment:—

'After the words "lien or charge" insert the words "on immovable property".'

Mr. G. T. BOAG:—"I second it."

The amendment was put and carried.

Clause 3.

* Rai Sahib C. K. REDDI:—"Sir, I beg to move the following amendment:—

'In lines 2 and 3 for the words "any district or part of a district" substitute the words "every revenue division".'

"My point is, out of 100 agriculturists, 93 are indebted according to the report of the Special Officer. That means almost all the agriculturists are debtors. So, if there is to be a board for the whole district, I am afraid it will not be able to cope with the task which will be more or less gigantic. Therefore it seems to me that there should be a board for every revenue division."

MAHBOOB ALI BAIG SAHIB Bahadur:—"I second it."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I am sorry I have to oppose the amendment of my hon. Friend, Mr. Kolanda Reddi; it is not a useful amendment from the point of view of the ryot. The Bill says that a board can be established for any part of a district. So, even for a taluk there may be a board; but the amendment of Mr. Kolanda Reddi restricts the scope of the provisions of the Bill. His amendment will stand in the way of the Government establishing a board for every taluk. So, I appeal to the hon. Member to withdraw his amendment."

The amendment was, by leave, withdrawn.

[5th November 1935]

* Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil and the following is an English summary of his speech:—

I beg to move the following amendment which stands in my name:—

'For the second sentence in sub-clause (i) substitute the following:—

"Such board shall consist of a chairman appointed by the Local Government from among the distinguished retired judicial officers who had held a post not lower than sub-judges and two members of whom one shall be a non-official".'

The words 'gazetted officer' in the Bill are very vague; they may refer to gazetted officers in the Abkari or Forest Department, or the Engineering or Medical Department. The person who is appointed must have judicial experience. If a board is likely to be established for every taluk or division, and if we are likely to require a large number of gazetted officers, if the provision as it exists in the Bill is accepted, the Services Commission will be burdened with much work by way of selecting officers for these conciliation boards. At first, let there be only one Board for each district. The officers to be appointed to this Board should have much judicial experience. Retired Sub-Judges may be appointed to these Boards, as we need not pay high salaries to them and as there is need to economize our expenditure in this matter. There are many able and capable persons of this category and they will be willing to do this work. My hon. Friend, Mr. Krishnayya Choudari, has given notice of a similar amendment. You should not appoint persons in Government service. Retired Sub-Judges may be appointed and they may be given a small honorarium.

Mr. V. T. ARASU:—"Sir, I rise to second the amendment moved by my esteemed friend. The object of my friend in moving this amendment in this: He submits that the term 'gazetted officer' is very vague; it is possible that the Government may choose for the office of the chairman of this Board any gazetted officer belonging to the Forest, Engineering or any other department. He insists on one main condition that the chairman should be one who has had judicial training and who has a judicial frame of mind. This is one of the essential qualifications which, according to him, should be insisted upon the holder of the office of chairman of the Board. Mr. Muthu Chettiyar submits that wherever possible, Government should try and choose retired judicial officers who have worked as Sub-Judges. That suggestion of my hon. Friend is very sensible . . ."

Rao Sahib N. SIVA RAJ:—"May I know if the hon. Member is translating the speech of Mr. Muthu Chettiyar?"

* The Hon. the PRESIDENT:—"He might be repeating the arguments in English; he is not translating them."

* Mr. V. T. ARASU:—"I am bringing out the force of the arguments contained in the speech of my hon. Friend. On account of

[Mr. V. T. Arasu]

economic depression the Government find it very difficult to create new posts or to increase the number of Government officials. Therefore, it would be impossible to create a new cadre of officers to take up their places on these boards. The suggestion contained in the amendment is that they should requisition the services of retired Judicial Officers, people who have retired as Sub-Judges or even as District Judges. We have got quite a large number of people of this class who are well settled in life and who would be willing to take up this job for a small pittance as honorarium. The suggestion contained in the amendment is a very wise one and I hope the Government would find its way to accept it."

* The Hon. the PRESIDENT:—"Is the hon. Member, Mr. Krishnayya Choudari, moving his amendment?"

Mr. P. V. KRISHNAYYA CHOUDARI:—"This is quite a different amendment; I shall move it later on."

* Mr. M. DEVADASAN:—"Sir, in supporting the amendment brought forward by Mr. Muthu Chettiyar, I would point out to the Hon. the Law Member that this is a welcome suggestion made by my friend. There are enough men among Judicial Officers who have retired from service and who will be willing to do this work. They have been appointed Presidents of Bench Courts and Bench Magistrates and they are discharging their duties without fear or favour of men. We want that such men should be appointed to the conciliation boards. In these days of economy and depression, the Government may appoint retired Judicial Officers. I wish to submit that the Government need not restrict their choice only to retired Sub-Judges and District Judges but they may appoint persons who have worked as District Munsifs. They know the procedure very well and they might have retired as Sub-Judges or District Judges if promotions were given to them in due course.

"So, I submit that Munsifs also can be appointed to these posts. I do not understand what is meant by the word 'distinguished' in the amendment. Anybody who retires from service as a District Judge or Subordinate Judge must be a distinguished gentleman no doubt. Therefore, there is no qualification of 'distinction' necessary here. The provisions of the Bill relate to reception of evidence. In the case of retired Judicial Officers, we expect them all to be well-versed in law, and they will be in a position to shut out irrelevant evidence and irrelevant documents in connexion with the discharge of duties on this Board. With these words, Sir, I support the amendment."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I have great pleasure in supporting the motion made by hon. Friend. Mr. Muthu Chettiyar, the Zamindar of Velliyakundram. It is undoubtedly true that there are a large number of Judicial Officers available, who will be happy in their retirement to be of use as members of the conciliation board. Especially, if the question of conciliation comes up, it would be a good thing if these retired and experienced officers are there. I also agree with Mr. Devadasan when he said that there was no special meaning in

3.45 p.m.

[Mr. T. C. Srinivasa Ayyangar] [5th November 1935]

having the word 'distinguished' here. All officers who have retired after a long service are distinguished. There is one special feature deserving notice. The Judicial Officers have till now decided cases with the help of vakils. Vakils always agree to differ from and contend against each other. Sometimes their profundities have led the Judges to greater difficulties than they thought. Perhaps, to avoid this embarrassing help, an attempt has been made by my friend, Mr. Ramalingam Chettiyar,—himself a lawyer—introducing a provision against the appearance of lawyers. Sir Thomas Moore, writing about an ideal Government in Utopia, made provision for everybody, but he stated that each client must plead his own case. There was no provision for lawyers there. And although the dreams of Sir Thomas Moore have never been fulfilled, my friend, Mr. Ramalingam Chettiyar, has attempted to realize that ancient writer's dream. All honour to the mover of the Bill! I also wish all success to him in his hopes and efforts. Let these retired officers do the good work by trying to bring about conciliation and good relationship between the creditor and the debtor in an atmosphere of greater freedom untrammelled by the contentious arguments of the vakils. I support the motion."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, the amendment proposed seems to me to be restricting the choice of the chairman and also making it impossible to have these boards except where we can find retired Sub-Judges or District Judges. It is not always the case that we can get retired Sub-Judges or District Judges where we want them nor can we be sure that they will do this service for nothing. It is not proposed to pay the Members of the Board anything except perhaps travelling allowance if they have to undertake to travel. The reason why the particular wording was adopted is this: The Government stated that up to Rs. 2,000 they would be able to finance debtors in cases in which their properties warranted the advance of such amount. Since the grant of these loans is to be vested in the hands of the Revenue Divisional Officers, the Government suggested that if the Revenue Divisional Officers happened to be the chairmen of these boards, it would be helpful. That was the suggestion made by the Government, and it was accepted by the Select Committee. No doubt there is some advantage in having a Judicial Officer also. It was also suggested to the Government that a Judicial Officer also might be there, and that is why it is provided 'one of whom shall be a non-official' leaving the other place for a retired Judicial Officer where one is available. That was the arrangement come to in the Select Committee in regard to the constitution of these boards. If, however, my friend has no objection, I would suggest that we simply say that the Board shall consist of three people to be nominated by the Government, on the understanding that wherever the Government can find a retired Judicial Officer of the grade of Sub-Judge or District Judge, they will put him in and also the Revenue Divisional Officer, the third being a non-official. The section will then read:—

'Such board shall consist of a chairman and two other members appointed by the Local Government.'

5th November 1935] [Mr. T. A. Ramalingam Chettiyar]

If that is acceptable to the mover, I think we can agree to it. I can quite understand the position of some of the gentlemen coming from Madura or Tanjore when they say that they can get the services of retired Sub-Judges and District Judges; but when we go to the other districts, we will find that they are a rare commodity. I therefore do not think that we can make any hard-and-fast rule here. If the Government can find a retired Sub-Judge or a District Judge prepared to work on this board, they may put him in. On that understanding, Sir, I think we can agree to the amendment in the form suggested by me."

Sriman M. G. PATNAIK Mahasayo:—"Sir, the amendment proposed by my friend does not seem necessary at all, unless he wants that no official should be appointed as a member of the board. The present position is that the Government may appoint a gazetted officer, an official and a non-official. If retired Sub-Judges or District Judges are available, I think Government will nominate them. Therefore, where is the necessity for this provision? As pointed out by my friend, Mr. Ramalingam Chettiyar, such men may not be available in districts other than Tanjore and probably in Madura and Ramnad. It is better we leave the clause as it is. I won't agree to Government being authorized to appoint any person without his rank being indicated here; that would lead to difficulties. Therefore, a gazetted officer is necessary. I do not think in a matter like this much knowledge of law is necessary. Moreover, persons who will be able to persuade the parties to come to terms may be more useful than those who know law. I cannot see any objection to even forest officers or excise officers being appointed, if they can persuade the parties to come to an agreement. Further, the questions to be decided under this Act are simple, and I do not see why any person with commonsense cannot discharge the duties under this Act."

Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, till now I was under the impression that the Bill was for the purpose of obviating the unnecessary and circuitous routine of a civil court; it is now that I realize that the idea is that we are to avoid not only civil courts but also law. Otherwise, I cannot understand the statement made by my hon. Friend from Ganjam that judicial officers are not fit for this place."

Sriman M. G. PATNAIK Mahasayo:—"My friend has entirely misunderstood me; I said a judicial officer may be as persuasive as other officers, but it is unnecessary that a judicial officer should be appointed. If my friend did not understand me then, I think he will now at least understand me aright."

Mr. T. S. RAMASWAMI AYYAR:—"I am prepared to accept the amendment suggested by my friend. I think, Sir, retired judicial officers are available for this kind of service. Government may be aware that in the case of many of the appointments of honorary magistrates in the mufassal courts, many retired judicial officers have been appointed as magistrates and chairmen of the bench courts. It cannot therefore be contended that such men are not available. I think at least

[Mr. T. S. Ramaswami Ayyar] [5th November 1935]

one of the officers should necessarily be one who knows law. It may be that we are trying to obtain relief for the parties easily, but at the same time the procedural law cannot be got rid of. We have always to keep that in view. It may be necessary in certain cases to shut out irrelevant evidence or to allow conflicting evidence that may be brought in; for instance, false documents may be created and one of the parties may contend that the documents are *bona fide* and the other party may contend they are not. If there is no judicial officer on the board, perhaps the board will not appreciate the contention of either. Why we should fight shy of the judicial officer, I cannot understand. I am not quite in agreement with the views expressed by the mover of the Bill that judicial officers will not be available except in one or two districts. I think, Sir, they will be available."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I can say in my own district, probably except in one or two divisions, it may not be possible to get retired judicial officers."

Mr. T. S. RAMASWAMI AYYAR:—"If the hon. Mover thinks that retired judicial officers may not be available, that makes me think that other gazetted officers will be available. If a judicial officer refuses to give his services to this kind of work, I do not see why another should similarly refuse to take it up. It is all a question of people's ideas of service. If there are judicial officers willing to give their services, why not take their services free? Perhaps, Sir, the whole trouble will be obviated if the hon. Mover of this amendment will accept a slight alteration by using the words 'officers who have held a post not lower than Sub-Judges or Deputy Collectors' in his amendment, so that if judicial officers are not available, the Government may appoint Deputy Collectors. You cannot say neither judicial officers nor Deputy Collectors are available. As has been remarked by the mover of the amendment, there is no use putting here a medical officer or an excise officer; their experience in Government service is not the same as that of a judicial or revenue officer. I therefore suggest that, if the hon. Mover has no objection, we may delete the words 'distinguished retired judicial officers who had held a post not lower than Sub-Judges' and merely say 'retired officers who had held a post not lower than Sub-Judges or Deputy Collectors'."

* The Hon. the PRESIDENT:—"We shall leave the Bill at that stage to-day and we shall take up the further discussion of the Bill on the 9th instant which is allotted for non-official business. If in the meanwhile, hon. Members are anxious to come to an agreement upon that particular point, they will be at liberty to do so."

"I may also mention to hon. Members that the progress we have made in this Bill has been rather slow, and we have got only one other non-official day before us. We must be able to finish not only this Bill but also the other items on the agenda for the non-official day. I hope hon. Members will keep this in mind when we meet on the 9th instant for transacting non-official business."

5th November 1935]

V.—THE MADRAS FOREST (AMENDMENT) BILL—APPOINTMENT OF CHAIRMAN OF THE SELECT COMMITTEE.

* The Hon. the PRESIDENT:—"I wish to make an announcement that 4 p.m. I appoint Diwan Bahadur C. S. Ratnasabhapati Mudaliyar as the Chairman of the Select Committee on the Madras Forest (Amendment) Bill (Bill No. 22 of 1935)."

II.—ADJOURNMENT MOTION *RE* ALLEGED GOVERNMENT INTERFERENCE IN DISTRICT BOARD ELECTIONS IN WEST GODAVARI—*cont.*

* Mr. P. PEDDI RAJU:—"Mr. President, Sir, I beg to move—

'that the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the interference of the Government in the district board elections in West Godavari district.'

"Sir, the matter is of recent occurrence because the elections to the district board were held on the 28th of last month and there was no opportunity for the Council to agitate this matter because the last Council met in August; and it has become a matter of urgent public importance because the Government have had recourse to passing of orders quite against the statute and the rules made by the Government and they have taken an action which would be subversive of all constitutional principles and that is, the executive Government should not interfere in the matter of elections either to panchayats or to local boards or for that matter any elections in the Presidency. Now, Sir, I am referring to three orders specifically which the Government have issued recently. As regards the first—I do not know the exact date of the order—the Government seem to have sent a wire on the 26th of last month setting aside certain elections after the results were declared and the names of the district board members were gazetted in the *Fort St. George Gazette*, dated 22nd October 1935. Sir, the results were declared on the 15th October and the election officer sent the results to the Press and the *Fort St. George Gazette* published the results on the 22nd October. Then, the Government Order comes as a surprise on the 26th October. I do not know to whom the Government Order was actually sent, but I may mention this fact, a copy of it, dated 29th October, was sent to one of the members, and was received on the 30th October."

* The Hon. the PRESIDENT:—"May I know the number of the Order of the Government?"

Mr. P. PEDDI RAJU:—"So far as the copy of the Government Order is concerned, its number is 4435, L. & M., dated 29th October 1935. May I, Sir, in this connexion, point out that the elections were held on the 28th October . . ."

* The Hon. the PRESIDENT:—"May I just intervene and inform the hon. Member that to-day I have been able to secure a copy of the Government Order No. 4435, L. & M., dated 29th October 1935, and it deals with three cases regarding three circles, namely, Circle No. 2,

[The President]

[5th November 1935]

Circle No. 4 and Circle No. 1. I may also inform him that one of these cases is before a court of law; and the hon. Member has observed this morning that he was not going to refer to that particular matter which is before the court of law. But I feel that, when the Government Order has been issued with regard to three similar cases and one of them is before a court of law, it stands to reason that if two of these cases are discussed on the floor of this House, it is quite possible that such discussion will vitiate, or influence or prejudice the enquiry to be held in the court of law about the one case which is similar. With a view to have a reasonable debate upon this adjournment motion and with due respect to the case which is *sub judice*, I would advise the hon. Member not to discuss anything connected with the particular Government Order. He might take up the other points and debate upon them."

Mr. P. PEDDI RAJU:—"May I make a submission, Sir. So far as these three cases are concerned, two matters, Nos. 1 and 3 have gone to the court prior to the Government Order. There were election petitions pending in the District Court, West Godavari, long before the Government Order was issued from this place. After the matter became *sub judice* the Government issued orders. There is another case which has gone up to the High Court after the Government Order was issued. So, my submission is that I will not refer to the matter which is pending in the High Court in which the primary point raised was regarding the validity of the stoppage . . ."

* The Hon. the PRESIDENT:—"If the Government have issued a Government Order when a matter is *sub judice*, it is not necessary that the hon. Member should discuss a question which is also *sub judice*."

Mr. P. PEDDI RAJU:—"Then, Sir, I will omit reference to these two circles, namely 3 and 1, and I shall confine myself to the policy of the Government in regard to the issue of the Government Order setting aside the election and ordering the cancellation of valid nominations by the election officer."

* The Hon. the PRESIDENT:—"That, as I have already stated, will not be within the limits of the debate to-day."

Mr. P. PEDDI RAJU:—"I shall bow to your ruling, Sir. I have stated the facts so far as they are concerned. Now, Sir, I shall deal with another fact and that is, how the Government have interfered in the elections. The elections, as I have already submitted, were conducted on the 28th, that is the date of the polling. The elections were all complete and then, Sir, on the afternoon of the 29th a telegram was issued by the Government stopping the counting of votes in a particular *firka* where there were two candidates to be elected, and that is the *firka* of the present president of the district board. So far as that is concerned, I would like to place certain facts before the House as to how the Government came to interfere. Unfortunately, Sir, this Council or the Members of this Council have not been treated properly by the Government. I have asked the Secretary to give me a copy of the order stopping the elections and I received a reply from the Assistant Secretary that he has been asked to state that a copy of the order is not

5th November 1935] [Mr. P. Peddi Raju]

available at present. I do not know what the meaning of those words is. Perhaps the Government want to keep us in the dark. When they have sent an order to a subordinate officer, the original must be here and I think the House is entitled to a copy of it. That is how the Government have been treating this House. Quite apart from that, I have got definite information to say that a telegram has been received by the Government on the afternoon of the 28th October 1935 saying: "The police have joined the Congress, stop counting votes in Attili *firka*, explaining in person." I want to ask the Government whether it is a fact that such a telegram has been sent by the present president of the district board. Unfortunately, we are kept in the dark. That is the version given to me. Further, Sir, the president of the district board has not come here for the last five days, but he has come here only yesterday. Is that the way that Government should deal in such matters? Should not the Government take an explanation or some statement from the president and then pass orders? The proper course for the Government to take is, if there is any trouble, they ought to have called for a report from either the Collector or the District Election Officer or the Tahsildar, who is in charge of elections in that particular taluk or from the polling officer. In this connexion, I would just refer to the rules of the Government. Rule 24-B says that, if there is any trouble either by disturbance or rioting, polling is to be stopped. If polling cannot conveniently be held, the polling officer is to stop the polling and report the fact to the election authority, and the election authority can order the continuation of the poll on some other day or order a re-polling at the polling station. That is the only rule under which a polling can be stopped, that is, either on account of a riot or disturbance or other accident or any act of God. Now, Sir, in this case, the disturbance was reported not by the polling officer, not even by the election officer or the election authority. In this case, I would also mention another fact and that is, the Personal Assistant to the Inspector of Local Boards was in the district at that time to supervise the conduct of elections. He has not sent any information to the Government; the district election officer has not sent any information; the Tahsildar has not sent any information, nor even the polling officer. Moreover, the information has to go, according to the rules, to the election authority and not to the Government. Who is the election authority? The Government have appointed the Inspector of Local Boards as the election authority and it is he that has to stop the polling. And, when once he is appointed as the election authority, I do not know under what provision Government have come in the way. Sir, this morning, the Hon. the Chief Minister was pleased to say that he interfered under section 38 of the Local Boards Act. From what I see from section 38 of the Local Boards Act, it is not so. Probably the Hon. Minister must have been reading the old edition of the 1920 Act and not the present Act. What section 38 of the old Act says is: "The Local Government may by order in writing suspend any resolution of any local board or any order issued by any local board or president or cancel such resolution or order or suspend or cancel any licence granted by any board or president or prohibit the doing of any act which is about to be done or in

[Mr. P. Peddi Raju] [5th November 1935]

pursuance or under colour of the Act.' Therefore, Sir, in those days elections had to be conducted by the presidents of local boards themselves. So, it was interpreted at the time that it was an act of the president of the board and Government could interfere. In a particular case the matter went up to the High Court—it is a case reported in 50, Madras Law Journal. It so happened that the election officer who was the president of a union board, set aside the election and conducted a fresh election. The Government had to interfere and the case went up to the High Court and they stated that it came under the Act and so the Government could interfere. So, having found that it was a wrong interpretation of the section in the Act at the time, Government amended the Act and the present Act of course gives all these powers and then there is a proviso which says: 'Provided that nothing in the sub-section shall enable the Local Government to set aside any election which has been held.' This proviso must evidently have been ignored by the Government at the time of the passing of this order. In this case, the election has been held and I do not know whether the Government can interfere. Now, according to section 38 of the present Act 'the Local Government may by order in writing prohibit the doing of any act which is about to be done or being done in pursuance of or under colour of this Act if in their opinion such resolution, order, licence, permission or act has not been legally passed, issued or granted or authorized.' Section 38 refers to the action of the president or the board and not to the subordinate of the Government who has been specially deputed to be the election officer under the rules framed under the Act. I do not understand how this section is made applicable to this case. It says:

'The Local Government shall, before taking action on any of the grounds referred to in clauses (a) and (b) of sub-section (1), give the authority or person concerned an opportunity for explanation.'

There is no question of taking an explanation for there is no such thing as the board or its president but an authority subordinate to Government which has been invested with certain powers. I do not think Government can rely on this section. As I stated before, there is not such a thing as the board or the president thereof. The election is being conducted by a statutory authority subordinate to the Government. I wonder how Government can interfere in this case.

"Sir, in Tinnevely district, I understand there were acts of violence at the time of polling and the Government were asked to interfere at the time. The Government did not interfere. Why? Because the person who made the representation to the Government did not belong to their party; he was a Congressman. No heed was paid to his representations. Sir, in the present case, the president of the district board wired in his personal capacity to the Government. Did the Government receive any other complaint from any of its officers? The Government knows that the Personal Assistant to the Inspector of Local Boards, who was deputed to supervise the conduct of the elections, was there. Did they ascertain anything from him? So much for the omissions. I shall just refer to the facts.

5th November 1935] [Mr. P. Peddi Raju]

"In Attili firka, the native place of the president, district board, who also happens to be Public Prosecutor of the place, there was a contest, not between the president and others, but between his party candidate and a Congress candidate. Naturally there was brisk canvassing. On the night previous to the election a bus with Congress volunteers was going along. There was a raid on the bus; it was smashed and several of the inmates were injured and one of the men lost his upper set of teeth. The police interfered and arrested certain people whether rightly or wrongly; the matter is to be decided by a court of law. At any rate the police took action and arrested certain people who were supposed to have taken part in the violence. Next morning information was sent round to the District Superintendent of Police, Circle Inspector and the Sub-Collector and everybody came including the Tahsildar who is in charge of the elections. They were all there for a sufficiently long time and were immensely glad that polling was going on very peacefully. I personally happened to be there for about two hours, at the time of polling between 9 to 11 o'clock. I can assure the House that there was no violence or rioting and no disturbance at all and polling went on smoothly. The voting strength of that place is about 1,800 of whom 1,700 came and polled. Does it show that there was any disturbance or difficulty in polling with the result that the election would be affected? Is it the information that the Government received?

"What is the power under which the Government issued those orders? Rule 24 (b) which is a new rule gives power to the polling officer to stop election and take instructions from the election authority. As I said before, the election officer and the polling officer and the officers who were responsible for the peace and order of the place, namely, the Circle Inspector and the District Superintendent of Police were there, and there was supervising authority, the Sub-Collector who is an I.C.S. officer. (Interruption by Sir Patro.) In reply to the hon. Knight from Ganjam, may I say that the election officer, the Tahsildar is a Nayudu, though the Sub-Collector is a Brahman."

* The Hon. the PRESIDENT:—"It would be much better either for Sir A. P. Patro or the hon. Mover not to bring in personalities into this debate, especially subordinate officers of the Government."

Mr. P. PEDDI RAJU:—"If the hon. Knight had kept quiet, I would not have made any reference to it, Sir. I am not here to support the officials of Government. It is for my Hon. Friend, the Revenue Member, to take care of the services. (The Hon. Mr. C. A. Souter: 'Why do you drag me in?') I am in the Opposition and I will take every opportunity to condemn any subordinate of the Government who is at fault.

"The Government said that they interfered under Rule 35 of the Election Rules. Rule 35 of the Election Rules says:

'if any question arises as to the interpretation of these rules otherwise than in connexion with an enquiry held under the rules for the decision of disputes as to the validity of an action, the question shall be referred to the Local Government whose decision shall be final.'

[Mr. P. Peddi Raju] [5th November 1935]

(2) Pending the decision of the Local Government on any such reference made to them . . . it shall be lawful for the Local Government to direct the stay of the election proceedings at any stage thereof prior to the declaration of the results. Any election held or continued in contravention of the orders of the Local Government under this rule shall be void and of no effect whatsoever.

If the election officer is in doubt as regards the meaning or interpretation of the rules, he can ask the Government to give the interpretation. The Government can then step in and say: 'I am going to consider the question of interpretation. Therefore stop the elections.' They can order like that. I am afraid there was no question of interpretation of the rules that the Government were considering in this matter. I cannot understand if any asked the interpretation of Rule 35 of the rules framed under the Act for the conduct of elections under which Government are asked to interfere. I don't know how the Government have stated that under Rule 35 and section 38 of the Act, under the powers vested in Government, they have interfered. Perhaps the Government meant to say that they issued the Government Order under Rule 35. I ask if that was the point. Giving a general reply this morning the Hon. the Chief Minister has been kind enough to state that under powers vested in them under Section 38 and Rule 35 they interfered. But as I said, the stopping of election is *ultra vires*; the only power vested is in the election authority who is the Inspector of Local Boards and not the Government. The action of the Government has been arbitrary.

"The Government have acted on the information of a particular outside individual. As I said, in other cases they were not kind enough to pass any orders, though telegrams were sent that there were violence and disturbances. The Government have been kind enough to help their candidate. If the Government want to set aside the election as they did in the other case and if re-polling is to take place, the people will be perfectly willing and I throw out a challenge to the Government to order a re-polling immediately and get their candidate succeed in the election. I have not the slightest objection to such a course being adopted; but I am finding fault with the Government for the way in which they behaved. Is it constitutional Government? Did they care for the rights and privileges of the people? Do they think that the franchise qualification given under the constitution is not to be freely exercised by the people? Is it the policy of the Government to interfere at every stage and see that their men come through the election to the exclusion of men from other parties?

"I would also refer to a previous instance about three years ago when the Inspector of Local Boards asked the Government to interfere in the matter of similar nominations. The then Minister and the then Secretary were kind enough to say that they had absolutely no powers. I do not know if they did not exercise those powers, because their party men were not there. They have not used similar powers on similar reports and I would ask the Government to look into the old records to see what they have done on previous occasions. Let them see the difference in the interpretation given by Mr. Conran Smith and my hon.

5th November 1935] [Mr. P. Peddi Raju]

Friend, Mr. Russell. Is not the interpretation given by the late Mr. Muniswami Nayudu different from the interpretation given by the Hon. the Raja of Bobbili?"

* The Hon. the PRESIDENT:—"Is that with regard to nomination?"

Mr. P. PEDDI RAJU:—"I am generally discussing the question and I want to ask the Government to look into the old records."

The Hon. Sir K. V. REDDI NAYUDU:—"It will be interesting to know wherefrom the hon. Member got this information."

Mr. P. PEDDI RAJU:—"Mr. Conran Smith himself said that he could not interfere in the affair and I have seen the order. All that I ask the Government is whether they have consulted the legal adviser in the matter of interpretation, when the Government passed the order saying that they have no power of interfering at one time and saying now that they have got the power of interfering."

* The Hon. the PRESIDENT:—"May I remind the hon. Member that he need not discuss about the question of nominations."

Mr. P. PEDDI RAJU:—"I am not referring to nomination. But I am asking whether . . ."

* The Hon. the PRESIDENT:—"If it is the policy of the Government that the hon. Member is debating upon, he is at liberty to do so, but with regard to the nominations, I think he should avoid any further debate thereon."

Mr. P. PEDDI RAJU:—"I ask the Government if they have consulted their legal officers. If they had consulted the Solicitor or the Advocate-General, they would have given the advice in five minutes. They are all in Madras (An hon. Member: 'They are all Brahmans.'). I do not know if they are all Brahmans; but the Solicitor is not a Brahman. My question is whether by taking these extraordinary powers in their hands and setting aside acts done by a constituted authority by a fiat, they are guided by statutes or rules or whether they have only *zabardast* statute which guides them.

"Then, Sir, one other fact that I want to bring to the notice is, the Government have received a telegram from the President who is losing saying, 'Stop elections' and then the next day, Sir, Government pass an order saying that the life of the Board is extended from 1st November to 30th November. Under the old constitution, as it is, the term of members ceases on the 30th October. Government have notified by means of a Government Order under the powers vested in them under the amended Act. The elections were held before November and they were completed. Suddenly they saw throughout the district how the partymen are losing and they have postponed the elections by extending the term of existing members from the 1st November to the 30th November. Is there a justification for this? Have they not realized that the term of a member should cease on 1st November? I am told that it is being said on the other side that for administrative convenience they have

[Mr. P. Peddi Raju] [5th November 1935]

extended the term. I do not know what is the administrative convenience. The elections have been completed. The Collector is to be nominated as member and it is only after that the new members have to be given notice of election of the President. The Collector will be in charge before the new President is elected and before the new President takes charge. The new President would have come in on the 1st of December. Instead of that he will come in January. What is the purpose of Government in passing such an order or passing such an order in such an hurried manner? Is it because they thought that their party failed throughout the Presidency, Sir? Or is it because that their partymen had not time enough to put their houses in order because they have been engaged in elections for the past two months and they must have respite, at least a month's time, to see that everything is in order. I have just now received a telegram that in our district two hundred transfers had been made after the 28th October of village schoolmasters drawing 10 and 15 rupees. The telegrams states: President District Board abusing power; transferred 200 employees after elections; contemplates 300 more transfers. (Laughter.) Appointing unqualified men in place of permanent qualified people; great resentment prevails in the district."

Mr. G. SIMHACHALAM PANTULU:—"I do not know if the hon. Member is interested in exposing the administration of the previous President like this."

* The Hon. the PRESIDENT:—"The hon. Member may continue."

Mr. P. PEDDI RAJU:—"I am not exposing the action of the President. Is it for this purpose that the Government have extended the period of the life of members of the present board? This is a telegram which I received an hour back referring to contemplation also. At least can I ask the Government to issue orders to all Presidents not to transfer any people for the simple fault that they were not able to help the President or the party in power once? Because the District Board President cannot succeed, there is no meaning in transferring the employees. If they did take part in the elections, they ought to be punished. This is an example of how the power is abused if time is extended. As I was told that it is for administrative convenience, I ask is this the administrative convenience? Then, Sir, I am really surprised and I never expected that, whatever the Ministers may do in this matter, those permanent Secretaries of the department would be parties to such illegal acts. They may not know the law; they may know as much as I do. Have they consulted the legal adviser? After all it is a pity . . ."

The Hon. the RAJA OF BOBBILI:—"On a point of order, Sir, I hold myself responsible for the acts of Government. I do not think the hon. Member is right in attacking the Secretaries and officials of Government."

Mr. P. PEDDI RAJU:—"I know the Minister takes all responsibility on his shoulders. Any Government Order is passed by the Governor acting with the Ministers. I know the Governor will never sign it."

5th November 1935] [Mr. P. Peddi Raju]

But I am attacking the permanent servants of Government who are civilians who are parties to the transaction. If the Minister signs it, it is not sufficient."

The Hon. Sir K. V. REDDI NAYUDU:—"On a point of order, Sir. The hon. Member is entirely mistaken in thinking that the Secretariat is in any way responsible for these things. They do it under the orders of Government. The Ministers or Executive Councillors are responsible. When this is the case, it is most unfair to those who are behind and who have not been in a position to defend themselves in this House to be attacked in this manner."

Mr. P. PEDDI RAJU:—"I am not attacking from behind. I am only suggesting that the Government ought to take the advice on questions of law. Of course hon. Members will be aggrieved when they are attacked. I always knew that when the opposition attacks an hon. Member of Government, they find fault with us. But it is the duty of the opposition to attack the Government whenever they commit mistakes. And after all, Sir, the manager of the joint family need not come to the help of the junior member as the junior member of the family says he can support himself. With that I close the subject. Now, Sir, as you have directed me not to refer to the other question of nomination, I was not able to show how the action of the Government has been atrocious in that respect. But at least these instances will show to the House how the Government have behaved in this matter and I appeal to hon. Members to see that their rights and privileges are not tampered with in this way as and when it pleases the members of Government according to their party principles. I would only say, Sir, that whatever has been done cannot be recalled. The matter has gone up to courts as the Government are aware. I brought in this motion to simply express the regret of this House against the manner in which the Government have been behaving in the matter of the district board elections."

Mrs. A. RUKMANI LAKSHMIPATHI:—"I second it."

Rao Bahadur Sir A. P. PATRO:—"Mr. President, I thought some other persons who have supported the motion would come forward. But I shall obey the Chair."

* The Hon. the PRESIDENT:—"It is not a matter of obeying the Chair. Because no other hon. Member came forward, I called on the hon. Member to speak."

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, Sir, immediately after lunch when we assembled here my hon. Friend the member representing West Godavari has placed in my hands a printed paper purporting to be a note on the West Godavari District Board elections and a statement issued by Kala Venkat Rao, the district congress election officer. This is the printed paper in my hands. I asked him what this was and who was responsible for this. He said it was given to him in order to place it before the members. Therefore, Sir, I wish to know whether I would be relevant. I asked him

[Sir A. P. Patro] [5th November 1935]

why did he not sign. He said that it had come from a responsible person who knows matters. It has come to me through a responsible source and from a responsible member of this House. So I am referring to it and I ask leave to refer to various allegations referred to here, bribery, corruption, police zulum, sub-collector, tahsildar, circle inspector, sub-inspector, sub-magistrate and all those are referred here. This gentleman seemed to have taken interest in the elections of West Godavari. Therefore I want to know whether I could read any portion from this paper."

* The Hon. the PRESIDENT:—"I am sure the hon. Member can make a speech even without reading it." (Laughter.)

* Rao Bahadur Sir A. P. PATRO:—"So I may refer to any allegations contained in the note of the district congress officer of the West Godavari. Of course my hon. Friends are still in the dark and I do not know if I can refer to it myself. Sir, the only question raised to-day before the House is that the order issued by Government in stopping the counting in Attili firka is arbitrary, highhanded, *ultra vires* and atrocious. But I think either the order is unfair or unjust. Certainly he could very well say that it was *ultra vires*. The mover, a district court pleader, has referred to a law which is rather old and of ancient times and wanted to interpret on that basis and thought the Government had no power. But deliberately he forgot the relevant rule under which Government could interfere in these matters. He further questioned on what information Government took any action in this matter. It should be either by the election officer or should be referred to by the district magistrate or for the matter of that the divisional officer of Narasapur. It should have come from the Narasapur division and otherwise the Government have no facts whatever. My hon. Friend is particular in regard to getting information either from the police or other sources. In this case he has not taken the trouble to enquire a little more which would have shown that the Government had full information with regard to what was going on, as to the way in which elections were conducted in the West Godavari and specially in Attili firka. It is a very important 4-45 p.m. firka according to the case made out by my hon Friend. The Attili village munsif is a very powerful man. He was warned not to interfere in the elections after a time. In spite of police orders, as the hon. Member said, on the 29th October, a party of people were entering into the village by a bus at the instigation of the village munsif. The police were very vigilant. On the other hand at midnight, when a Congress bus entered the village bringing in voters, the police actively assisted them. I do not know what action the Member in charge of the Police would take in the matter, whether he would make enquiries or leave the matter there. Again, it is a fact which is to be found in the representations made, that the police sub-inspector on the day previous to the elections had gone to the villages taking the village munsif with him in his car on a pretence of enquiring into the complaint made to him that there would be disturbance in some places in the areas.

5th November 1935] [Sir A. P. Patro]

This village munsif and the police inspector go about, and what is the result of their investigation? The police sub-inspector's record shows nil, no disturbance. The village munsif and the sub-inspector patrol all the areas in the villages. The Attili village munsif as leader was going about canvassing openly for one party or the other. He was going out of the way. I do not say there is anything wrong in taking legitimate interest. But he has been warned before that he shall not take part in elections after a certain hour; he identifies himself with one party and, with the police sub-inspector, goes about the villages trying to influence the people. It is a very serious matter and not one to be easily passed over, since it will affect the future elections also. Therefore I leave it to the hon. Member in charge of the police to say whether or not the circle inspector, the sub-inspector and the village munsif have been actively canvassing in this election. The hon. Member asks what has been done to stop this? The most outstanding fact is this, the police sub-inspector arrested sixteen of the voters, including workers on behalf of the Justice Party, not in their lodgings, not in their houses, but at the polling station while polling was actively going on. (A voice: 'Question.' What is the object?) To scare away people. My hon. Friend was there to witness this kind of thing. I would not say that he was actively responsible for it, but I do say this from the information which I have; we must connect information on one side with information given on behalf of the other side. Here is the police sub-inspector who is most zealous in maintaining peace and order, who is zealous that even-handed justice should be done; this officer out of a sheer sense of duty goes to the polling station and arrests these people, the workers on behalf of the Justice Party. (A voice: 'On what charge?') Heaven knows what it is. Was there any disturbance on that occasion? My friend says that on the 28th there was no disturbance at the polling station. He laid some emphasis on those words. Yet, Sir, there is this outstanding fact, namely, that the police inspector arrested these people at the polling station where they would have been agents. What effect it would have on them, on the general voters and the masses, I leave it to the House to judge. When the police inspector says that he is going to take them to the lock-up . . ."

Mr. P. PEDDI RAJU:—"You have directed me, Sir, when I was speaking, not to refer to any officer. I do not know whether my hon. Friend is justified in criticizing an officer; and the Hon. the Leader of the House as representing them here is glad . . ."

The Hon. Sir K. V. REDDI NAYUDU:—"I am not glad one way or the other."

* The Hon. the PRESIDENT:—"I interfered when hon. Members were bandying with the names of Ayyar and Nayudu. Therefore it will not be quite reasonable that their names should be brought into this debate. The hon. Member I think is trying to make out a case for the non-counting of votes due to certain disturbances or extraneous circumstances."

[5th November 1935]

Mr. C. RAMALINGA REDDI:—" May I ask, on a point of order, whether attacking an official who is not present here to defend himself would be regarded as fair, especially as probably no notice had been given to the Hon. Member in charge that such an attack on a subordinate officer would be made and he had no occasion to call for the necessary information? It is from that point of view I submit the point of order."

* The Hon. the PRESIDENT:—" I quite see the point, but the hon. Member has taken the role of the Hon. Members on the Treasury Bench; they are here and if they want to defend those officers they are at liberty to do so."

Rao Bahadur Sir A. P. PATRO:—" I only want to say that the hon. Member has just now risen as the defender of the police; I wish he would continue to play that role."

Mr. C. RAMALINGA REDDI:—" May I, on a point of personal explanation, say that I am not here to defend the police or anybody else, but only to ask for fairness, be it to the police or to any other. As for my acting according to the wishes of my hon. Friend, that state of degradation has not yet come upon me." (Laughter.)

Rao Bahadur Sir A. P. PATRO:—" I must congratulate my friend that he escaped it. I hope he may not reach that stage in future."

* The Hon. the PRESIDENT:—" The hon. Member has got only two minutes before him."

Rao Bahadur Sir A. P. PATRO:—" Sir, then, there is also this fact that this Attili village munsif is largely responsible for the disturbance and he and the police were responsible for driving away the voters from the polling station and the agents of the Justice Party being arrested. It will be within the knowledge and experience of this House what effect it will have on persons there at that psychological moment; they would become helpless and they would not be able to vote for you. This is a fact which remains unexplained.

" Now, the hon. Member from West Godavari has referred to the orders issued by Government. Here I would draw the attention of hon. Members to the Rules for the conduct of elections of members to local boards corrected up to 1st October 1934, and Rule 35 is the relevant rule—

' If any question arises as to the interpretation of these rules otherwise than in connexion with an enquiry held under the rules for the decision of disputes as to the validity of an election, the question shall be referred to the Local Government whose decision shall be final.

' (2) Pending the decision of the Local Government on any such reference made to them or the issue of final orders on any enquiry which the Local Government may institute upon receipt of information that an election is being or about to be held in contravention of the rules, it shall be lawful for the Local Government to direct the stay of the election proceedings at any stage thereof prior to the declaration of the results. Any election held or continued in contravention of the orders of the Local Government under this rule shall be void and of no effect whatsoever.'

5th November 1935] [Sir A. P. Patro]

" So it is not arbitrary; it is not as my friend characterized it, atrocious. In such cases Government can interfere and stop the declarations. Government have not acted unlawfully or done anything atrocious. As members of this House hon. Members have got the right to speak but at the same time Members have got personal interest in the elections. My hon. Friend from West Godavari has got deep personal interest in the elections; he himself said that he was going about from place to place and supervising the elections on that day. He was a witness to what occurred there from 11 to 2 o'clock. Therefore it is personal interest which has induced him to bring this motion, which has been under consideration or contemplation for the last one week, until perhaps this memorandum, dated 3rd November 1935, has been written, printed and circulated. Until then the hon. Member has been taking time, and he has brought it to-day."

Mr. P. PEDDI RAJU:—" As a matter of personal explanation, I wanted to move this motion, but I also wanted to respect the opinion of the Leaders who had got other engagements. So I had to postpone it to to-day. You know it, Sir."

Rao Bahadur Sir A. P. PATRO:—" I am very glad that the hon. Member is so loyal and respectful to the leaders of his party. Yet we do not know who they are. The position is this. The procedure or action of the Government is attacked on the ground that it is *ultra vires*. Rule 35 says that Government have every power to interfere with the elections; in this case when they got information of breach of rules on the part of their subordinates, they have done only what they ought to have done." (Cheers.)

* Mr. G. SRIRAMULU:—" Mr. President, Sir, in opposing the motion 5 p.m. moved by my hon. Friend, Mr. Peddi Raju, who comes from the same district as myself, I may say, Sir, that I know more about the affairs of the place than Mr. Peddi Raju, and before I give the House an account of the things that happened in the West Godavari district in the recent elections, I would like to say that the motion has been made by one who is deeply interested in one party and not by one who is acting disinterestedly. I say that a motion which is made by a gentleman not interested in both the parties will receive due consideration at the hands of the Members of this Honourable House. Sir, from my personal knowledge I say that my hon. Friend, Mr. Peddi Raju, went from booth to booth on behalf of the Congress and also he came to the polling station which is under discussion now.

" My hon. Friend in his attempt to convince the House of the alleged atrocities that were said to have been committed there and in his anxiety to make out a case, forgot to mention certain facts which happened even at the very beginning of this election campaign."

Mr. C. RAMALINGA REDDI:—" On a point of order, Sir. I do not know whether we are taking evidence on what happened from hon. Members. The whole legal point is, was there a reference on that

[Mr. C. Ramalinga Reddi] [5th November 1935]

matter to the Hon. the Chief Minister and who made the reference, whether one of the officers entitled to do so or some outside body. It seems to me we are not going into the merits of what happened there."

* The Hon. the PRESIDENT:—"I think Mr. Peddi Raju did mention violence of one party. The hon. Member now speaking is at liberty to say that the violence was of the other party also."

Mr. G. SRIRAMULU:—"My hon. Friend did not put forward all the facts which happened on the date of the election. I am saying that if all the facts are placed before the hon. Members, they will see that there is every justification for the issue of the orders by Government. On the 23rd October 1935, people who were canvassing for the Justice Party had gone to the Attili Malapalli. There it was said that the village munsif of Attili, named Kanumilli Venkatramayya, who is to-day within the precincts of this Honourable House, tried his level best to bribe the Panchama voters, that Rs. 325 had been paid to the Malas and Rs. 150 to the Christians of the place."

* The Hon. the PRESIDENT:—"I think that is beyond the scope of the hon. Member."

Mr. G. SRIRAMULU:—"But apart from that . . ."

Mr. C. RAMALINGA REDDI:—"On a point of order, may I request you, Sir, to see that no statements are made here which, if made outside the House, would give the aggrieved gentleman the right to sue for defamation?"

Mr. G. SRIRAMULU:—"The police were patrolling the firka for ten days before the date of the election and they issued certain orders orally to both sides, the Congress workers as well as the workers for Justice Party, to the effect that no party should enter any hamlet or canvass anywhere after 7 p.m. on any day. But on the date of the alleged occurrence, i.e., on 27th October 1935, there was, according to the statement made by my hon. Friend, a bus taken to a place called Bonthuvaripalem at about midnight. What were the police doing then? The Settibalijas there are illiterate and they did not know what they were asked to do. Had they known that they were going to be taken to the polling booth, they would not have entered the bus at all. By the tricks of the Congress people or by some influence of the village munsif, they somehow or other got into the bus. The village munsif went to the length of saying to me that the Settibalijas were injured in the affair, probably with the hope that I would sympathize with them and that I would not rise up on this occasion. I did not do as they expected. From the information given by Mr. Peddi Raju and from that contained in the printed statement circulated in the name of Mr. Kala Venkata Rao it is clear that only one man lost his teeth and that not a Settibalija but a volunteer. My hon. Friend, Mr. Peddi Raju, said that the bus was smashed. I challenge that statement of Mr. Peddi Raju, because it is that very bus that was taken from the place of incident that morning to the police station."

5th November 1935]

Mr. P. PEDDI RAJU:—"My hon. Friend has given some information. May I say that I have seen the bus, and that it was not allowed to be removed and that later on the police took charge of it?"

Mr. G. SRIRAMULU:—"My hon. Friend might not have seen it. It was in good condition when it was taken to the police station. The damage it had suffered was that the glass was slightly broken in the front portion. Even now I challenge the statement of my hon. Friend that the bus was smashed to pieces."

Mr. P. PEDDI RAJU:—"May I know, Sir, whether this is all relevant? He throws out a challenge to me about the condition of the bus."

Mr. G. SRIRAMULU:—"I know the facts. After the bus incident was over, according to the case of Mr. Peddi Raju, and also according to the printed statement of Mr. Kala Venkata Rao, some sixteen volunteers of the Justice Party were arrested in the morning of the date of polling and let off in the evening. Those sixteen people were all leading workers of the Justice Party who were working for the Justice candidates there. This cannot be denied, Sir. Then there was another incident. When the Leader of the Justice Party went to the polling station, he saw one Yella Krishnamurti was arrested by the sub-inspector of police. He is the only remaining worker for the Justice Party. The matter was brought to the notice of the circle inspector, and in spite of protests raised by the Leader of the Justice Party there, Mr. Yella Krishnamurti was removed in a car to a distant place. He was the person that was available to work for the Justice Party there. These seventeen men were removed from the polling station. Is this not an injustice done to the candidates of the Justice Party and to the people coming and voting at the station?"

"Then there was another incident and this also is within the knowledge of my hon. Friend, Mr. Peddi Raju. After these sixteen people were arrested, Mr. Peddi Raju went from polling station to polling station saying that Justice Party people were arrested and Justice Party lost. He went to Jinnur and Podur."

Mr. P. PEDDI RAJU:—"It is absolutely untrue. I have not been to Jinnur."

Mr. G. SRIRAMULU:—"My hon. Friend cannot deny that, because he himself told me so." (Loud laughter.)

* The Hon. the PRESIDENT:—"Order, order."

Mr. G. SRIRAMULU:—"Sir, when sixteen or seventeen people of the Justice Party, who were all working there for the candidates were arrested and when an atmosphere of that kind of despair was created in the minds of the illiterate voters, could it be said that voting was conducted there with legality? Is it not the duty of the Government in such circumstances to interfere to see that justice is done for both parties?"

"My hon. Friend stated that it is only on account of some telegram in which, as he alleged, the President of the District Board wrote to

[Mr. G. Sriramulu] [5th November 1935]

Government saying that he would explain the matter in person, that the Government have taken the action for stopping counting of votes. I do not know wherefrom my hon. Friend got the information that the President of the District Board telegraphed as alleged by him. I deny any such telegram and I do not think there is any fact in the allegation that the President wrote that he would explain the matter in person.

"Then, Sir, my hon. Friend, in his anxiety to prejudice the minds of the hon. Members, wrongly interpreted rules 24-B and 35 of the rules for the conduct of elections of members to local boards. The rule 24-B says:

'Where the proceedings at any polling station are seriously interrupted the polling officer shall stop the poll, etc.'

"Evidently, he misunderstood that the order was for the stopping of the poll. It is not so. The order is only for stopping the counting. So the rule 24-B does not support his contention.

"Again, there is the rule 35 to which my hon. Friend did not apply his mind carefully. Rule 35 (2) says:

'Pending the decision of the Local Government on any such reference made to them or the issue of final orders or any enquiry which the Local Government may institute upon receipt of information that an election is being or about to be held in contravention of the rules, . . . prior to the declaration of the results.'

"Mark the words 'in contravention of the rules' and 'prior to the declaration of the results'."

Mr. C. RAMALINGA REDDI:—"Was any enquiry made by the Government?"

Mr. G. SRIRAMULU:—"It is lawful for the Local Government to direct the stay of election proceedings at any stage thereof prior to the declaration of the results.

"Here, Sir, the results have not been declared. The Government are, therefore, perfectly justified in issuing the said order.

"My hon. Friend might say that there are no facts which justify the issue of the order by the Government in this case. There again he will be wrong. He says that out of 1,800 voters, 1,700 voters exercised their franchise. I do not think that information is correct because the boxes are not open and no counting has taken place. That statement he has made only to suit his case. I say from my information that even two-thirds of the voters have not voted. How can the election be legal when one party is at a disadvantage and the other party is given a free hand? Is it not illegal? Can it be said that it is an election validly held? I, therefore, strongly oppose the contention of my hon. Friend, Mr. Peddi Raju, that the Government Order is not justified." (Cheers.)

Mr. C. RAMALINGA REDDI:—"Mr. President, this election seems to have been a most heroic affair if the evidence tendered in this House by hon. Members is to be relied upon. But I think a great deal of the discussion has been, with due submission to my hon. Friends, quite outside the track of relevancy. This House is not an election court. It is here, on this adjournment motion, to judge not according to the

5th November 1935] [Mr. C. Ramalinga Reddi]

letter of the law but on the broad principles of constitutional equity whether the interference by the Hon. the Chief Minister has been justified or not. For hon. Members to come and relate all their personal experiences at the election booths and to bandy charges against the subordinate officials and various other people who are not only not here to defend themselves but whose defence cannot be conducted in a non-judicial body like the Legislative Council, is, to say the least of it, to misinterpret their own position and to do injustice to the duties expected of them. I therefore pass by as utterly and hopelessly irrelevant all that has been said about the conduct of police officials and the part alleged to have been played by officials in this election as also that charge of bribery which the hon. Gentleman who preceded me brought against a gentleman whom he named under cover of the privilege of this House. If there has been any misdemeanour on the part of the police, the remedy was open to the candidate or even to the citizens of West Godavari concerned. They ought to have drawn the attention of the Hon. the Home Member or the Hon. the Law Member and requested them to take action.

"My hon. Friend Sir Patro, in one of those asides loudly made for which he is so famous, when reference was made to the effect that a gentleman in the Indian Civil Service was personally responsible—a Brahman by name, Mr. Viswanatha Ayyar,—and when I asked what is the insinuation, said that he would come to that, but never came. (Interruption.) I am glad to hear from Sir Patro that he very wisely did not come to that point. It would have been greater wisdom if he had not made the insinuation at all at the beginning. I do not know whether I should take notice of these interjections."

5-15
p.m.

* The Hon. the PRESIDENT:—"The hon. Member need not take notice of them."

Mr. C. RAMALINGA REDDI:—"Since that is the value that you, as President, attach to the interjections of the hon. Gentleman, I am perfectly willing to agree to ignore them as they deserve to be ignored.

"What then are the points at issue? There were three things on one of which you would not allow discussion on the very valuable ground that it is before the court, viz., the interference with the nominations and the restoration of candidates who had been disqualified by the election officer. The matter is before the court on the merits of which I cannot say anything. The point at issue is whether Government acted wrongly in issuing such an order to restore the nominations of candidates. But in any case there is one curious thing which I would like to mention as it has nothing to do with the prestige or the powers of the Government in this respect, and that is that the order restoring the nomination was issued a day after the election was held. At least as a curiosity, it deserves to be recorded. I have no doubt the Hon. the Chief Minister will have an explanation but be it said that the order restoring the candidates reached there on the 30th, i.e.,

[Mr. C. Ramalinga Reddi] [5th November 1935]

two days after the election. What use he would make of this I do not know. The restoration order was so belated and so ludicrous that I am unable to understand as to why it was issued."

The Hon. the RAJA OF BOBBILI:—"I may state that telegraphic orders were issued to the election officer who was also the tahsildar of Ellore on the 25th—a single order which covers all these three cases. As the matter was urgent, a telegraphic order was sent. Subsequently order in writing was despatched. The order was to the election officer and not to the individual candidates themselves, because the order was that nominations should be restored."

Mr. C. RAMALINGA REDDI:—"May I know whether the election officer was asked to communicate to the candidates concerned?"

The Hon. the RAJA OF BOBBILI:—"It is the duty of the election officer to communicate to the candidates. All that the Government have done is to give instructions to the election officer to restore the rejected names as valid nominations."

Mr. C. RAMALINGA REDDI:—"Anyhow compared to the major issue whether the Government can restore the nominations as valid, the issue that I have raised is . . ."

The Hon. the RAJA OF BOBBILI:—"It is a matter for the court to decide whether the Government were right in restoring the nominations, because the matter has gone to the court now."

Mr. C. RAMALINGA REDDI:—"Precisely. If my hon. Friend the Chief Minister had waited without interrupting me, he would have understood what I was going to say, viz., whether the election officer could hold the nominations as invalid. Anyhow compared to the major issue whether the Government could restore the nominations as valid, whether what was done by the election officer is right or wrong is a minor issue and I do not wish to pursue that further."

"The next thing is about the famous election at Attili in West Godavari. It seems to have been a very heroic affair as has been shown by the thundering evidence of persons who have spoken here. But they are not the real issues relevant to the discussion. I ask my hon. Friend the Chief Minister to tell us who sent the information that polling could not go on satisfactorily or what was the information that he got. I will put my questions to him in this way: What was the information? Who sent it? Was it one of the officers, viz., the collector or the divisional officer or the polling officer, or was it one of the parties to the elections who is naturally interested in the elections? My hon. Friend who spoke previous to me charged my hon. Friend, Mr. Peddi Raju, the mover of this motion with being an interested party. In one sense we are all interested parties, for we belong to one political organization or the other in the success of which we are naturally interested and it is no crime to be interested in political struggles of this kind. And my hon. Friend who preceded me said that if there is a person disinterested in all these party fights, he would have read his speech with applause. If there was such a

5th November 1935] [Mr. C. Ramalinga Reddi]

person, he would hardly have found a place in this Council and even if there was one, he would have gone outside this Council for disburdening himself of his passion for cheap applause. If my hon. Friends would not interrupt me, I do not wish to make remarks of a supposititious nature. To come to the point, was it from one of the parties to the election or from one of the officers who have a statutory right to make this representation that the Hon. the Chief Minister got his information?"

The Hon. the RAJA OF BOBBILI:—"The information that I received was from Rao Sahib Badeti Venkataramayya Nayudu Garu, the President of the District Board and the question whether the Election Officer is to report or not does not arise."

Mr. C. RAMALINGA REDDI:—"That is, I have to take it that the Hon. Minister issued his order on the representation of one of the candidates whose political future was hanging in the balance. The Hon. Minister at any rate could have referred the matter to the District Magistrate and asked him before he sent his order. . . ."

The Hon. the RAJA OF BOBBILI:—"The time available was only a few hours. The Government have not passed any orders which would affect adversely any party. Polling has been completed and we have stopped only the counting."

Mr. C. RAMALINGA REDDI:—"Sir, was this done on the report of the District authorities. . . ."

Mr. C. BASU DEV:—"On a point of order, Mr. President? Is this catechism in order?"

Mr. C. RAMALINGA REDDI:—"I do not know what my hon. Friend's discoveries are. I think he is one of those rare birds which are fit for exhibitions in places other than the Madras Legislative Council."

"To resume my subject, I want to know on whose information he acted. My hon. Friend, Sir Patro, seemed to imply that a large number of representations had been made but that the holding up of counting had been done on the representation of one gentleman, viz., the person most concerned."

"Now I may ask my hon. Friend, who preceded me whether this is not a far more glaring instance of interested information than the information of my hon. Friend, Mr. Peddi Raju."

"The second point is this: on what authority did my hon. Friend the Chief Minister interfere in this matter? The proviso to sub-section (1) of section 38 of the Act as amended by the late Mr. B. Muniswami Nayudu's Bill states as follows:—

'Provided that nothing in this sub-section shall enable the Local Government to set aside any election which has been held.'

"Of course my hon. Friend the Chief Minister's reply would be that Government have not set aside any election, but they have only stopped the counting of votes and it is quite possible that he may order

[Mr. C. Ramalinga Reddi] [5th November 1935]

the counting to go on. But I ask on what authority he has stopped the counting of votes. Rule 35 of the rules for the conduct of elections of members to Local Boards says:—

'If any question arises as to the interpretation of these rules otherwise than in connexion with an enquiry held under the rules for the decision of disputes as to the validity of an election, the question shall be referred to the Local Government whose decision shall be final.'

Now here there has been no question as to the interpretation of rules. It is only on the information that polling has been obstructed that my Hon. Friend the Chief Minister has acted. But the information sent as such is not a question as to the interpretation of any rule. Then sub-rule (2) of rule 35 says:—

'Pending the decision of the Local Government on any such reference.'

Obviously the reference contemplated in the above sub-rule is one to be made by the Election Officer because the rule which refers to the functions of the election officer runs thus:—

'It shall be lawful for the Local Government to direct the stay of the election proceedings at any stage thereof prior to the declaration of the results.' Again it says:—

'Or the issue of final orders on any enquiry which the Local Government may institute.'

"I suppose my hon. Friend's contention will be that his order is only an interim order to stop the counting of the poll and not a final decision as regards election."

* The Hon. the PRESIDENT:—"The Hon. Minister is prepared to reply to the debate. The hon. Member may go on uninterrupted."

Mr. C. BASU DEV:—"I rise to a point of order, Mr. President. Is this method of question and answer, this catechism, in order?"

* The Hon. the PRESIDENT:—"I am sure hon. Members will realize that we should not convert this debate into question time. I have informed the hon. Member that the Hon. Minister is quite prepared to make a reply."

Mr. C. RAMALINGA REDDI:—"There is only one thing more I want to refer to before I bring my remarks to a close. That point is whether the Hon. Minister took any legal opinion before such an order was issued, whether there was no time to consult legal opinion and finally whether he did not think it best that these questions should be decided by means of election petitions or by election suits in law courts. The whole idea of democracy is that Government should not interfere with elections, because Government is a Party Government and therefore the interference of such a Government, even if it be with the best of motives and on soundest of information is liable to be misconstrued. Human nature being what it is, it is bound to be misconstrued. Government should not interfere in these elections if they want that their good faith should not be questioned. When a Government which is a Party Government interferes in elections, it is doubtless open to various speculations regarding the spirit in which it interferes. I therefore ask whether it would not have been wiser on the part

5th November 1935] [Mr. C. Ramalinga Reddi]

of the Hon. Minister to allow these things to go on in the usual way and ask the parties aggrieved to seek remedy in law courts. As regards the extension of lives of the Members, he has got power to extend and we have no dispute with him regarding that. But is he not bound to use it rightly? There is already an order. The order just now issued supersedes the previous order according to which the lives of Members ought to have been terminated on the last day of the last month. No reason is given for issuing such an order. Apparently it is an order which has been issued on the Hon. the Chief Minister's own initiative. There is no reference made to any representation made on this subject. May I ask the Hon. Minister what were the imperative reasons which induced him to extend the lives of Members practically by another month? If there has been any such reason, would it not have been wiser for him to have embodied that in a communiqué, so that people might not think that this order was issued merely to give his partisans who are now in office an opportunity of continuing their operations for safeguarding their own position? It is but right and natural that his partisans should be in office in the local boards, because the Congress and other rival parties should not be allowed to contest these elections in any manner. For that very reason should he not try to hold the scales even so that people might think that whatever may be the parties appearing on the arena, he himself would play the part of umpire? Instead of that, the order under which the presidential election should be held on the 15th of this month is superseded by another under which the election should be held some little time later. Even when this order is superseded, he might have allowed the Collector—a neutral authority—to take charge as at first ordered on the 1st of November and then allowed, if need be, the elections to take place later. Instead of all these, he continues the old board many of whose members have lost their strength. Human nature being what it is, does he think under these conditions that they could be trusted to act in the best interests of the public without any regard to their own selfish interests? My hon. Friend read out a telegram in which not only actual transfers have been mentioned but even contemplated transfers. The reduction to telegraphic messages of contemplations is a development in modern science. All this is because of the atmosphere which the order has generated. I do think, giving the matter my most careful consideration, that the Hon. the Chief Minister has been guilty of very grave indiscretion if not worse."

The Hon. the RAJA OF BOBBILI:—"Mr. President, Sir, there are two points which have been sought to be urged against Government with regard to the District Board elections in West Godavari. One is with regard to the stopping of the polling in Attali firka and the second is the question of extending the term of office of the members of the district board. Hon. Members on the other side who have moved and supported this motion first of all sought to make out that Government have acted illegally and that Government did not possess

5-30
p.m.

[The Raja of Bobbili] [5th November 1935]

the necessary powers to interfere in this matter. In this connexion they have quoted various rules and the relevant sections of the Act. First of all, Sir, I wish to deal with the legal aspect of the question. Under section 38 it is open to the Government to interfere in any matter or prohibit the doing of any act which is done in pursuance or under colour of this Act. The proviso says that nothing in this sub-section shall enable the Local Government to set aside any election which has been held. This proviso is clearly a limitation of the powers of Government. It says that when once election proceedings are complete, the Government should not interfere. It also means that until election proceedings are completed, the Government have every power and discretion to interfere.

"Coming to the Election Rules, it is clearly stated here,

'Pending the decision of the Local Government on any such reference made to them . . .'

That reference, my hon. Friend, Mr. C. R. Reddi, says, should necessarily be made by the election or the polling officer. I do not draw any such inference from the rules. The reference may be from the polling officers and his subordinates or it may be from other parties. The rule goes on—

upon receipt of information that an election is about to be held contrary to the rules, it shall be lawful to the Local Government to direct the stay of election proceedings at any stage thereof.'

As far as I am concerned, there is absolutely no doubt as to the validity of the Government Order. Of course it has been stated that Government have committed a grave indiscretion in having passed this order without proper enquiry. The hon. Member representing Chittoor would no doubt himself realize that there was only a few hours' time between the polling and the counting of the votes and it would not be possible for Government to hold an enquiry before passing an order. I may also state that apart from the communication received from the District Board President, Government have also received other information that there have been a series of arrests in that area. Government, in the discharge of their duties, are entitled to satisfy themselves that these arrests have not materially affected or interfered with the normal conduct of the election on that date. I may therefore state that Government, by this order, have not caused any injury to either party. They have merely ordered that the counting of the votes should be stopped pending the report from the District Officers and I do not see, Sir, how this action of the Government can be criticized, because it is part of their duty to see that the procedure is properly followed and both parties receive fair treatment.

"Then my hon. Friend, Mr. Peddi Raju who has moved this motion more or less I should say to pay off old scores, has brought in the question of the interpretation of the rules in the Secretariat. He seems to have inferred that from his personal knowledge there was a case where when Mr. Conran Smith was Secretary in charge of Local Self-Government, he ruled that Government had no power to interfere. I do

5th November 1935] [The Raja of Bobbili]

not know whether it would be wise for us to infer from the ruling on a particular case that Government have no power to interfere in any case. These are questions which have to be considered on the merits of each case and I may give for the information of the hon. Members of this House a list of cases in which Government have previously interfered. I do not want to take up the time of the House by giving a full list, but I will mention only a few cases:—

13th May 1931.—Order of the Election Officer, Trichinopoly, rejecting the nomination for election to the Srirangam Municipal Council was cancelled under section 36 (1) of the District Municipalities Act."

Mr. P. PEDDI RAJU:—"May I ask whether these orders were passed after the declarations were made?"

The Hon. the RAJA OF BOBBILI:—"If the hon. Member had waited for a few minutes there would have been no necessity to ask this question. Moreover in the cases now under discussion before the House, the results have not been declared. I would remind my hon. Friend that he is wrong when he refers to cases where results have been declared. As I have been stating from the outset, in this case, election proceedings have not been completed. I proceed to give the list—

23rd May 1932.—Election to two wards in Turaiyur Panchayat stayed. The stay order was cancelled after enquiry.

14th July 1932.—The Election Officer concerned rejected a nomination on the ground that the nominee's name and the names of the proposer and seconder differ from those on the electoral roll. The Government cancelled the rejection under section 38 of the Local Boards Act and directed under rule 35 of the election rules the declaration of the nominee as elected as he was the only nominee.

2nd September 1932.—Order of the Election Officer, Ramachandrapuram, rejecting a nomination on the ground of the nominee being disqualified under section 55 (2) of the Madras Local Boards Act was cancelled. He was also asked to cancel certain declarations made by him as being in violation of the election rules.

9th August 1932.—Government directed under rule 35 of the Election Rules the inclusion of rejected nominees' names in the list of valid nominations.

10th October 1932.—Government cancelled the declaration made by the Election Officer concerned in respect of certain reserved seats in Tinnevely district.

21st October 1932.—Government directed the conduct of fresh polling in respect of certain circles of the South Arcot District Board on account of the irregularities committed by the polling officer.

[The Raja of Bobbili] [5th November 1935]

29th November 1932.—Government cancelled under section 38 of the Madras Local Boards Act the order of the election officer concerned rejecting a nomination for election to the Ramnad District Board.

I do not want to tire the House by enumerating a catalogue of these cases. But with regard to the conduct of elections to the district boards generally, I should like to read an extract from the judgment of the District and Sessions Judge, Bellary:—

'On a consideration of these rules, the following general principles may be deducted. The rights of voters and candidates in an election are regulated by rules framed by Government. Candidates are bound by these rules and subject to all the privileges and disadvantages of the rules. The rules give the Election Officer power to reject a nomination roll on any of the four grounds mentioned in rule 7. If any candidate is aggrieved, he is required by the rules to refer the matter to the Local Government under rule 35.

Mr. P. PEDDI RAJU:—"Sir, on these matters I have not been allowed to state anything while the Hon. the Chief Minister has been arguing his case upon this aspect of the matter."

The Hon. the RAJA OF BOBBILI:—"I fail to understand why . . ."

* The Hon. the PRESIDENT:—"With regard to the rejection and inclusion of nominations, the hon. Mover has not been allowed to state his case. In the same way, the Hon. Minister also would not be in order if he mentions the question of nominations and their rejections. That is what the hon. Member says."

The Hon. the RAJA OF BOBBILI:—“The word nomination is there. But what I am stating is that according to this judgment, Government have power to interfere in the conduct of these elections. The judgment runs: ‘Any candidate if aggrieved, is required by rules to refer the matter to the Local Government under rule 35. The decision of the Local Government shall be final. No suit shall lie for an injunction in such circumstances, because no civil right has been infringed . . .’ The civil court cannot arrogate to itself the function of the Local Government in the matter of revising erroneous orders passed by election officers. It is only in extreme cases where the Local Government decline to exercise jurisdiction, that civil courts have interfered.”

Mr. C. RAMALINGA REDDI:—“ May I ask from the judgment of which court the Hon. Minister is reading? ”

The Hon. the RAJA OF BOBBILI:—"District and Sessions Judge, Bellary; the judgment was delivered a few days back. On these grounds the petition was rejected, because the petitioner has not applied to the Government. I hope I have proved conclusively that the Government were right in having interfered in this matter. About the other matters placed before this House by various Members of this House, I am not in a position to express an opinion as a Member of Government until the report on the enquiry is received from the district officers.

5th November 1935] [The Raja of Bobbili]

“ Another point that has been made out is that it is irregular that the Government should exercise their powers in the matter of extending the term of office of the members of the District Board. I may state at the very outset for the information of hon. Members of this House that the term of office of members of not only the West Godavari District Board, but of all the other district boards—about 12 or 14 in number—to which elections are going to be held this year, has been extended.

“ Another point that has been made out is that the order that I passed in my capacity as Minister has superseded my previous order. There has been no such thing. Under the existing Act, if no extension is given, normally the Collectors of the districts become ex-officio Presidents of District Boards. On that account the office has issued a circular that under the provisions of law, the District Collector should take the office. But it has been my opinion that it is not desirable that District Collectors should be saddled with the responsibility of managing the affairs of district boards for any length of time. As it is always necessary and desirable to reduce this interregnum when the Collector would have to be necessarily in charge, I have issued the order extending the term of office of the members of the district boards without making any exception, to 30th November. It is also not a fact that presidents of district boards would otherwise be elected on the 15th November, because no such date has been ever fixed for the election of presidents of district boards. It is desirable that this interregnum should be as short as possible. My hon. Friend, Mr. C. R. Reddi, has stated that this has been done for party advantage, out of the fear that the regime of party presidents would not continue, now that the Congress is, for the first time, contesting the elections and entering local bodies. I have always been one of those who have welcomed the entry of the Congress into politics on constitutional lines. I may also state that my hon. Friend will find that, except in one or two cases, whether the Congress has entered the local boards or not, our party presidents will even in future continue to manage the affairs of district boards.

“ Mr. Peddi Raju stated that the time has come for our party presidents to set their houses in order. I am afraid my hon. Friend is only talking from his own experience and judging others from his own standard. I am glad I have had this opportunity of placing every detail before the public. I welcomed this motion in the morning; although probably there were not 20 persons in support of the motion, I never raised any objection to this motion because I always welcome frank discussion. I hope the hon. House will come to the conclusion from what I have stated and from the speeches of hon. Members who have spoken against this motion, that the action of the Government was absolutely justified in the circumstances.”

* The Hon. the PRESIDENT:—" May I point out that the hon. Member (Mr. Peddi Raju) has only 10 minutes before him? "

ADJOURNMENT MOTION re ALLEGED GOVERNMENT INTERFERENCE
IN DISTRICT BOARD ELECTIONS IN WEST GODAVARI

[5th November 1935]

Mr. P. PEDDI RAJU:—"Sir, I have been tempted to rise in order to reply to certain points raised. I am first of all sorry that the hon. the Chief Minister has not given us any information that we have asked for. First of all, my hon. Friend, Mr. Reddi and myself have asked what the information before the Government was before the issue of this order. Of course, as a sort of an answer to an interpellation, the Hon. the Chief Minister was pleased to say that it is Rao Bahadur B. Venkataramayya Naidu, President, District Board, that gave the information. We would have been glad if the Hon. the Chief Minister placed that information before this House or had been kind enough to read out what information he had before the Government orders were issued. But before the Hon. the Chief Minister said anything, the hon. Knight from Ganjam has come and begun to say that he knows more about these things, that a number of telegrams, petitions and a number of representations have been made to the Government, in respect of the arbitrary way in which the Police have interfered in the matter of elections and so on. I am sorry that none of these facts has been testified or referred to by the Hon. the Chief Minister. I think the hon. Knight has been drawing from his imagination or has been told something by somebody; he makes bold to say several things here which are not substantiated even by the Government."

Rao Bahadur Sir A. P. PATRO:—"My hon. Friend wants the Government to place all these facts before him; the Hon. Minister has no time to disclose all those matters. The Government have shown that they have not done anything wrong."

Mr. P. PEDDI RAJU:—"That is exactly my point; the Hon. the Chief Minister does not give us any information. I do not know if the hon. Knight has got any information from the Hon. Minister or from his Secretary. He makes bold to make certain observations which, I am sorry to say, are not substantiated by the Government. That is all I can say."

(Interruptions from Rao Bahadur Sir A. P. Patro.)

* The Hon. the PRESIDENT:—"Sir A. P. Patro has had his turn."

Mr. P. PEDDI RAJU:—"The Hon. the Chief Minister has given a long quotation with regard to Government interference in the matter of elections."

Mr. G. SIMHACHALAM PANTULU:—"On a point of order, Sir. The hon. Member's speech is not at all pertinent to the question under discussion."

* The Hon. the PRESIDENT:—"The hon. Member will please resume his seat; this is no point of order, at all."

Mr. P. PEDDI RAJU:—"I am yet to see whether any of the matters of interference of the Government was of the kind I have mentioned; some of such instances has been brought to our notice. The Hon. the Chief Minister has given some instances and I can understand that such interference was justified. There is no case where the Government have interfered after the polling is over or after the declarations are made."

ADJOURNMENT MOTION re ALLEGED GOVERNMENT INTERFERENCE
IN DISTRICT BOARD ELECTIONS IN WEST GODAVARI

5th November 1935] [Mr. P. Peddi Raju]

"Then, Sir, the Hon. the Chief Minister has unfortunately referred to me personally. I do not know to what he is referring. He said that I was judging people by my own conduct. If the Hon. the Chief Minister refers to my presidentship, I would only say that he and his partymen have tried to attack me behind my back; they took three years' time and have wasted a sum of Rs. 15,000 of the district board money to have an investigation without any word of intimation to me of what they were doing. They spent Rs. 15,000; they wasted the amount and they ate their own words and kept quiet, because they were unable to prove anything against me; they wanted to persecute me and my partymen and they did so . . ."

Diwan Bahadur A. APPADURAI PILLAI:—"There is no time at the disposal of the House."

* The Hon. the PRESIDENT:—"The hon. Member seems to be quite new to the Standing Orders; the hon. Member will wait and see what happens."

"May I once again remind the hon. Member (Mr. Peddi Raju) that he has to close his remarks soon, if he wants the motion voted upon; otherwise it will be talked out."

Mr. P. PEDDI RAJU:—"If I raised this debate, it is only to express our sense of feeling that all is not going on well. I would appeal to the House to see that similar things do not happen in future; otherwise the rights and privileges of people will be interfered with. It is for that purpose I brought forward this motion; I do not want the House to vote upon this motion; the Hon. Minister, I know, has power in his hands and he has got a backing. I do not care for the vote of this House; I would only appeal to him . . ."

Rao Sahib N. SIVA RAJ:—"Is the hon. Member in order to say that he does not care for the vote of the House?"

* The Hon. the PRESIDENT:—"The hon. Member did not really mean what he had said?"

Mr. P. PEDDI RAJU:—"So far as my failure is concerned, I do not care. I am only appealing to hon. Members of this House to see whether we are not justified in bringing forward this motion before the House, because we feel there is something wrong in the way in which things are done."

"The Hon. the Chief Minister referred to section 38 of the Act; they read only a particular clause. In my first speech I wanted the House and the Hon. Minister and the department concerned to read the section fully and see if it has got anything to do with elections at all. What the section refers to is this:—

"The Local Government may, by order in writing—
suspend or cancel any resolution passed, order issued, or licence or permission granted, or
prohibit the doing of any act which is about to be done or is being done in pursuance or under colour of this Act, if, in their opinion, such resolution, order, licence, permission, or act has not been legally passed, issued, granted or authorized, or

**ADJOURNMENT MOTION RE ALLEGED GOVERNMENT INTERFERENCE
IN DISTRICT BOARD ELECTIONS IN WEST GODAVARI**

[Mr. P. Peddi Raju] [5th November 1935]

such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other law, or the execution of such resolution or order, or the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray.

"In such cases the Government may interfere, if they are supported by a resolution of the local board. In 50 M.L.J., it has been held that Government should not interfere in the matter of elections and set aside any election. The Hon. the Chief Minister and Sir Patro have quoted rule 35. They read the second sub-rule; they forgot the first sub-rule. It says that the matter should have been referred to Government for interpretation of rule either by any election officers or by the candidate or any person interested. Then only they can issue an order. Was there any case of interpretation of the rules in this case?"

"Then, Sir, the Hon. the Chief Minister stated that he is very anxious that the Congress party should come into politics take part in elections, etc. If any matter is taken to the notice of the Government—I know of several cases which were taken to the notice of the Government by Congress partisans; with regard to Tinnevely, several telegrams were sent to the Government . . ."

* The Hon. the PRESIDENT:—"The time allotted for the discussion of the adjournment motion being over, the motion is talked out."

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

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

5th November 1935]

APPENDIX

APPENDIX I.

[Vide answer to question No. 438 asked by Mr. K. A. Nachiyappa Goundar at the meeting of the Legislative Council held on the 5th November 1935, page 581 supra.]

G.O. Ms. No. 2666, Law (General), dated 18th August 1935.

READ—the following paper:—

From the Inspector-General of Prisons, dated 15th August 1935,
No. G. 1012.

Order—Ms. No. 2666, Law (General), dated 18th August 1935.

In exercise of the powers conferred on him by section 401 of the Code of Criminal Procedure, 1898, the Governor in Council is pleased hereby to remit, subject to the conditions hereinafter set forth, the remainder of the punishment awarded to Chilakamarri Narasimhachari convicted in East Godavari S.C. No. 8 of 1934.

The conditions are these:—

- (1) That the said Chilakamarri Narasimhachari will, as soon as he is in a fit state of health to move about, present himself to the Superintendent of Police, or, if he be absent to the Manager of the office of the District Superintendent of Police, East Godavari, and will produce the copy of the conditions of his release delivered to him by the Superintendent of Prisons, Madras.
- (2) That he will thenceforth report himself, once in each month, at such time and to such officer as he may be directed by the said Superintendent or Manager.
- (3) That he will not quit the said district of East Godavari without the written permission of the said Superintendent or Manager.
- (4) That he will accept and fulfil the conditions on which such permission may be granted.
- (5) That he will not commit any offence punishable by any law in force in British India.
- (6) That he will not associate with notoriously bad characters or lead a dissolute life.
- (7) That he will live honestly and peaceably and will endeavour to earn an honest livelihood.

APPENDIX

[5th November 1935]

The Superintendent of Prisons, Madras, will take necessary action under rule 515 of the rules framed under section 59 and 60 of the Prisons Act, 1894 (Act IX of 1894).

(By order of the Governor in Council)

C. GOVINDAN NAIR,
Joint Secretary to Government.

To the Inspector-General of Prisons.
" Superintendent of Prisons, Madras, with copy of nominal roll.
" Inspector-General of Police, with a spare copy of the order and copy of nominal roll.
" District Magistrate, East Godavari.
" Hon'ble the Chief Justice of the High Court of Judicature at Madras (with C.L.)
Copy to the Superintendent, Central Jail, Coimbatore.
" A. Ch. Sriman Narayanachari, 108, Big street, Triplicane.

APPENDIX II.

[Vide answer to question No. 439 asked by Mr. P. Ratnavelu Thevar at the meeting of the Legislative Council held on the 5th November 1935, page 582 supra.]

Copy of Medical report.

I, Capt. J. F. Shepherd, I.M.S., hereby certify that convict No. 9899 Narasimhachari, is in my opinion dangerously ill, suffering from Tuberculous Enteritis. His illness has not been caused or aggravated by any acts committed by him in order to procure release, and I sincerely declare that in my opinion he is likely to die if he remains in confinement, but that he will have a reasonable chance of recovery if he is released.

GENERAL HOSPITAL, MADRAS,
14th August 1935.

F. SHEPHERD, Capt., I.M.S.,
Surgeon.

APPENDIX

875

5th November 1935]

APPENDIX III.

[Vide answer to question No. 446 asked by Mr. M. Devadasan at the meeting of the Legislative Council held on the 5th November 1935, page 586 supra.]

A

Statement showing the extent of assessed wastes and porambokes included in the ayacut of Cauvery-Mettur Project for ryotwari villages.

Name of taluk.	Assessed wastes.	Porambokes.	Total.
	ACS.	ACS.	ACS.
Tanjore	2,160.15	4,025.82	6,185.97
Papanasam	348.37	422.04	770.41
Mannargudi	3,607.32	2,252.06	5,859.38
Pattukkottai	5,245.60	7,362.47	12,608.07
Arantangi	1.25	10.69	11.94
Total	11,362.69	14,073.08	25,435.77

B

Statement showing the extent of Government poramboke lands in proprietary villages included in the Cauvery-Mettur Project ayacut.

Name of taluk.	Railway poramboke.	Public Works Department poramboke.	Total.
	ACS.	ACS.	ACS.
Tanjore	16.55	1.89	18.44
Papanasam	2.68	0.31	2.99
Mannargudi	..	0.40	0.40
Pattukkottai	27.61	55.09	82.70
Arantangi	..	4.36	4.36
Total	46.84	62.05	108.89

APPENDIX IV.

[Vide answer to question No. 454 asked by Mr. K. A. Nachiyappa Goundar at the meeting of the Legislative Council held on the 5th November 1935, page 592 supra.]

Statement of imports of paddy and rice into the Madras Presidency during July and September 1935.

	Whole rice. TONS.	Broken rice. TONS.	Paddy. TONS.
July, second fortnight	500	..	8,483
August, first fortnight	..	496	..
August, second fortnight	750	8,537	14,876
September, first fortnight	..	4,208	1,180
September, second fortnight	510	7,721	14,126

[5th November 1935]

APPENDIX V.

[Vide answer to question No. 455 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 5th November 1935, page 592 supra.]

(1)

G.O. Ms. No. 2091, Revenue, dated 4th September 1935.

READ—the following papers:—

G.O. No. 565, Revenue, dated 4th March 1935.

From the Board of Revenue (Land Revenue and Settlement),
Endt., Confdl. No. 439, dated 7th August 1935.

Order—Ms. No. 2091, Revenue, dated 4th September 1935.

A sum of Rs. 50,000 has been provided under “Discretionary grants” out of the provincial share of the grant from the Government of India towards village uplift. This amount will be distributed to Collectors at the rate of Rs. 2,000 for each district in addition to the sum of Rs. 1,000 per district already allotted.

2. In addition to the subjects specified in paragraph 3 of G.O. No. 565, Revenue, dated 4th March 1935, the Government permit the utilization of discretionary grants on the construction or improvement of cattle ponds in panchayat forests, provided the Collector is satisfied that the forest panchayat is unable, for reasons beyond its control, to meet the expenditure.

3. The Government further direct that discretionary grants should not be spent in municipal areas, or in areas which are under the control of major panchayats (old union boards). Preference should be given, in the distribution of grants, to non-panchayat areas, i.e., areas for which no local body has been specially constituted.

(By order of the Governor in Council)

H. R. UZIELLI,
Secretary to Government.

(2)

G.O. No. 2760, L. & M., dated 11th June 1934.

READ—the following paper:—

G.O. No. 1409, L. & M., dated 20th March 1934.

Order—No. 2760, L. & M., dated 11th June 1934.

The Government are pleased to sanction in favour of the district boards mentioned in the annexure to this order grants for works relating to roads and bridges to the extent specified against them in column (5) of the annexure.

2. The necessary provision has been made for these grants in the Civil Budget Estimates for 1934-35 under “41. g. Civil Works—Grants-in-aid—Voted—G. Central Road Development Account—Communications.”

5th November 1935]

3. The grants will be disbursed to the district boards on the production of certificates from the presidents concerned to the effect that the work in respect of which the grant is claimed has actually been carried out.

4. The presidents of district boards concerned are requested to submit to the Government not later than the 15th February 1935, a statement in the form annexed to G.O. No. 2366, L. & M., dated 6th June 1928, showing the progress of expenditure on the works for which grants have been provided. Reasons should be furnished without fail with the progress reports for all anticipated lapses except lapses below Rs. 1,000.

5. The Treasury Deputy Collectors concerned are requested to submit to the Government by the 15th April 1935, a statement showing the grants actually disbursed by them in 1934-35 for each of these works.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To the Presidents of District Boards concerned.

„ Treasury Deputy Collectors concerned.
„ Accountant-General (through the Finance Department).
„ Finance Department.
„ Chief Engineer (General, Buildings and Roads).
„ Examiner of Local Fund Accounts.

ANNEXURE.

Serial number and name of district board.	Particulars of work.	Total estimated cost.	Amount of grant drawn up to the end of 1933-34.	Grant sanctioned for 1934-35.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
1 Anantapur ..	Construction of a bridge across the Pennar river at mile 285/7-8 of the Madras-Bombay trunk road.	1,74,500	1,67,873	1,956
2 North Arcot ..	Construction of a girder bridge over the Ponnai river at mile 76 of the Madras-Bombay trunk road.	7,50,000	..	* 1,00,000
3 Colmbatore ..	Improvements to the Colmbatore-Hassanur trunk road.	2,05,000	1,30,000	50,000
4 Guntur ..	Construction of a bridge across the Musi river on the Great Northern trunk road.	2,55,000	1,02,691	65,309
5 Do. ..	Construction of a bridge across the Ogeru river on the Great Northern trunk road.	1,65,000	1,01,691	18,009
6 Kurnool ..	Construction of a bridge across the Vakkiluru at mile 147/7-8 of the Chittoor-Kurnool trunk road.	1,16,300	70,496	28,508
7 Malabar ..	Improvements to the Madras-Calicut trunk road and extension, first section from Calicut southwards.	5,00,000	3,89,227	1,10,773
8 Nellore ..	Construction of a bridge across the Paleru river at mile 168/2-3 of the Great Northern trunk road.	3,63,000	2,80,060	82,940
9 Do. ..	Construction of a bridge across the Manneru river at mile 150/7 of the Great Northern trunk road.	2,22,000	1,65,000	57,000
10 Nilgiris ..	Improvements to the Gudalur-Vayit-tiri-Calicut trunk road.	1,87,000	66,707	87,000

* An equivalent amount of Rs. 1 lakh will be met from the reserve with the Government of India.

[5th November 1935]

Serial number and name of district board.	Particulars of work.	Total estimated cost.	Amount of grant drawn up to the end of 1933-34.	Grant sanctioned for 1934-35.
(1)	(2)	(3)	(4)	(5)
		RS.	RS.	RS.
11 Vizagapatam ..	Construction of a girder bridge across the Kandevasagedda at mile 96/2-8 of the Great Northern trunk road.	2,39,900	1,75,583	2,000
12 Do. ..	Construction of a girder bridge across the Budamerugedda at mile 108/7-8 of the Great Northern trunk road.	1,38,800	1,01,343	8,000
13 Do. ..	Construction of a girder bridge across the Paradigedda at mile 33/2 of the Vizianagram-Central Provinces road.	2,89,200	2,28,353	2,000
Total ..			6,13,495	

(3)

G.O. No. 1436, L. & M., dated 10th April 1935.

The Government are pleased to sanction in favour of the district boards concerned, grants for works relating to roads and bridges specified in Annexure I to this order to the extent specified against them in column (5) of the annexure. The amounts shown in column (4) represent the total provision made in the budget for the year 1935-36, and the amounts shown in column (5) are now sanctioned as the first instalment in accordance with the procedure laid down in G.O. No. 4688, L. & M., dated 25th October 1934. The balance will be sanctioned as and when required, on receipt of applications from the district boards.

2. The expenditure will be met from the provision made in the Civil Budget Estimates for 1935-36, under "41. g. Civil Works—Grants-in-aid—Voted—G. Central Road Development Account—Communications."

3. The grants will be disbursed to the district boards on the production of certificates from the presidents concerned to the effect that the work in respect of which the grant is claimed has actually been carried out.

4. The presidents of district boards concerned are requested to submit to the Government, not later than the 15th February 1936, a statement in the form annexed to G.O. No. 2366, L. & M., dated 6th June 1928, showing the progress of expenditure on the works for which grants have been sanctioned. Reasons should be furnished without fail with the progress reports for all anticipated lapses except lapses below Rs. 1,000.

5. The Treasury Deputy Collectors concerned are requested to submit to the Government by the 15th April 1936, a statement showing the grants actually disbursed by them in 1935-36, for each of these works.

6. A list of new works in respect of which provision of grants has been made in the Civil Budget Estimates for 1935-36 is appended as Annexure II. The provision is subject to the sanction of the Government of India. In the meantime, the Government have no objection

5th November 1935]

to the district boards incurring expenditure on these works in anticipation of the sanction of the Government of India, on the express understanding that if the required sanction is not forthcoming, any expenditure incurred on these works will fall entirely on the funds of the district boards concerned. The sanction of the Government of India will be intimated in due course.

(By order of the Government, Ministry of Local Self-Government)

T. B. RUSSELL,
Secretary to Government.

To the Presidents of District Boards concerned.

„ Treasury Deputy Collectors concerned.
„ Accountant-General (through the Finance Department).
„ Finance Department.
„ Chief Engineer (General, Buildings and Roads).
„ Examiner of Local Fund Accounts.

ANNEXURE I.

Works already sanctioned or in progress.

Serial number, name of the district board and particulars of work.	Total estimated cost.	Total grant admissible.	Total provision made in the Civil Budget Estimates for 1935-36.	Grant now sanctioned.
(1)	(2)	(3)	(4)	(5)
	RS.	RS.	RS.	RS.
North Arcot—				
1 Construction of a bridge across the Ponnai river at mile 76 of the Madras-Bombay trunk road.	7,31,000	*7,31,000	1,50,000	1,12,500
2 Special improvements to the Tiruvallam-Katpadi road to bring it up to the trunk road standard	1,32,000	1,32,000	20,000	15,000
Guntur—				
3 Construction of a bridge across the Musi river on the Great Northern trunk road	2,55,000	2,55,000	1,000	750
Kurnool—				
4 Construction of a girder bridge across the Vakki-leru at mile 147/7-8 of the Chittoor-Kurnool trunk road	1,16,000	1,16,000	16,996	12,745
Malabar—				
5 Comprehensive improvements to the Madras-Calleut trunk road, first section, from Calleut southwards	5,00,000	5,00,000	35,000	26,250
The Nilgiris—				
6 Improvements to the Gudalur-Vayittiri-Calleut trunk road	1,87,000	1,87,000	33,293	24,970
Vizagapatam—				
7 Construction of a girder bridge across the Kandivalasa gedda at mile 96/2-8 of the Great Northern trunk road	2,01,400	2,01,400	3,817	2,860
8 Construction of a girder bridge across the Rudameru gedda at mile 108/7-8 of the Great Northern trunk road	1,33,000	1,33,000	3,657	2,745
9 Construction of a girder bridge across the Paradigedda at mile 33/2 of the Vizianagram-Central Provinces road	2,89,200	2,89,200	10,000	7,500
Total			2,78,763	2,05,320

* Half of the amount will be met from the ordinary share and the other half from the 'reserve' under the Road Development Fund.

[5th November 1935]

ANNEXURE II.

New Works.

Serial number, name of the district board and particulars of work.	Total estimated cost.	Total grant admissible.	Total provision made in the Civil Budget Estimates for 1935-36.
(1)	(2)	(3)	(4)
RS.	RS.	RS.	RS.
Kurnool—			
1 Bridge across the Bhavanasi river at mile 143/5-6 of the Kurnool-Chittoor trunk road	99,500	99,500	30,000
Madura—			
2 Special repairs to the Great Southern trunk road between Tirumangalam and Ramnad frontier ..	60,750	60,750	30,000
Malabar—			
3 Comprehensive improvements to the Madras-Calicut trunk road, section VIII (Mongom to Kuttikan-gadi)	1,97,000	1,97,000	50,000
4 Remetalling the Madras-Calicut trunk road, sections III and IV (Olavakkot to Mannarghat)	88,000	88,000	88,000
5 Remetalling the Madras-Calicut trunk road, sections I and II (Walaayar to Kechimandapam)	58,000	58,000	58,000
6 Construction of a bridge over the Korapuzha river.	3,65,000	1,82,500	20,000
7 Construction of a bridge over the Murat river ..	2,82,400	1,41,200	20,000
Tinnevely—			
8 Construction of a bridge across the Tambraparni at Murappanad on the road from Tinnevely to Tuticorin	5,00,000	2,50,000	2,00,000
Vizagapatam—			
9 Conversion of the arched bridge of 10 vents into a girder bridge of 20 vents over the Sarada river at mile 465/1 of the Great Northern trunk road.	2,13,500	2,13,500	1,00,000
Chittoor—			
10 Construction of a girder bridge across the Muthire-val river at mile 5/4 of the Chittoor-Kurnool road	94,000	94,000	50,000
Total	..	..	6,46,000
Grand total (I and II)	..	..	9,19,703

(4)

G.O. No. 3311, L. & M., 15th August 1935.

Out of the allotment of Rs. 14 lakhs received from the Government of India for the improvement of the conditions of village life, the Government are pleased to sanction a sum of Rs. 1,50,000 for expenditure on the improvement of village communications in areas within the jurisdiction of non-union panchayat boards. The amount will be placed at the disposal of the Inspector of Municipal Councils and Local Boards for distribution among the panchayat boards. Grants may be given to the extent of the full cost of the works and the usual condition that the local body should find an equal amount will not be insisted on. The selection of the works will be left to the discretion of the Inspector of Municipal Councils and Local Boards who is requested to see that the benefit of the grant is given to all areas in the Presidency as far as possible. A list of the works selected should be communicated to the Government for information in the form given in the annexure to this Order.

2. The Government desire that the roads on which the grant sanctioned above is spent should wherever possible be called "Jubilee roads."

[5th November 1935]

3. The grant will be disbursed in accordance with the procedure laid down in G.O. No. 2217, L. & M., dated the 11th June 1935. The grant should as far as possible be drawn in the course of the current year, but in cases where this is not found practicable, the Government will be prepared to reallocate the amount next year.

4. The Accountant-General is requested to admit in audit the expenditure sanctioned in these proceedings and to debit it to a suspense head, pending the issue of detailed instructions in the matter of accounting by the Government of India.

5. The Inspector is requested to submit a report by the 15th November 1935 showing the progress of expenditure from the grant and a further report by the 15th April 1936 showing the amount of grant authorized by him for each district and the amount actually disbursed.

6. The Inspector has drawn the attention of the Government to the difficulty experienced by local bodies in getting poramboke lands vested in them for carrying out road-works in cases where the works in question are not included in the programme referred to in G.O. No. 1491, Revenue, dated the 26th July 1929. The Government consider that in the case of road-works carried out from the grant sanctioned in this Order, the restriction as regards inclusion of the works in the programme should be relaxed. Collectors are accordingly requested to dispose of applications on their merits where the cost of the works is to be met from the grant referred to above.

7. The Inspector is informed that in view of the orders passed in the foregoing paragraphs, the information called for in Memorandum No. 11746-4-C, L. & M., dated the 27th June 1935, is not now required.

(By order of the Government, Ministry of Local Self-Government)

T. B. RUSSELL,
Secretary to Government.

To the Inspector of Municipal Councils and Local Boards.
 „ all Collectors.
 „ the Revenue Department.
 „ the Accountant-General (through the Finance Department).
 „ the Finance (Expenditure) Department.
 „ the Finance (Budget) Department.
 „ the Examiner of Local Fund Accounts.
 „ all Presidents of District Boards.

ANNEXURE.

List of works on which it is proposed to utilize the grant sanctioned in G.O. No. 3311, L. & M., dated the 15th August 1935.

District.	Taluk.	Village.	Particulars of work.	Estimated cost.	Remarks.

[5th November 1935]

(5)

G.O. No. 3325, L. & M., dated 16th August 1935.

The Government are pleased to sanction in favour of the district boards, the grants shown in Annexure I to this order for expenditure on the improvement of village communications in areas other than those within the jurisdiction of non-union panchayat boards. The grants may be utilized for meeting the entire cost of the works selected for the purpose and the usual condition that the local body should find an equal amount from its own funds will not be insisted on. The grants should, as far as possible, be drawn during the current year, but if this is not found practicable, the Government will be prepared to re-allot the amount next year. The works to be selected will be left to the discretion of the district boards subject to the condition that the benefit of the grant is given to all areas in the districts as far as possible. A list of the works selected should be forwarded to the Government for information as early as possible in the form given in Annexure II to this order. The lists already submitted by presidents of district boards in pursuance of Memorandum No. 11746-3-C, L. & M., dated 27th June 1935, and Memorandum No. 11746-5-C, L. & M., dated 19th July 1935, are returned.

2. The grants will be disbursed in accordance with the principles laid down in G.O. No. 2217, L. & M., dated 11th June 1935. The Government would suggest that the roads on which these grants are utilized be named "Jubilee roads."

3. The expenditure will be met from the allotment of Rs. 14 lakhs placed at the disposal of the Government by the Government of India for village uplift. The Accountant-General is requested to admit in audit the expenditure sanctioned in these proceedings and to debit it to a suspense head, pending the issue of detailed instructions in the matter of accounting by the Government of India.

4. Presidents of district boards are requested to submit, so as to reach the Government before the 15th November 1935, a report showing the progress of expenditure out of the grant referred to above.

5. Treasury Deputy Collectors are requested to submit by the 15th April 1936 a statement showing the amount actually disbursed in 1935-36 out of the grant referred to above.

(By order of the Government, Ministry of Local Self-Government)

T. B. RUSSELL,
Secretary to Government.

To all Presidents of District Boards.
 „ all Collectors.
 „ all Treasury Deputy Collectors.
 „ the Accountant-General (through the Finance Department).
 „ the Finance Department.
 „ the Examiner of Local Fund Accounts.
 „ the Inspector of Municipal Councils and Local Boards.

5th November 1935]

ANNEXURE I.

Name of district board.					Grant sanctioned.
1 Anantapur ..	..	..	..	..	Rs. 10,000 for each district board.
2 Arcot, North ..	..	..	..	..	
3 Arcot, South ..	..	..	..	..	
4 Bellary ..	..	..	..	..	
5 Chingleput ..	..	..	..	..	
6 Chittoor ..	..	..	..	..	
7 Coimbatore ..	..	..	..	..	
8 Cuddapah ..	..	..	..	..	
9 Ganjam ..	..	..	..	..	
10 Godavari, East ..	..	..	..	..	
11 Godavari, West ..	..	..	..	..	
12 Guntur ..	..	..	..	..	
13 Ongole ..	..	..	..	..	
14 Kistna ..	..	..	..	..	
15 Kurnool ..	..	..	..	..	
16 Malabar ..	..	..	..	..	
17 Madura ..	..	..	..	..	
18 Nellore ..	..	..	..	..	
19 Nilgiris, The ..	..	..	..	..	
20 Ramnad ..	..	..	..	..	
21 Salem ..	..	..	..	..	
22 South Kanara ..	..	..	..	..	
23 Tanjore, East ..	..	..	..	..	
24 Tanjore, West ..	..	..	..	..	
25 Tinnevely ..	..	..	..	..	
26 Trichinopoly ..	..	..	..	..	
27 Visagapatam ..	..	..	..	..	
28 Bobbili ..	..	..	..	..	
					Total, Rs. 2,80,000

ANNEXURE II.

List of works on which it is proposed to utilize the grant sanctioned in G.O. No. , dated .

District.	Taluk.	Village.	Particulars of work.	Estimated cost.	Remarks. Brief explanation of necessity for the work may be given in this column.

(6)

G.O. No. 3737, L. & M., dated 14th September 1935.

READ—the following papers:—

From the Vice-President of the Nellore District Board, dated 24th August 1935, No. 159-Sup./35.

From the President of the Bellary District Board, dated 27th August 1935, No. 250-G/35.

Order—No. 3737, L. & M., dated 14th September 1935.

The Government consider that in the case of road works carried out from the grant sanctioned in G.O. No. 3325, L. & M., dated 16th August

[5th November 1935]

1935, the restriction regarding the inclusion of the works in the programme referred to in G.O. No. 1491, Revenue, dated 26th July 1929, should be relaxed. Collectors are accordingly requested to dispose of applications for the vesting of roads in the local boards on their merits where the cost of the works is to be met from the grant sanctioned in G.O. No. 3325, L. & M., dated 16th August 1935.

(By order of the Government, Ministry of Local Self-Government)

T. B. RUSSELL,
Secretary to Government.

To all Presidents of District Boards.
 „ all Collectors.
 „ all Treasury Deputy Collectors.
 „ the Accountant-General (through the Finance Department).
 „ the Finance Department.
 „ the Examiner of Local Fund Accounts.
 „ the Inspector of Municipal Councils and Local Boards.

(7)

G.O. Ms. No. 3938, L. & M., dated 26th September 1935.

The Inspector of Municipal Councils and Local Boards and all presidents of district boards are requested to see that when selecting works on which the grants sanctioned in the Government Orders quoted in the margin are to be utilized, the special claims of the depressed classes receive due consideration.

(By Order of the Government, Ministry of Local Self-Government)

T. B. RUSSELL,
Secretary to Government.

(8)

G.O. No. 368, Development, dated 8th March 1935.

The Indian Tariff (Textile Protection) Amendment Bill proposed to revise the duty on yarn imported into the country. This proposal received some measure of objection on the ground that it would affect the handloom industry. But the Government of India were advised that the revision would not cause any inconvenience to the industry, provided steps were taken to organize and develop co-operative buying and selling on behalf of the industry, and the provision revising the duty was passed in the legislature. The Government of India, however, decided to make grants-in-aid to schemes for developing co-operative buying and selling on behalf of the handloom weavers, and generally for the better organization and improvement of the industry; the amount of grant per annum proposed was not to exceed in the aggregate an amount equal to the amount of the proceeds of an import duty of a quarter-anna per pound on yarns up to fifties imported into the country

[5th November 1935]

and to last so long as the protective measures in the Bill were in force. The Government of India called for schemes from provincial Governments. The scheme appended to these orders was forwarded to them by this Government and it has received their approval.

2. The amount of grant allotted to this Presidency is Rs. 26,500 for 1934-35 and Rs. 59,500 for 1935-36. The grant may be used to meet both recurring and non-recurring charges other than those on land and buildings. The Government of India have decided that any unspent balances of grant remaining with them at the end of a financial year, whether actual or estimated, will be again included in their budget for the ensuing year. They have left this Government to adopt a similar procedure in accordance with article 197 of the Audit Code.

The Accountant-General is requested to advise on the account procedure to be followed in regard to this grant.

3. Although the scheme is mainly one of co-operative marketing and selling and should on this account be worked by the Department of Co-operation, yet the Government consider that the Industries Department is in a better position to work the scheme, as the whole problem consists of timely technical assistance in the purchase and distribution of raw materials and improved appliances and in the collection, stocking and sale of finished articles. The Director of Industries is requested to give effect to the scheme as early as possible. The Registrar of Co-operative Societies should give the Department of Industries all the assistance the latter requires in the matter of advice and staff.

(By order of the Government, Ministry of Education and Excise)

C. A. HENDERSON,
Secretary to Government.

To the Director of Industries.
 „ Registrar of Co-operative Societies.
 „ Accountant-General.
 „ Secretary, Legislative Council Office (to be placed in the Council Library).
 Press (paragraph 1 of order and scheme).

APPENDIX.

Scheme for the development of the cotton handloom weaving industry in the Madras Presidency.

The crux of the problem of handloom weaving is marketing. The Government of India have accordingly agreed to assist by grant of subsidy, schemes for developing co-operative buying and selling on behalf of the handloom weavers and generally for the better organization and improvement of the handloom industry. The grant for this Presidency is Rs. 26,500 for 1934-35 and Rs. 59,500 for 1935-36. The Director of Industries proposes to utilize this grant in giving subvention to a co-operative organization and has accordingly, in consultation with the Registrar of Co-operative Societies, proposed the formation of a Provincial Co-operative Society. The area of operations of this society will extend to the whole Presidency. The headquarters of this society will be Madras and its authorized capital Rs. 5 lakhs divided into 10,000 shares of Rs. 50 each. Co-operative societies intended for the benefit of weavers are, among others, eligible to become members and each such primary society will, at the outset

[5th November 1935]

consist of at least fifty members. Thirty such societies will be organized in the first instance. The Provincial Society will be managed by private persons subject to the general control of the officers of the Departments of Industries and Co-operation, acting as ex officio members of the Board of Directors of the society.

2. As the success of the scheme depends upon the regular sales of handwoven cloths produced by the weavers' societies, a Marketing Officer will be appointed and attached to the Provincial Co-operative Society. Besides this officer there will be five marketing agents appointed in suitable centres. The agents will assist the primary weavers' societies in their jurisdiction in marketing their output. In course of time, the paid marketing agents will be replaced by marketing agents paid on a commission basis only and the services of paid men will be utilized for new centres.

The Marketing Officer will prepare a standard wage list for handloom weavers, regulate the cost of cloths manufactured in primary weavers' societies and co-ordinate the work of the marketing agents. He will also secure forward contract orders from wholesale dealers of cloth and pass them on to the marketing agents for execution.

3. To supply the weavers' societies with a wide and varied range of improved designs for fabrics, a Cloth Designer will be appointed by the Provincial Co-operative Society. He will keep in close touch with the designs and patterns of mill cloths which are in great demand and evolve suitable designs for corresponding types of handloom cloths.

4. Attempts will be made to bring down the cost of production of cloths. The inclusion as members of the Provincial Society of firms engaged in the production, distribution or sale of raw materials required by the handloom weavers such as yarns, dye-stuffs, chemicals, etc., will, it is expected, secure for the weavers' societies the required supplies of raw materials on advantageous terms and under guarantee of quality.

Small units of power-driven machinery for preparing and distributing ready-made warps for handlooms will also effect reduction in the manufacturing costs of handloom cloths, and such installations will pave the way for the standardization of handloom products, which will facilitate marketing. Proper finishing is also likely to create or to develop the demand for handloom cloths. It is, therefore, proposed to install separate units of power-driven warp preparation plant and finishing plant. A small dyeing factory will be attached to the Provincial Society.

As the grant from the Government of India is, however, limited, it is proposed to make a subsidy to the Provincial Society to cover part of its expenditure on installing the above machinery.

5. The primary weavers' societies will be given a subsidy to cover the cost of their staff and to purchase appliances. When they begin to show a profit the subsidy will be diverted to new societies to be started in other areas. Their activities will be mainly directed towards producing such fabrics as can be marketed in or near their areas, of operation, and to undertake also the manufacture on handlooms of fabrics similar to mill cloths imported for use in their areas. Fabrics for the export market such as lungies, kailies and Madras handkerchiefs will also be produced and marketed.

ANNEXURE.

BY-LAWS OF THE MADRAS HANDLOOM WEAVERS' PROVINCIAL CO-OPERATIVE SOCIETY, LIMITED, No.

Name, constitution and address.

The Madras Handloom Weavers' Provincial Co-operative Society, Limited, No. , is registered as a co-operative society under Madras Act VI of 1932. Its address shall be Madras village, Washermanpet post, in the taluk of Madras in the Madras district. Its operations shall be confined to the Presidency of Madras.

It will be referred to in these by-laws as "The Provincial Society."

2. A society in these by-laws means a co-operative society, a primary society or a district society registered either under India Act X of 1904 or Act II of

[5th November 1935]

1912 (India) or Madras Act VI of 1932 and admitted as a member of the Provincial Society. A member includes a society unless the contrary appears from the context. A member society will be referred to in these by-laws as an affiliated society.

Objects.

3. The object of the "Provincial Society" is the organization of the handloom industry on a commercial basis in the area of operations mentioned in by-law 1 and the expansion of the market for handloom fabrics. For the purpose of attaining this object, it shall be competent for the Provincial Society—

- (1) to raise the money required by issue of shares and by borrowings ;
- (2) to purchase either for cash or credit such raw materials and appliances as may be required for the industry and retail the same either for cash or credit to the affiliated societies ;
- (3) to grant advances to affiliated societies ;
- (4) to purchase and hold in common or let on hire improved appliances connected with the industry ;
- (5) to purchase or receive for sale the finished products of the affiliated societies and sell the same to the best advantage ;
- (6) to purchase and supply the requirements of its affiliated societies ;
- (7) to establish and conduct one or more depots for the sale of the products of societies ;
- (8) to do such other acts as may help the development of the handloom industry or improve the economic condition of weavers ; and
- (9) to receive contribution for such purposes and carry out the objects of the contributions.

Membership.

4. The liability of the members of the Provincial Society shall be limited to the share capital subscribed by them.

5. The authorized capital of the Provincial Society shall be Rs. 5,00,000 made up of 10,000 shares of Rs. 50 each. Of these shares not more than one-third shares may be allotted to applicants other than societies.

6. Any person over 18 years of age, who is competent to contract residing within the limits referred to in the third sentence of by-law 1 and who sympathizes with the lot of the handloom weavers and any firm engaged in the production, distribution or sale of raw materials required by handloom weavers and any co-operative society intended mainly for the benefit of weavers, shall be eligible for admission as a member; but no person, firm or society can claim admissions as a matter of right.

7. Applications for admission as members and for allotment of shares shall be made to the Secretary in the form, if any, prescribed for the purpose. Every such application shall be disposed of by the Board of Directors who shall have power to grant admission or to refuse it without assigning reasons.

8. Every member shall take at least one share but no individual member shall take more than 200 shares. A society shall invest as much of share capital as the Board of Directors may determine from time to time, but in no case can a society be asked to invest more than the share capital held by it from its own members. Every member shall pay an entrance fee of 4 annas for each share taken by him at the time of taking the share provided that the total payment of entrance fees by any one member for all the shares held by him shall not exceed Rs. 5.

9. No member shall be permitted to transfer any share held by him unless the transferee be a member or some person whom the Board of Directors is willing to admit as a member and provided in any case that the transfer of share shall not be operative unless and until it is sanctioned by the Board of Directors. No member shall except with the permission of the Board of Directors be permitted to withdraw any share or shares held by him.

[5th November 1935]

Funds.

10. The Provincial Society will ordinarily obtain funds from the following sources:—

- (1) Share subscriptions.
- (2) Borrowings.
- (3) Fees.
- (4) Grant or subsidy or other assistance from Government and other institutions.

11. The value of a share shall be paid in one lump sum on allotment.

12. The Board of Directors may raise loans on such terms as may be mutually agreed upon and give security therefor.

Maximum borrowing limit.

13. The total borrowings of the Provincial Society shall not at any time exceed five times the paid-up share capital and the reserve fund. But any sums borrowed on the security of finished products definitely pledged to and placed in the custody of the creditor shall not be restricted to the said limit of five times the sum of the paid-up share capital and the reserve fund.

Management.

14. Subject to such resolutions as the general body may from time to time pass the executive management of the affairs of the Provincial Society shall vest in a Board of Directors. This Board shall consist of 15 members of whom (1) the Director of Industries, (2) the Registrar of Co-operative Societies, and (3) the Principal, Government Textile Institute, shall be ex officio members and six of the remaining members elected by the general body of the society from among individual members and firms holding not less than twenty shares each and the remaining six shall be elected by the representatives of member societies from among themselves. The President and the Vice-President shall be elected by the Board of Directors. The executive committee shall consist of nine members including the President, Vice-President, Director of Industries, Registrar of Co-operative Societies, Principal, Government Textile Institute, Madras, the remaining members being elected by the Board of Directors. Two at least of the members of the executive committee shall be representatives of member societies. There shall be a full-time secretary appointed by the Board on such salary as they may fix. He shall conduct the affairs of the society subject to the control of the President. The members of the Board for the first year shall be nominated by Government.

15. The elected members of the Board shall hold office for a period of three years or until their successors are elected. A retiring member of the Board of Directors, shall be eligible for re-election. A casual vacancy on the Board of Directors shall be filled up by the Board and the co-opted member shall hold office until the next general election takes place.

16. The Board of Directors shall meet as often as necessary to conduct the affairs of the Provincial Society. The quorum for a meeting of the Board shall be seven and for the executive committee four for a meeting. All the questions before the Board of Directors shall be decided by a majority of votes. Should there be an equality of votes, the President or other presiding member shall have a casting vote.

17. Should an elected member of the Board of Directors absent himself from four consecutive meetings of the Board, he shall cease to be a member of the Board of Directors but may be reinstated by the Board of Directors.

17-A. The President and in his absence the Vice-President and if both are absent a member elected by the meeting shall preside over the meetings of the executive committee, Board and the general body.

18. Subject to such resolutions as the Board of Directors may from time to time pass, the several officers of the Provincial Society shall have the powers mentioned below:—

- (a) The President shall have a general control over all the affairs of the Provincial Society. He shall also have power to appoint the members of the establishment except the Secretary and the Marketing Officer as well as to fine, suspend or dismiss them subject in the last two cases to the approval of the Board of Directors.

[5th November 1935]

(b) The Secretary shall be responsible for the executive administration of the Provincial Society subject to the control of the President and have custody of all the records and property of the society. One of the Directors elected by the Board shall be the Treasurer.

(c) Any account, current or cash credit, opened in the name of the Provincial Society shall be operated on by the Secretary.

19. It shall be the duty of the Board of Directors to maintain such accounts and registers as are prescribed by rule V of the rules under the Act and by the Registrar from time to time, to place before a general body meeting of the members the Registrar's notes of audit or inspection, to correspond with the Registrar and to do all other business relating to the Provincial Society.

20. The Board of Directors shall be competent to appoint the necessary staff and to fix the amount and nature of the security, if any, to be given by office establishment.

21. The Board of Directors shall have power—

- (1) to inspect and to ascertain by inquiry by deputing one or more of their number or any person authorized by them if the affiliated societies are working on proper lines and point out to them the defects in their working; and
- (2) to call for any information, statement or return concerning the working of affiliated societies. The societies concerned shall give all facilities for inspection and furnish the information, statement or return called for.

22. It shall be competent to the Board of Directors to frame subsidiary by-laws for the conduct of the business of the Provincial Society consistent with the Act, the rules under the Act and these by-laws. Such subsidiary by-laws shall be entered in the minute book of the Provincial Society and they shall be reported to the Registrar of Co-operative Societies, for approval.

23. The services of the members of the Board of Directors shall be gratuitous except that they may receive travelling allowance and sitting fee that may be fixed by the general body.

General body.

24. The ultimate authority in all matters relating to the administration of the society shall be the general body of the members who shall meet from time to time and at least once a year to conduct the work of the Provincial Society. The general body shall consist of (1) individual members and (2) representatives of member societies. Each affiliated society being a member of Provincial Society shall, at its general meeting, appoint a delegate; vacancies among delegates shall be filled up in the same manner. A delegate ceasing to be a member of his society shall cease to be its delegate. Every delegate shall hold office for a period of three years or until his successor shall have been appointed; provided that it shall be competent to any affiliated society at any time to remove its delegate and appoint another. Each individual member and each representative of a member society shall have only one vote.

The following among other matters shall be dealt with by general body:—

- (i) the election and removal of the elected members of the Board of Directors;
- (ii) the annual report due to the Registrar of Co-operative Societies;
- (iii) The Registrar's annual audit certificate;
- (iv) the amendment or repeal of any existing by-law or the enactment of a new by-law;
- (v) the expulsion of a member; and
- (vi) the returns that may be prescribed by the Local Government.

25. A meeting of the general body of the members may be convened whenever necessary for the conduct of the business by the Board of Directors and shall be so convened by the Board of Directors at the request of one-fourth of the members or at the instance of the Registrar.

26. The quorum for a general body meeting shall be 15 or one-fourth of the total number of members on the list at the time whichever is less.

[5th November 1935]

27. All questions shall be decided by a majority of votes of the members present and voting. When the votes are equal, the chairman of the meeting shall have a casting vote.

28. Fifteen days' notice shall ordinarily be given to members before a meeting of the general body is convened.

Purchase and sale.

29. It shall be the duty of the executive committee to arrange for the purchase for cash or on credit of raw materials and appliances required by affiliated societies and for their sale to them for cash or on credit on such terms as may appear to them reasonable. They may also arrange to purchase from affiliated societies all their finished products on such terms as may be reasonable and to sell or dispose of them for sale to the best advantage. They may arrange for the sale of goods of member societies and give advances against goods pledged with them.

30. The executive committee shall lay down rules to regulate the advance or sale of raw materials or appliances to the affiliated societies and the recovery of the cost of the same from the members concerned and they should in particular fix the value of raw materials that may be outstanding on credit at any one time with an affiliated society. It shall be competent to the executive committee to alter these rules from time to time.

31. Every affiliated society shall generally purchase all or any of the raw materials of its industry from the Provincial Society.

Money advances.

32. The executive committee shall be competent to make money advances to affiliated societies on such terms as may appear to them reasonable and arrange for their recovery. These terms shall be embodied in the subsidiary rules to be framed by the Board of Directors and approved by the Registrar of Co-operative Societies. Finished products may be accepted as security for these advances.

Joint purchase.

33. The executive committee may purchase wholesale the requirements of the members of affiliated societies. Subsidiary by-laws may be framed by the executive committee for purposes of these purchases subject to their approval by the Registrar.

Profits.

34. The net profits of the Provincial Society as declared by the Registrar year after year shall be disposed of as shown below:—

- (i) twenty-five per cent shall be carried to the credit of the reserve fund;
- (ii) twenty-five per cent of the amount may be distributed as dividends annually to the members subject to a maximum of 7½ per cent per annum, on the paid-up value of each share;
- (iii) out of the remainder such amount not exceeding 25 per cent as may be decided by the general body may be divided among affiliated societies according to the value of finished products delivered to the Provincial Society and of raw materials purchased from the Provincial Society;
- (iv) the balance or such smaller portion of the profits as may be fixed by the general body may be used for such purposes as may be decided upon by the general body to benefit the handloom industry or to improve the economic condition of the weavers; and
- (v) the balance, if any, of the profits shall be added to the reserve fund.

35. (1) The reserve fund shall belong to the Provincial Society as a whole and is intended to meet unforeseen losses. No member can claim a share in it. It shall be invested in such manner as the Registrar of Co-operative Societies prescribes and shall not be drawn upon except with his sanction.

(2) On the dissolution of the Provincial Society, the reserve fund and other funds contributed by it under the provisions of these by-laws shall be disposed of according to the rules framed under Madras Act VI of 1932.

[5th November 1935]

Miscellaneous.

36. No amendment to, alteration in, or cancellation of, a by-law nor the enactment of a new by-law shall be made except at a meeting of the general body of members or shall take effect until it shall have been approved by the Registrar.

37. Should any doubt arise as to the construction or interpretation of the Act, or any by-law, the Board of Directors shall refer the same to the Registrar of Co-operative Societies for advice and such advice shall be final and binding.

38. The Provincial Society shall prepare annually in such form as may be prescribed by the Registrar—

- (a) a statement showing the receipts and disbursements for the year;
- (b) a profit and loss account;
- (c) a balance-sheet; and
- (d) such other statements as may be prescribed by the Registrar.

These statements shall be made up to 30th June and a copy of each shall be sent to the Registrar within a month after the close of the co-operative year ending 30th June. After the Registrar has verified the statements and granted his audit certificate, the Provincial Society shall publish such of the prescribed statements as he may direct in the manner prescribed.

39. When by these by-laws it is provided that written notice shall be given to any member, the delivery of such a notice at the house at which such a member ordinarily resides or posted to the address registered in the office shall be sufficient service of notice.

40. The society shall sue and be sued in the name of the society represented by its Secretary.

(9)

G.O. No. 720, Development, dated 16th May 1935.

In accordance with the announcement, during the discussion of the Indian Tariff (Textile Protection) Amendment Bill in the Legislative Assembly, of their decision to assist the sericultural industry, the Government of India decided, subject to the vote of the Legislative Assembly, to distribute annually for five years sericultural grants aggregating Rs. 1 lakh a year for expenditure between 1st April 1935 and 31st March 1940 in Provinces and also to Indian States for the benefit of the industry in British India. They also decided that the small sum to be provided by them should not be dissipated on a number of unconnected experiments, but devoted, principally, to the increased production of disease-free "Cellular" seed and such research as might be possible in connexion therewith.

2. The Government of Madras submitted for the consideration of the Government of India the scheme appended to these orders for the production and distribution of "Cellular" seed and for conducting research on silk-worm disease. The scheme was scrutinized by the Imperial Sericultural Committee. The Committee recommended the scheme with the exception of the hibernation scheme which, the Committee considered, does not come within the purview of the scheme for distribution of "Cellular" seeds. They also recommended the payment, during 1935-36, of a sum of Rs. 2,260 for research on matters connected with pebrine disease and Rs. 14,350 for the scheme for supply

[5th November 1935]

of cellular seed. The Government of India have accepted the recommendation of the Committee and sanctioned the necessary grant as detailed below :—

	Non-recurring.	Recurring.	Total.
	RS.	RS.	RS.
(1) Research scheme	1,000	1,260	2,260
(2) Production of disease-free seed (1st May 1935 to 31st March 1936) .. .	3,150	11,200	14,350

The scheme will be given effect to from 1st August 1935. Any saving in the provision made for recurring expenditure, consequent on the postponement of the introduction of the scheme till 1st August, will be applied to increase the allotment made for non-recurring expenditure under production of cellular seed, as the grant sanctioned by the Government of India for the purpose (Rs. 3,150) is only 50 per cent of the grant required and is, therefore, inadequate. The Government of India have no objection to this diversion.

3. The Accountant-General is requested to indicate the accounts procedure to be followed in utilizing the grant.

4. The Director of Industries is requested to apply in advance for the amount required by him for each quarter so that necessary application may be made to the Government of India.

5. The Government sanction the following additional temporary posts for the working of the scheme during 1935-36.

Scheme for the supply of 'cellular seed'—

Three farm managers on Rs. 75—5/2—100.

One clerk on Rs. 30—3/2—45—2/2—55.

Nine moth testers on Rs. 28—2/2—40.

Seven operatives on moth testing work on Rs. 23.

Two mulberry cultivators on Rs. 23.

Research—

One Pathology assistant on Rs. 80 per mensem.

6. The Director of Industries is requested to submit draft special rules in respect of these posts with reference to G.O. No. 989, Public (Services), dated 21st September 1934. The staff should not be entered before the special rules in respect of them issue.

(By order of the Government, Ministry of Education and Excise)

C. A. HENDERSON,
Secretary to Government.

To the Director of Industries.
„ Accountant-General, through the Finance Department.
„ Finance Department.
„ Secretary, Legislative Council office (for placing in the Council Library).
Press (Order, excepting paragraphs 3, 4 and 6, and Appendix).

[5th November 1935]

APPENDIX.

Scheme for the production and supply of cellular seed.

There are 7,951 acres of mulberry in the Madras Presidency of which 7,846 acres are in the Kollegal taluk, Coimbatore district, where silk-worm rearing is carried on extensively under purely cottage conditions. In addition to Kollegal, several other areas have been found suitable for mulberry cultivation and silk-worm rearing. There is considerable scope for the development of the industry because of the favourable climatic conditions in many districts and of the absence of any other suitable and more remunerative subsidiary occupation for agriculturists.

Kollegal silk is superior in *tensile strength*, lustre and wearing qualities and on this account is preferred to foreign silk by certain classes. Any increase in the quantity of local silk will be readily absorbed in the Presidency itself.

2. On account of the immense possibilities of this industry, a sericultural expert was appointed in 1919 to develop the industry. The prevalence of the fatal disease "pebrine" has been responsible for a good deal of loss to silk-worm rearers in the Kollegal area. Ever since expert's appointment, the question of supplying disease-free seed has been engaging the attention of Government.

3. Advanced sericultural countries such as Japan and Italy are more favourably placed in regard to the use of cellular seed because the varieties of worms they rear are entirely univoltine and bivoltine and that factor allows them ample time—five to ten months—to examine the months used in seed production. On the other hand conditions in India, except in Kashmere and the Punjab are radically different, as the Mysore multivoltine worms which are used in this Presidency allow us only four to five days for the examination of the moths. In these circumstances, the work of seed testing has necessarily to be carried on in a number of small farms or units in reputed seed cocoon centres scattered throughout the sericultural area, rather than in big and highly specialized seed establishments as in Japan and Italy. The Government tackled the problem of supply of disease-free seed in the following different ways:—

(1) *Production and testing of seed cocoons in Government farms.*—A farm was opened at Coonoor in the year 1920 with 1½ acres of mulberry which was subsequently increased to 12 acres. The mulberry leaves were attacked by "Mildew" and the farm was not successful so far as the supply of disease-free layings was concerned. This farm now confines its work to the hybridization of worms and budding and grafting of mulberry, with 1½ acres of mulberry. A second farm was, therefore, opened at Hosur with 2½ acres of leased mulberry during the year 1929, and this farm has been working successfully. Recently the leased land has been given up and 13 acres of Government land have been taken up to increase the seed supply. A third farm was opened during 1931 at Palmaner with three-fourths of an acre of land under mulberry to serve as a demonstration farm and also to supplement the seed supply. This farm has also worked with success in supplying disease-free layings.

At the beginning of this financial year a fourth farm has been sanctioned at Thadguni—one of the villages of Kollegal taluk with a reputation for rearing seed cocoons—with 5 acres of leased mulberry. This farm has started successfully and the seed produced and distributed has given satisfactory results. It is proposed to extend the leased land from 5 to 10 acres and to utilize all the cocoons raised for supplying disease-free seed.

(2) *Aided grainages.*—In order to bring literate rearers into work of moth testing and also to increase the seed supply, two silk-worm rearers were taught microscopic work and were given facilities for starting aided grainages during the year 1930. They were provided with free microscopes, an initial grant for purchasing accessories and a bonus of Rs. 5 for every thousand layings of disease-free seed distributed. These grainages, however, failed, as they found it difficult to collect money for seed sold on credit. Another reason for their failure was the difficulty experienced in getting a regular supply of seed cocoons from the Mysore seed areas.

[5th November 1935]

(3) *Aided silk farms.*—A third source of supply was from an aided silk farm started at Vadakangulam in Tinnevely district. The owner of the farm has been given every encouragement by the Government; an outright grant of Rs. 1,000, a loan of Rs. 1,000 for building a sericultural house, a bonus of Rs. 25 for every acre of mulberry planted up to 10 acres, a bonus of Rs. 100 for each reeling basin up to five basins and Rs. 5 bonus for every thousand layings of seed produced and distributed to silk-worm rearers through the Government agency. This aided farm has been working satisfactorily.

(4) *Peripatetic Rearing Party, Kollegal.*—In order to undertake moth testing work on a large scale and bring the benefit of this work to the very door of the rearers, a moth testing party of six members under the supervision of a Silk Superintendent was sanctioned during the year 1926. This party is doing very useful work in Kollegal taluk and is in great demand. The seed produced and examined by the Government Agency is guaranteed cent per cent pure, because, as every mother moth is examined thoroughly by skilled testers before the seed is issued, there is no chance of any diseased seed being certified as disease-free.

(5) It is now a matter of common knowledge that Japan, which was rearing only indigenous varieties of worms ten years ago, has taken to the rearing of only hybrid varieties (univoltine as well as bivoltine). The tree mulberry has also given place to the bush variety in the plains in Japan. The old production ratio of 12 of cocoons to 1 of silk has now been reduced to 9 of cocoons to 1 of silk with hybrid cocoons. On the return of the Sericultural Expert from deputation to Japan and China in November 1933, several varieties of Chinese and Japanese univoltine and bivoltine seeds, which he brought with him, were reared in the Government farms at Coonoor, Palmaner, Hosur and Kollegal and the results obtained have been very encouraging. In the case of the hybrid worms reared the quality of the cocoons was superior and less than 300 cocoons weighed 1 lb. as against 600 of the indigenous Mysore variety. It has, therefore, been decided to indent for periodical supplies of the above seed from Japan. An order for 12 to 15 oz. of hybrid seed has been placed with the Japanese authorities to be supplied from November of this year in four consignments. Most of these indents are for purposes of hybridization.

(6) The Government have recently sanctioned a proposal to purchase 15 lakhs of seed cocoons, convert them into layings and sell disease-free layings to rearers.

4. For the reasons given in the first portion of paragraph 3 above, it is desirable to continue to tackle the supply of disease-free seed under the different methods detailed above.

5. (a) As already mentioned, there are 7,951 acres of mulberry in the Madras Presidency. Each acre of mulberry requires 750 layings of seed for rearing annually. So the present requirement of seed of this Presidency may be put at $7,951 \times 750$ or 60 lakhs of layings. At present the total supply from Government farms, aided farm and the Moth Testing Party is 908,740. This leaves a deficit of over 50 lakhs of layings to be made good in respect of the entire tested requirements of the Presidency at present. It is proposed that the seed production from the existing Government farms should be increased from 5 lakhs in the first year to 11 lakhs in the course of the next five years at an estimated cost of Rs. 42,840.

(b) Though the aided grainages failed, as stated above, it is necessary that non-official agencies should be made to interest themselves and extend their co-operation in this important work. It is considered, however, that the bonus of Rs. 5 for every 1,000 layings distributed, in the past, is excessive and that Rs. 2-8-0 for every 1,000 layings would be reasonable. At least one grainage each year will be started with a capacity of a lakh of tested layings per annum which will be capable of a 25 to 50 per cent increased output at the beginning of the second year. The funds necessary for bonus, etc., are included in the statement of expenditure. The estimate for bonus is Rs. 7,750.

(c) In a similar manner the aided farms outside the Kollegal taluk found suitable for producing seed cocoons should be encouraged and subsidized. One such farm with at least 5 acres of land should be started every year. Each

[5th November 1935]

farm will produce and supply at least a lakh of layings per annum which will be capable of a 25 to 50 per cent increased output at the beginning of the second year. As in the case of aided grainages, the bonus proposed to be given is Rs. 2-8-0 for every 1,000 disease-free layings distributed. Expenditure in this case also is estimated at Rs. 7,750.

(d) The Peripatetic Rearing Party will be strengthened by the addition of nine moth testers at a cost of Rs. 27,828 so as to be able to examine ultimately 30 lakhs of layings.

(e) As stated in paragraph 3 (5) above, it is proposed to import seeds from Japan. This seed requires to hibernate when it arrives in Madras for two to three months. It is, therefore, necessary to instal a refrigerator plant in Madras for the seed to hibernate, and then to send the seed out for distribution in Kollegal taluk and other sericultural areas. The refrigerator will cost Rs. 2,000 and the running expenses will come to Rs. 40 per mensem. A regular supply of 500 oz. of seed will be obtained in the first year and the quantity increased progressively by 500 oz. every next year. These hybrids will be crossed with the indigenous variety and the first generation of crosses will be distributed. It is expected that in about five years' time the requirements of seed of the Madras Presidency will be met mainly by hybrid crosses and that these will materially increase the earning capacity of the silk-worm rearers. The expenditure is estimated at Rs. 36,600.

The total estimated cost of supplying disease-free seed is estimated at Rupees 1,22,768. Details of this estimate are appended to the scheme.

6. Since 1919, silk-worm rearers in this Presidency have been gradually realizing the value of rearing from tested seed, which at the beginning was known as "Sirkar seed." It is considered that the increased production contemplated in the scheme will be fully utilized, and that there is no likelihood of any portion of the increased production becoming surplus to requirements and wasted. In this connexion it should be borne in mind that though sericulture is a long established industry in Kollegal, many silk-worm rearers have abandoned it, as is evidenced by a decline in the acreage of mulberry from about 11,000 in 1924-25 to 7,846 in 1934, owing to the severe set-back which the industry has received during the past eight years as a result of intensive Japanese and Chinese competition. There is every reason to hope that at the first signs of a revival of the industry those who were driven out of it will resume work; and this will result in an increased demand for cellular seed.

7. There is at present no export of cellular seed from this Presidency. Other sericultural provinces and Indian States, except Mysore, have their own varieties of worms, and are not likely to require any of the seed from this Presidency; while Mysore will continue to meet its requirements from within the State itself.

Financial statement for increasing the seed supply.

I. Non-recurring expenditure—

For first year—

	RS.	RS.
1. Extra appliances such as microscopes, tin rings, crushing sets, etc., for Hosur, Palmaner and Thadguni farms at Rs. 1,500 for each farm (details given in page 33 *)	4,500	
2. Stands, trays, etc., at Rs. 150 per each farm	450	
3. Microscopes and other appliances for nine more moth testers at Rs. 600 for a moth tester (details given in page 33 †)	5,400	
4. Refrigerator (40 cubic feet capacity) cost	2,000	
	12,350	
5. Microscopes and other appliances such as tin rings, etc., for each aided grainage	600	
6. Microscopes and other appliances such as tin rings, etc., for each aided farm	600	
Total of non-recurring expenditure for first year		13,550

* Referred to in page 695 infra.

† Referred to in page 695 infra.

[5th November 1935]

I. Non-recurring expenditure—cont.

For first year—cont.

	Rs.	Rs.
For second year on account of one aided silk farm and the aided grainage being started	1,200	
For third year on account of one aided silk farm and the aided grainage being started	1,200	
For fourth year on account of one aided silk farm and the aided grainage being started	1,200	
For fifth year on account of one aided silk farm and the aided grainage being started	1,200	
	<u>4,800</u>	
Total non-recurring		<u>18,350</u>

II. Recurring expenditure—

Extra expenditure—

(1) Hosur farm—

First year—

Farm manager on Rs. 75—5/2—100	900
Three operatives for moth-testing work on Rs. 23 per mensem	828
Mulberry cultivator on Rs. 23 per mensem	276
Transport charges for seed	750
Extra contingencies	500
Total	<u>3,254</u>

Second year—Same as first year.

Third and fourth year—

An additional Rs. 60 on account of increment to the farm manager

Fifth year—

Another additional Rs. 60 as indicated above.

(2) Palmaner farm—

First year—

One farm manager on Rs. 75—5/2—100	900
Two operatives for moth-testing work on Rs. 23 per mensem each	552
One mulberry cultivator on Rs. 23 per mensem.	276
Transport charges on seed	200
Contingencies	200
Total	<u>2,128</u>

Second year—Same as first year.

Third year—

An additional Rs. 60 for increment to farm manager

Fourth year—Same as the third year.

Fifth year—

Another additional Rs. 60 as indicated above.

(3) Thadguni farm—

First year—

One farm manager on Rs. 75—5/2—100	900
Two operatives for moth-testing work on Rs. 23 per mensem	552
Transport charges on seed	200
Contingencies on account of an increase in acreage under mulberry from 5 to 10	400
Total	<u>2,052</u>

16,510

10,880

5th November 1935]

II. Recurring expenditure—cont.

Extra expenditure—cont.

(3) Thadguni farm—cont.

Rs.

Second year—Same as the first year.

Third year—

An additional Rs. 60 for increment to farm manager

Fourth year—Same as the third.

Fifth year—

Another additional Rs. 60 as indicated above

10,500

(4) Peripatetic rearing party—

Extra expenditure—

First year—

Nine moth testers on Rs. 28—2/2—40	3,024
One clerk on Rs. 30—3/2—45—2/2—55	360
Contingencies	450
Travelling allowances	450
Total	<u>4,284</u>

Second year—Same as first year.

Third year—

Extra expenditure by way of increments to moth testers and clerk Rs. 252

Fourth year—Same as the third.

Fifth year—

Another additional Rs. 252 as above

22,428

(5) Madras seed hybernation station—

First year—

Running costs at Rs. 40 per mensem	480
Operative on Rs. 20 per mensem	240
Contingencies for transport of seed, etc.	200
Cost of 500 oz. of seed at Rs. 4 per oz. including transport	2,000
Total	<u>2,920</u>

Second year—

Running costs, etc., as above	920
Cost of 1,000 oz. of seed at Rs. 4 per oz.	4,000
Total	<u>4,920</u>

Third year—

Running costs, etc., as above	920
Cost of 1,500 oz. of seed at Rs. 4 per oz.	6,000
Total	<u>6,920</u>

Fourth year—

Running costs, etc., as above	920
Cost of 2,000 oz. of seed at Rs. 4 per oz.	8,000
Total	<u>8,920</u>

Fifth year—

Running costs, etc., as above	920
Cost of 2,500 oz. of seed at Rs. 4 per oz.	10,000
Total	<u>10,920</u>

34,600

[5th November 1935]

II. Recurring expenditure—cont.

Extra expenditure—cont.

	RS.	RS.
(6) Aided grainages—		
First year—Bonus on 1 lakh of disease-free layings at Rs. 2-8-0 per thousand layings	250	
Second year on 2½ lakhs	625	
Third year on 3½ lakhs	875	
Fourth year on 5 lakhs	1,250	
Fifth year on 7 lakhs	1,750	
(7) Aided silk farms—		4,750
First year—Bonus on 1 lakh of disease-free layings	250	
Second year on 2½ lakhs	625	
Third year on 3½ lakhs	875	
Fourth year on 5 lakhs	1,250	
Fifth year on 7 lakhs	1,750	
Total recurring		4,750
		1,04,418

The financial aspect of the scheme may be summarized as follows:—

	First year.	Second year.	Third year.	Fourth year.	Fifth year.
	RS.	RS.	RS.	RS.	RS.
Non-recurring—					
Appliances, refrigerators, etc.	13,550	1,200	1,200	1,200	1,200
Recurring—			18,350		
Madras silk worm seed hybernation station	2,920	4,920	6,920	8,920	10,920
Hosur farm	3,254	3,254	3,314	3,314	3,374
Palmaner farm	2,128	2,128	2,188	2,188	2,248
Thadguni farm	2,052	2,052	2,112	2,112	2,172
Peripatetic rearing party	4,284	4,284	4,536	4,536	4,788
Aided grainages	250	625	875	1,250	1,750
Aided silk farms	250	625	875	1,250	1,750
Total, recurring	15,138	17,888	20,820	23,570	27,002
Grand total	28,688	19,088	22,020	24,770	28,202
	1,22,768	1,04,418 Recurring.			
		18,350 Non-recurring			

Production of disease-free layings.

Number of layings produced or tested or both.

	LAKHS.	LAKHS.	LAKHS.	LAKHS.	LAKHS.
Government farms	5	11	11	11	11
Peripatetic rearing party	20	30	30	30	30
Aided grainages	1	2½	3½	5	7
Aided silk farms	1	2½	3½	5	7
Japanese hybrid seed	1	1	1½	2	2½
Total	27½	47	49½	53	57½

5th November 1935]

* Particulars of appliances required in each of the Government farms.

	RS.
Three microscopes	750
Accessories	100
Crushing sets, six	50
Tin rings 40,000 at Rs. 15 per thousand	600
Total	1,500

† Appliances required by each member of the peripatetic rearing party and aided farms and grainages.

	RS.
One microscope	250
Accessories	50
Three crushing sets	20
Extra trays, stands, etc.	100
Tin rings 12,000 at Rs. 15 per thousand	180
Total	600

Pebriane is a widespread disease throughout the sericultural areas of India. The hereditary source of infection is checked by the issue of disease-free cellular seed. Information is lacking as to the incidence of contamination in all the stages of worm-rearing and the effect of ventilation, environment and other cognate matters. The Director of Industries proposes to conduct research in this direction and has drawn up a scheme of research estimated to cost Rs. 9,800 which will be spread over five years. The results of the research will be useful to all provinces.

Estimate of expenditure for conducting research.

1. Non-recurring—	
Microscopes and accessories	600
Laboratory fittings	1,000
Total	1,600
2. Recurring—	
First year—	
One Pathology Assistant on Rs. 75-5/2-100	900
One laboratory attendant on Rs. 19-2/2-25-1/2-30	228
One peon on Rs. 12	144
Laboratory charges at Rs. 25 per mensem	800
Total	1,572
Second year—	
Same as first year	1,572
Third year—	
An additional Rs. 84 for increments to the Pathology Assistant and laboratory attendant	1,656
Fourth year—	
Same as third year	1,656
Fifth year—	
An additional Rs. 84 for increments to the Pathology Assistant and laboratory attendant	1,740
Total	9,796

* Referred to in page 691 supra.

† Referred to in page 691 supra.

[5th November 1935]

(10)

G.O. Ms. No. 782 W., dated 27th March 1935.

READ—the following:—

From the Government of India, dated 4th March 1935, C. No. 22.

Order—No. 782 W., dated 27th March 1935.

The Government approve an expenditure of Rs. 1,16,000 (rupees one lakh and sixteen thousand) on the construction of a new bridge across the Eranjolly river at mile 1/8 on the Tellicherry-Coorg Road. The Government of India have sanctioned the proposal to meet the cost of the work from the share of the Government of Madras in the Road Development Account.

A provision of Rs. 50,000 has been made for the work in the Budget Estimate for 1935-36. The Chief Engineer is requested to proceed with the execution of the work and to intimate the number, date, title and amount of technical sanction to the estimate for communication to the Government of India.

(By order of the Government, Ministry of Public Works)

W. SCOTT BROWN,
Secretary to Government.

To the Chief Engineer (General, Buildings and Roads).
„ Local Self-Government Department.
„ Accountant-General.

(11)

G.O. Ms. No. 884 W., dated 5th April 1935.

READ—the following:—

G.O. No. 648 W., dated 14th March 1934.

From the Chief Engineer (General, Buildings and Roads), dated 13th March 1935, No. 738-Wks./35-1.

Order—Ms. No. 884 W., dated 5th April 1935.

The Government approve an expenditure of Rs. 16,000 (rupees sixteen thousand) on the construction of a concrete road over the Kistna Anicut at Bezwada in supersession of the estimate for Rs. 14,300 approved in G.O. No. 648 W., dated 14th March 1934. They also approve the action of the Chief Engineer in having permitted the Superintending Engineer to proceed with the work in anticipation of sanction of Government to the revised estimate.

5th November 1935]

2. The Chief Engineer is requested to intimate the number and date of technical sanction to the revised estimate for communication to the Government of India.

(By order of the Government, Ministry of Public Works)

W. SCOTT BROWN,
Secretary to Government.

To the Chief Engineer (General, Buildings and Roads), with two estimates and three plans.
„ Local Self-Government Department (with enclosure).

(12)

G.O. No. 1770, P.H., dated 12th July 1935.

READ—the following paper:—

From the Director of Public Health, dated the 20th May 1935,
No. 16-P.H.-11/35.

Order—No. 1770, P.H., dated 12th July 1935.

The Government have decided that a portion of the grant proposed to be allotted by the Government of India for the improvement of rural areas in this Presidency should be utilized for carrying out anti-malarial measures in malaria infected areas. The Director of Public Health has accordingly submitted the following proposals for the utilization of this grant:—

- (1) Subsoil and open drainage at Chintapalli, Gudem taluk, Vizagapatam Agency. Estimated cost, Rs. 10,000.
- (2) Subsoil drainage at Gudalur in Nilgiris district. Estimated cost, Rs. 10,000.
- (3) Koraput subsoil drainage. Estimated cost, Rs. 39,500.
- (4) Anti-malarial measures in Rameswaram Island. Estimated cost, Rs. 5,000.
- (5) Investigation of endemic malaria in South Kanara district and epidemic malaria in Bellary district. Estimated cost, Rs. 16,000.
- (6) Anti-malarial measures in the coastal area from Ennore to Madras, Sriharikota Island and Gudalur taluk in Nellore district. Estimated cost, Rs. 20,000.

2. As it has been decided to allot only Rs. 50,000 out of the Government of India grant for expenditure on anti-malarial measures in rural areas, the Government consider that the proposals of the Director of Public Health relating to Koraput (Rs. 39,500) be not taken up at present and that the expenditure under item 5 relating to investigation of endemic malaria in South Kanara district and epidemic malaria in Bellary district need not also be incurred out of this grant. Subject to the above modifications, the Government approve the proposals of the Director of Public Health. The total estimated cost of

[5th November 1935]

the schemes now approved for execution comes up to Rs. 45,000. The balance of Rs. 5,000 will be kept in reserve for meeting any extra expenditure that may be considered necessary during the course of execution.

3. The Director of Public Health is requested to take necessary steps to commence the execution of the anti-malarial schemes approved by the Government without any delay and arrange for the completion of all these schemes within a period of one year. The total expenditure on these measures should on no account exceed Rs. 50,000. The Director of Public Health is requested to report at once the probable amount required for expenditure on the scheme in the current year and also to submit a report to Government by 15th October 1935 as to the progress in the execution of these schemes and the probable expenditure on them by the end of the current financial year and the amount required for the next year.

4. The Accountant-General is requested to admit in audit the expenditure sanctioned in these proceedings and to debit it to a suspense head, pending the issue of detailed instructions in the matter of accounting by the Government of India.

(By order of the Government, Ministry of Local Self-Government)

R. SUBBAYYA,
Joint Secretary to Government.

To the Director of Public Health.
 „ Surgeon-General.
 „ Sanitary Engineer.
 „ Finance Department.
 „ Revenue Department.
 „ Accountant-General (through the Finance Department).
 „ Finance Department.
 „ Presidents of District Boards concerned.
 „ Collectors concerned.

(13)

G.O. No. 1771, P.H., dated 12th July 1935.

READ—the following paper:—

From the Director of Public Health, Madras, dated 21st May 1935,
No. 17-P.H./35.

Order—No. 1771, P.H., dated 12th July 1935.

The Government have decided that a portion of the grant proposed to be given by the Government of India for the improvement of rural areas in this Presidency should be utilized for the provision of bore-hole latrines in rural areas. The Director of Public Health has drawn up a scheme for the installation of public bore-hole latrines in

[5th November 1935]

almost all the villages in one selected taluk in each district. The cost of this scheme is estimated at Rs. 3,72,500. The scheme provides for—

- (1) the construction of two public latrines of four seats each in each village, and
- (2) for the supply of concrete slabs at half cost and the free supply of borers necessary for installing private latrines in a few houses in each village subject to the condition that the house-owner finds funds for the enclosure, labour for boring and construction and also the other half of the cost of the slabs.

The Government consider that a scheme of the kind formulated by the Director of Public Health will go far to remedy a longstanding evil in the areas selected for the purpose and set an example to other adjoining areas. They are accordingly pleased to approve the proposal subject to the following remarks:—

- (1) The proposals submitted by the Director of Public Health relate to only 25 selected taluks. There are now 27 district boards and one taluk should be selected in each district board area
- (2) The total expenditure on the scheme should be limited to Rs. 2.50 lakhs as it has been decided to allot only this amount out of the Government of India grant. It should on no account exceed this allotment. The expenditure to be incurred on the scheme in each one of 27 selected taluks should therefore be limited to Rs. 9,000. The total amount required will then come to Rs. 2,43,000 which will leave a balance of Rs. 7,000 to be kept in reserve to meet any unavoidable extra expenditure.

In order that the cost of the scheme may be kept within the allotment proposed for the same, the scheme should be completed in 18 months instead of in two years as proposed by the Director of Public Health and confined to about 100 important villages in each taluk selected for the purpose. The wages proposed for the coolies to be employed should not be more than Rs. 10 per mensem.

The taluk to be selected in each district should be settled in consultation with the Collector and the President, District Board. It should be a typical taluk from which ideas could easily spread to the outlying parts of the district. It is essential that while the scheme is under execution it should be under the constant supervision of the higher officials of the Public Health Department. Ordinarily public latrines should be constructed only in places where the local boards or the villagers concerned are likely to maintain and keep the latrines in proper repair. In carrying out the scheme, the Director of Public Health should see that the needs of the areas inhabited by the depressed classes also receive consideration.

2. The Director of Public Health is requested to take necessary steps to execute the scheme with the least practicable delay. He

[5th November 1935]

should submit at once a report to the Government as to the probable expenditure that will be incurred on this scheme up to the end of the current year. He should also submit by the 15th October a report as to the progress made in the execution of the scheme and the probable expenditure likely to be incurred on the scheme in the next year. Quarterly reports should be submitted thereafter before the 15th of the month following each quarter, as to the progress made in the execution of the scheme in the districts and the expenditure incurred.

3. The Government take this opportunity to impress upon the officers of all ranks in the Public Health Department the need for active and incessant propaganda work so that the beneficial results of the scheme which is now being introduced in the rural tracts, will be realized by the rural population, and the system itself will become popular and will be voluntarily adopted by the villagers in general at no distant date. The Government also hope that the Presidents of the District Boards and the District Collectors will extend the necessary co-operation to the Public Health staff, so as to make this scheme a complete success.

4. The Accountant-General is requested to admit in audit the expenditure sanctioned in these proceedings and to debit it to a suspense head, pending the issue of detailed instructions in the matter of accounting by the Government of India.

(By order of the Government, Ministry of Local Self-Government)

R. SUBBAYYA,
Joint Secretary to Government.

To the Director of Public Health.
 „ the Surgeon-General.
 „ the Sanitary Engineer to Government.
 „ the Finance Department.
 „ the Revenue Department.
 „ the Accountant-General, through the Finance Department.
 „ the Finance (Budget) Department.
 „ all Presidents of District Boards.
 „ all Collectors.

(14)

G.O. No. 2297, P.H., dated 5th September 1935.

READ—the following papers:—

From the President of the South Kanara District Board, dated 19th July 1935, R.C. No. 8890-A-4/35.

From the President of the Malabar District Board, dated 31st July 1935, No. A-4-101/35.

From the Director of Public Health, dated 7th August 1935, R.C. No. 24028-R.O./35.

Order—No. 2297, P.H., dated 5th September 1935.

The Government have, in G.O. No. 1771, P.H., dated 12th July 1935, sanctioned a grant of Rs. 9,000 for each of the twenty-seven

[5th November 1935]

districts in the Presidency for utilization on the construction of bore-hole latrines in a typical taluk to be selected in each district in consultation with the Collector and the President, District Board, concerned. It has since been brought to the notice of Government that in Malabar and South Kanara districts where houses are scattered it would be more advantageous to spend the grant in selected areas in every taluk where a large number of houses are located. It has also been represented that in Chittoor district, it would be more beneficial if the scheme is spread over all villages in the various taluks in the district where rural reconstruction work has been done instead of concentrating the works in a single taluk. The Director of Public Health recommends the above proposals and the Government accordingly accept them.

2. The Government are also pleased, in this connexion to vest in the Director of Public Health discretion to make suitable modification in the villages selected for the construction of borehole latrines, the Government being kept duly informed of such modifications. Proposals which would radically alter the main principles of the scheme or which would involve the construction of more than 200 latrines in a district should not, however, be given effect to without the prior approval of the Government.

3. The Director of Public Health is requested to send to Collectors of districts copies of the quarterly reports on progress of the scheme referred to in paragraph 2 of G.O. No. 1771, P.H., dated 12th July 1935.

(By order of the Government, Ministry of Education and Excise)

R. SUBBAYYA,
Joint Secretary to Government.

To the Director of Public Health.
 „ the Surgeon-General.
 „ the Sanitary Engineer to Government.
 „ the Finance Department.
 „ the Accountant-General (through Finance Department).
 „ all Presidents of District Boards.
 „ all Collectors.

(15)

G.O. Ms. No. 2007, P.H., dated 1st August 1935.

READ—the following papers:—

From the Director of Public Health, dated the 1st December 1934, R.C. No. 2407-R.S.

Endorsement of the Surgeon-General, dated the 7th December 1934, R. No. 2273-1-Hospl.

Order—Ms. No. 2007, P.H., dated 1st August 1935.

In 1933, Lieut.-Col. Webb, the then Director of Public Health, submitted to Government proposals for a co-ordinated rural development scheme in an area of the Tiruvallur taluk, Chingleput district.

[5th November 1935]

The general objects of that scheme were to give a demonstration of real rural development and how it could be worked with the co-operation of all departments, to constitute a field of rural research into administrative as well as technical matters and at a later stage to form a training ground for workers of all departments. The scheme was approved by the Government subject to certain conditions and was in operation for about a year. At the end of the year it was found that it was not possible to co-ordinate the efforts of all departments in working the scheme. It was therefore suggested that the scheme might be restricted to the public health aspect only. But as this restricted scheme would considerably narrow down the value of the experiment it was decided to discontinue the entire experimental scheme of rural development.

2. The present Director of Public Health, Lieut.-Col. C. M. Ganapathy, has now submitted a more modest proposal for improving the public health of rural areas. He is of opinion that concerted action should be taken by the public health field staff throughout the Presidency to improve environmental hygiene. Paucity of funds stands in the way of trying a scheme for the whole province and the Director of Public Health therefore proposes that a scheme of intensive health work may be tried as an experimental measure in one selected area with a view to demonstrate what could be done for the health and welfare of the rural population by a well organized public health effort and thus to stimulate the health consciousness of the masses. This experimental scheme is also intended to afford facilities to train workers in all aspects of public health.

3. It is proposed to select for the above purpose an area consisting of 25 villages in the Sriperumbudur taluk, Chingleput district, with Poonamallee as the headquarters and to place a First-class Health Officer in entire charge of the same. The area will be divided into four ranges each having a population of about 10,000, and with a staff of one Health Inspector, one Health visitor, two midwives and two female attendants in each range. Besides the above staff, there will be employed a clerk, an attender and ten peons for the scheme as a whole. The Health Officer and the four Health Inspectors and their peons will be detailed for the work under the scheme from the existing staff. All the other staff employed will be additional and they will draw pay at the rates fixed by Government for such classes of servants.

4. The above scheme is estimated to cost Rs. 29,300 in the first year and Rs. 24,800 a year in the subsequent years. The Health Unit will attend to the following matters:—

(a) *Administration*—

- (1) Vital statistics.
- (2) Health education.
- (3) Supervision.

5th November 1935]

(b) *Hygiene*—

- (1) Ante-natal.
- (2) Natal and Post-Natal.
- (3) Infant and pre-school child.
- (4) School child.
- (5) Adult.
- (6) Industrial, domestic and social hygiene.

(c) *Sanitation*—

- (1) Water-supply.
- (2) Drainage.
- (3) Conservancy.
 - (i) Rubbish and manure.
 - (ii) Night soil.
 - (iii) Provision of latrines.
- (4) Nutrition and food supply.
- (5) Housing.
- (6) Dangerous and offensive trades.
- (7) Control of animals and their sheds.
- (8) Disposal of dead.

(d) *Control of communicable diseases*—

- (1) Notification.
- (2) Epidemiological investigations.
- (3) Vaccination and preventive inoculation.
- (4) Malaria control.
- (5) Special campaigns such as, hookworm, filariasis, leprosy, tuberculosis, venereal diseases, etc.

(e) *Laboratory work*.

5. The Government approve of the above scheme and authorize the Director of Public Health to work it for a period of 18 months ending with the 31st March 1937.

6. They also constitute an advisory committee consisting of the Revenue Divisional Officer, a representative of the Rockefeller Foundation, a representative of the District Board, the Presidents of the panchayats concerned and the representative, nominated by the Revenue Divisional Officer of other villages concerned which have no panchayats. The Revenue Divisional Officer will be the President of the Committee, and the Health Officer the Secretary. The work of the Committee will be of an advisory nature. It will meet once a quarter and consider quarterly progress reports to be placed before the Committee by the Secretary. The Committee will discuss the reports

[5th November 1935]

and offer suggestions about the working of the scheme wherever necessary. The quarterly reports after approval by the Committee will be submitted to the Director of Public Health who will forward them to the Government with his remarks.

7. The representative in India of the Rockefeller Foundation has agreed to address the authorities of the Foundation in New York recommending the payment by them of a contribution of 40 per cent of the total cost of the scheme for 18 months. He has also stated that he will be addressing the foundation to meet another sum of Rs. 400 for deputing the Health Officer to be placed in charge of the scheme to undergo a short training in a similar work in Ceylon. The Director of Public Health is authorized to move the authorities of the foundation for the payment of the proposed contribution inclusive of Rs. 400 for the deputation of the Health Officer. In doing so he will communicate to them a copy of this order for their consideration.

8. The Director of Public Health is requested to depute on receipt of this order, the Health Officer to be placed in charge of the scheme, to go to Ceylon to study a similar scheme there. He is also requested to see that the cost of such deputation does not exceed the sum of Rs. 400 offered by the Rockefeller Foundation.

9. The Government share of the cost of the scheme will be found from the grant proposed to be allotted by the Government of India for the improvement of rural areas in this Presidency. The Accountant-General is requested to admit in audit the expenditure sanctioned in these proceedings and to debit it to a suspense head, pending the issue of detailed instructions in the matter of accounting by the Government of India.

(By order of the Government, Ministry of Local Self-Government)

R. SUBBAYYA,
Joint Secretary to Government.

To the Director of Public Health.

- „ Surgeon-General.
- „ President, District Board, Chingleput.
- „ Collector of Chingleput.
- „ Accountant-General, through the Finance Department.
- „ Finance Department.
- „ Revenue Department.
- „ Examiner of Local Fund Accounts.
- „ Sanitary Engineer to Government.
- „ Inspector of Municipal Councils and Local Boards.

(16)

G.O. No. 2583, P.H., dated 3rd October 1935.

The Government have decided that a portion of the grant proposed to be given by the Government of India for the improvement of rural areas in this Presidency should be utilized for the provision of drinking

[5th November 1935]

water-supply sources in villages where the supply is inadequate or does not exist and where the local boards are not in a position to meet the expenditure therefor with the aid of the usual half grant from Provincial funds. A sum of Rs. 5.50 lakhs has been allotted for expenditure on rural water-supply schemes out of the Government of India grant. The Government are pleased to distribute a sum of Rs. 4,67,111 out of the above allotment as grants to meet the full cost of the works specified in the annexures to this order. Annexure I contains the list of protected water-supply schemes in rural areas and Annexure II a list of new drinking water-supply sources to be provided in the villages specified in it. Orders will issue separately for the distribution of the balance of the grant.

2. *Protected water-supply schemes.*—Provision has been included for a full grant of Rs. 28,000 to the Avaniyapuram Panchayat Board (Madura district) for expenditure on the water-supply scheme which has been pending execution for a long time owing to the inability of the panchayat board to meet its share of the cost of the scheme on the usual half grant basis. All the other schemes shown in Annexure I must be scrutinized by the Deputy Sanitary Engineer or the Sanitary Engineer as the case may be, before they are taken up for execution. The Sanitary Engineer is requested to report to Government the amount of estimates for each of the schemes as finally sanctioned by the Sanitary Engineer. The Presidents of Madura, the Nilgiris, Coimbatore, and Kurnool District Boards are requested to see that the works specified in Annexure I to this order for which the grants are now sanctioned are started immediately after the technical sanction of the Sanitary Engineering Department is received and that they are completed as soon as possible. The works should in any case be completed in one year from the date of this order. Orders for the disbursement of the grants will be issued by Government on the recommendation of the Sanitary Engineer, that work has been carried out satisfactorily and in accordance with the sanctioned plans and estimates. The grant for each work should not exceed the amount of the estimate or the grant sanctioned by Government whichever is less. The district boards should meet from their own funds the entire extra cost, if any, that may be required to complete the works if the estimate as finally approved by the Sanitary Engineering Department exceeds the grant now sanctioned.

3. *Other rural water-supply schemes.*—As regards the wells in the villages specified in Annexure II to this order the grants are sanctioned, subject to the following conditions:—

- (1) The District Board Engineer should scrutinize all the estimates and certify that due attention has been paid to soil conditions, labour charges and availability of water at the site selected, before execution is ordered.
- (2) The district board should agree to meet from its own funds the entire extra cost, if any, that may be required to complete the works.

[5th November 1935]

(3) The District Board should see that the wells constructed with the aid of this grant are open to use and enjoyment by persons of whatever caste or creed, in accordance with the provisions of section 126-A of the Madras Local Boards Act, 1920.

(4) The district board should obtain the approval of the District Health Officer for all works costing below Rs. 1,000. Estimates for all works costing Rs. 1,000 or more must be approved by the Deputy Sanitary Engineer concerned.

(5) Only new wells should be sunk and no works relating to improvements to or the deepening of existing sources or such works as, digging a pond, vakkarani or stepwell should be taken up.

(6) The grants now sanctioned will be paid to the district board on the production of certificates from the District Board Engineer countersigned by the president, district board, to the effect that the work has actually been carried out. The grant claimed for each work should not exceed the amount allotted for it in Annexure II to this order.

4. The presidents of district boards concerned are requested to take immediate steps to have the works taken up for execution.

5. If a district board proposes to take up any new work in lieu of a work for which grant is sanctioned, the previous sanction of Government should be obtained to such proposal.

6. Collectors of districts and Revenue Divisional Officers are requested to inspect during their tours the works in their respective jurisdiction for which grants are sanctioned in this order and to offer their remarks on the progress of the works. The presidents of district boards are requested to furnish at once to each Revenue Divisional Officer lists of works in their jurisdiction. The Collectors are requested to send to Government quarterly reports, with their own and the Revenue Divisional Officer's remarks on such works in their jurisdiction as they have been able to see. They should explain to the villagers the origin of the special grant and why it is being made, so as to bring home to the villagers the fact that special assistance is given by the Government of India for the provision of water-supply in rural areas.

7. The Government desire to impress upon the presidents of district boards concerned that the villagers who are directly benefited by these schemes should be made to recognize that these are special grants made by the Government of India for the good of the rural population. In order that due recognition may be paid to this grant, the Government desire that the wells and tanks provided out of the Government of India grant should be known as "Jubilee Wells," or "Jubilee Schemes."

5th November 1935]

8. The Accountant-General is requested to admit in audit the expenditure sanctioned in these proceedings and to debit it in the accounts in accordance with the instructions issued by the Government of India.

(By order of the Government, Ministry of Local Self-Government)

R. SUBBAYYA,
Joint Secretary to Government.

To all Presidents of District Boards.
" all Treasury Deputy Collectors.
" all Collectors of districts.
" the Examiner of Local Fund Accounts.
" the Director of Public Health.
" the Sanitary Engineer to Government.
" the Inspector of Municipal Councils and Local Boards.
" the Accountant-General, through the Finance Department.
" the Finance Department.
" the Revenue Department.

ANNEXURE I.

List of protected water-supply schemes in rural areas sanctioned for execution out of the Government of India grant.

The Nilgiri district.

Name of work.	Amount of estimate.
	RS.
1 Kadanadu water-supply scheme	1,400
2 Thuneri water-supply scheme	4,980
3 Kodamalai water-supply scheme	3,750
4 Porthi water-supply scheme	1,900
5 Devarshola Bazaar water-supply scheme	1,800
6 Davani water-supply scheme	2,460
Total ..	16,290

Coimbatore district.

Dhaliyur water-supply scheme	4,030
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Madura district.

Avaniapuram water-supply scheme	28,000
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Kurnool district.

Hosur water-supply scheme	4,400
Total, all districts ..	53,620

[5th November 1935]

ANNEXURE II.

Name of district board.	Grant sanctioned.	Name of district board.	Grant sanctioned.
	RS.		RS.
1 Anantapur	31,216	17 Malabar	8,210
2 North Arcot	8,060	18 Nellore	26,635
3 South Arcot	7,550	19 Ramnad	19,115
4 Bellary	18,595	20 Salem	25,730
5 Chingleput	21,850	21 East Tanjore	6,860
6 Chittoor	7,160	22 West Tanjore	6,840
7 Coimbatore	17,441	23 Tinnevely	32,299
8 Cuddapah	24,830	24 Trichinopoly	18,000
9 Ganjam	7,855	25 Bobbili	20,990
10 East Godavari	17,015	26 Vizagapatam	18,000
11 West Godavari	16,525		
12 Guntur	10,160	Total	4,13,491
13 South Kanara	11,100		
14 Kistna	16,580		
15 Kurnool	2,950		
16 Madura	12,125		

The grants should be utilized for the works specified in the appended statements.

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant.

Serial number and name of work.	Amount of estimate.
	RS.
1. Anantapur District.	
1 Constructing a drinking water well at Veladurthi	600
2 Do. Cholasamudram	800
3 Do. Rangapuram	985
4 Do. Kamisetipalli	750
5 Constructing a drinking water well in the Adi-Andhra (Mala) quarters at Kolimipalayam, hamlet of Jambugupeta	670
6 Constructing a drinking water well in the Boya quarters at Mavinamasudahalli	910
7 Constructing a drinking water well at Jallipalli, hamlet of Udiripikonda	780
8 Constructing a drinking water well in the Adi-Andhra (Madiga) quarters at Isalapuram	460
9 Constructing a drinking water well at Pagadavanpalli, hamlet of Allapalli	610
10 Constructing a drinking water well at Sanipalli in the Adi-Andhra (Mala) quarters	500
11 Constructing a drinking water well at Veerapuram, hamlet of Venkatapuram in the Adi-Andhra quarters	1,240
12 Constructing a drinking water well at Yerradoddi, Kadiri taluk	1,220
13 Constructing a drinking water well at Yerravankapalli in the Adi-Andhra quarters	550
14 Constructing a drinking water well at Mangalamadugu	490
15 Do. Ramagiri	670
16 Do. Vellamadai	570
17 Do. Uraviri	610
18 Do. Singampalli	590
19 Do. Gonderla	400
20 Do. Sivarampet up Udiripikonda	900
21 Do. Kanchattipalli, hamlet of Koduri	800
22 Do. Tappetavaripalli	1,550
23 Do. Chillavaripalli, Tadpatri taluk	1,550
24 Do. Kuntimaddi in the Adi-Andhra quarters	465
25 Do. Venkatampalli in the Adi-Andhra (Madiga) quarters	495

5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.	Amount of estimate.
	RS.
1. Anantapur District—cont.	
26 Constructing a well at Namala	500
27 Do. Venkatampalli in the Adi-Andhra (Mala) quarters	530
28 Do. Nidigallu	345
29 Do. Ganganipalli in the Adi-Andhra quarters	1,150
30 Do. Renimakulapalli	1,000
31 Do. Venganur	490
32 Do. Atmakur	550
33 Do. Palaoherla in the Adi-Andhra (Madiga) quarters	475
34 Do. Devanakunti, hamlet of Goridindla in the Adi-Andhra quarters	460
35 Do. Goridindla	480
36 Do. Devanakunti in the Adi-Andhra (Sangli) quarters	460
37 Do. Puletapalle in the Adi-Andhra quarters	600
38 Do. Venkatampalli	500
39 Do. Venkatampalli in the Adi-Andhra (Mala) quarters	550
40 Do. Namela	500
41 Do. Ganginipalli in the Adi-Andhra quarters	1,000
42 Do. Gopaipalli, hamlet of Nallamada in the Adi-Andhra (Madiga) quarters	141
43 Do. Neefalavanka, hamlet of Reddipalli	490
44 Do. Serravankapalli Velamadoddi in the Adi-Andhra (Madiga) quarters	434
45 Do. Velamadoddi in the Adi-Andhra (Madiga) quarters	106
46 Do. Reddikuntathanda, hamlet of Reddipalli	373
47 Do. Thippiah Garipalli in the Adi-Andhra (Madiga) quarters	107
48 Constructing a well in the compound of the rest-house in Guntakal	980
Total	31,216
2. North Arcot District.	
Arkonam Taluk.	
1 Sinking a well at Krishnapuram	850
2 Sinking four wells in Kavaripauk Major Panchayat	1,100
Arni Taluk.	
3 Sinking a well in Mulliputcheri	350
Polur Taluk.	
4 Sinking a well in Poondi village cheri	290
5 Do. Ariyathur cheri	240
Cheyyar Taluk.	
6 Sinking a well in Neelathangal village	340
7 Do. Anaiyadi village	350
8 Do. Kovalai cheri	270
9 Do. Maruthadu cheri	550
Tiruvannamalai Taluk.	
10 Sinking a well in Sanananthal village	230
11 Do. Seyyaleri	320
12 Do. Thalayuthu	250
13 Do. Manmalai cheri	250
14 Do. Porasapet	250
15 Do. Thusinjapuram cheri	250

[5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.		Amount of estimate.
		Rs.
2. North Arcot District—cont.		
Chengam Taluk.		
16	Sinking a well in Anamangalam village	430
17	Do. Si-Sorapandal Adi-Dravida	300
18	Do. Bonderi in the Adi-Andhra (Lambadi) quarters	270
19	Do. Malamanjanur Pudur	320
20	Do. Kambat	310
21	Do. Mittoor	140
22	Do. Mothakkal	400
Total ..		8,060

3. South Arcot District.

1	Sinking a well in Pudupeta village, Cuddalore taluk	550
2	Do. Mandagapet cheri, Villupuram taluk	700
3	Do. the cheri of Velakkollai, Tindivanam taluk	550
4	Do. the cheri at Thagadi village, Tirukkoyilur taluk	910
5	Sinking a well at Pathiar tope	480
6	Do. Palapet, Kallakurichi taluk	575
7	Do. Ponnankuppam cheri, Cuddalore taluk	270
8	Sinking a well near Customs House, Kanganamkuppam, Cuddalore taluk	300
9	Sinking a well at Padur in Tirukkoyilur taluk	500
10	Sinking a well at Pukkiranani, Kallakurichi taluk	850
11	Do. Thachakadu village, Chidambaram taluk	465
12	Do. Udayargudi village cheri, Chidambaram taluk	445
13	Do. Amminkokkin kuppam, Vriddhachalam taluk	460
14	Do. Domangalam railway station, Vriddhachalam taluk	495
Total ..		7,550

4. Bellary District.

1	Constructing a draw well at Dasapur	875
2	Do. Yerralana halli	750
3	Do. Gonahal	1,110
4	Constructing a draw well at Bellada Mallappa Gudala, Harapanahalli taluk.	1,020
5	Constructing a draw well at Gadiganur	500
6	Do. Venkatapuram	1,050
7	Do. Voddu	740
8	Do. Madhapuram	750
9	Do. Kalingeri	840
10	Do. Sivalinganahalli	1,120
11	Do. Kallakunta	2,820
12	Do. Kurikuppi	550
13	Do. Ingiligi	1,600
14	Do. Chikkajiganur	950
15	Do. Gajjinahal	1,060
16	Do. Kamalapuram (Panchayat)	2,860
Total ..		18,595

5. Chingleput District.

1	Sinking a well at Kopakam, hamlet of Nelvoy—Sathiavedu range	550
2	Do. Theratchi, Sathiavedu range	400
3	Do. Zamin Veppampattu, Tiruvallur range	480
4	Do. Virugambakkam, Saidapet range	640
5	Do. Arambakkam, Saidapet range	550

[5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.		Amount of estimate.
		Rs.
5. Chingleput District—cont.		
6	Sinking a well at Anjamedu, hamlet of Mukarambakkam, Sathiavedu range	675
7	Do. Venkatapuram, Sathiavedu range	1,270
8	Do. Pulipedu, Sathiavedu range	620
9	Do. Nellimarutukandigai, hamlet of Pudur, Sathiavedu range	1,700
10	Do. Vijayanallur cheri—Sathiavedu range	600
11	Do. Natham, Chingleput range	600
12	Do. Mailai, Chingleput range	650
13	Do. Kuppathupoliam, hamlet of Kunnanallam—Tiruvallur range	1,620
14	Do. Ramanjeri, Tiruvallur range	1,220
15	Do. Poondy, Tiruvallur range	820
16	Do. Koppur, Tiruvallur range	1,870
17	Do. Achukattu Natham, Conjeeveram range	1,150
18	Do. Sittimbakkam, Conjeeveram range	800
19	Do. Injambakkam, Conjeeveram range	900
20	Do. Devarimbakkam, Conjeeveram range	825
21	Do. Ekkannapuram cheri, Sriperumbudur range	790
22	Do. Panrutti cheri, Sriperumbudur range	800
23	Do. Settippattu, Sriperumbudur range	900
24	Do. Kumaracheri, Tiruvallur range	300
25	Do. Medur, Ponneri range	500
26	Do. Kaduvancheri, Sriperumbudur range	620
Total ..		21,850

6. Chittoor District.

1	Sinking a well at Thummida, Chittoor taluk	870
2	Do. Alakuppam, Palamaner	600
3	Do. Kadagallu near Krishnapuram, Palamaner	500
4	Do. Chintaparthi in the Adi-Dravida (Mala) quarters, Vayalpad	685
5	Do. Papireddigaripalli in the Adi-Dravida (Mala) quarters, Vayalpad	680
6	Do. Thogatapalli, hamlet of Udayamanikyam, Vayalpad	810
7	Do. Yerrakotapalli, Vayalpad	700
8	Do. Kayam village, Puttur	440
9	Do. Ayyaneri in Adi-Dravida quarters, Tiruttani	500
10	Do. Palachur, Kalahasti	800
11	Do. Kottumodalujangalapalli, Kalahasti	575
Total ..		7,160

7. Coimbatore District.

1	Sinking a well in Kuratti Hosur village, Kollegal taluk	1,020
2	Sinking a well at Badranalli village, Kollegal taluk	950
3	Sinking a well in the Adi-Dravida quarters in Kollegal taluk—	
	(i) At Lingapuram	290
	(ii) At Marahalli village	290
	(iii) At Bodimuthanahalli	580
4	Sinking a well in the Muhammadan quarters in Kalingayam	540
5	Sinking a well in the Adi-Dravida (Chuckler) quarters at Kondappanayakanpalaiyam	540
6	Sinking a well in the Adi-Dravida (Chuckler) quarters at Akkarai-koduveri	540
7	Sinking a well in the Adi-Dravida (Chuckler) quarters at Koramadevi	670

[5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.	Amount of estimate.
	RS.
7. Coimbatore District—cont.	
8 Sinking a well in the Adi-Dravida (Chuckler) quarters at Kariagoundanpalaiyam	515
9 Sinking a well in the Adi-Dravida quarters in Sravanampatti village	740
10 Sinking a well in the Adi-Dravida quarters in Vattamalaipalayam	450
11 Sinking a well in the Adi-Dravida quarters in Pothanayakanpalaiyam	430
12 Sinking a well in the Adi-Dravida (Chuckler) quarters at Kandaigoundan chavati	875
13 Sinking a well in the Adi-Dravida (Chuckler) quarters at Karasamadai, hamlet of Elavanthi	325
14 Sinking a well in the Adi-Dravida (Chuckler) quarters at Kothapalaiyam, hamlet of Sokkanur	325
15 Sinking a well at Kanuvakkur	385
16 Do. at the foot of Ottumalai hills	410
17 Do. at Alarapalaiyam	306
18 Do. in the Adi-Dravida (Chuckler) quarters at Pattakoram-palaiyam	385
19 Do. in the Adi-Dravida quarters at Velandipalaiyam	415
20 Do. in the Adi-Dravida quarters at Akkanayakanpalaiyam, hamlet of Vadavalli, Palladam taluk	425
21 Do. in the Adi-Dravida (Chuckler) quarters at Kanjeevaram, hamlet of Neelali village	600
22 Do. at Salayur, hamlet of Mottupalaiyam village, Dharapuram taluk	575
23 Do. in the Adi-Dravida quarters at Karukkupalaiyam, hamlet of Neelali village, Dharapuram taluk	600
24 Do. at Ponnachi village, Bhavani taluk	400
25 Do. at Perimiam, hamlet of Brimmadevam village	650
26 Do. in the Adi-Dravida (Chuckler) quarters of Karuthur, hamlet of Alukkuli village	830
27 Do. in the Adi-Dravida quarters at Ettimadai	400
28 Do. at Pallakuthur	400
29 Do. in the Adi-Dravida (Chuckler) quarters at Kasipalaiyam	400
30 Do. in the Adi-Dravida (Chuckler) quarters at Vettaikattu-valasu	400
31 Do. at Chinnigoundarvalasu	400
32 Do. in the Adi-Dravida (Chuckler) quarters at Moladevan-valasu	400
Total ..	17,441

8. Cuddapah District.

1 Constructing a well at Chakalapalli, hamlet of Tsundapalli	700
2 Do. at Kothapalli of Chitlur	670
3 Do. at Kothapalli of Nallaguthupalli	970
4 Do. at Bommavaram	650
5 Do. at Gopapuram	750
6 Do. at Apparajupet of Rajapalem	630
7 Do. at Gundikotta	300
8 Do. at Gollapalli	540
9 Do. at Kondakindipalli	670
10 Do. at Tsoundravariipalli	900
11 Do. at Arakatavemula	630
12 Do. at Virur	540
13 Do. at Kavalakunta	700
14 Do. at Yendipalli of Vellalavarikandrige	700
15 Do. at Bayanapalli of Idamadaka	950
16 Do. at Upparapalli of Kottapad	930
17 Do. at Dhanunavada	700
18 Do. at Peddamudiem	620

[5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.	Amount of estimate.
	RS.
8. Cuddapah District—cont.	
19 Constructing a well at Thokalapalli of Cherlopalli	550
20 Do. at Peddatidiki of Rayavaram	800
21 Do. at Bathapalli of Veeraballi	750
22 Do. at Aravedu	700
23 Do. at Dinnepad	760
24 Do. at Chakrayapet	870
25 Do. at Hasanapuram	900
26 Do. at Karnoothala	360
27 Sinking a well at Kamanur	900
28 Do. at Katamvaripalli of Kamalaku	650
29 Do. at Vontimitta	900
30 Do. at Peddapolupalli of Gopavaram	900
31 Do. at Cherlopalli	830
32 Do. at Kommur	900
33 Do. at Malladmadugu	960
34 Do. at Bimagunnam	550
Total ..	24,830

9. Ganjam District.

1 Constructing a well at Kalyanapur	470
2 Do. at Godasantrapur	530
3 Do. at Jadupalli	440
4 Do. at Potarakandi in the quarters of the scheduled classes (in Madasa Estate)	450
5 Do. at Borabhadra	420
6 Do. at Siddhantam	400
7 Do. at Sinduvada	390
8 Do. at Tumkalapeta near Mulasavarapuram	400
9 Do. at Hallapetta	890
10 Do. at Bathili in the quarters of scheduled classes	400
11 Do. at Nandigam in the quarters of the scheduled classes	365
12 Do. at Kurudu	380
13 Do. at Jullundi	300
14 Do. at Konyaribadi	470
15 Do. at Haddi street at Purushottapur	490
16 Do. at Dhoba street at Bellugunta	370
17 Do. at Nangam	300
18 Do. at Ranipeta	390
Total ..	7,855

10. East Godavari District.

1 Constructing a well at Sarbavaram	1,500
2 Do. at Chintalarevu	1,700
3 Do. at Jagganapundi	2,000
4 Do. at Velicheru	1,600
5 Do. near the Ballantam crossing at Kadiam	315
6 Do. in the tank bed at Kadiam	525
7 Do. near temple on canal berm at Kadiam	315
8 Constructing eight wells in Amalapuram taluk	2,400
9 Do. eight wells in Razole taluk	2,400
10 Do. seven wells in Cocanada taluk	2,100
11 Do. seven wells in Ramachandrapuram taluk	2,100
Total ..	17,015

[5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.	Amount of estimate.
11. West Godavari District.	
	RS.
1 Constructing a well at the junction of K.N. road to Great Northern Trunk road	2,475
2 Constructing a well in the Adi-Andhra (Mala) quarters at Nallajerla ..	2,450
3 Constructing a well in the Golla quarters at Thimmanapalem and Nallajerla	2,475
4 Constructing a well at the junction of the K.N. road with Venkatramannagudem-Telikicherla road	3,600
5 Constructing a well at Jagganapetta	1,240
6 Do. at Anapadu	1,000
7 Do. at Marellapundi	1,000
8 Do. at Samdu Kodappa, hamlet of Vemmuladevi	340
9 Do. near Village Munsif's house at Turuputhullu	420
10 Do. on the bank of the eastern bund of the tank at Gondi	430
11 Do. near the school building at Turuputhullu	325
12 Do. in Mamidigunta, hamlet of Agarru	450
13 Do. at Medapadu in the Adi-Dravida quarters	320
Total	16,525

12. Guntur District.

1 Constructing a ring well in the Adi-Dravida quarters of Arepalle	200
2 Sinking fresh water wells in Kunchinapudi	500
3 Sinking a ring well in Konotipuram	220
4 Do. at Satalur	530
5 Do. in the burial-ground of Bumipalem	270
6 Conversion of a step well near Hanuman temple into a draw well in Uppalapadu, Narasaraopet taluk	1,100
7 Conversion of a step well into a draw well in S. No. 89 A of Kubadpuram. Do. in Murukipundi	1,100
8 Do.	680
9 Conversion of a step well into a draw well in Nenuparedipalle, hamlet of Brahmanapalle	1,700
10 Conversion of a step well into a draw well in Reddipalem, hamlet of Puchanuthala	800
11 Conversion of a step well into a draw well in S. No. 76 B in Kanumala cheruvu	1,030
12 Conversion of a step well into a draw well in Gummanampadu	1,100
13 Do. in Pulipadu village	930
Total	10,160

13. South Kanara District.

1 Constructing a well in 4/8 of road No. 22 North	510
2 Do. in 1/7 of Kariangana village road	790
3 Constructing a well in Kidiyur village	890
4 Do. (two wells) in Kodavur village	1,740
5 Constructing a well in Parkal	690
6 Do. in Bailur	950
7 Do. in Siddapur at the junction of roads Nos. 18-18 A	820
8 Do. in 4/5 of Vandse-Halkal road	950
9 Do. in 15/4 of road No. 17	1,210
10 Do. in Kodi village	900
11 Do. at junction of coast road No. 22 North with Chitrapadi road	840
12 Do. in Angadymogar	810
Total	11,100

[5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.	Amount of estimate.
	RS.
14. Kistna District.	
1 Constructing a well in the Christian quarters at Polavaram	800
2 Do. in the Adi-Andhra quarters at Mirzapuram	440
3 Do. in the Adi-Andhra quarters at Billanapalli	4,000
4 Do. in the Adi-Andhra quarters of Sobbanadripuram	700
5 Do. in the Adi-Andhra (Madiga) quarters of Yenamadala	900
6 Do. at Sarampalli	1,500
7 Do. at Bandaragudem	1,300
8 Do. at Narayappaopeta	950
9 Do. in the compound of the Board High School at Gannavaram	900
10 Do. at Pedagonnur	250
11 Do. in the compound of the Board Middle School at Kapileswarapuram	380
12 Do. in tank-bund at Gurza	250
13 Do. at Peddagollapalem	150
14 Constructing tube wells at Sreekulam	550
15 Constructing a well in Kottapeta village at Malapalli	190
16 Do. at Pedagodumotu	180
17 Do. at Santa building, Nagalayanka	200
18 Do. at Pallepalem, Nagalayanka	200
19 Do. in the middle of the village Nagalayanka	200
20 Do. in the middle of Dharmacheruvu	200
21 Do. in Pedda Cheruvu	200
22 Do. in Madigagudem-Pedasamagallu	210
23 Do. in Kottamalapalli-Pedasamagallu	210
24 Constructing a cement ring well at Reddipalem	125
25 Constructing a well at Turakamarrigunta	170
26 Do. at Nageswararaopeta	150
27 Constructing a cement ring well at Nangegadda	220
28 Do. pot ring well at Gollapalam	180
29 Do. a well in Avanigadda Kottamalapalli	360
30 Do. two wells in Nagalayanka	220
31 Do. a well in the Adi-Andhra quarters, Challapalli	295
Total	16,580

15. Kurnool District.

1 Constructing a draw well at Bhaskarapuram	1,500
2 Do. in the Adi-Andhra quarters at Charlopalli	300
3 Do. at Jutur	1,150
Total	2,950

16. Madura District.

1 Sinking a well in the Adi-Dravida (Chuckler) quarters at Periyakottai ..	550
2 Do. in the Adi-Andhra (Chuckler) quarters at Perumalnayakan Valasu, hamlet of Devathur	550
3 Do. in the Adi-Dravida (Chuckler) quarters at Boduvarapatti	1,075
4 Do. in the Adi-Dravida (Chuckler) quarters at Markandapuram, hamlet of Koothampondi	830
5 Do. at Markandapuram	1,300
6 Do. in the Adi-Dravida (Chuckler) quarters at Puthu Athi-kombai	560
7 Do. in Kuthilanaickenpatti, hamlet of Gollapatti	660
8 Do. in Periakalipatti, hamlet of Puliurnatham	540
9 Do. at Nagappanpatti, hamlet of Veriappur	880
10 Do. in the Adi-Dravida (Chuckler) quarters at Navaluthur	440

[5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.		Amount of estimate.
		Rs.
16. Madura District—cont.		
11	Sinking a well in the Adi-Dravida (Chuckler) quarters at Mambarai Vadugapatti	780
12	Do. at Pullakavandanur, hamlet of Johipatti	600
13	Do. at Minukanpatti, hamlet of Pudukottai	600
14	Do. in the Adi-Dravida (Chuckler) quarters, Naramappanayakanpatti, Edayakottai Zamin	710
15	Do. in the Adi-Dravida (Pallar) quarters at Sembian	670
16	Do. at Aiyalangudi	670
17	Do. in the Adi-Dravida (Pallar) quarters at Kulamathur	710
Total ..		12,125

17. Malabar District.

1	Constructing a well at Pushakkattiri in mile 2/8 on road from Angadi-puram to Puzhakkattiri	1,180
2	Do. a well at Narikunni in Calicut taluk	1,140
3	Do. a well at Kolathur in mile 4/8 on road No. 104	1,360
4	Do. an open well at Manantham	1,000
5	Do. a well at Kottiyur	1,680
6	Do. a well in Kuthanur amsam	1,850
Total ..		8,210

18. Nellore District.

Atmakur taluk.		
1	Constructing a draw well in the Adi-Andhra (Madiga) quarters at Tatiparti	720
Udayagiri taluk.		
2	Constructing a draw well in Chabolu, Madigavada	620
3	Do. in the Adi-Andhra quarters of Zuthuvaripalli	670
4	Do. in the Christian quarters of Thurpu Chennampalli	720
5	Do. in the Adi-Andhra (Madiga) quarters of Kotayapalli	480
6	Do. in the Ganugapentapalayur, hamlet of Kondayapalli	350
Gudur taluk.		
7	Constructing a draw well at Gudur Seshiah Harkhast, hamlet of Yeleasiri.	420
8	Do. at Udathavaripalem	2,100
Kandukur taluk.		
9	Constructing a draw well in the Adi-Andhra (Mala) quarters of Chodavaram	300
10	Do. at Kondasamudram	680
11	Do. at Naladalapur	730
12	Do. in the Adi-Andhra (Mala) quarters, Naladalapur.	400
13	Do. at Chelamcherla	720
14	Do. at Krishnapuram	975
15	Do. at Muppavaram	880
16	Do. at Tettu	680
17	Do. in the Adi-Andhra (Madiga) quarters at Machavaram	500
18	Do. in Alagayapalam, hamlet of Karadu	160

5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.		Amount of estimate.
		Rs.
18. Nellore District—cont.		
Darsi taluk.		
19	Constructing a draw well in the Adi-Andhra quarters at Khambalepad	500
20	Do. in Thanamchinthala village	480
Kovur taluk.		
21	Constructing a draw well at Jangalla Vangallu	630
22	Do. in the Adi-Andhra (Yenadi) quarters at Indupur.	450
23	Do. in the Adi-Andhra (Mala) quarters at Anna-reddipalem	620
24	Do. at Bonthapalem	440
25	Do. at Kothapalem	370
Kavali taluk.		
26	Constructing a draw well at Nekhunapet	610
27	Do. at Thallur village	680
28	Do. at Zuvalaguntapalem in the hamlet of Thallapalem	470
29	Do. in the Adi-Andhra (Yenadi) quarters of Kovurapalli	440
Venkatagiri taluk.		
30	Constructing a draw well in the Adi-Andhra quarters at Jayampur	620
Sulurpet taluk.		
31	Constructing a draw well at Ravulagunta	480
32	Do. at Rettanala	450
33	Do. at Nadimkuppam	620
34	Do. at Mannarpur	620
35	Do. at Oddikhandriga	355
36	Do. at Badripet	510
37	Do. at Badripet in the Adi-Andhra quarters	510
38	Do. at Doravaripalem	510
39	Do. at Karmalapalem	510
40	Do. at Chennugaripalem	420
41	Do. at Aneogottam	300
42	Do. at Suggipalli	360
43	Do. at Dama-Nellore	445
44	Do. at Andagundala	340
45	Do. at Vendlurapad	310
46	Do. at Velagapannur	320
47	Do. at Mannemetturi	330
48	Do. at Nayudupet	390
49	Do. in the Adi-Andhra quarters of Athalapalem	440
Total ..		26,635

19. Ramnad District.

Mudukulattur taluk.		
1	Constructing a well near Naloor village	650
2	Constructing a well at Chinnoodappangulam	530
3	Do. Peria Elai village	600
4	Do. Idivilagi village	650
5	Do. Velarandel	600
6	Do. Pommanendal Karisalkulam	800
7	Do. Sivathan village	580
8	Do. Perayur village	500
9	Do. Thiruchuluraipuram	350
10	Do. Kalaikulam	630
11	Do. Uravanendal	725
12	Do. Marandai	630
13	Do. Kilacheluvanur	550

[5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.		Amount of estimate.
		RS.
19. Ramnad District—cont.		
Aruppukottai taluk.		
14	Constructing a well at Krishnapuram	760
15	Do. Surampatti	560
16	Do. Mudianur	425
17	Do. Koppuchittampattu	1,325
Srivilliputtur taluk.		
18	Constructing a well in the Adi-Dravida (Chucklors) quarters at Poyampatti, hamlet of Melarajakularaman	320
Paramakudi taluk.		
19	Constructing a well at Thayamangalam	580
20	Do. Kunankulam	625
Tiruppattur taluk.		
21	Constructing a well at Thiruthanagur	600
22	Do. Periakottai	675
23	Do. Melavanniruppu	475
24	Do. Neduvayal	500
25	Do. Siruvayal	570
26	Do. Karisalpatti	480
27	Do. Kilayampatti	510
28	Do. Kaladipacheri	450
29	Do. Chinnakilavayal	465
30	Do. Piranpatti	570
31	Do. Abatharanapatti	630
Sattur taluk.		
32	Constructing a well at Chattrareddipatti	500
33	Do. Kadambankulam (Aruppukottai taluk)	300
Total ..		19,115

20. Salem District.

1	Sinking a well in the Adi-Dravida quarters at Papanpalaiyam	795
2	Do. Iluppili Kolathur	570
3	Do. Machanpalaiyam	875
4	Do. Mammundi	770
5	Do. Ammankuttayur	435
6	Do. Belathur, Bagalur estate	490
7	Do. Eriyur, hamlet of Suchal-natham	385
8	Do. Chakkodu	700
9	Do. Baliathottam	610
10	Do. Thottikottapalli	490
11	Do. Vanamangalam	490
12	Do. Naiperampatti	330
13	Do. Erumapalayam	945
14	Do. Mukkareddipatti-Irula-patti taraf	605
15	Do. Parapatti	655
16	Do. Malapatti, hamlet of Sircaru Valavandu	625

5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.		Amount of estimate.
		RS.
20. Salem District—cont.		
17	Sinking a well in the Adi-Dravida quarters at Attianur	305
18	Do. Kodigalputhur	480
19	Do. Valayapatti	610
20	Do. Chinnamanayakanpatti	655
21	Do. Melatholur	590
22	Do. Athanurpatti	840
23	Do. Mettupatti-Perumapalaiyam	875
24	Do. Minnanpalli	735
25	Do. Bainnamangalam	300
26	Do. Jagir Agraharam	525
27	Sinking a well at Kilmattur	340
28	Do. Elavampadi	255
29	Do. Thuringipatti	200
30	Do. Munrumpatti	350
31	Do. Vellalapatti	350
32	Do. Kamappa Goundanur	335
33	Do. Unampalaiyam	255
34	Do. Biliyanur	420
35	Do. Kullathathanpatti	420
36	Do. Manchinaickenapalli	310
37	Do. Pagadapadi	265
38	Do. Nirmullikuttai	1,020
39	Do. Balampatti	640
40	Do. Ramanathapuram	650
41	Do. Pallitheruvupatti	875
42	Do. Sengattu Pudu Theruvu	535
43	Do. Erramuthanapalli Arichetti taraf	700
44	Do. Kurubarsapalli-Mallikarjunadurgam taraf	910
45	Do. Dombaramadapalli	525
46	Do. Mukkondapalli	690
Total ..		25,730

21. East Tanjore District Board.

Shiyali taluk.		
1	Constructing a well in S. No. 280-2 B of Alakkudi village	280
2	Do. S. No. 363-1 B of Thandakulam	290
3	Do. S. No. 223-2 B of Thandavankulam	280
4	Sinking a bore well in Shiyali village	150
5	Do. Vaitheswarankoil	150
6	Do. Nemmeli	150
Nannilam taluk.		
7	Constructing a well in Kandra Manickam	400
8	Do. Kottur-Kuditheru	400
9	Do. Kottur Ayyampet	400
10	Do. Pandaravadai-Kunnalur	400
11	Do. Tiruvilimalai	400
12	Do. Viswanathapuram	400
13	Sinking a well in Kulenthrium	400
14	Do. Thengudi	400
15	Do. Pragamam	400

[5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.		Amount of estimate.
		RS.
21. East Tanjore District Board—cont.		
Tiruturaipundi taluk.		
16	Sinking a well in Prinjimoolai	290
17	Do. Tholacheri	340
18	Do. Vanamahadevi	320
19	Do. Kunnalur	330
20	Do. Pushpavanam	340
21	Do. Vanduvanjeri	340
Total ..		6,860
22. West Tanjore District Board.		
Tanjore taluk.		
1	Construction of a well in Sathanur	460
2	Do. Orathur	420
3	Do. Kachamangalam	420
Kumbakonam taluk.		
4	Construction of a well at Thiruvalliyangudi	300
5	Do. Marudanallur	290
6	Do. Injikollai	280
Arantangi taluk.		
7	Construction of a well at Mookkudi	180
8	Do. Povvathakudi	670
9	Do. Padirikudi	870
10	Do. Vadekkalur Avadayarkoil	780
11	Do. Ayankudi	375
Papanasam taluk.		
12	Construction of a well at Salimangalam	660
13	Do. Vellangudi Velur vattam	330
14	Do. Chakrapalli	330
15	Do. Pasupathikoil	275
Total ..		6,640
23. Tinnevelly District Board.		
Tinnevelly taluk.		
1	Sinking of a well in Shepherd street, Tiruvai	180
2	Do. Kalahundi	340
3	Do. Sethurayakulam	315
4	Do. Avanipuripachili	250
5	Do. Alugankulam	430
6	Do. East Tengulam	500
7	Do. Chittikulam	500
Tenkasi taluk.		
8	Sinking a well at Kandamangalam, S. No. 792	625
Ambasamudram taluk.		
9	Sinking a well at Tekku Kalladaikurichi village	600
10	Do. Kalisapatti	670
11	Do. Puduludi 3/5 of Road No. 6	470
12	Do. Venkatarangapuram in the Adi-Dravida quarters	670
Nanguneri taluk.		
13	Sinking a well at Nissunirra Levenjipuram	710
14	Do. Pattarpuram	800

5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.		Amount of estimate.
		RS.
23. Tinnevelly District Board—cont.		
Srivaikuntam taluk.		
15	Sinking a well at Kalingulam village	900
16	Do. at Ulalundi Pachili in Kalvavur village	750
17	Do. at Tholappanpannai	750
18	Do. in the Adi-Dravida quarters at Pelur	1,280
Tiruchendur taluk.		
19	Sinking a well at Kadayarodu	1,500
20	Do. in Puthupachili	650
21	Do. in Nivikupili	1,280
22	Do. at Kayamoli	1,400
Sankarankoil taluk.		
23	Sinking a well at Velirippu	1,165
24	Do. Rengasamidesan	740
25	Do. Reddiapatti	880
26	Do. Panniluthan-Sundankurichi	580
27	Do. Melar-Melaton	650
28	Do. Chattiapatti in the Adi-Dravida quarters	620
29	Do. Vannicoundal	1,280
30	Do. Karisalkulam	1,100
31	Do. Mahendranadu	1,300
32	Do. Kilanilldanallur	1,300
33	Do. Tirumalaikulam, hamlet of Vadakku Panavadali	1,100
34	Sinking two wells at Valahanur	2,200
35	Sinking a well at Kandasamipuram	680
36	Do. Nagalapuram	600
37	Do. Ayanmalaiapatti	420
38	Do. Vittalakulam	424
39	Do. Santhu Pudalundi in the Adi-Dravida (Chuckler) quarters	420
40	Do. Sennamareddipatti in the Adi-Dravida (Chuckler) quarters	630
41	Do. Kalapaipatti	650
Total ..		32,299
24. Trichinopoly District Board.		
Karur taluk.		
1	Constructing a well at Manikkapuram, hamlet of Manavadi	660
2	Do. Pichampatti	700
3	Do. Thuvarampalayam, hamlet of Nanniyur	950
4	Do. Pudupalayam, hamlet of Punnam	950
5	Do. Ambalagaram, Pudur	400
Kulitalai taluk.		
6	Constructing a well in Karathupathi, hamlet of Malayadipatti	480
7	Do. at Kaliyampatti	750
8	Do. at Sen kuppam	700
9	Do. at Pudupatti	900
Udaiyarpalayam taluk.		
10	Constructing a well at Tular	650
11	Do. Sinnavalayam	820
12	Do. Kodalikarapur	660
19		

[5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.		Amount of estimate.
		RS.
24. Trichinopoly District Board—cont.		
Lalgudi taluk.		
13	Constructing a well at Konali	650
14	Do. Tiruvallarai	500
Perambalur taluk.		
15	Constructing a well at Sirugadal	1,050
16	Do. in Perumila, hamlet of Kaikalathur	900
17	Do. at Sirugulathur	700
Musiri taluk.		
18	Constructing a well at Thalaimalaipatti	750
19	Do. at Kallur, hamlet of Konasalem	700
20	Do. in Andipatti, hamlet of Jambumadai	1,100
Trichinopoly taluk.		
21	Constructing a well at Periammalpalaiyam	860
22	Do. at Alanthur	520
23	Do. in the Pallar quarters at Thirupalathurai	600
Kulittalai taluk.		
24	Constructing a well in Kuppareddipatti, hamlet of Marudur	530
25	Do. in Chinnavadugarpatti, hamlet of Attur Poolam-palayam	520
Total ..		18,000
25. Bobbili District Board.		
1	Constructing a well at Kolavelagada	450
2	Do. Korukonda	430
3	Do. Peda Thadavada	450
4	Do. Thotapalem	560
5	Do. Gajularega	495
6	Do. Rakodu	500
7	Do. Budathanapalli Rajeru	450
8	Do. Thudam (Ravada)	450
9	Do. Kindam	435
10	Do. Kumili	900
11	Do. Nellimerla	400
12	Do. Puspatirega	420
13	Do. Pedathadivada	540
14	Do. Denanavalasa	480
15	Do. Ponnada	450
16	Do. Konuru	480
17	Do. Kanimetta	510
18	Do. Kesavarayanipalem	415
19	Do. Kesavarayunipeta	450
20	Do. Eticherla	410
21	Do. Chodavaram near Gajjanguvalsa	400
22	Do. Sarvesvarapuram	445
23	Do. Latchampeta, hamlet of Shermuhammalpuram	295
24	Do. Garugubilli	410
25	Do. Sancham	500
26	Do. Gadepallivalasa	470
27	Do. Addumanda	460
28	Do. Rambhadrapuram No. I	460
29	Do. Rambhadrapuram No. II	460
30	Do. Karatam	450

5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.		Amount of estimate.
		RS.
25. Bobbili District Board—cont.		
31	Constructing a well at Salur No. I	500
32	Do. Salur No. II	450
33	Do. Sunkarichinta	570
34	Do. Palteru	450
35	Do. Madhavarangarayapuram	540
36	Do. Virasagaram	460
37	Do. Venkampeta alias Kumaripeta	550
38	Do. Viziamampuram	455
39	Do. Gottivalasa	430
40	Do. Peddamariki	570
41	Do. Korugangapuram	510
42	Do. Parajapadu	500
43	Do. Nandapuram	480
44	Do. Koradavalasa alias Haripuram	480
Total ..		20,990
26. Vizagapatam District Board.		
Golugonda taluk.		
1	Constructing a well at Makarapalem	500
2	Do. Ramalakshimpuram	430
3	Do. Chettupalli	460
Sarvasiddhi taluk.		
4	Constructing a well at Pedapuppalem	500
5	Do. Somudevipallo	460
6	Do. Tempatipalem	460
7	Do. Gokulapadu	460
Vizagapatam taluk.		
8	Constructing a well at Vadlapadu	505
9	Do. Chapalapalem	525
10	Do. Chettivanipalem	495
Anakapalle taluk.		
11	Constructing a well at Venkupalem	500
12	Do. Narasingabilli	440
13	Do. Askapalli	480
14	Do. Gangadevipetta	485
15	Do. Nagulapalli	480
Srungavarapukota taluk.		
16	Constructing a well at Attada	470
17	Do. Kallepalli	485
18	Do. Vallampudi	500
19	Do. Thummikapalli	470
20	Do. Relli	540
21	Do. Singarayi	440
22	Do. Gavarapalem	455
23	Do. Kottamalapalli, hamlet of Uttaravalli	490
24	Do. Mandivalasa of Ramachandrapuram	450
25	Do. Rajaparajupeta	480
26	Do. Annamrajupeta	480

[5th November 1935]

List of water-supply works in rural areas sanctioned for execution out of the Government of India grant—cont.

Serial number and name of work.		Amount of estimate.
		RS.
26. Vizagapatam District Board—cont.		
Veeravalli taluk.		
27	Constructing a well at Konan	500
28	Do. Thurakulapudi	500
29	Do. Narasimha Gajapatinagaram	450
30	Do. Thotakurapalem	450
31	Do. Madgole	500
32	Do. Butchayyapeta	470
33	Do. Gangavaram	500
Bimlipatam taluk.		
34	Constructing a well at Mopada	480
35	Do. Konada	600
36	Do. Mopada tank	610
37	Do. Thallavalasa	450
Total ..		18,000

APPENDIX VI.

[Vide answer to question No. 459 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 5th November 1935, page 595 supra.]

APPENDIX I.

Statement showing the schemes of research financed by the Imperial Council of Agricultural Research and the amount of grant for each.

	RS.
1 Scheme of research on rice	1,15,660
2 Scheme of seed potatoes	19,965
3 Scheme of sugarcane	1,50,100
4 Scheme of fruits	66,064
5 Dry farming scheme	1,39,510
6 Scheme for investigation into the chemistry of malting chola	11,656
7 Scheme for extension of work on animal nutrition	49,930
8 Marketing scheme	99,015
9 Economic enquiry scheme	52,290
10 Appointment of veterinary investigation officer	50,000

5th November 1935]

APPENDIX II.

Scheme of research on rice.

The conditions of rice growing in the different parts of the province vary very much, each tract having its own special set of varieties. It was realized early enough that the improved strains evolved at any centre had only a limited scope, and so the expansion of the work of the Paddy Specialist at Coimbatore took the shape of the opening of a number of sub-stations, one in each of the important tracts. The first such station was opened in Aduturai in 1921 for Tanjore and this was followed by Maruteru in 1925 for Godavari, and Pattambi in 1926 for Malabar and South Kanara. The idea was to open the next station in Ganjam district which was an important rice tract. Owing to the financial stringency, the scheme did not materialize until 1932 when the Imperial Council of Agricultural Research undertook to finance research schemes on rice in the different provinces in India. The grant made by the Imperial Council of Agricultural Research to Madras was utilized for starting a station in Ganjam.

Since the scheme was a temporary one for five years only, a block of about 32 acres of wet lands was taken on lease in Berhampur which was considered an ideal centre for this work.

The land was actually taken over in March 1932 and preliminary to that cultivation season, small and inexpensive buildings to be used as laboratory and seed store, a temporary cattle-shed, etc., were put up. We have just finished three seasons' work in the station and the crop is just being planted for the fourth season.

The work on the station falls under the following items:—

- (a) Production of improved strains of the local rice varieties;
- (b) a rice survey of the tract, collection of varieties, the isolation of pure types, their description and maintenance;
- (c) devoting attention to the general genetics of the rice plant especially to the clearing up of obscure points in connexion with the inheritance of characters; and
- (d) cultural and manurial experiments with the local varieties.

1. *Evolution of strains.*—This is the most important of the four and greater attention has therefore been paid to this aspect of work. Preliminary to evolving single-plant selections which takes time, mass selected bulks of two of the most important local varieties, namely, *byyahunda* and *ratnachudi*, have been obtained and distributed to the people during the last two seasons. The ryots who have grown this have expressed high satisfaction in the performance of these and about 8,000 lb. of such seed was distributed this year. Meanwhile over 1,900 single-plant selections were made in half of a dozen of the most widely cultivated varieties of the tract and the best of these have finished one year of regular yield trials on the station. A large number of them have given definite increased yields over the local seed, the increases varying from 10 to 25 per cent. The trials will be repeated for another season on the station and the most outstanding of these will also have

[5th November 1935]

to be tried in the district at a few selected centres in the final year of the scheme. A good number of selections in the fine riced varieties which are not grown so widely have also been made. Trials with strains evolved elsewhere have also shown that strain GEB. 24 of Coimbatore compares very favourably with the best of the local varieties in point of yield and grain quality.

2. *Rice survey*.—A rice survey of the Ganjam district and the northern portion of the Vizagapatam district has been made. About 160 morphologically distinct varieties have been collected including some interesting wild types. Type plants in all the varieties collected have been isolated and their description recorded.

3. *Hybridization*.—Under this head several crosses have been made (1) with regard to the study of the inheritance of rice colour, glume colour and texture of rice and (2) evolving superior types synthesising valuable characteristics from different varieties into one.

4. *Cultural and manurial experiments*.—The several cultural experiments that have been in progress during the three seasons relate to broadcasting versus transplanting, different spacings under manured and unmanured conditions, the optimum age of seedlings to be planted and different rates of sowing seed-bed, etc. Valuable results have already been obtained with regard to these experiments. While transplanting is in general better than broadcasting for rice, under Berhampur conditions with normal season, broadcasting is found to be just as good as transplanting. The optimum spacing for this tract is found to be within six inches per plant and there is also found no advantage in planting more than one seedling to a hole. With regard to age of seedlings, 50 days appear to be the limit beyond which the yield suffers. As in other tracts the importance of sowing seed-beds thin has been established for Berhampur also.

The manurial experiments relate to the trials of green manuring, trial of phosphates like super or bonemeal with green leaf, supplementing leaf with concentrated manures, and the efficacy of lime dressing. The value of green manuring has been well emphasized, an application of even 2,000 lb. giving an increase of 15 per cent in grain yield. There is also a progressive increase in the grain yield as the leaf dose is increased from 2,000 to 6,000 lb. While green manuring is found to be economical, additions of phosphates or concentrated compound manures like amino-phos, though they do increase the yield still further, the value of the extra yield obtained does not cover the cost of the manure. Some definite results on manuring problems of this tract are expected to be available by the time the five-year period is finished.

Scheme for research on seed potatoes.

The work commenced from June 1933.

The main object of the work is to evolve new superior varieties from seedlings obtained from true seeds, that will be compatible with the Nilgiris conditions and disease resistance. The suitable type of variety for the Nilgiris is one that will mature within three months, resist

[5th November 1935]

early blight (*alternaria*) and frost and give heavy yields. The necessity for the early maturing variety for the Nilgiris is most pressing as will be seen from the following (*vide annexure*).

2. There are 44 varieties grown in the farm and a detailed study of the botanical characters of these was made and a list of varieties that produce and retain flowers and those that bear viable pollen has been worked out. The varieties and their flower characters are given in Table No. 1.

3. *Hybridization work*.—Both crossing and reciprocal crossing of all the flowering varieties were done. So far seven successful crosses have been obtained. The number of varieties used in crossing and the number of berries gathered are given in Table No. 2.

4. *Vitality of seed and raising of seedlings*.—The naturally set seeds as well as the crossed seeds were sown in well prepared seed pans. The germination of the crossed seeds and the vigour of the seedlings obtained from them was better than those of the selfed seeds. Five thousand four hundred and thirty-four seeds were sown, 1,245 seedlings were obtained, 16 plants gave tubers, and 500 plants are surviving with tubers developed in them. They are awaiting further study and selection of suitable type for cultivation. It is hoped that some of them may prove better than the existing varieties and a few may even be fit for cultivation in the plain. One F_2 progeny and thirteen F_1 progenies of seedling potatoes were planted and are growing.

5. *Seasonal sowing*.—To find out the best time of sowing to get the best results, it was proposed to sow the Coonoor white seeds by the beginning of every month and sowing was commenced from January. The number of seeds sown in months and the seedlings obtained are given in Table No. 3.

6. *New varieties*.—A Russian variety of potato seed (*Sol. neoantipoviczii*) was sown on 19th March 1935. This variety is resistant to phytophthora and rich in Vitamin C. One hundred and fifty seeds were sown, 75 seeds germinated and 55 seedlings are surviving and have formed tubers.

7. *Identification of varieties*.—A considerable amount of attention was paid to checking the varieties being grown and their purity. The varieties Alnwick Castle and Adirondack were classified as Royal kidney and Catriona respectively.

8. *Flower studies*.—A detailed floral study with regard to the age of bud, time of opening of corolla, maturation period of berries, time of receptivity of the stigma, time of dehiscence of anthers, critical period of bud shedding, berries, etc., is underway. It is found that corolla begins to open from 6 a.m. in the morning and the opening is completed by 10 a.m. majority of the flowers opening at 8 a.m. In the evening at about 4 p.m. the petals close and the flowers droop and open again next morning and stand erect. The corolla begins to fade from the

[5th November 1935]

fourth day and if berries are not set the whole flower sheds on the 7th or 8th day. If the berries are set, the corolla alone drops down. The anthers burst on the 2nd and 3rd day after opening of the flower.

9. *Leaf studies.*—This was started in the irrigated crop this year to see if any correlation exists between the age of the leaf and yield of potatoes so as to enable selections to be made from the leaf study alone without waiting for the harvest of the tubers.

10. *Forcing flower production.*—Most of the varieties produce flower buds but the buds shed at a very early stage or at various stages of development. To induce them to mature and open their blossom and to retain them for crossing, the following treatments were made:—(1) Removing of tubers as and when forming; (2) strangulating with thin copper wire the top internode of the haulms; (3) growing the plants with different nutrient solutions; (4) injecting the seed tubers with different nutrient substances. All of these proved unsuccessful.

11. *Purity of stock and hill selection.*—Roguing of the varieties and selection of a few vigorous and disease-free hills from the standard varieties to keep the stamina and purity of the stock is being carried out.

12. *Vegetative mutants.*—Any coloured tuber-bearing variety of potatoes is at a discount in India generally and particularly in the Nilgiris. But some of these are not only good yielders but also have good cooking qualities. Vegetative mutants occur by the removal of eye buds by which the new buds develop from deeper layers which do not possess the colour bearing qualities of the original tuber and a white coloured tuber is obtained. A variety 'Golden Wonder' which has a dark brown russety skin, on treatment in the above manner gave white smooth skinned tubers.

Table No. 1

Serial number and name of the variety.	Flowers abundant or few.	Regular or occasional flowering.	Viable pollen present or not.	Remarks.
1 Advancer ..	Few ..	Occasional ..	Not present ..	Used as mother parent.
2 Ally ..	Do. ..	Do. ..	Do. ..	Do. ..
3 Arran Banner ..	Nil. ..	Do. ..	Do. ..	Do. ..
4 Arran Comrade ..	Few ..	Occasional ..	Not present ..	Used as mother parent.
5 Arran Crest ..	Do. ..	Do. ..	Do. ..	Drop in buds.
6 Arran Scout ..	Do. ..	Do. ..	Do. ..	Do. ..
7 Arran Victory ..	Few ..	Occasional ..	Not present ..	Used as motherparent.
8 Benarusehan ..	Nil ..	Do. ..	Do. ..	Drop in buds.
9 Bishop ..	Abundant ..	Occasional ..	Present ..	Used as father and mother parent.
10 Blue flower ..	Few ..	Do. ..	Not present ..	Used as mother parent.
11 Catriona ..	Abundant ..	Do. ..	Do. ..	Do. ..
12 Cawnpore ..	Do. ..	Regular ..	Present ..	Used as father and mother parent.
13 Climax ..	Few ..	Occasional ..	Do. ..	Used as mother and father parent.
14 Coonoor white ..	Abundant ..	Regular ..	Do. ..	Do. ..
15 Coonoor red ..	Do. ..	Do. ..	Do. ..	Do. ..
16 Divernon ..	Few ..	Occasional ..	Not present ..	Do. ..
17 Duke of York ..	Do. ..	Do. ..	Do. ..	Do. ..
18 Early market ..	Do. ..	Regular ..	Do. ..	Do. ..
19 Holpae ..	Abundant ..	Occasional ..	Do. ..	Used as mother parent.
20 Impure ..	Few ..	Do. ..	Do. ..	Do. ..
21 Ivargood ..	Do. ..	Do. ..	Do. ..	Do. ..
22 Factor ..	Abundant ..	Do. ..	Do. ..	Used as mother parent.
23 Garhwal ..	Do. ..	Do. ..	Present ..	Do. ..
24 Golden wonder ..	Do. ..	Regular ..	Do. ..	Used as father and mother parent.

5th November 1935]

Serial number and name of the variety.	Flowers abundant or few.	Regular or occasional flowering.	Viable pollen, present or not.	Remarks.
25 Great Scot ..	Few ..	Occasional ..	Not present ..	Used as mother parent.
26 Herald ..	Do. ..	Do. ..	Do. ..	Do. ..
27 Italian ..	Do. ..	Do. ..	Do. ..	Do. ..
28 Kerr's Pink ..	Abundant ..	Regular ..	Not present ..	Used as mother parent.
29 Khabiar ..	Few ..	Occasional ..	Do. ..	Do. ..
30 King Edward ..	Abundant ..	Regular ..	Do. ..	Do. ..
31 Latecarman ..	Do. ..	Do. ..	Present ..	Used as father and mother parent.
32 Lord Tennison ..	Few ..	Occasional ..	Do. ..	Do. ..
33 Majestic ..	Do. ..	Do. ..	Do. ..	Do. ..
34 May Queen ..	Do. ..	Do. ..	Not present ..	Used as mother parent.
35 Poona ..	Do. ..	Do. ..	Do. ..	Used as father and mother parent.
36 President ..	Abundant ..	Regular ..	Present ..	Drop in buds.
37 Royal Kidney ..	Nil ..	Do. ..	Do. ..	Do. ..
38 Sharpe's Express ..	Abundant ..	Occasional ..	Not present ..	Used as father and mother parent.
39 Tallman ..	Do. ..	Regular ..	Present ..	Do. ..
40 Up-to-date ..	Do. ..	Do. ..	Do. ..	Do. ..
41 Windsor Castle ..	Few ..	Occasional ..	Do. ..	Do. ..
42 Witehill Early ..	Do. ..	Do. ..	Not present ..	Used as mother parent.
43 White City ..	Do. ..	Do. ..	Do. ..	Do. ..
44 Langworthy ..	Do. ..	Do. ..	Do. ..	Mutant obtained from Golden Wonder, Botanical Character under study.

Table No. 2.

Season.	Total number of varieties used in crossing.	Number of flowers crossed.	Number of berries set.
Main crop, 1933-34 ..	6	605	161
Second crop, 1933-34 ..	2	21	..
Irrigated crop, 1934-35 ..	13	282	107
Main crop, 1934-35 ..	18	1,621	36
Second crop, 1934-35 ..	10	243	..
Irrigated crop, 1935-36 ..	4	1,097	18
Main crop, 1935-36 ..	22	2,188	31
Grand total ..	..	6,057	353

Table No. 3.

Month.	Number of seeds sown.	Number germinated.	Percentage of germination.
January ..	100	23	23
February ..	100	19	19
March ..	100	11	11
April ..	100	47	47
May ..	100	39	39
June ..	100	49	49
July ..	100	36	Germination not complete.

Variety Coonoor White.

ANNEXURE.

The necessity for an early maturing variety.

Three crops are grown in the Nilgiris in a year. The main crop which is extensively cultivated is planted in March-April and harvested in August-September. The second crop is grown between August and December. A third crop under irrigation on a very small scale is raised between February and May.

It takes roughly 2-3 months to bring potatoes after harvest into suitable condition for planting. Second crop easily supplies seed for main crop. But considerable difficulty is felt in obtaining seed in sufficient quantity to plant large areas under second crop, as the harvest of the main crop and planting of

[5th November 1935]

the second crop overlaps, so the planting of the second crop is very often delayed to the end of September or beginning of October running great risks for lack of sufficient moisture at the end of the north-east monsoon—period in December and also increasing the risk of frost damage before the tubers have come to a usable size. Either the area under irrigated crop should be increased by the utilisation of suitable irrigation sources or the seed from the previous second crop should be kept over a period of 7-8 months. During this long period, even with such precautions as can be taken the loss is very heavy and in addition 7-8 months seed generally gives a poorer yield than seed 2-3 months old. The other alternative is to raise a short duration variety that will mature within three months so that the main crop planted in March-April will be ready by the end of June or beginning of July, when the seeds obtained from this crop will be fit for planting in the middle of August or beginning of September.

The Dry-Farming Scheme at Hagari.

With the financial aid of the Imperial Council of Agricultural Research, the Dry Farming Scheme for the Ceded districts at the Hagari Agricultural Research Station was actually begun from the 14th April 1934. During the one year that has passed it was not possible to take up all that was proposed. Some time elapsed by the time the buildings and other equipment were fixed. The laboratory and pot culture equipment is not yet complete, hence the Soil Physicist continues to work at Coimbatore on soil samples taken periodically from Hagari.

2. Preliminary to the Scheme, 8 years ago, an experiment was laid out to study the effect of different cultural treatments on the moisture conservation and on the physical properties of the soil. Till last year only crop values from these plots were obtained and the results were not complete without an insight into the moisture and other physical conditions of these plots. With the extra staff provided on the scheme it was possible to take soil samples thrice; (a) once before sowing to know what the crop starts with; (b) again when the sorghum crop was in flower, i.e., when growth is almost complete and (c) after the crop was harvested to know what the crop has utilized. The one season study has not given any specific results and it is too early to expect differences in these plots. Being a research on fundamentals we have to continue this for some years.

3. The good indications from these experimental plots were tried on a large scale. In years of low rainfall the putting up of bunds was advantageous. Last year severe drought prevailed and by bunding with a crop of cotton a significant increase of 51 per cent yield was obtained. In this season this is being put to test outside the station in four places of varying soil conditions.

4. With the help of the staff intended for the improvement of millets, sorghum and Italian millet, 130 villages of the Bellary and Alur taluks of the Bellary district were visited. The local Agricultural practices were enquired into, and 242 sorghum samples and 201 of Italian millets were collected and sown. The season was adverse to the Italian millet and was slightly better for sorghum. The poor ones have been eliminated and only fairly promising yielders have been retained. The selection K-23 of Italian millet is very promising and in 1936-37 may go out into the district trials.

5th November 1935]

5. In obedience to the recommendations of the Dry Farming Research Co-ordination Committee findings, what has been good or promising in one tract is being tried in all the other Dry Farming stations. The "Bombay Dry Farming method" which consists of ploughing, harrowing about five or six times before sowing, bunding the area and sowing wider than their local practice in rows 18 inches apart has produced about 50 per cent more yield in that tract. This was tried at Hagari but was not so advantageous. In the arid tracts of the United States of America alternate year cropping has produced good results. This is also being tried at this station on a small scale. In the next season the value of the last year fallow will be known.

6. The laboratory equipment and the full strength of the staff may be available this crop season when the full programme of research proposed will be taken up.

Scheme of Economic Enquiry into the cost of production of crops in the principal sugarcane and cotton tracts of India—Madras Presidency.

In considering the question of the cost of production of sugarcane, the Sugar Committee of the Imperial Council of Agricultural Research came to the conclusion that the results of such an enquiry would be of value to the Council by enabling it to decide in what areas the sugarcane industry had the best prospects of development and in what places and in what manner funds for research and experimental work could best be allotted. The Indian Central Cotton Committee similarly decided that an enquiry of this kind should include cotton as there was no data as to the exact cost of producing an acre of cotton and rotation crops with it and recommended the proposal for the acceptance of the Imperial Council of Agricultural Research. The Imperial Council of Agricultural Research accordingly considered these recommendations and sanctioned the scheme of Economic Enquiry for three crop years from 1933 in 11 provinces including Madras and Indian States. The scheme is intended to investigate the cost of production of cotton, sugarcane and rotation crops, with the object of arriving at some general data, as accurate as circumstances would permit, on the actual cost of production of all main crops, whether and what crops would yield some reasonable source of living to the man who actually tilled the soil and how the cost compares with the cost of production in other countries.

2. The details of the scheme were then worked out by the Chief Economist of the Imperial Council of Agricultural Research; he is responsible for the collection of data in proper form. The Headquarters Deputy Director of Agriculture, Madras, is the provincial officer in charge of the Enquiry for the Madras Presidency. The preliminary details and procedure regarding forms of accounting and duties, etc., of the district and village staff were settled at a Conference of all Provincial Officers in Nagpur in March 1933 at which the Headquarters Deputy Director of Agriculture was present.

[5th November 1935]

3. The enquiry in Madras was commenced in April 1933. It is conducted in the three districts of Vizagapatam, Bellary and Coimbatore. Each district is in charge of a District Supervisor deputed from the Upper Subordinate Service of the Madras Agricultural Department. Six typical villages in each district and 8 holdings in each village are under investigation. A village investigator is stationed in each village whose duty it is to record daily all facts concerning the holdings in the village in his books. The District Supervisor visits each village whose duty it is to record daily all facts concerning the the Investigators, makes other enquiries of the owners of the holdings and posts the necessary figures in the Supervisors' books. Any doubts which are matters of minor detail, arising from the instructions given and in the forms supplied to the Investigators and Supervisors, are cleared by the Provincial Officer himself or in consultation with the Chief Economist. A list of the villages where select holdings are under investigation is furnished in the annexure.

4. The forms for the enquiry are supplied by the Imperial Council of Agricultural Research in printed books and loose sheets. These cover all receipts, expenditure, cash or in kind, hired, exchange and family labour—both for bullock and human—, rents, rates, cesses, etc. The crop ledger is the concluding part of the enquiry. This gives an idea of the cost of production and income per acre, and per maund of the produce from each crop. The ledgers for the first crop year 1933-34 are now complete. Of 726 ledgers for the 3 districts, 527 have been checked by a special staff of two Village Investigators stationed at Madras and sanctioned by the Imperial Council of Agricultural Research for the purpose, and 377 sent to the Chief Economist, Imperial Council of Agricultural Research. The rest are under check. The ledgers for the second-crop year 1934-35 are under preparation by the District Supervisors and are expected to be ready in three or four months' time. The enquiry is now going on for the third-crop year.

5. The data collected for first-crop year can be considered only as tentative.

ANNEXURE.

Economic Enquiry Scheme—List of villages under investigation.

Serial number and district.	Taluk.	Village.	Main crop.	Date on which the village investigator started enquiry.
1 Vizagapatam.	..	Viravilli ..	Pakirsahibpetta.	Sugarcane ..
		Anakapalle ..	Thummapala ..	Do. ..
		Parvatipur ..	Pedabondapalli.	Do. ..
		Golgonda ..	Balighattam ..	Cotton ..
		Palkonda ..	Bhurja ..	Sugarcane ..
		Golgonda ..	Chettipalli ..	Do. ..
		Siruguppa ..	Siruguppa ..	Sugarcane ..
		Hospet ..	Mudlapuram ..	Do. ..
		Do. ..	Kampli ..	Do. ..
		Bellary ..	Yalpikagga ..	Cotton ..
2 Bellary	..	Alur ..	Bantanahal ..	Do. ..
		Adoni ..	Harivanam ..	Do. ..
				26th May 1933.

[5th November 1935]

Serial number and district.	Taluk.	Village.	Main crop.	Date on which the village investigator started enquiry.
3 Coimbatore ..	..	Coimbatore ..	Vellakinar ..	Sugarcane ..
		Udamalpet ..	Budinatham ..	Do. ..
		Palladam ..	Perumanallur ..	Irrigated cotton. ..
	..	Avanashi ..	Annur ..	Do. ..
		Coimbatore ..	Athipalayam ..	Dry cotton ..
		Udamalpet ..	Anthiyur ..	Do. ..

A BRIEF NOTE ON THE WORK SO FAR DONE ON THE "SCHEME OF RESEARCH ON SUGARCANE" FINANCED BY THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

The scheme was sanctioned by the Imperial Council of Agricultural Research for a period of five years from 1932-33, and came into operation in the beginning of 1933-34. It was proposed to utilize this grant to extend further the intensive work carried on at the Anakapalle Agricultural Station in Vizagapatam district, and to start a new sub-station at Gudiyattam in North Arcot district to meet the demands of the central districts.

The research work at the Anakapalle Agricultural Station was directed on the following aspects:—

- The improvement of the crop from all aspects with a view to reduce the cost of cultivation, increase the yield and effect improvement in the manufacture of jaggery;
- the extension of the crop into areas, where the cultivation of sugarcane is not ordinarily possible or where less paying crops are now being grown.

To meet these objects, varietal, cultural and manurial experiments were being tried under a great variety of conditions to meet the requirements of dry and garden land. With the additional staff from the grant of the Imperial Council of Agricultural Research, the work was intensified and strengthened in all directions.

Varietal Trials.

Varieties.—Irrigation being an important limiting factor in the cultivation of sugarcane, varietal trials were laid down giving the varieties full and restricted irrigation, and at different periods, so as to meet the demands of varying water-supply. It has been possible from this to isolate types which are very drought-resistant and which can stand water-logging. As a result of work at the station, the area of sugarcane in the Kistna Delta with limited irrigation has increased from small beginnings to 7,000 acres at present, mainly under one strain, Co. 213, and further research is in progress to isolate types

[5th November 1935]

which are not only more drought-resistant, but which will also prolong the period of cane crushing in areas where factories have already started.

Sorghum Sugarcane hybrids.—In this connexion, seven hybrids from the Imperial Sugarcane Expert were under regular study, under varying water-supply. Although they are slightly early to mature and resistant to drought, they are not able to compete in tonnage with other promising varieties as Co. 213, P.O.J. 2878 at the farm. The economic possibilities of growing mixed varieties like early and late varieties, lodging and non-lodging varieties, to combine different qualities is also under investigation.

Cultural Experiments.

Irrigation.—The experiments in irrigation are being conducted not only to test the requirement of different varieties but also to find out the effect of spacing, manuring, and period of water-supply on it. Irrigation during the cold weather was found to have no advantage over "no irrigation" plots, but hot weather irrigation hastened maturity.

Spacing.—A very detailed study is being made in connexion with spacing and its relation to varieties, irrigation and manure. Previous work showed that in wider spacing there is a saving of 20 per cent in seed material and corresponding saving in wrapping, propping and cultural operations. The present trials have been instituted to investigate further economies with restricted irrigation in the cane crop.

Time of planting.—The experiments showed that there are two periods of planting, one from February to April and another from September to November. Plantings at other times gave low tonnage. It is found that by a suitable adjustment of varieties and cultural operations, the crushing of cane may be commenced as early as the middle of November and continued till May.

Raising of canes on dry land.—The object of the experiment is to try the possibilities of a drought-resistant cane on dry lands in parts of the Ganjam and Vizagapatam districts, where the practice is to raise a nursery and plant in the field later. The results show that drought-resistant types do very well under such conditions and further investigation is in progress in the direction of saving of costs in raising and planting a nursery crop.

Wrapping and propping.—These form the most costly items in sugarcane cultivation in the Circars, the expenses ranging from Rs. 150 to Rs. 200 per acre. The need for experiments in this direction has been recommended by the Sugar Committee. Experiments were laid down to study the effect of wrapping in relation to growth, quality of juice, nature of seed material used and to study cheaper methods of wrapping and propping. The results show that the elaborate processes of wrapping and propping are not economical especially for canes of the type of Co. 213. A considerable saving of

[5th November 1935]

costs can therefore be effected in this connexion. As a matter of fact, from a study of growth rate of cane, the number of wrappings has been reduced from a maximum of seven to a minimum of two at the agricultural station.

Manurial Trials.

Artificials.—Increasing doses of nitrogen, varying from 25 lb. to 100 lb. per acre were under investigation. It was found that increased doses gave increased yields in adverse seasons, but not in favourable ones. The effect of different combinations of Nitrogen, phosphoric acid and potash is also being studied with and without organic manures. The results so far are in favour of a complete manure in the non-organic plots, and further investigations are in progress.

Molasses.—One of the uses to which molasses from factories can be put to is in the form of manure for the cane crop. It was found that Molasses gave nearly as good yields as oil cakes, ammonium sulphate or green manure while chemical tests showed that the quality of the juice was unaffected.

Effect of manures on the quality of seed.—Investigations in cereals showed that the seeds from manured plots have a high cropping power and an experiment was therefore laid at Anakapalle to investigate such effects on the cane crop. The general trend of the experiment is that seed-canes obtained from an intensively manured plot germinated and yielded better than that from a poorly fertilised one, while in addition, the former required less manure in the planted field. The experiment continues.

The field experimental work at the station is supplemented by intensive chemical studies. The quality of the cane juice, its maturity and deterioration have been investigated in respect of a number of varieties and these have been classified under different heads to meet varied requirements of soil, and season. Researches are also in progress in respect of germination capacity, tonnage, length of millable cane, growth rates, girth, flowering, percentage of extraction and other economic characters.

The sub-station at Gudiyattam was started only in February last. Work done here consisted mainly in the laying out of the farm, the construction of buildings and fencing, etc. Four acres of land were planted with sugarcane in April 1935 and varietal, cultural and manurial trials have been undertaken and are in progress.

A brief note on the scheme for the appointment of Veterinary Investigation Officer in Madras.

The scheme was sanctioned by the Imperial Council of Agricultural Research for a period of five years from 1933–34 and the Veterinary Investigation Officer of this Province after a preliminary training of six months at the Imperial Institute of Veterinary Research, Muktesar, commenced his regular work from January 1934. The object of the

[5th November 1935]

scheme is to make precise and exhaustive investigation of the most important causes of ill-health, stunted development, and mortality found to exist in the province.

The following are some of the diseases for investigation:—

- (1) Rinderpest.
- (2) Haemorrhagic Septicæmia, Blackquarter, Anthrax and Foot and Mouth Disease, including an examination of the practicability of better methods of control, viz., Chemotherapy in Foot and Mouth Disease, Bacteriophage in Haemorrhagic Septicæmia, etc.
- (3) Trypanosomiasis—
 - (a) Equine
 - (b) Bovine
 } and possibilities of eradication.
- (4) Theilariasis.
- (5) Tuberculosis (Bovine)—its incidence in the province and its relation to public health, e.g., clean milk in municipalities, control of slaughter-houses, etc.
- (6) Sterility in cattle, including an investigation into contagious abortion and its prevalence, its causes and its relation to public health (undulant fever in man, etc.).
- (7) Deficiency diseases—in relation to dietetic as well as genetic factors (Osteoporosis, non-sweating, kumri, Hæmaturia, loose horns, etc.).
- (8) Sheep pox and contagious pneumonia in sheep and goats, their prevalence, mortality and possible methods of control.
- (9) Parasitism (worm infestation) including warbles, ticks, etc., and methods of eradication.
- (10) Rabies—its control and prophylaxis—one dose vaccine.
- (11) Bovine lymphangitis.

2. During 1933-34 after return from Muktesar the Investigation Officer took up first experiments on the use of goat virus in immunizing cattle against rinderpest and arranged for inoculation camps in Anantapur, Chittoor and Tanjore districts. The vaccinations conducted in these districts by him afforded some useful results and sufficient data which were recorded. In addition to the above work he also attended to the investigation of cases of ringworm which occurred at the Government Livestock Research Station, Hosur, and also to a few outbreaks of pseudo-fowl pest and fowl-pox met with during the course of his tours. He tried different methods of treatment for these diseases and recorded his observations.

3. During 1934-35 Blackquarter was taken up as the main object for investigation. Preliminary investigation was also undertaken on the following diseases:—

- (a) Bacterial diseases—
 - (1) Johne's disease.
 - (2) Tuberculosis.
 - (3) Anthrax.
 - (4) Bovine Lymphangitis.

[5th November 1935]

- (b) Virus diseases—
 - (1) Rabies.
 - (2) Sheep-pox.
 - (3) Contagious Pleuro-pneumonia.
 - (4) Fowl-pox.
- (c) Protozoan diseases—
 - (1) Theileria mutans.
 - (2) B. sergenti in sheep and goats.
 - (3) B. bigeminum.
- (d) Fungoid diseases—
 - (1) Ringworm.
- (e) Parasitic diseases—
 - (1) Nasal granuloma.
- (f) Deficiency diseases—
 - (1) Chronic rhematic arthritides.
- (g) Poisoning.

APPENDIX VII.

[Vide answer to question No. 460 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 5th November 1935, page 596 supra.]

G.O. Ms. No. 1043, Development, dated 29th August 193

READ—the following papers:—

From the Collector of Salem, R.O.C. No. 3603/31, dated 1st April 1933.

To the Collector of Salem, No. 1345-III/33-2, dated 10th May 1933.

From the Collector of Salem, D. No. 3603/31, dated 21st June 1933.

Order—Ms. No. 1043, Development, dated 29th August 1933.

The Government do not consider that the lands required by the Salem District Urban Bank should be acquired under the Land Acquisition Act, 1894, as subsequently amended.

(By order of the Government, Ministry of Public Works)

C. A. HENDERSON,
Secretary to Government.

To the Collector of Salem (with draft notification under section 4 (1) returned).
„ Registrar of Co-operative Societies (with copy of Collector's letter).

[5th November 1935]

APPENDIX VIII.

[Vide answer to question No. 464 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 5th November 1935, page 599 supra.]

Statement of loans sanctioned since the introduction of the State Aid to Industries Act, i.e., from 1924.

Name of concern.	Amount of loan sanctioned and paid.			Amount of loan so far recovered.			Balance of loan outstanding.			Amount of loan written off.			Remarks.
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
1 The Carnatic Paper Mills, Limited, Rajahmundry. (Loans aggregating Rs. 6,49,215-8-0 were paid in the years 1925 to 1929.)	6,49,215	8	0	4,00,000	0	0	..	..	..	2,49,215	8	0	....
2 M.R.Ry. D. Rangaswami Nayudu, Andal Mills, Gudiyattam, North Arcot district. (The loan was sanctioned and paid in 1925.)	5,000	0	0	3,284	9	2	1,715	6	10	..	..	..	As the borrower was adjudged an insolvent, an affidavit of claim for the balance outstanding has been filed with the Official Assignee, Madras.
3 The Canara Rice and Saw Mills Limited, Coondapoor, South Kanara district. (The loan was sanctioned and paid in 1925.)	9,600	0	0	9,000	0	0	..	..	..	..	..	..	....
4 The Co-operative Agricultural and Industrial Society, Limited, Kallakurichi, South Arcot district. (The loan was sanctioned and disbursed in 1925.)	18,600	0	0	9,021	14	0	9,578	2	0	..	..	..	....
5 M.R.Ry. Muthyala Seenappa Ramanna, Match Factory, Bellary. (The loan was sanctioned and disbursed in 1927.)	20,000	0	0	20,000	0	0	..	..	..	..	..	..	....
6 The Zamindars of Belgam, Proprietors, Pyrotechnic Match Factory, Parvatipur, Vizagapatam district. (The loan was sanctioned and paid in 1928.)	11,000	0	0	11,000	0	0	..	..	..	..	..	..	....
7 The Salem Dye Works Syndicate, Limited, Salem. (The loan was sanctioned and paid in 1928.)	10,000	0	0	3,265	11	5	6,734	4	7	..	..	..	The Collector of Salem has taken steps to recover the balance as the concern has not repaid the last two instalments.
8 M.R.Ry. L. Nanjundaswami, Proprietor, Silk Reeling Concern, Bastipuram, Coimbatore district. (The loan was sanctioned and paid in 1930.)	750	0	0	..	..	..	..	..	..	750	0	0	....
9 M.R.Ry. B. Abraham, Tile Works, Tanjore. (The loan was sanctioned and paid in 1930.)	4,250	0	0	4,250	0	0	..	..	..	..	..	..	....
10 M.R.Ry. C. M. Ramaswami Ayyar, Ram Ram Safety Match Works, Tholampalayam, Coimbatore district. (The loan was paid in 1931.)	500	0	0	147	0	2	352	15	10	..	..	..	The Collector of Coimbatore is taking steps to recover the balance as the proprietor has defaulted in making repayments.
11 Messrs. Boddur Pydenna Sons, Rice and Oil Millers, Vizianagaram. (The loan was sanctioned and paid in 1931.)	40,000	0	0	2,981	13	10	37,018	2	2	..	..	..	....
12 M.R.Ry. K. Subbarayudu, Toy Maker, Kondapalle, Kistna district. (The loan was sanctioned and paid in 1932.)	500	0	0	231	6	0	268	10	0	..	..	..	....
13 The Metal Industries, Limited, Shoranur, Malabar district. (The loan was paid in 1933.)	8,000	0	0	900	8	10	7,099	7	2	..	..	..	....
14 M.R.Ry. A. C. Krishnaswami Pillai, Coir Factory, Muthupet, Tanjore district. (The loan was paid in 1935.)	500	0	0	..	..	..	..	..	..	..	..	..	The first instalment falls due in 1936.

5th November 1935]

APPENDIX IX.

[Vide item IV at page 606 supra.]

(BILL No. 9 OF 1934.)

The Madras Debt Conciliation Bill.

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

The Select Committee appointed to consider the Madras Debt Conciliation Bill (Bill No. 9 of 1934) has the honour to make the following report.

2. The Bill was published in the *Fort St. George Gazette*—

in English on the 13th March 1934,
in Hindustani on the 26th June 1934,
in Telugu on the 3rd July 1934,
in Tamil on the 17th July 1934,
in Kanarese on the 17th July 1934, and
in Malayalam on the 24th July 1934.

3. The Committee met on the 12th, 14th, 28th and 29th September 1935 and on the 10th October 1935, in the Council Chamber, Fort St. George, for the purpose of considering the provisions of the Bill. On the 11th October 1935 it again met and passed the Report.

4. The more important alterations in the Bill made by the Committee are referred to below.

5. *Clause 2, sub-clause (c)—Definition of 'Agriculture.'*—The Committee has amplified the definition of the term 'agriculture' so as to make it include "the use of land for any purpose of husbandry, inclusive of the keeping or breeding of livestock, poultry or bees and sericulture and the growing of fruits, vegetables and the like."

Sub-clause (g).—In the definition of the term 'debtor' the Committee has made it clear that the term will include a person who earns his livelihood mainly by agriculture, whether he cultivates the land personally or not. It has also enlarged the scope of the definition by including within it, any person whose

[5th November 1935]

debts exceed Rs. 100 instead of Rs. 150. The Bill as introduced applied the term to "a person who earned his livelihood mainly by agriculture *and* who is an occupancy tenant or landholder." The Committee has altered the word 'and' into 'or' and has made it clear that the term applies to either of the persons mentioned. The Committee has added new definitions of a 'secured creditor' and 'secured debt.'

6. *Clause 3.*—This clause refers to the establishment of a Debt Conciliation Board. The Committee has restricted the number of members of the board to three, inclusive of the chairman, and has decided that the chairman should be a gazetted officer of Government appointed by the Government. It has added a new sub-clause (5) providing for the consequences of the dissolution of a board under sub-clause (1) and empowering the Local Government to establish another board for the area.

7. *Clause 4.*—The Committee has redrafted this clause so as to provide that the application made by a debtor in the first instance should be made to the board having jurisdiction over the area within which he ordinarily resides. It is only in cases where there is no board for the area of residence that he can make an application to a board having jurisdiction over the area in which he holds immovable property.

The Committee has deleted the proviso to sub-clause (1) of this clause which had stated that no application shall be made if a debtor's debts exceeded Rs. 25,000 or such larger amount as may be prescribed for the area.

8. *Clause 7-A.*—The Committee has inserted a new clause 7-A mentioning the grounds on which the application under clause 4 might be dismissed. The Committee has consequently deleted the proviso to sub-clause (1) which contained one of the grounds on which the board could dismiss an application.

9. *Clause 8, sub-clause (2).*—The proviso to this sub-clause refers to the cases in which the debt in respect of which a creditor has failed to submit a statement as required under sub-clause (1) can be revived. The Committee has made it clear that an application

[5th November 1935]

for such revival should be made by a creditor *within* two months after he became aware of the proceedings under this clause.

10. *Clause 9, sub-clause (3).*—The Committee considers it desirable to empower the board to excuse, for valid reasons, any default or delay in producing documents proving claims of creditors, and to grant reasonable time for producing the same. They have inserted a new proviso accordingly.

11. *Clauses 10 and 11.*—The Committee has redrafted these clauses so as to make their intention clearer. According to the clauses, as redrafted, the board shall call upon the debtor and each creditor to explain his case regarding each debt, decide all disputes as to the existence or quantum of each debt and as to the assets of the debtor, and prepare a complete schedule of the creditors and the assets and liabilities of the debtor. The decision of the board is expressly stated to be binding on all parties in all proceedings before the board.

12. *Clause 12.*—This clause refers to an agreement of amicable settlement and its registration by the board. As originally drafted, it enabled the board to register an agreement of amicable settlement entered into by the creditors to whom not less than 50 per cent of the total amount of a person's debts were owing. The Committee has altered the percentage from 50 to 40. It has made it clear that before registering an agreement of amicable settlement, the board should consider it equitable. Among the particulars to be mentioned in the settlement have been included "the assets from which the debts are to be paid."

The Committee considers it desirable to safeguard the rights of secured creditors by providing expressly that 'if a secured creditor does not agree to the settlement, such settlement shall not affect his rights to proceed against the secured property.' It has accordingly inserted a proviso to sub-clause (1) to that effect. The period within which an agreement under this clause can be registered has been increased by the committee from 14 to 30 days.

13. *New clause 12-A.*—The Committee thinks that special provision should be made, in drawing up the schedule of the assets and liabilities of the debtor, to

[5th November 1935]

leave out of account all properties which are exempt from attachment under the Code of Civil Procedure. It considers that such properties should be allowed to the judgment debtor for his use and should be free from liability for his debts.

14. *Clause 13.*—This clause provides for the recovery of sums due under the agreement of amicable settlement registered under clause 12. As it was originally drafted, the amount was recoverable as an arrear of land revenue, but if the Collector failed to recover any part of the amount as an arrear of land revenue and certified that it was so irrecoverable, the agreement ceased to subsist, and the amount which was payable under the agreement was recoverable as if it had been decreed by a civil court in favour of the creditor. The Committee has provided that the amount due under an agreement of amicable settlement should not be recoverable as an arrear of land revenue, but should be merely treated as an amount for which a decree of a civil court had been passed. The Committee has redrafted clause 13 accordingly.

The change in this provision has led to various consequential alterations in the other parts of the Bill which the Committee has carried out.

15. *Clause 14.*—In this clause the Committee has provided that if no amicable settlement is arrived at under clause 12, within twelve months from the date of the application under clause 4, the board shall dismiss the application.

The Committee considers that the local Government may provide facilities for the payment of debts in respect of which an agreement under clause 12 has been entered into, by the grant of loans under the Agricultural Loans Act in cases where there is sufficient security, and by realization of the amount from the debtors in equated annual payments spread over a long period, say 20 or 25 years. It has accordingly added a proviso to this effect.

16. *Clause 15.*—The Committee has considered it desirable to insert at the end of sub-clause (1) a proviso stating the particulars which the board may take into account before granting a certificate under this clause,

[5th November 1935]

such as fall or rise in the price of land and its produce in the locality, the amount of consideration actually received, etc.

Sub-clause (3).—In this sub-clause, the Committee had made it clear that a decree passed in respect of a certified debt cannot be executed until all amounts recorded under such agreement have been paid only as against the assets mentioned in the agreement of amicable settlement, and not as against the other assets.

17. *Clause 17-4.*—In this clause, the Committee has inserted the words 'for a fair price' after the words 'Any alienation of land,' so as to protect only *bona fide* alienations for proper consideration made in pursuance of or to carry out an agreement of amicable settlement, from the provisions of law against transfers giving fraudulent preference.

18. The Committee has made a few other changes in the Bill which are all shown in the copy which is annexed. It does not consider that the Bill has been so altered as to necessitate its republication.

FORT ST. GEORGE,
11th October 1935.

P. SUBBARAYAN,
Ag. Chairman.

[*Note.*—The changes made by the Select Committee are shown in clarendon type and the portions omitted are shown by dots.]

THE MADRAS DEBT CONCILIATION BILL

(As amended by the Select Committee.)

A Bill to make provision for the setting up of Debt Conciliation Boards to relieve agriculturists from indebtedness.

WHEREAS it is expedient to relieve agriculturists from indebtedness by amicable settlement between them and their creditors;

AND WHEREAS the previous sanction of the Governor-General required by sub-section (3) of section 80-A of the Government of India Act has been obtained to the passing of this Act; It is hereby enacted as follows :—

1. (1) This Act may be called the Madras Debt Conciliation Act, 1935.
- (2) It extends to the whole of the Presidency of Madras.

Short title,
extent and
commence-
ment.

[5th November 1935]

(3) It shall come into force on such date as the Local Government may, by notification, direct.

2. In this Act, unless there is anything repugnant in the subject or context—

(a) The expression 'Landholder' as used in this Act shall be taken to comprise the following persons:—

All persons holding under a Sanad-i-Milkiyat-i-istimrar, all other zamindars, shrotriyamdars, jagirdars, inamdars and all persons farming the land revenue under Government. All holders of land under ryotwari settlements, or in any way subject to the payment of revenue direct to Government.

(b) The expression 'Tenant' means a ryot having a permanent right of occupancy in his holding and includes a kanamdar in Malabar and a 'Mulgeni' tenant in South Kanara.

(c) . . . 'Agriculture' . . . includes horticulture, and the use of land for any purpose of husbandry inclusive of the keeping or breeding of livestock, poultry or bees and sericulture and the growing of fruits, vegetables and the like.

(d) 'Board' means a Debt Conciliation Board established under sub-section (1) of section 3.

(e) 'Creditor' means a person to whom a debt is owing and includes a co-operative society.

(f) 'Debt' means all liabilities owing to a creditor, in cash or kind, secured or unsecured, payable under a decree or order of a civil court or otherwise, whether mature . . . or not (. . .) . . . but shall not include arrears of wages, land revenue or anything recoverable as an arrear of land revenue or any money for the recovery of which a suit is barred by limitation.

(g) 'Debtor' means a person who earns his livelihood mainly by agriculture . . . or who is an occupancy tenant or landholder whether he cultivates the land personally or otherwise whose debts exceed . . . one hundred rupees.

[5th November 1935]

(h) 'Prescribed' means prescribed by rules made under this Act.

(i) 'Secured debt' includes mortgage debt or any debt for which there is security, lien or charge created by deed, statute or otherwise.

(j) 'Secured creditor' is one for whose debt he holds a security by way of mortgage, lien or charge created by a deed, statute or otherwise.

3. (1) The Local Government may establish a Debt Conciliation Board for any district or part of a district. Such board shall consist of a chairman who shall be a gazetted officer of the Government and two . . . members of whom one shall be a non-official . . . to be appointed by the Local Government . . . The local Government may, for reasons to be recorded in writing, cancel the appointment of the Chairman or any member of the board or dissolve any board and from the date of such dissolution the board shall cease to exist.

(2) The chairman and every member of a board so established shall be appointed for a term not exceeding three years. Such chairman or member may, on the expiration of the period for which he has been appointed, be again appointed for a further term not exceeding three years.

(3) A board shall have such quorum as may be prescribed.

(4) Where the chairman and members of a board are unable to agree, the opinion of the majority shall prevail. Where the board is equally divided, the chairman shall have a casting vote.

(5) When a board is dissolved or otherwise ceases to exist, the Local Government may, at any time establish another board for the area for which the former board was established and may declare the board newly established to be the successor in office of the board which has ceased to exist and such board shall exercise all the powers under the Act.

4. (1) A debtor may make an application for the settlement of his debts to the board established for the local area within which he ordinarily resides, or if no board has been established for that local area, to the

Application for settlement between debtor and his creditor.

[5th November 1935]

board established for any local area in which he holds immovable property, but he shall not apply to more than one board.

(2) Unless the debtor has already made an application under sub-section (1), any of his creditors may make an application to a board to which the debtor might have applied under that sub-section.

(3) If applications for the settlement of the debts of the same debtor are made to more than one board, such applications shall, in accordance with rules made under this Act, be transferred to and dealt with by one board as one single application.

Verification
of applica-
tion.

5. Every application to the board shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1908, for signing and verifying plaints. v of 1908.

Particulars
to be stated
in applica-
tion.

6. (1) Every application presented by a debtor to a board shall contain the following particulars, namely:—

- (a) a statement that the debtor is unable to pay his debts;
- (b) the place where he resides;
- (c) the amount and particulars of all claims against him together with the names and residences of his creditors so far as they are known to, or can by the exercise of reasonable care and diligence be ascertained by him; and
- (d) the amount and particulars of all his property, including claims due to him together with a specification of the value of such property not consisting of money, the place or places at which any such property is to be found and details of any mortgage, lien or charge subsisting thereon.

(2) Every application presented by a creditor shall contain the following particulars, namely:—

- (a) the place where the debtor resides; and
- (b) the amount and particulars of his claim against such debtor.

5th November 1935]

7. (1) On receipt of an application under section 4 the board shall pass an order fixing a date and place for hearing the application. Procedure
on applica-
tion.

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(2) Notice of the order under sub-section (1) shall be sent by registered post to the debtor and . . . creditors.

(3) If the application is filed by a creditor, the debtor on his appearance shall furnish the particulars mentioned in sub-section (1) of section 6 and notice shall be sent to all the creditors specified by him.

7-A. An application under section 4 may be dismissed by the board at any stage of the proceedings—

- (a) if, for reasons to be stated in writing, the board does not consider it desirable or practicable to effect a settlement of debts; or
- (b) if, in the opinion of the board, the applicant fails to pursue his application with due diligence:

Provided that, when such applicant is a creditor, the board, instead of dismissing such application, may substitute the debtor or any other creditor, who shall thereafter be deemed to be the applicant for the purposes of this Act; or

- (c) if the application includes a claim which, in the opinion of the board, is collusive and intended to defraud any creditor.

8. (1) If, after examining the debtor, it is in the opinion of the board desirable to attempt to effect a settlement between him and his creditors, a notice shall be issued and served or published in the manner prescribed, calling upon every creditor of the debtor to submit a statement of debts owed to such creditor by the debtor. Such statement shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1908, for signing and verifying claims and shall be submitted to the board . . . within two months from the date of

Notice of
calling upon
creditors to
submit
statements
of debts.

[5th November 1935

service or publication of the notice as the case may be: provided that, if the board is satisfied that any creditor was, for good and sufficient cause, unable to comply with such directions, it may extend the period for the submission of his statement of the debt owed to him.

(2) Every debt of which a statement is not submitted to the board in compliance with the provision of sub-section (1) shall be deemed for all purposes and all occasions to have been duly discharged :

Provided that, if a creditor proves to the satisfaction of the board or a civil court that the notice was not served on him and that he has no knowledge of its publication, the board or court may revive the debt, if the creditor files the application within two months after he becomes aware of the proceedings under this section.

**Procedure
on submis-
sion of
statement
of debts.**

9. (1) Every creditor submitting a statement of the debts owed to him in compliance with a notice issued under sub-section (1) of section 8 shall furnish, along with such statement full particulars of all such debts and shall at the same time produce all documents, including entries in books of account on which he relies to support his claims, together with a true copy of every such document.

(2) The board shall, after marking for the purpose of identification every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the creditor.

(3) If any document which is in the possession or under the control of the creditor is not produced by him as required by sub-section (1) the document shall not be admissible in evidence against the debtor in any suit brought by the creditor or by any person claiming under him :

Provided the board shall have power to excuse for valid reasons any default or delay in producing the document and to grant reasonable time for producing the same.

**Board to
endeavour
amicable
settlement.**

10. (1) The board shall call upon the debtor and each creditor respectively to explain his case regarding each debt.

5th November 1935]

(2) If there is a dispute as to the existence or quantum of the debt due to any creditor or the assets of any debtor the board may decide the matter after taking such evidence as is adduced by all the parties concerned and such decision shall be binding on all parties in all proceedings before the board :

Provided that a decree of a civil court relating to a debt shall be conclusive evidence as to the existence and amount of the debt.

(3) The board shall prepare a complete schedule of the creditors and the assets and liabilities of the debtor.

[illegible]

11. (1) Subject to rules made under this Act, a board may exercise all such powers connected with the summoning and examining of parties and witnesses and with the production of documents as are conferred on a civil court by the Code of Civil Procedure, 1908.

(2) Any person present may be required by a board to **furnish any information** or to produce any document then and there in his possession or power.

12. (1) If the creditors to whom not less than **forty** . . per cent of the total amount of the debtor's debts are owing come to an amicable settlement with the debtor, such settlement shall forthwith be reduced to writing in the form of an agreement recording the amounts payable to such creditors and the manner in which **and the assets from which** and the times at which they are to be paid. Such agreement **if considered equitable by the board** shall be read out and explained to the parties concerned, and shall be signed or otherwise authenticated by the board and the parties :

Agreement of amicable settlement, its registration and effect.

Provided that, when a co-operative society is one of such creditors no settlement, in so far as it

[5th November 1935]

affects the debts owing to such society, shall be valid without the previous approval in writing of the Registrar of Co-operative Societies :

Provided further that when a secured creditor does not agree to the settlement, such settlement shall not affect his rights to proceed against the secured property.

(2) An agreement thus made shall, within thirty . . . days from the date of its making, be registered under the Indian Registration Act, 1908, by the chairman of the board in such manner as may be prescribed and it shall then take effect as if it were a decree of a civil court.

(3) For the purpose of the registration of an agreement under sub-section (2), the chairman of the board shall be deemed to be an officer of the Government empowered to execute such agreement within the meaning of section 88 of the Indian Registration Act, 1908.

12-A. In any scheme of debt conciliation under this Act such properties as are exempt from attachment under the Code of Civil Procedure, 1908, shall not be taken into account and shall be left to the judgment debtor free from any liability for his debts.

Recovery
of sums
due under
agreements

13. . If a debtor defaults in paying any amount due in accordance with the terms of an agreement registered under sub-section (2) of section 12, any . . . amount payable under such agreement which remains unpaid shall be recoverable as if a decree of a civil court had then been passed for its payment.

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[5th November 1935]

14. If no amicable settlement is arrived at under sub-section (1) of section 12 within twelve months from the date of the application under section 4 the board shall dismiss the application : Power of Board to dismiss application.

Provided when once a settlement is arrived at under sub-section (1) of section 12, the Local Government may facilitate the payment of debts by granting loans if there is sufficient security and may realize the amount from the debtors in such equated annual instalments as the Government may prescribe.

15. (1) Where, during the hearing of any application made under section 4, any creditor refuses to agree to an amicable settlement, the board shall . . . if it is of opinion that the debtor has made such creditor a fair offer which the creditor ought to reasonably accept, grant the debtor a certificate, in such form as may be prescribed in respect of the debts owed by him to such creditor : Grant of certificate in respect of certain debts.

Provided the board in coming to a decision whether the offer made is fair or not may take the following into consideration :—

- (i) the fall or rise in the value of land and its produce, in the locality ;
- (ii) the amount of consideration actually received ;
- (iii) the reasonableness of the rates of interest ;
- (iv) onerous conditions, if any, included in the grant of the loan ;
- (v) whether at any time, the creditor or the debtor was offered settlement of the debt in full or part and if so what the terms were ; and
- (vi) any other particular which the board thinks desirable to take into account.

(2) Where any creditor sues in a civil court for the recovery of a debt in respect of which a certificate has been granted under sub-section (1), the court shall, notwithstanding the provisions of any law for the time being in force, not allow the plaintiff any costs in such suit, or any interest on the debt after the date of such certificate in excess of simple interest at 6 per cent per annum on the principal amount due on the date of such certificate. Power of court to disallow costs or interest.

[5th November 1935]

(3) Where after the registration of an agreement under sub-section (2) of section 12, any unsecured creditor sues for the recovery of a debt, other than a debt incurred subsequent to such agreement in respect of which a certificate has been granted under sub-section (1) or any creditor sues for the recovery of a debt incurred after the date of such agreement . . . , any decree passed in such suit shall, notwithstanding anything contained in the Code of Civil Procedure, 1908, not be executed as against the assets provided, if any, in the agreement for the agreed debts until all amounts recorded as payable under such agreement have been paid . . .

Bar of civil suits.

16. No civil court shall entertain—

(a) any suit in respect of—

- (1) any matter pending before a board, or
- (2) the validity of any procedure or the legality of any agreement made under this Act, or
- (3) the recovery of any debt recorded as wholly or partly payable under an agreement registered under sub-section (2) of section 12 from any person who, as a debtor, was party to such agreement; or . . .

- (4) the recovery of any debt which has been deemed to have been duly discharged under sub-section (2) of section 8, except a debt which is revived under the proviso to that sub-section;

- (b) any application to execute a decree, the execution of which is suspended under sub-section (3) of section 15.

Avoidance of certain transfers of debtors' property.

17. Every transfer of property made, with intent to defeat or delay the creditors of the debtor, after an application has been made to a board under section 4 . . .

. . . shall be voidable at the option of any creditor so defeated or delayed.

17-A. Any alienation of land for a fair price made in pursuance of or to carry out the agreement mentioned in section 12 shall not be considered as fraudulent preference under the Presidency Insolvency Act

5th November 1935]

and the (New) Provincial Insolvency Act, nor shall be voidable under section 53 of the Transfer of Property Act.

18. No appeal or application for revision shall lie against any order passed by a board. Bar of appeal or revision.

19. A board may, on application from any person interested made within ninety days of the passing of an order, review any order passed by it and pass such order in reference thereto as it thinks fit : Power of board to review its order.

Provided that no order shall be varied or reversed unless notice has been given to the persons interested to appear and be heard in support of such order.

20. In any proceedings before a board any party may be permitted to appear by an agent authorized in writing but not by a legal practitioner. Appearance of party before board by agent but not by legal practitioner.

21. When an application has been made to a board under section 4, any suit or other proceedings then pending before a civil court in respect of any debt for the settlement of which application has been made shall be suspended until the board has dismissed the application . . . Suspension of pending application or suit.

22. Where in the course of an enquiry into an application made under section 4 a board finds that there is any sum owing to Government on account of loans advanced under the Agriculturists' Loans Act, 1884, or the Land Improvements Loans Act, 1883, or otherwise, the board shall report this fact to the Collector. Submission of reports by board regarding sums due to Government.

23. In calculating the period of limitation for any suit filed in, or proceedings before, a civil court for the recovery of a debt which was the subject of any proceedings under this Act, the time during which such proceedings had continued shall be excluded. Allowance of time for limitation.

24. The members of a board shall be deemed to be public servants within the meaning of the Indian Penal Code. Members of the board deemed to be public servants.

[5th November 1935]

Power to
make rules.

25. In addition to any power specially conferred by this Act, the Local Government may make rules—

- (a) prescribing the quorum for, and regulating the procedure before a board ;
- (b) prescribing the manner in which notices shall be issued and served or published under sub-section (1) of section 8 ;
- (c) prescribing the charges to be made by a board for anything done under this Act and the persons by whom and the manner in which such charges shall be paid ;
- (d) prescribing the records to be kept and the returns to be made by a board ;
- (e) prescribing the allowances, if any, to be paid to the chairman and members of a board ;
- (f) regulating the power of a board to summon parties and witnesses under section 11 and the grant of expenses to witnesses ;
- (g) prescribing the place at which and the manner in which an agreement shall be registered under sub-section (2) of section 12 ;
- (h) prescribing the form of certificate to be granted under sub-section (1) of section 15 ; and
- (i) generally, for the purpose of carrying into effect the provisions of this Act.

General
provisions
regarding
rules.

26. (1) All rules for which provision is made in this Act shall be made by the Local Government and shall be consistent with this Act.

(2) All rules shall be subject to the condition of previous publication.

(3) In making any rule the Local Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and, where the breach is a continuing one, with further fine which may extend to ten rupees for every . . . day after the first during which the breach has been persisted in.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Wednesday, the 6th November 1935.

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

PRESENT :

Reddi Nayudu, Kt., The Hon. Rai Bahadur Sir K. V.	Muthu Chettiyar, Rao Bahadur P. C.
Pannirselvam, The Hon. Rao Bahadur A. T.	Nachiyappa Gounder, Mr. K. A.
Souter, C.S.I., I.C.S., The Hon. Mr. C. A.	Nanjappa Bahadur, Subadar-Major S. A.
Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.	Narasa Reddi, Mr. T.
Raja of Bobbili, K.C.I.E., The Hon. the Rajan, The Hon. Mr. P. T.	Narasimhaswami, Rao Sahib D. V.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.	Narayanan Nambiyar, Mr. V. P.
Abdul Hameed Khan Sahib Bahadur.	Natesa Mudaliyar, Diwan Bahadur C. Palat, Mr. R. M.
Ahmed Meeran Sahib Bahadur.	Patnaik Mahasayo, Sriman M. G.
Alagannan Chettiyar, Rao Sahib A. S.	Patro, Rao Bahadur Sir A. P.
Alamelumangathayaramma, Mrs. K.	Pattabhiramayya, Mr. K.
Appadurai Pillai, Diwan Bahadur A.	Peddi Raju, Mr. P.
Arasu, Mr. V. T.	Pocker Sahib Bahadur, B.
Basheer Ahmed Sayeed Sahib Bahadur.	Premayya, Mr. G. R.
Basu Dev. Mr. C.	Rajagopala Pillai, Mr. P. V.
Boag, C.I.E., I.C.S., Mr. G. T.	Raja of Kallikote, The.
Devadasan, Mr. M.	Ramachandra Padayachi, Mr. P. K.
Dharmalingam Pillai, Rao Sahib V.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Duraiswami Reddiyar, Mr. K. M.	Ramalinga Reddi, Mr. C.
Ellappa Chettiyar, Diwan Bahadur S.	Ramamurti, Rao Sahib Pandit Ganala.
Foulkes, Mr. G. F. F.	Raman Menon, Mr. K. P.
Indrayya, Mr. C.	Ramaswami Ayyar, Mr. T. S.
Jagannatham, Mr. H. M.	Ramaswami Mudaliyar, Mr. V. M.
Jayaram Nayudu, Rao Sahib C.	Rameswara Rao, Mr. G.
Javad Hussain Khan Sahib Bahadur, Khan Bahadur.	Ranganatha Mudaliyar, Mr. A.
Jones, I.C.S., Mr. C. E.	Ranganatha Mudaliyar, Mr. G.
Kesavaramamurti Nayudu, Mr. K.	Rangaswami Reddi, Mr. M. B.
Kolanda Reddi, Rai Sahib C.	Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Koti Reddi, Mr. K.	Ratnavelu Thevar, Mr. P.
Krishnayya Choudari, Mr. P. V.	Reid, Mr. D. M.
Krishnamurti, Rao Bahadur D.	Rukmani Lakshmiopathi, Mrs. A.
Kuppuswami Choudari, Mr. J.	Russell, I.C.S., Mr. T. B.
Langley, Mr. W. K. M.	Scott Brown, I.C.S., Mr. W.
Madanagopal Nayudu, Mr. R.	Sesha Reddi, Rao Bahadur B. P.
Manikkavelu Navakar, Mr. M. A.	Shetty, Mr. A. B.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Simhachalam Pantulu, Mr. G.
Moses, Mr. P. C.	Siva Raj, Rao Sahib N.
Muniswami Pillai, Rao Sahib V. I.	Smith, Mr. J. M.
Murugappa Chettiyar, Diwan Bahadur A. M. M.	Sreshta, Mr. M. S.
Muthiah Chettiyar, Mr. M. A.	Srinivasa Ayyangar, Mr. T. C.
	Srinivasan, Rao Bahadur R.
	Sriramulu, Mr. G.
	Stanes, Mr. F. J.
	Subbarayan, Dr. P.
	Subrahmanya Bhatt, Mr. U. C.

[6th November 1935]

PRESENT—cont.

Sundara Rao Nayudu, Mr. T.	Venugopal Nayudu, Rao Bahadur
Syed Tajuddin Sahib Bahadur, Khan Sahib.	R. K.
Thangal, Mr. P. M.	Wright, Sir William.
Uzielli, C.I.E., I.C.S., Mr. H. R.	Yakub Hasan Sahib Bahadur.
Vasudeva Pillai, Mr. V. G.	Zamindar of Bodinayakkanur, The.
Vedachala Mudaliyar, Mr. M.	Zamindar of Chemudu, The.
	Zamindar of Kirlampudi, The.
	Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Education

Working of the Champion scheme.

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

(a) in how many areas the Champion scheme has been introduced, what the names of those places are, and when it has been introduced in each;

(b) how the scheme is working and what the amount saved is in each of such places as a result of the introduction of this scheme; and

(c) in which of the places the Government propose to bring in this scheme during the course of this year and the next (each separately)?

A.—(a) Amalgamation of schools has been given effect to in some places. No useful purpose will be served by compiling a list of these places nor is information available in all cases as to the date from which the amalgamation took place.

(b) No information is available. Amalgamation and concentration of schools, where it has been given effect to, has been generally at the instance of the local authorities.

(c) The matter is under consideration.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask, Sir, whether the information in regard to this matter will be called for and furnished, as it would give us facilities to know whether the scheme may be further pushed through or not?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"My hon. Friend put the same question some months ago, and the answer was furnished; nothing further has been done since. As has been already stated, the schemes which have been prepared by the education authorities have not yet been put into operation. I do not think any useful purpose will be served in compiling a list."

Mr. G. R. PREMAYYA:—"The answer says that no useful purpose will be served by compiling a list. If it is not useful to the

6th November 1935]

Hon. Minister, it is decidedly useful to others to whom this is a question of life and death especially when the amalgamation is effected?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"May I know how that affects the question before us."

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I know from the Hon. Minister whether he has issued instructions to the inspecting authorities to state whether the scheme is working satisfactorily?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"As I said, no scheme has yet been put into effect which was prepared by the education authorities. Some local bodies have introduced schemes of their own accord. When those schemes are put into effect, then we shall watch how they work."

Dr. P. SUBBARAYAN:—"Is the general question of amalgamation under consideration?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The general question was settled by my hon. Friend when he was Minister. Schemes have been prepared but the preparation of details is a very difficult matter and gives rise to a lot of controversy. Individual schemes are under further examination."

Dr. P. SUBBARAYAN:—"Am I to take it that the Hon. Gentleman is hiding behind my decision?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am afraid I am very much in the light, Sir."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Is it not a fact that several district boards have asked the Government to say whether if they are prepared to give effect to the scheme, the Government will give them a grant?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"As I said, some local bodies have introduced the schemes with the concurrence of the Government. When applications are received, each case will be decided on its merits."

Allotment of building grants to board secondary schools during the last six years.

* 472 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Education and Excise be pleased to state the amount of building grants given for board secondary schools in each district during each of the last six years?

A.—The information asked for is given in the annexed statement.*

[6th November 1935]

Mr. K. A. NACHİYAPPA GOUNDER:—“ From a perusal of the statement given in the Appendix, it is found that only Rs. 993 has been given to the Salem District Board for all the six years for which figures are furnished. May I ask, Sir, whether it is due to the board not applying for it or whether the Government did not give more? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I cannot say which was the cause to which it was due; most probably, the district board had no schemes ready for execution.”

Mr. P. PEDDI RAJU:—“ May I ask the Minister whether the West Godavari District Board was promised a contribution for a laboratory in Tanuku and after the construction was commenced, the Government said there was no money? As the building is not completed, are Government going to give a grant for the building? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I cannot say.”

Expenditure on account of the Scout and Girl Guides movements since 1925.

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

(a) what the expenditure incurred by the Government is on the Scout and Girl Guides movements (each separately) in each year since 1925; and

(b) whether there are any proposals under consideration for increasing the expenditure on this activity and if so, what they are?

A.—(a) The grants given to the two associations in the last ten years are shown in the following statement:—

Year.	Amount of grant.	
	Boy Scouts Association.	Girl Guides Association.
	RS.	RS.
1925-26	10,000	Nil.
1926-27	10,000	3,000
1927-28	10,000	4,000
1928-29	10,000	4,000
1929-30	10,000	4,000
1930-31	10,000	10,000
1931-32	10,000	8,000
1932-33	7,500	6,000
1933-34	7,500	6,000
1934-35	7,500	4,052
1935-36	7,500	6,000

[6th November 1935]

(b) Applications from the Madras Boy Scouts Association and the Girl Guides Association for increase of their grants from Rs. 7,500 to Rs. 10,000 and from Rs. 6,000 to Rs. 8,000, respectively, have been received and are under consideration.

Mr. K. A. NACHİYAPPA GOUNDER:—“ May I ask, Sir, when the application was received for increased grant? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I cannot say.”

Rao Sahib V. I. MUNISWAMI PILLAI:—“ May I know whether the Government get copies of the accounts from these two institutions and what amount was spent by way of travelling allowance for the chief officers? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Accounts are kept and they are scrutinized by the department of Education. I cannot say how much is spent for travelling allowance and how much on other items.”

Collection of fees from elementary school pupils in addition to the levy of education-tax.

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

(a) whether school fees are collected from pupils in elementary schools under public management even in districts where education-tax has been levied;

(b) in which of such districts such fees are collected and in which they are not;

(c) whether elementary education is made absolutely free for both boys and girls in each of such districts or whether it is either for girls or for boys;

(d) if there is no uniform policy in this matter, what the reasons therefor are; and

(e) whether any district board has represented to the Government or to the Director of Public Instruction during 1934-35 or so far during the current year for making elementary education free in their area, and if so, what their names are, when they applied and what disposal has been done in each case?

A.—(a) to (d) There is no objection to a local body collecting fees in elementary schools under its control even though it levies an education-tax. The Government have no information as to which of the local bodies levying education-tax collect fees in elementary schools under them.

(e) No representation has been received by Government nor are they aware that any representation has been made to the Director of Public Instruction on the subject.

[6th November 1936]

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, whether it is really justifiable to collect fees for imparting elementary education and at the same time collect an education-tax in any particular area, as it will affect the ryot population very much? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It is open to the local bodies to abolish fees; but Government cannot compel them to do so."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, whether it is not the policy of Government to compel local bodies to make additional contributions to the Elementary Education Fund from the general revenues even when the local bodies abolish the collection of school fees in their elementary schools and thus scare them away in the matter of abolition of school fees? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The Government have not abolished any fee."

Mr. P. V. KRISHNAYYA CHUDARI:—" Is it not a fact that girls' schools have been exempted from the collection of this fee? If so, why not the boys' schools also be shown the same treatment? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think it is possible to compel all local bodies to give education free."

Industries

Number of students in the School of Arts and in the Textile Institute

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

- (a) the number of candidates studying in the School of Arts;
- (b) the number of students learning in the textile institute; and
- (c) the exact duties of the Assistant Director of Industries under 'Textile Institute' and what the qualifications are which are required of the holder of the post?

A.—(a) 307.

(b) 95.

(c) The duties are—

- (i) Principal of the Government Textile Institute and Textile Expert of the Department of Industries;
- (ii) Inspection of aided textile schools; and
- (iii) Giving expert advice and technical assistance in improving the work of the textile manufacturing sections of the jails.

The qualification prescribed for the post is a diploma in textiles of the Manchester College of Technology.

[6th November 1936]

Mr. G. R. PREMAYYA:—" I find that the 'qualification prescribed for the post is a diploma in textiles of the Manchester College of Technology.' Is it meant that no other diploma equivalent to it will be accepted? "

The Hon. Mr. P. T. RAJAN:—" Any other diploma which in the opinion of the Services Commission is considered equivalent to this diploma of the Manchester College of Technology will be accepted."

Veterinary

Savings due to the maintenance of the Serum Institute.

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

- (a) the cost of maintenance of the Serum Institute;
- (b) the cost of purchase of serum prior to the establishment of the Serum Institute; and
- (c) the savings effected, if any, owing to the Serum Institute?

A.—(a) Rs. 85,600 on an average.

(b) The cost depended on the incidence of the disease. It ranged from 2 lakhs to 3½ lakhs a year.

(c) The savings depend upon the quantity of anti-rinderpest serum produced with reference to the incidence of disease. During the last two years the savings may be taken to average Rs. 1½ lakhs a year.

Land Revenue Administration

Maintenance at the Collector's office of a list of acting clerks in the Revenue Department.

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

(a) whether a list of acting clerks in the Revenue Department is required to be prepared and kept in the Collector's office in each district;

(b) on what principles such a list is prepared, and on what principles the postings are made from that list; and

(c) whether there are any definite rules for the preparation of such a list and if so, what they are and whether a copy of them will be placed on the table?

A.—(a) to (c) No specific orders on the subject have been issued. The Government presume that the Collectors do, in fact, maintain such lists. The rules governing the appointment, etc., of clerks in the Revenue Department, are the

[6th November 1935]

General Rules for the Subordinate Services and the Special Rules for the Madras Ministerial Service. These are printed in the Madras Services Manual, Volume II, a copy of which is available in the Secretariat Library.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask the Hon. Member whether specific orders cannot be issued with regard to the preparation of such lists and their verification from time to time, as it would be helpful to the candidates who are in the run, and so that their claims may be considered properly? "

The Hon. Mr. C. A. SOUTER:—" I don't think, Sir, it is a matter for the Government to do."

Denial of preference to persons having kumki rights for darkhast of land on the score of their participation in the Civil Disobedience movement.

* 478 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Member for Revenue be pleased to state whether the assignment on darkhast of land to a person having kumki right is prohibited on the ground that the applicant had participated in the Civil Disobedience movement?

A.—No such orders have been issued by the Government.

Mr. U. C. SUBRAHMANYA BHATT:—" May I ask what the attitude of the Government on this question is? I ask this question because a specific case has been brought to my notice by a friend of mine. It appears that in the Udipi taluk, probably acting on the report of the tahsildar that the person had taken part in the civil disobedience movement, the authorities did not assign the land to him, although it was kumki? "

The Hon. Mr. C. A. SOUTER:—" No, Sir; as is stated in the answer, no such order was issued by the Government."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know if a report will be called for? "

The Hon. Mr. C. A. SOUTER:—" The hon. Member's friend has his own remedy."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, whether it is the policy of the Government to bring in the question of the civil disobedience movement with regard even to such matters? "

The Hon. Mr. C. A. SOUTER:—" The answer says: 'No such orders have been issued by the Government'."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether it is the intention of the Government that the policy followed during the civil disobedience movement should be continued now also? "

The Hon. Mr. C. A. SOUTER:—" I cannot answer that question."

[6th November 1935]

Public Service

Employment of women in Government departments.

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

(a) in how many departments of the Government women are being employed;

(b) whether the Government have under consideration any proposal to employ women in other departments; and

(c) what the rules are for selecting women for Government service?

A.—(a) Women are being employed in a number of posts in the Educational, Medical, Fisheries, Jails and Labour departments and in some stray posts in the Public Health, Agricultural, Police and Judicial departments and in the offices of the Paymaster, Carnatic Stipends, and the Stipend Pay Office, Vellore, and in the Government House Dispensary.

(b) No.

(c) The attention of the hon. Member is invited to the special rules for the various services under the control of this Government which are printed in the Madras Services Manual, Volumes I and II, copies of which are available in the Secretariat library.

Mr. M. DEVADASAN:—" I find in the answer that ladies are appointed to 'some stray posts in the Public Health, Agricultural, Police and Judicial departments.' May I know what is the kind of 'stray posts' to which ladies are appointed in these departments? "

The Hon. Mr. C. A. SOUTER:—" Yes, stray posts—here and there (Laughter)."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, the reasons why they are appointed only to these stray posts and not to others. Is it because a sufficient number of applications is not forthcoming or due to any other cause? "

The Hon. Mr. C. A. SOUTER:—" I have no information."

Administration of Justice

Proposal to provincialize the service of Official Receivers.

* 480 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Law Member be pleased to state—

(a) whether the Government contemplate the idea of making Official Receivers provincial servants on a permanent pay; and

(b) if so, when that proposal is likely to come into effect?

A.—(a) & (b) Proposals as to the best method of recruitment to the post of Official Receivers and the conditions governing the service are under consideration.

[6th November 1935]

Mr. G. SIMHACHALAM PANTULU:—"The answer says: 'Proposals as to the best method of recruitment to the post of official receivers' are under consideration. May I know what the best method of recruitment is that is now under consideration?"

The Hon. Sir K. V. REDDI NAYUDU:—"That is yet to be determined."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether the Government will appoint one lawyer for every taluk instead of appointing one for the whole of a district?"

The Hon. Sir K. V. REDDI NAYUDU:—"That won't be practicable."

Mr. G. SIMHACHALAM PANTULU:—"Do the Government contemplate provincializing these posts of official receivers and giving them a permanent pay?"

The Hon. Sir K. V. REDDI NAYUDU:—"That is the very question now under consideration, on which no decision has yet been come to."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Do the Government know that in most of the districts as the official receivers are not full-time persons, there is very great delay in the disposal of insolvency matters?"

The Hon. Sir K. V. REDDI NAYUDU:—"That is also one of the matters under consideration."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Why not the Government consider the appointment of one man for each munsif's court or sub-court, instead of appointing one man for a district, so that the work may be facilitated and quick disposal of cases may be assured?"

The Hon. Sir K. V. REDDI NAYUDU:—"The matter is rather difficult, Sir."

Mr. K. KOTI REDDI:—"In view of the possibility of corruption if one man is made to remain in the same place for a long time as official receiver, will the Government consider the desirability of making this a transferable post, i.e., munsifs can be transferred as official receivers, official receivers can be transferred as munsifs, etc.?"

The Hon. Sir K. V. REDDI NAYUDU:—"In working out a good scheme, that suggestion will be considered."

Inadequacy of the accommodation for parties attending the District Munsif's and District Judge's Courts at Salem.

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

(a) whether it is a fact that parties are huddling up in the court verandas in the District Munsif's and District Judge's Courts at Salem for want of sufficient waiting sheds for them in the premises of the said courts; and

(b) what remedy the Government propose to make to get over the difficulty?

[6th November 1935]

A.—(a) The Government have no information, but have called for it.

(b) The question does not arise.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether the information will be made available to the House when received?"

The Hon. Sir K. V. REDDI NAYUDU:—"It will be considered when the report is received."

Prisons and Prisoners

Classification of Mr. B. Srinivasa Rao as a 'C' class prisoner.

* 482 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Law Member be pleased to state—

(a) whether Mr. B. Srinivasa Rao who was convicted by the Fourth Presidency Magistrate for the City of Madras on 28th May 1935 under section 18 (1) of the Criminal Law Amendment Act (Press Emergency Powers) was first placed in the 'B' class by the said Magistrate;

(b) whether he was subsequently reduced to 'C' class;

(c) if so, under whose instructions was he so reduced;

(d) whether it is a fact that he was placed in 'B' class during his previous convictions at Madras on 22nd March 1932, 1st October 1932 and August 1933 on the report furnished by the police regarding his status in life, and whether the Government accepted the classification and confirmed it; and

(e) whether the Government will be pleased to place on the table of the House a copy of the report sent by the police, on the basis of which his classification has been reduced to 'C'?

A.—(a), (b) & (c) Yes. The convict was provisionally ordered to be placed in 'B' class by the Magistrate pending a report in regard to the status of the prisoner. On its receipt the convicting Magistrate directed that he be placed in 'C' class.

(d) Yes.

(e) No.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask, Sir, on what basis he was placed in the 'B' class, before the information was forthcoming?"

The Hon. Sir K. V. REDDI NAYUDU:—"On the information available at that time, the Magistrate thought that he could be put in the 'B' class."

Mr. C. RAMALINGA REDDI:—"When the prisoner had been given the 'B' class previously, will not Government consider the advisability of restoring him to the old 'B' class?"

The Hon. Sir K. V. REDDI NAYUDU:—"Will the hon. Member kindly repeat his question?"

[6th November 1935]

Mr. C. RAMALINGA REDDI:—“ I understand that on the previous occasion, this Mr. B. Srinivasa Rao was placed in the ‘ B ’ class. Will not Government reconsider his case, and if the case warrants it, restore him to the ‘ B ’ class again? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ That depends upon the report that we are expecting. On seeing these reports, I called for an explanation of the difference.”

UNSTARRED QUESTION

Irrigation

Irrigation under the Rameswaram channel, East Godavari district.

483 Q.—Mr. P. PEDDI RAJU: Will the Hon. the Member for Revenue be pleased to state—

(a) the extent of the mamul wet land under the ayacut of the Rameswaram channel under the Samalkot canal in the East Godavari district;

(b) whether it is a fact that the said Rameswaram channel was formed in Government lands;

(c) who controlling the water-supply is under the said channel: whether it is the Government or the Maharaja of Pithapuram;

(d) whether the Government are aware that a large extent of mamul wet inam lands is being left waste for want of proper arrangements regarding water-supply and, if so, what steps Government intend taking to remedy the defects;

(e) whether it is a fact that about 800 acres of wet land in Achutapuram village are left waste for want of proper supply of water;

(f) whether it is a fact that several complaints have been made to the local Revenue and Public Works Department officers by the ryots concerned and, if so, what action the Government intend taking;

(g) whether the Government are aware that there is a large extent of waste land irrigable by the said channel and that the ryots agree to pay inclusion fees in addition to water-cess if the channel is properly controlled and water is supplied; and

(h) whether any estimates have been prepared for improving or remodelling the channel at any time and, if so, what the amount of the estimate is?

A.—(a) The total extent of wet land under the channel is 3,892 acres as detailed below:—

	ACS.
Inam and zamindari mamul wet land ...	3,459
Government wet land ...	28
Standing permit wet land ...	405

6th November 1935]

(b) & (c) The main Rameswaram channel runs in Government land and the two branches run in zamindari land. Water at the source is controlled by the Public Works Department and the internal distribution is under the control of the Zamindar (Maharaja of Pithapuram).

(d) & (e) About 424 acres (including all dry lands) in Achutapuram village are at present left waste for want of sufficient supply of water. There is a proposal to take the channel under Government control and the matter is under correspondence between the local officers of Government and the Zamindar.

(f) Many complaints have been received. Last season additional water was supplied to the channel by the Public Works Department giving a supply more favourable than the normal (70 and 90) duties, on account of the defects in the channel. Nothing more can be done until the channel is taken under Government control and remodelled and repaired.

(g) There are about 106 acres of dry land now being irrigated and about 84½ acres of dry land that can be brought under wet cultivation if supply is made available. Some ryots have expressed their willingness to pay inclusion fees while others (resident land-owners) are not willing to pay the fees.

(h) Approximate estimates amounting to Rs. 12,000 have been prepared for remodelling the channel. The estimates have been under correspondence with the Zamindar in connexion with the question of taking the channel under Government control.

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

II.—ADJOURNMENT MOTION *RE* EXTENSION OF TERM OF OFFICE OF MEMBERS OF CERTAIN DISTRICT BOARDS.

* Mr. K. A. NACHIYAPPA GOUNDER:—“ Sir, with your permission I beg leave of the House to move the following adjournment motion, i.e.:—

‘ That the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance, viz., the issue of G.O. No. 4422, L. & M., dated 28th October 1935, extending the date for the vacation of office by members of the Tinnevely and other district boards beyond 1st November 1935 in spite of the fact that elections have been completed in many of them ’.”

Mr. K. KOTI REDDI:—“ I second it.”

* The Hon. the PRESIDENT:—“ The hon. Member knows that this issue also was partly discussed yesterday. I think no useful purpose will be served by discussing it on another adjournment motion to-day. Therefore I rule it out of order.”

[6th November 1935]

11-15 a.m. III.—ANNOUNCEMENT *RE* NOMINATION OF MEMBERS TO THE SELECT COMMITTEE ON THE AMENDMENT TO STANDING ORDER No. 5 (b) (5).

* The Hon. the PRESIDENT:—"3 p.m. yesterday was the latest hour fixed for the receipt of nominations in connexion with the election of six Members to the Select Committee on the amendment to Standing Order No. 5 (b) (5) given notice of by Mr. P. V. Krishnayya Choudari. As no nominations have been received before that hour a further period for notice of nominations will have to be fixed. Under Regulation II of the Regulations for the holding of elections by means of the single transferable vote, I fix a further period till 3 p.m. on 8th November 1935 for notice of nominations to be sent to the Secretary."

IV.—A BILL TO AMEND THE MADRAS ESTATES LAND (AMENDMENT) ACT, 1934, FOR A CERTAIN PURPOSE (BILL No. 23 OF 1935).

* The Hon. Mr. C. A. SOUTER:—"Sir, I beg to introduce a Bill ^a to amend the Madras Estates Land (Amendment) Act, 1934, for a certain purpose (Bill No. 23 of 1935), and move that it be taken into consideration at once."

"It will be still fresh in the memories of hon. Members what I said last Friday as to the necessity of introducing this Bill and I do not think it would serve much useful purpose if I go into those reasons at length again. The Statement of Objects and Reasons gives shortly those reasons and I would only state that up till now the assent of the Governor-General has not been received to the Madras Estates Land (Amendment) Act of 1934—Act VIII of 1934—and that pending such assent it is necessary that we should extend, what I may call, the moratorium in respect of protection from evictions and so on under section 127 (2) of that Amendment Act. We propose to extend this moratorium for a period of six months with effect from the 1st of this month; in other words we propose that this moratorium should continue from that date without break until the 1st of May 1936. I am sure, Sir, this Bill will commend itself to the House in general, and I move now that it be taken into consideration."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it, Sir."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I do not think there is anything to say except to give expression to our sense of thankfulness to the Hon. the Revenue Member for the expeditious way in which Government have taken steps to bring forward this legislation. For this we are very grateful to the Government and we also appeal to the Government to see that they get the assent of His Excellency the Governor-General as quickly as possible to the Madras Estates Land (Amendment) Act of 1934, which has been submitted to him. With these observations, I appeal to the House to pass this legislation without any delay."

^a Published in the Fort St. George Gazette Extraordinary, dated 1st November 1935.

[6th November 1935]

The motion was put and carried.

Clauses 1 and 2 of the Bill were put and carried.

The preamble was then put and carried.

The Hon. Mr. C. A. SOUTER:—"Sir, I now beg to move that the Bill be passed into law."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it, Sir."

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

V.—A BILL ^a TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR CERTAIN PURPOSES (BILL No. 11 OF 1934)—*cont.*

The Hon. the PRESIDENT:—"The House will now pass on to the City Municipal Bill. Hon. Members are aware that the amendments moved by Messrs. Krishnayya Choudari and Dr. Subbarayan as well as the amendment moved by Mr. Ramaswami Ayyar, are now for discussion of the House."

* Mr. M. S. SRESHTA:—"Mr. President, Sir, there are several amendments proposed. One is the amendment proposed by my hon. Friend, Mr. P. V. Krishnayya Choudari, namely, that the Corporation shall appoint a person as Commissioner from among the District Collectors. Dr. Subbarayan's amendment is to the effect that a Commissioner shall be appointed by the Corporation from out of a panel recommended by the Madras Services Commission. Mr. Ramaswami Ayyar desires that the appointment should be made by the Corporation only. Then, Mr. Muthiah Chettiyar suggested that the appointment should be made by the Corporation on the sole recommendation of the Madras Services Commission, but he has not moved it in the form of an amendment. Sir, if I may be permitted to do so, I should like to move that formally as an amendment, that is to say, 'that the Commissioner shall be appointed by the Corporation on the sole recommendation of the Madras Services Commission.' I do not know whether I will be permitted . . ."

* The Hon. the PRESIDENT:—"That is the amendment moved by Dr. Subbarayan, that the Commissioner shall be appointed by the Corporation from out of a panel recommended by the Madras Services Commission."

* Mr. M. S. SRESHTA:—"My suggestion is that there should be no panel at all, but the appointment shall be on the recommendation of the Madras Services Commission and that the appointment by the Corporation shall be merely formal."

* The Hon. the PRESIDENT:—"Does the hon. Member suggest a fourth amendment?"

* Mr. M. S. SRESHTA:—"Yes, Sir. The reason why I am proposing this amendment is this. Several hon. Members of this House do not

^a Consideration resumed from 4th November 1935.

[Mr. M. S. Sreshta] [6th November 1935]

apparently desire that the Madras Corporation should be vested with the right of selecting the Commissioner. They are afraid that if such power is vested in the Corporation, there will be considerable faction and canvassing with the result that the best man might not be selected, but that the person who has canvassed most or who is acceptable to the party in power would be selected. If that is the case, I do not see why the House should not go further and say that the appointment should not vest in the Governor in Council, but should vest in the Madras Services Commission. So far as the Government service is concerned, the principle has been accepted that appointments should be made on the recommendation solely of the Madras Services Commission. I should like to extend that principle to this case also. No doubt, so far, we have had very competent and very able men as Commissioners and I do not wish to cast any reflection on the Commissioners who have been appointed under the present system. But, we notice that under the new Government of India Act, the power will pass from the Governor in Cabinet to the Governor in Council in a different manner, that is to say, the Council will, in future, consist of Ministers who will be responsible to the Legislative Council; and it will not be possible for such a Council to be entirely above party politics. Whichever party is in power, whether it is the Justice Party or the Congress Party or the Independent Party, the Ministers will not be above party politics, and even now I may say, the charge is often made that a certain man is appointed to a post because he belongs to the party in power. I dare say the charge is unjustified, but still the charge is made. That such a state of things is possible is shown not only in America but also in Great Britain. Recently a commission was appointed to go into the question of recruitment to the local Government appointments in Great Britain. That committee finished its report in 1929. There is a statement made in the report to the effect that the present system leads to corruption; and the recommendation was made that so far as possible the appointments should be placed above corruption and above suspicion of corruption. This is what the final report says: 'While it is obviously undesirable that an officer should be deterred from carrying out his duties as the law prescribes, it is also unfortunate if the council feels that an officer is not entirely deserving and is one whose whole-hearted co-operation they cannot depend upon.' Therefore it follows that the Corporation should also have a voice in the matter of selection, but at the same time we have got to consider how we can reconcile the two conflicting principles, namely, we want that the Corporation should have a hand in the selection of the Commissioner on the one hand, and on the other, we do not want any canvassing to take place in the Corporation; and we do not also want that the appointment should be made on any other ground than that of efficiency. I think these two conflicting principles will be met by adopting my suggestion, namely, that the Madras Services Commission should make the recommendation and that formally the appointment should be made by the Corporation. Sir, there is one defect in the present system. Now, the Commissioners are appointed by the

6th November 1935] [Mr. M. S. Sreshta]

Local Self-Government Department. The result is we find that the Commissioners in mufassal municipalities do not consider themselves the servants of the bodies under whom they are working. There are cases where the Commissioners think that they owe no respect or consideration to the members of the municipalities. I have known a case where an engagement was fixed by the Commissioner with a member of the council, but at the last moment he was not present at the place of appointment and there was even no excuse made by him for his absence. Ultimately it was found that because the Collector had written to him asking him to be present somewhere, he had ignored his engagement with the member of the municipal council. So, these kinds of pin-pricks are partially the cause of the friction that exists between the Commissioners and the municipalities in various mufassal stations. Fortunately, in the case of the City Corporation we have had persons of high status as Commissioners, and probably that is why friction does not exist. It is, I think, most humiliating for a municipality to feel that the Commissioner thinks that he is not the servant of the municipality and that he can disregard the wishes and sentiments of the members of the municipal council.

"It is for that reason I want that the appointment should be made by the Corporation only formally on the recommendation of the Madras Services Commission. It has been said by the Hon. the Chief Minister that the hold of the Local Self-Government Department on the municipalities should be tightened. I think that it is a wrong principle. I have the greatest respect for that department and I admit they are doing their work very efficiently. But all the same it is a wrong principle for the Local Self-Government Department to try to make the municipalities . . ."

The Hon. the RAJA OF BOBBILI:—"I never stated that the grip of the Local Self-Government Department on the local boards should be tightened. All that I said was that it was not advantageous to set up autonomous and independent bodies over which Government would have no ultimate control."

* Mr. M. S. SRESHTA:—"I thank the Hon. the Minister for his explanation. Perhaps what I said was not technically correct. I feel, Sir, that there is no use of having municipalities if they are entirely under the guidance and tutelage of the Government. I dare say that there is a good ground for such a guidance in the case of certain municipalities. But I think so far as the Madras City is concerned there is no necessity for such tutelage and guidance. I think that the Commissioner should be entirely beyond the pale of politics. It is the general desire that there should be full autonomy. Towards that end we should start with Madras and the Government, therefore, should give as much autonomy to the Corporation as possible; and that can be achieved only if the Commissioner is appointed not by the Government and not with the approval of the Local Government but by an independent body like the Madras Services Commission, which is a body entirely above party

[Mr. M. S. Sreshta] [6th November 1935]

politics and local bias. I make this suggestion on principle. I do not want to make any reflection either on the Commissioner or the Local Government. I think it would be a wrong step to retain such powers in the hands of the Government as, under the new Act, the Governor in Council will be under the influence of the Legislative Council and we do not want the Corporation to be interfered with in any way from above. The appointments must rest entirely on grounds of efficiency and that cannot be secured unless the Madras Services Commission is vested with that power.

"It may be asked how can the Services Commission undertake this duty, under the present Act. There is some little doubt about it. I have enquired a leading official about it and he told me that even at present appointments to the local bodies may be recommended by the Services Commission. In any case, if there is any doubt, as the Act is now under the process of amendment, it might be so amended as to give power to the Commission to make recommendations in regard to appointments to the local boards also.

"There is a tendency nowadays all over the world to keep appointments outside the scope of the Government. I was recently told about a member of the British Cabinet visiting Madras, that he did not know who the officials under him were. He knew nothing about appointments in the services. That ought to be the spirit here. Until we have ministers who know nothing and have nothing to do with the services, we shall not have purity of administration. Ministers whether they belong to the Local Self-Government or to any other department should not have any voice in the appointments. The cry against the Government at present is that so many appointments—commissioners to municipalities and panchayat officers—are made on party considerations. That sort of implication should not be allowed to remain. Therefore, Sir, I propose the amendment. I move that—

'The Commissioner shall be appointed by the Corporation on the sole recommendation of the Madras Services Commission'."

Mr. V. I. MUNISWAMI PILLAI:—"I beg to second the motion."

* Mr. V. T. ARASU:—"It is unfortunate that there should in this House be so much of distrust of representative institutions. My hon. Friend, Mr. Sreshta, started by saying that representative institutions like the Corporation Council are bound to be influenced by party considerations and that the candidate with the biggest canvassing capacity would succeed in securing the commissionership. I am sorry that the hon. Gentleman forgets that it is after all through human agencies that we have to work any institution. The objection raised against the City Council that it is likely to be swayed by party consideration or other prejudices, may as well be levelled against the Services Commission or the Local Government in whom some hon. Members suggested that this power should vest. I ask if the Commission is an automatic machine which can weigh and judge the merits of the candidates? It is a human

6th November 1935] [Mr. V. T. Arasu]

agency consisting of three members, and human beings being what they are, they are not often absolutely free from prejudices, likes and dislikes. I ask my hon. Friend, Mr. Sreshta if it is not possible that a candidate for commissionership who happens to be a great friend of one of the members of the Commission would get his name recommended irrespective of whether he is suited to that post or not. The same objection holds good with regard to the argument that the power should vest in the Government. The idea of the Government in insisting that this power should vest in them is that the City Council will not be competent to appoint the proper man and that it will be swayed by other considerations. I ask whether the Local Government will not also be influenced in the same manner as the City Council. The Local Government means the Hon. Ministers who are in power at the time and being dependent on the vote of the Legislative Council, I ask whether they are not likely to be influenced by likes and dislikes and party considerations. Therefore, I think that the argument that the City Council is not competent to make the appointment is, to say the least, not to be taken seriously. I personally feel that the power should vest in the Council itself. The Hon. the Chief Minister just a while ago told the House that the idea is that the Government should have the ultimate control over local bodies. I ask whether it is only by the appointment of the Commissioner that they can control the activities of the Corporation. They have control—a grip I may say—in several other ways—budget itself has to be approved by the Government. Every appointment has to be finally approved by the Government. When that is the case, there is no point in the Hon. the Chief Minister saying that because they want ultimate control over these local bodies, the power of appointment of the Commissioner should vest in the Local Government."

* The Hon. the RAJA OF BOBBILI:—"On a point of personal explanation, Sir, I said that the Government must have ultimate power, in reply to the speech of Mr. Ramaswami Ayyar who said that local bodies should be autonomous and Government should have no power to interfere with them. That remark does not apply to the appointment of the Commissioner."

* Mr. V. T. ARASU:—"In a way, Sir, this is one of the tests by which the autonomy of a representative institution will be judged—whether it enjoys real autonomy. I feel that the Council is the proper authority to select a candidate for the post and that the power should vest in the Council. As an alternative I am prepared to go to the extent suggested by the amendment of the Leader of the Opposition that the Commissioner shall be appointed from out of a panel recommended by the Services Commission. This compromise amendment will, I hope, meet with the approval of the Government and a majority of hon. Members. For, it meets the arguments of those who hold diametrically opposite views, one set of people holding the view that the Council is incompetent to make the appointment and another thinking that the power should be vested in the Commission or the Government. If a

[Mr. V. T. Arasu] [6th November 1935]

candidate is to be selected from out of a panel, it will not be as if the candidate was imposed upon the Council and as such it will not be against the dignity of the Council. The Council will have the technical power of appointing, though out of the panel. Therefore, I appeal to the House to accept the amendment of the Leader of the Opposition."

* Mr. K. KOTI REDDI:—"Mr. President, in the matter of appointment to the local bodies, of which, the Corporation is one, it seems to me that the power must rest either entirely with the local body or with a non-political body like the Services Commission. I do not think any compromise between these two is possible. So far as I am concerned, I think that such a power ought not to vest in the Government. It is not that I am against them. We know what influences could be brought to bear on the Local Government and it is very likely that they yield to them. It is better that such a contingency is avoided. The very purpose behind the constitution of the Commission is to see that political bias has no part or lot in the matter of appointments. If appointments of commissioners to municipalities were welcomed by certain sections of the people, it was because it was thought that powers of appointment would not be properly exercised by the local bodies themselves. It was thought that an outside body would be the proper authority. When you are now wanting to avoid the influence of the local bodies, we have here the influence of the Local Government. I think, Sir, that the only way to avoid these influences would be to entrust this power to a separate body like the Services Commission."

11-45 a.m. "Well there is a section who feel that the local bodies should have this power. But I believe, Sir, in the present condition, it is desirable that the influences which are likely to play a very great part in the matter of appointments ought to be avoided and that could not be avoided if this power of appointment is vested on the one hand in local bodies and on the other in the Local Government. So the power of appointment must be vested in a third non-political body like the Madras Services Commission. Therefore I feel that the amendment moved by my hon. Friend, Mr. Sreshta, ought to be supported by this Council."

* The Hon. the RAJA OF BOBBILI:—"Sir, I wish to say a few words. I do not wish to repeat the arguments that have been advanced in reply to the remarks of the various Members who moved the amendments on the previous day. I am afraid the debate has extended far beyond the amendments now before the Council. Hon. Members who have spoken to-day seem to have overlooked the fact that the appointments of Commissioners were being made long before this Act came into force from Government service and not at all from outside Government service."

Mr. V. T. ARASU:—"What about Sir Habibullah?"

* The Hon. the RAJA OF BOBBILI:—"Perhaps it is an exception. Sir. It must be conceded that it is hardly possible to find a man sufficiently experienced and with the necessary capacity outside the

6th November 1935] [The Raja of Bobbili]

Government service to this important post. I quite agree with some of the remarks as regards these appointments that they should be in the hands of an independent body. But there is the question of placing the services of Government officials at the disposal of the Corporation. I once again repeat that it is only the Local Government who will be competent to come to conclusions as to whether a particular individual is suitable for the post, whether a particular individual can be spared from his regular duties and whether a particular individual is willing to accept the post. I therefore feel that this appointment must continue to be made by the Local Government. In conclusion I may state that I very much deprecate the growing tendency of late to assume that the future Government is going to abuse its powers and will not be fit to discharge the duty of making one or two appointments. I may state that the future Government will be called upon to discharge far greater responsibilities than making the appointment of Commissioner of the Corporation and I am afraid if one-tenth of the fears now expressed come true, then we are not at all fit for self-government. I would, therefore, plead, Sir, that we should not assume that, whatever Government may come into existence, it would be influenced mainly by political considerations and that it will not feel its responsibility. Of course, in all democratic institutions, the element which will operate as a check on the actions of the Government will be the Legislative Council and they will in future be responsible to a fully elected legislature. I do not, therefore, see why we should be so much afraid that this provision may be abused."

* The Hon. the PRESIDENT:—"I shall put the amendments to the vote of the House."

"The first is that of Mr. P. V. Krishnayya Choudari."

"The question is:

'For section 7, substitute the following:—

"7. The Corporation shall appoint a person to be Commissioner from among the District Collectors subject to the approval of the Local Self-Government Department and the Commissioner shall not be a member of the council." "

The motion was put and lost.

* The Hon. the PRESIDENT:—"I will now put Dr. P. Subbarayan's amendment to the vote of the House."

"The question is that

'For section 7 of the said Act, the following section shall be substituted:—

"7. The Commissioner shall be appointed by the Corporation from out of a panel recommended by the Madras Services Commission and shall not be a member of the council." "

The motion was put and lost.

[6th November 1935]

* The Hon. the PRESIDENT:—"I will now put Mr. T. S. Ramaswami Ayyar's amendment to the vote of the House.

"The question is that

'For section 7 of the said Act, the following section shall be substituted:—

"7. The Commissioner shall be appointed by the Corporation and shall not be a member of the council." "

The motion was put and lost.

* The Hon. the PRESIDENT:—"I will now put Mr. M. S. Sreshta's amendment to the vote of the House.

"The question is that

'For section 7 of the said Act, the following section shall be substituted:—

"7. The Commissioner shall be appointed by the Corporation on the sole recommendation of the Madras Services Commission." "

The motion was put and lost.

* The Hon. the PRESIDENT:—"Consideration of clauses 6, 25, 28 and 46 may be adjourned and the consideration of clause 48 may be taken up now.

12 noon. "I think it will be convenient to postpone the consideration of these clauses until we dispose of amendment No. 2 *re* clause 4. It is expected that some arrangement might be come to this afternoon and we will take up that clause this afternoon. Now we shall proceed with clause 48."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, in view of the fact that some of the hon. Members are absent because they thought that these amendments would be taken up seriatim and that the amendments they have tabled would only come later, would it not be advisable to adjourn the consideration of those amendments till this afternoon when those Members are expected to be present?"

* The Hon. the PRESIDENT:—"Perhaps it will be more advisable to once and for all adjourn the whole House and meet again in the month of January.

"Hon. Members will know that we have discussed all the clauses up to clause 46 except 3, 4, 5, 6, 25 and 28 and therefore I think I am right in taking up clause 48 for discussion subject to the condition that clauses 47 and 48 will be put to vote together. Now Mrs. Rukmani Lakshmipathi has to move her amendment (amendment No. 88 on page 12 of the printed amendments)."

Clause 48.

Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President, I do not press that amendment."

The amendment was not moved.

6th November 1935]

Mr. T. SUNDARA RAO NAYUDU:—"I beg to move the amendment that stands in my name which is as follows:—

'In line 3 of sub-clause (ii), the word "under" shall be omitted.'

"Sir, this amendment is intended only to remove the word 'under' which has been repeated twice. This is only a verbal amendment."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 47 and clause 48, as amended, were put and carried.

Mr. T. S. RAMASWAMI AYYAR:—"Some of the Members who have tabled amendments are not in their places. Are other Members allowed to move for the adjournment of the consideration of those amendments on behalf of those who are absent?"

* The Hon. the PRESIDENT:—"I do not think that is in order."

Clause 49.

Section 96.

New sub-section (2).

Mr. P. V. KRISHNAYYA CHOUDARI:—"I beg to move the following amendment that stands in my name:—

'In the proviso to sub-section (2) for the words "one hundred rupees," substitute the words "fifty rupees".'

"The reason why I am anxious to move that 'Rs. 100' should be substituted by 'Rs. 50' is that when people are getting a salary below Rs. 100, they have no right of appeal to the Committee. Even an elementary school teacher who draws a salary of Rs. 15, if he is punished by the President of the District Board has got the right of appeal. There is a provision in the Local Boards Act which allows appeal to the Government against the orders of the President of the District Board. As such, I do not know why the Government in this case alone want to restrict the right of appeal to people who draw Rs. 100 and above. As a matter of fact, in the Revenue Department if a clerk is dismissed by the District Collector, there is scope for him to appeal to the Board of Revenue and to the Government also. Some Collectors are functioning as Commissioners of the Corporation and they are given greater privileges than the Collectors and I do not know why the Corporation should not adopt the analogy of the Government. I do not think the Hon. Minister will be deviating from his policy by accepting this amendment. If the Commissioner passes an order, that can be revised by the Standing Committee. I therefore feel that this amendment is necessary."

* Mr. V. T. ARASU:—"I have very great pleasure in seconding this amendment. The proviso referred to in the amendment is found

[Mr. V. T. Arasu] [6th November 1935]

on page 57 of the Madras City Municipal Act as amended by the Select Committee and it runs as follows:—

'Provided that any officer or servant in receipt of a salary of not less than one hundred rupees may appeal to the Standing Committee against any order of the Commissioner reducing, removing or dismissing him or suspending him for a period of more than "one month".'

"Sir, as was rightly pointed out by my Friend, Mr. Krishnayya Choudari, it is essential that there should be this right of appeal in the case of employees of the Corporation drawing less than Rs. 100 to the Standing Committee of the Corporation. As was rightly pointed out, in the case of Government servants, even in cases of Ministerial servants who draw about Rs. 40 or Rs. 35, there is appeal to the Government against any order passed by the immediate superior officer. In the same way in the case of employees of Corporation also who are drawing less than Rs. 100 an appeal should lie against the order passed by the Commissioner reducing, removing or dismissing or suspending them for a period of more than one month."

12-15 p.m. * The Hon. the PRESIDENT:—"I take it that Mr. Krishnayya Choudari has moved only one part of his amendment of which he has given notice."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I had no objection to move the amendment putting the figure at Rs. 30 but I learnt that the Government would accept the amendment if the figure was increased to Rs. 50 and in order to avoid unnecessary discussion over the matter I have agreed to put the figure at Rs. 50."

Mr. A. RANGANATHA MUDALIYAR:—"I also support the amendment."

The Hon. the RAJA OF BOBBILI:—"If that is the general desire of the House, I do not oppose the amendment."

The amendment to substitute the words 'fifty rupees' for the words 'hundred rupees' was put and carried.

Mr. C. BASU DEV:—"I seek your guidance in a small matter, Mr. President. Are we not on section 48?"

* The Hon. the PRESIDENT:—"Hon. Members must make a difference between sections and clauses. Clauses relate to the Bill and sections, to the original Act."

Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President, I want to move amendment * No. 91. My amendment wants to substitute Rs. 30."

* The Hon. the PRESIDENT:—"Mr. Krishnayya Choudari had given notice of an amendment proposing the substitution of Rs. 30 for Rs. 100. Subsequently as there was agreement from the Government for the

* 91. Mrs. A. RUKMANI LAKSHMIPATHI:—"In sub-section (2) in the proviso, for the words 'one hundred rupees,' substitute the words 'thirty rupees.'"

6th November 1935] [The President]

figure of Rs. 50, he moved the amendment substituting Rs. 50 for Rs. 100. That amendment was put to vote and carried. So the hon. Member's amendment does not arise. It has been superseded."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I move the following amendment:—

'In sub-section (2), proviso, for the words "for a period of more than one month," the words "for any period" shall be substituted.'

"Sir, suspension is a grave thing whether it is for a period of one day or thirty days or forty days. It is a thing which no officer would like to have on his record as a black mark. It is very reasonable and desirable to provide the aggrieved officer with a right of appeal in the case of any suspension, whatever the period may be. Government servants are given the same privilege and I appeal to the Government to show the same liberality in the matter of the servants of the Corporation also, so that the employees in the local self-governing bodies may have the advantage of copying the Government procedure."

Mr. V. T. ARASU:—"I second the amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, this question was raised in the Select Committee. I believe I am right in saying that as a compromise between three months which was in the original Act and no fixed period at all, we adopted one month. I think there should be some period fixed in respect of suspensions and I therefore oppose the amendment."

The amendment was put and lost.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I move the following amendment:—

'In section 96 (2), add the following provisos, viz.:—

"Provided that any officer or servant in receipt of a salary of more than Rs. 100 may appeal against the order of dismissal to the Local Government within a period of one month from the date of the order on the first appeal."

"Provided further that any officer appointed under section 85 may appeal against the order of suspension, dismissal or reversion from a higher to a lower cadre, to the Local Government within a period of one month from the date of the order passed on the first appeal."

"Sir, the object of the amendment is to provide for an appeal to the Government against the decision of the Corporation authorities. There are many posts in the Corporation carrying more than Rs. 100. In the remarks I am going to make I am not passing any observations on the Corporation or the Commissioner, but I only want to point out the difficulties in the way. If for instance the Commissioner and the Appeal Committee agree together and punish a subordinate, he will have no remedy. That is why I want that there should be a right of

[Mr. P. V. Krishnayya Choudari] [6th November 1935]

appeal to the Government also. After all there would not be many cases and thereby the Government will not have very heavy work. The Government may say that by hearing so many appeals from the Corporation their time would be wasted. But as a matter of fact they are to-day disposing of small appeals drawing Rs. 20 and Rs. 30. I do not see why Government should not hear appeals drawing Rs. 100 and more. (Interruption.) I do not see why my hon. Friend is so anxious, as though he is going to stick to the post of Commissioner."

Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"On a point of personal explanation, Mr. President. I never was anxious about anything. I was anxious to know whether appeals were drawing Rs. 100 or appellants."

Mr. P. V. KRISHNAYYA CHOUDARI:—"He is so anxious to have more powers. I could see it also in the Select Committee. Whatever it be, if the Commissioner is not personally anxious to have such a power, I do not see why the Government should not allow persons drawing more than Rs. 100 to have a second appeal to the Government. Whenever the Collector of a district punishes a person on this pay, he can have one appeal to the Board of Revenue, another appeal to the Government and a third appeal to His Excellency the Governor. I think that the servants of the Corporation also should have the same rights. We have already applied in their case the system of pensions, and provident fund and also the Fundamental Rules and I do not see why they should be deprived of the right of a second appeal to Government. I request the Hon. Minister to accept this amendment, so that this Act may be in conformity with other Government Acts."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Mr. President, Sir, I have great pleasure in seconding the amendment. It is a very reasonable one. It does not aim at second appeals in the case of all persons drawing salaries however low they may be. It is only in the case of persons drawing Rs. 100 and above that a second appeal is provided for. As we all know, the Corporation consists of party members and it is quite possible that these Standing Committees which consider appeals from subordinates may consist of a majority of party members. In such a case, if the Committee feels that a certain subordinate has been helping the party in opposition or a minority party, they may not do justice to the appellant. Whereas under Provincial Autonomy the Government is bound to safeguard the interests of all parties. I therefore feel that the interests of subordinates drawing Rs. 100 and above should not be jeopardized by the absence of provision for second appeal. In the case of Government servants drawing even less, the Collector makes a report to the Board of Revenue, the Board of Revenue suspends or dismisses him and afterwards there is an appeal to the Government and to the Governor. In these circumstances, I consider that this amendment is a reasonable one and I request the Hon. the Chief Minister to be pleased to accept it. After all, it only provides for an appeal to the Government."

6th November 1935]

* Mr. V. T. ARASU:—"Mr. President, Sir, I am constrained to oppose the amendment of Mr. P. V. Krishnayya Choudari. It is an indirect attempt to remove certain powers from the Corporation. The amendment also implies a distrust of the Standing Committee and insinuates that they would not mete out justice to the Corporation subordinates. It is hardly fair that a responsible Standing Committee should be considered unfit to judge whether a punishment meted out to an employee of the Corporation is fair or not. If the amendment is accepted, the Government will be flooded with appeals. Already the Government find it difficult to dispose of the large number of appeals from the employees of local bodies and they take six months and nine months to dispose of an appeal. I know of a particular case where an appeal from an employee of a municipality was not disposed of for two years. Therefore it would be impossible for the Secretary to Local Self-Government Department to attend to other matters and a considerable part of his time will be taken up every day with these appeals. I am therefore constrained to oppose this amendment."

* Mr. C. BASU DEV:—"Mr. President, I rise to support the amendment. I welcome the observations of Diwan Bahadur Ratnasabhapathi Mudaliyar. He was the chairman for a very long period of one of the biggest municipalities in the Presidency. He has given his entire support to this amendment. I wish it were possible to reduce the figure of Rs. 100. Inasmuch as there is some agreement on this figure I do not want to move any amendment for reduction. My Friend, Mr. Arasu, who says he knows about the working of the Corporation, about the sense of responsibility that permeates the proceedings of the Standing Committees and the considerations that move the decisions of the members thereof either does not really know what is happening (Mr. Arasu: 'What is happening?') or if he knows he deliberately dissembles it. I must protest against allowing the destinies of the unfortunate employees of the Corporation to be decided in a final manner by the members of the Standing Committee. I do not see why when we have provided for appeals to the Government in the case of employees of district boards and municipalities, the same privilege should not be extended to the employees of the Corporation."

Mr. T. SUNDARA RAO NAYUDU:—"You have not served on any of 12-30
them." p.m.

Mr. C. BASU DEV:—"My hon. Friend has been in the Corporation for a long time and has grown grey in its service. If he wants to shut his eyes to what is happening around him, I cannot help him."

Mr. V. T. ARASU:—"I must enter a protest against what the hon. Member (Mr. Basu Dev) is saying."

* Mr. C. BASU DEV:—"If the hon. Member does not know what is happening, I cannot help it. I do not want to take up my friend's challenge for the very simple reason that I want to avoid washing

[Mr. C. Basu Dev] [6th November 1935]

dirty linen. When Mr. Arasu is constituted as the champion of the Corporation, then it will be time for me to answer him. He has had sufficient answer the other day at Villivakkam where he was about to be assaulted by the Adi-Dravidas."

* The Hon. the PRESIDENT:—"Both the hon. Members are advised to avoid personal attacks and personal explanations."

* Mr. C. BASU DEV:—"Sir, you will kindly concede that I never proved personal references here. It is my hon. Friend who challenges to state things which are better left unsaid. I would like to repeat what I had stated that there is no reason why the employees of the Corporation should be denied this privilege. With these words, I support the amendment."

Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, I think unnecessary heat has been introduced into this debate. The practice in this House against which I wish to protest is this: Members who belong to bodies other than the Corporation of Madras feel that there is something wrong with the Corporation of Madras. I would be glad if they were able to state definite cases where employees of the Corporation have been badly treated. Of course I do not dispute the proposition that an employee of the Corporation should have a right of appeal. If the Government think that the amendment of my hon. Friend from Guntur should be accepted, I have no quarrel. I do not say, Sir, that an employee of the Corporation should not have a right of appeal, when he has a grievance. I do not want to deny him this right. Yet, Sir, it is a sorry spectacle that members of various bodies should try to speak ill of the Corporation of Madras. Let them give specific cases where employees of the Corporation have been badly treated or let down by the Corporation. My hon. Friend who represents labour in this House is certainly entitled to say that an employee of any local body including the Corporation of Madras should have this right of appeal; he may say that if an appeal is allowed to the Standing Committee, it is not enough and that an appeal to the Government should be provided for. But I cannot appreciate the sentiments expressed by distinguished members of various local bodies to the effect that the privileges of the Corporation of Madras should be curtailed. I can understand them asking that local bodies should be on a par with the Corporation of Madras in the matter of rights and privileges. I shall be glad, if they say, 'You are giving various privileges to the Corporation of Madras; why not give the same privileges to other local bodies also?' I do not like them saying, 'We do not enjoy these privileges; why should the Corporation of Madras alone have them?' It is only to protest against the way in which light-hearted reference is made to the administration of the Corporation of Madras that I rise now; only during the discussion of the last amendment, I heard the Hon. the Chief Minister saying, that if we could not trust the Local Government to use this power properly, he did not know how we could have local

6th November 1935] [Mr. T. S. Ramaswami Ayyar]

self-government. If you cannot give this privilege to the Corporation of Madras, how can you expect to have real local self-government? I wish that hon. Members should take a charitable view of the situation; personally I do not object to the amendment being accepted by the Government, if they are willing to. I do not want the employees of the Corporation to lose this privilege."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"On a matter of personal explanation. Coming from the mufassal, I did not say that because the power is not enjoyed either by the district board or the municipality, it should not be given to the Corporation. Whether it is a municipality or a district board, or the Corporation of Madras, I say that a person drawing a salary of more than Rs. 100 should have a right of appeal to the Government over the decision of the Standing Committee or the Council. What I say is he should have a second appeal wherever he may be employed."

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, when I heard Mr. Arasu speaking, I thought he was really making out a case for a second appeal to Government being provided for. He said, if this amendment is carried, any number of appeals would be coming to the Government. It means that the municipality or the Standing Committee would be dismissing any number of persons and providing cause for many appeals to the Government. I do not believe that Mr. Arasu meant that the Standing Committee or the Corporation Council will act unreasonably. All the same I cannot say that these bodies are infallible. There may be some hard cases. As in the case of Government employees, there must be a right of appeal to the Government in the case of municipal employees drawing Rs. 100 and more. Such a provision would add to the responsibility of the local body to go into the matter more carefully so that justice is done in all cases. If anything goes wrong, is it not right that there should be a higher tribunal to set it right? I do not think that either the Corporation or the Standing Committee will feel aggrieved if this amendment is carried. I am very glad that Mr. Ramaswami Ayyar has given a higher turn to the debate. He is an experienced President of the Corporation of Madras. He is not objecting to this provision and I think that it is but right that the employees of the Corporation should have this privilege."

* Rao Bahadur Sir A. P. PATRO:—"Sir, I rise only to speak on the matter of principle which the hon. Member representing the University has enunciated to-day, namely, only those that are associated with the working of the Corporation of Madras are competent to speak on such matters with authority and that others will not be justified in criticising the Corporation."

Mr. T. S. RAMASWAMI AYYAR:—"On a matter of personal explanation, Sir. May I know if there is any sentence in my speech to which the hon. Knight from Ganjam can take exception? Did I say that other members are not entitled to speak with authority? I only

[Mr. T. S. Ramaswami Ayyar] [6th November 1935]

asked why hon. Members of this House should seek to deprive the powers or privileges of the Corporation; if the local bodies wanted the same privileges, they should claim them. I did not say that they should not speak on this Bill; if I meant that, the debate should not take place here but in the Ripon Buildings."

* Rao Bahadur Sir A. P. PATRO:—"Words have their meaning; the hon. Member may have some ideas in his mind; what he expressed is entirely different from what he is saying now. It is difficult to understand the representative of the University. The principle involved in this matter is one of justice. In the case of members of the provincial service, in the case of people who are drawing a salary of Rs. 100 and more, the Government have provided for appeals to the Government. We were informed to-day that the superior services of the local bodies are going to be provincialized. If a person is employed in a local body or in the Corporation of Madras, is it right that he should surrender this right of his to appeal to a higher authority? The standing committee will of course hear the first appeal; the punishment meted out to the employee may be based on a wrong view of the matter; it may be that the standing committee may not be in possession of all the facts. The standing committee also is likely to go wrong in some cases. I think the hon. Member representing the University will admit that things are not as well as they appear to be. He cannot deny that there has been a good deal of criticism of the actions of the Corporation of Madras in respect of this matter. It seems to me that it is just and fair that the subordinates of the Corporation should have this right of appeal from the decision of the standing committee, especially where the subordinate has been dismissed and where he loses all chances of promotion and other privileges. Is it not fair that he should be given the liberty to state his case before an independent authority, like the Government?

"If we take the analogy of the local bodies, we have provided for appeals to the Government. Will not a municipality be as just and as honest as the Corporation of Madras? Why should there be an appeal to the Government against the order of the municipality? There is no reason why the Corporation of Madras should be treated in a different manner.

"The hon. Member representing the University wanted specific instances. I ask him to read the criticism of the Government on the administration report of the Corporation for the last two years. He will know what is happening."

Mr. V. T. ARASU:—"May I know what is happening for the last two years?"

* Rao Bahadur Sir A. P. PATRO:—"The hon. Member is just a budding politician. If he wants to be a successful politician, he should not ask for things which would much better be left unsaid. If you are not going to look into the grievances of the subordinates and

6th November 1935] [Sir A. P. Patro]

redress them, then you will not be able to have efficient service from them. If you do not give them a right of appeal to the Government, to an independent authority, and allow them to place their grievances before them, if they do not have confidence in you, how can you expect the members of the subordinate services to render efficient service? If they are not contented, you will understand how difficult it will be to carry on the actual administration. They have to work sometimes during nights. People employed in the Corporation of Madras must have the right of appealing to the Government. Otherwise we would not be able to get efficient service from them.

"I hope Mr. Arasu will become a councillor of the Corporation of Madras very soon, as he is trying to. Then he will get more experience, and then he will regret having advocated his cause to-day. On principle I say this: the employees of the local boards have got the right of appealing to the Government. The Corporation of Madras also should not stand in the way of their employees appealing to the Government if necessary and obtaining justice from them. In many cases where presidents of district boards or the standing committees of district boards and district municipalities have erred, when appeals were made to the Government, the appeals have been successful. It is not here a case of any reflection against the Corporation; it is a case where there may be an error of judgment or a misappreciation of the facts of a particular case or where the rights of the services have not been properly understood by the concerned authorities. In such cases, if an appeal comes up to an independent tribunal like the Government, it will be viewed from a different standpoint, i.e., from the standpoint of the services, and I am sure justice will be done. Therefore, Sir, I entirely support the motion that it is necessary that a right of appeal should be provided for those who get their pay from the revenues of the Corporation."

* Mr. R. MADANAGOPAL NAYUDU:—"Sir, I rise to enter my protest against the insinuation my friend, Mr. Basu Dev, made against what is going on in the Corporation. He said that Mr. Sundara Rao Nayudu was blind to what was happening. I do not want to go into the details; but is he making that statement with any sense of responsibility which one would expect from a person . . ."

Mr. A. RANGANATHA MUDALIYAR:—"Is it not better, Sir, that the argument is confined to the amendment before us?"

* The Hon. the PRESIDENT:—"When a remark has been made, I think hon. Members have got a right to vindicate their position."

* Mr. R. MADANAGOPAL NAYUDU:—"I only said, Sir, that it was not fair, and I won't say more. The Corporation is certainly a very big administrative body; it may be that there have been a few faults or errors made here and there, but cases of suspension and dismissal have been very few. I have been in the Corporation, Sir, for nearly fifteen years now, and I know there have been only three or four cases like

12-45
p.m.

[Mr. R. Madanagopal Nayudu] [6th November 1935]

these. Mr. Basu Dev has after all got his organizations to deal with; I am sure in the management of those organizations he has come to know what the difficulties are in their management. That he should make such a statement as he has made is really regrettable.

"Then, Sir, I rose also to speak on the amendment, and I want to point out that the second proviso is absolutely unnecessary. In the first proviso Mr. Krishnayya Choudari proposes that there should be appeals against orders of dismissal from persons drawing a salary of more than Rs. 100. Under section 88, Government alone have the power to remove persons appointed under sections 85, 86 or 87 (3), and therefore the dismissal of such persons cannot be made by the Corporation itself; the appeal to Government in such case therefore is absolutely without any point at all. I thought the question of reversion from a higher to a lower cadre would probably come under the word 'removal.' There is another section also which relates to suspension, section 96, which says that 'pending a resolution of the Council, the Commissioner may suspend any officer appointed by that authority, provided always that he shall forthwith report to the Council the reasons for his action.' So that, any order of suspension which the Commissioner may pass is subject to a resolution of the Council. The first proviso indicates that the authority which appoints a person has the power to suspend him; and so, I think the second proviso is unnecessary."

* The Hon. the RAJA OF BOBBILI:—"Sir, I do not see anything objectionable in principle in the amendment moved by my friend, Mr. Krishnayya Choudari, but I would only place a few facts before the House on the subject. Hon. Members are no doubt aware that before the Local Boards Act of 1930 was passed, there was an appeals committee in all the local boards and municipalities. That Act of 1930 however gave a right of appeal direct to the Government. The present position is that there are now about 81 municipalities, about 27 district boards and about 5,000 panchayats. The work of hearing appeals and passing orders thereon in regard to these bodies by the Government has assumed such dimensions that we find it very difficult to cope with the work even with additional staff. Government are considering various proposals as to how best to dispose of these matters expeditiously. The analogy of the local boards cannot apply to the Corporation of Madras because in the case of the Corporation, it is the Commissioner that first passes orders and over the orders of the Commissioner there is an appeal to the appeals committee. Of course if a person feels that he does not get justice at the hands of the appeals committee, it is now proposed to give a sort of second appeal to the Local Government. There may be cases in which the Commissioner's order may be upset by the appeals committee. In such cases, is the Commissioner also going to be given a right of appeal to the Local Government? If we agree to the proposed proviso on the ground that owing to political influences or otherwise, the appeals committee's decisions will not

6th November 1935] [The Raja of Bobbili]

always be based on the merits of the case, then it follows, in order to be consistent, that we must provide for an appeal by the commissioner over the orders of the Appeals Committee. I am certainly in sympathy with the idea underlying the amendment that the employees of the Corporation should be given all possible protection against unjust treatment, but coming to the practical aspect of the problem, my only difficulty is that there is already an Appeals Committee. The question is: is it necessary to give a second appeal to the Local Government or would it not be sufficient if the second appeal is given to the whole Council? It is not quite correct to say that we are trying to place the Corporation employees in the same position as local board employees, because this Act already provides for an appeal, whereas in the case of the local boards there is no Appeals Committee, and the appeal must necessarily come to the Government. Therefore, as I said, if we want to give a right of second appeal, it must be given to both the parties. I should therefore like to know the views of those who are in favour of this amendment on this aspect of the question; at the same time, I may make the position of the Government clear, that they have no reason to believe that either the commissioner or the Appeals Committee has so far misused or abused the powers. If it is the general desire of the House, as I said, I have no objection to this amendment, provided the points raised by me are considered."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, the Hon. Minister has pointed out that there are already about 5,000 panchayats and a good number of municipalities and district boards in connexion with which the Government have already got to do heavy work. If we add this one Corporation to that list, I don't think there will be much of additional work. I hope the Corporation also won't dismiss its servants in such numerous instances as to necessitate a good number of appeals coming up to Government. The Hon. Minister wanted to give an opportunity to the commissioner to appeal to the Government against a decision of the Appeals Committee. I do not personally see why the commissioner should harass his employees by appealing against the order of the Appeals Committee, once a decision has been given. Still, if the Government want to give this right to the commissioner, I have no objection."

Mr. T. B. RUSSELL:—"Mr. President, Sir, as I am in a way responsible for the drafting of the provisions of this Bill, may I ask the hon. Member from Guntur what exactly he means by this amendment? May I call attention to the extremely vague manner in which it is drafted? The amendment reads:

'In section 96, add the following provisos, viz.'

Then the first proviso comes in. Then the second proviso says:

'Provided further that any officer appointed . . .'

Now, I would ask the hon. Member from Guntur, would he make it perfectly clear in what place exactly in the existing section these provisos have to go? Is it his intention to provide an appeal direct from

[Mr. T. B. Russell] [6th November 1935]

the commissioner to the Government, or is it his intention to provide for a second appeal after the Standing Committee has dealt with the matter? It seems to me, Sir, that both these points have to be cleared, in order to enable me, as one who is responsible for the final drafting of the measure, to get it into proper shape if the amendment is agreed to."

Mr. P. V. KRISHNAYYA CHODARI:—"I am unfortunately not in a position to have a drafting department at my back, as my friend over there has. We have amended so many sections of the Bill in the Select Committee. I do not know with what responsibility he prepared the Bill in spite of having so many assistants. However, Sir, if there is any fault on my part in the drafting of this amendment, I feel sorry for my incapacity. I hope the hon. Member representing the Government with his adequate staff will assist me and correct the amendment. The second proviso clearly says that a second appeal should be provided. It does not seem to be so ambiguous as pointed out by my friend, because it specifically says: 'from the date of the order passed on the first appeal.' I have simply expressed my idea in the amendment, and I have no objection to the correction being made as suggested by the hon. Member."

"The Act provides that officers drawing Rs. 2,000 and Rs. 1,500 may be appointed by the Corporation, but if they are to be suspended or dismissed, there is no appeal to the Government. I want, in my amendment, that such an appeal should be provided for. If a gazetted officer, say a Deputy Collector, is suspended or censured, there will be a lot of enquiries made, and safeguards will be sought to be provided in his case. I do not know why a similar officer of the Corporation drawing Rs. 1,500 or Rs. 2,000, when he is suspended, should not have a right of appeal to the Government. I do not think the Corporation will deal with its officers so drastically; but still, we are providing only a safeguard in the Bill. That does not mean that we are in any way taking away the powers of the Corporation. I therefore appeal to the members of the Corporation in this House not to feel that this amendment seeks to take away the Corporation's powers and vest them in the Government. The amendment only seeks to meet an emergency and enable a just decision being come to. In most cases there may not be any necessity for appeal and in some cases, there may be occasion for the Government to agree with the decision that the Corporation authorities might have come to. With these observations, I appeal to the House to accept my amendment. I have also no objection to accept the amendment proposed by the Hon. the Chief Minister that the Commissioner of the Corporation also should have a right of appeal."

1 p.m. Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, the hon. the Mover of the amendment has readily accepted the suggestion made by the Hon. the Chief Minister. May I point out the anomaly in this? What will happen if this is accepted is, if an employee is to have a right of appeal from the decision of the Standing Committee to the Government, it is equally necessary that the Commissioner whose order is

6th November 1935] [Mr. T. S. Ramaswami Ayyar]

upset by the Standing Committee, should also have a right of appeal to the Government. That, I think, is the position taken up by the hon. Member from Guntur. Does it not lead to this, that the Commissioner who is himself, as it were, a judge, and whose decision is upset by the Standing Committee, becomes a party and appeals to the Government against the orders of the Standing Committee. That is, he descends from his position as an arbiter or judge and becomes a party because his decision is upset by the Standing Committee. Again, does the hon. Member from Guntur feel that he is doing a service to the employees of the Corporation? It may be the Commissioner may dismiss an employee, but the Standing Committee may soften the rigour of that order by suspending the employee for a period of few months. Then, if the suggestion of the hon. Member from Guntur is accepted, if the employee appeals to the Government against the orders of the Standing Committee and the Commissioner also appeals to the Government, the result will be the Government may consider that the original order of dismissal of the employee was correct and not the less drastic order of the Standing Committee that he may be suspended for a few months. That being the case, does the hon. Member from Guntur feel that he is doing a service to the employees by accepting this suggestion?"

Mr. C. BASU DEV:—"Sir, if I understood aright, the Hon. the Raja Saheb suggested that independent of the appeal, the Commissioner also should have a right of appeal."

* Sriman M. G. PATNAIK Mahasayo:—"Mr. President, Sir, now certain punitive powers are given to several officers to punish their employees. For instance, we have got the Madras Act III of 1895 under which the Tahsildar punishes village officers, or the Divisional Officer punishes village officers and the Collector has also got such powers. For the Collector or the Tahsildar or the Revenue Divisional Officer ought not to be allowed to prefer an appeal to the Board of Revenue. Except in civil cases that is not generally done. Supposing there is an acquittal of an accused, even in criminal cases, except the Government, the complainant has no right of appeal; and Government only interfere in very extraordinary cases where some question of principle is involved or the order is so very perverse. It is only very rarely even Government resort to such powers. Therefore, such powers should not be given to the complainant to prefer an appeal against an order of acquittal or reduction of punishment. Therefore it would be a retrograde step and it will go against the provisions of the several Acts in force if such powers are given."

* The Hon. the RAJA OF BOBBILI:—"The real point I made out was that if we have a second appeal, it will lead to all sorts of difficulties. It is not a question of the Commissioner preferring an appeal. What I said was, if the Commissioner feels that any order which in his opinion is correct, has been upset by the Appeals Committee and if the power of appeal is proposed to be given to the Local Government

[The Raja of Bobbili] [6th November 1935]

for the first time, the Commissioner also must have the right to bring the various aspects of the case before the Government. The simplest course that appears to me is to give a discretion to the appellant whether he would appeal to the Local Government or to the Appeals Committee; and if we are to have a series of appeals and second appeals, I am afraid the remedy will become very complicated."

* Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, Sir, from a strictly logical point of view, there is something to be said about the point raised by the Hon. the Chief Minister. I hope you will bear with me when I point out that it is rather inadvisable that the Commissioner should be encouraged to prefer an appeal against the decisions of the Standing Committee. Sir, rightly or wrongly we have associated this officer with the Corporation. It is also our policy that both of them should work harmoniously as far as possible. If you introduce a clause of this nature, the tendency on the part of any person whose orders have been upset by somebody else will be to go up to the highest authority and see if the original order passed by him cannot be restored. That would not promote harmony between the executive officer and the Corporation. As has been pointed out by my hon. Friend, Mr. Patnaik, generally Government do not encourage appeals against orders of acquittal. I think it would be satisfactory if we adopt the same policy here also and not add complications. If, as a result of experience Government find that a provision of this sort suggested by the Hon. the Chief Minister is necessary, it will be time enough then to consider the question, but at present it is just enough if you give such powers of appeal only to a limited number of aggrieved people. Otherwise, it will be starting trouble between the Corporation and the Commissioner which will not lead to harmonious working. I would like to say one more thing and that is my hon. Friend, Mr. Choudari, is prepared to omit the second portion of his amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, I am not insisting that you should make a provision for a right of appeal on the part of the Commissioner. What I wanted to say was that there will be difficulties in having a second appeal; and if one party is to be given a right of appeal, it is but right that the other party also should be given that right. I have also suggested as an alternative that the individual aggrieved may be given a right either to appeal to the Local Government or to the Appeals Committee. Apparently, my suggestion is not acceptable to the various Members of the House, and I have no objection to accept the amendment, provided the second part of it is omitted."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, the object of moving the second part of my amendment is that in the case of persons drawing a salary of Rs. 1,000 and so on, if they are suspended, there should be a right of appeal to the Government. As it is, the first portion of the amendment deals only with persons drawing more than Rs. 100. But the second part of the amendment deals with persons who are appointed under section 85 and who are drawing, say, Rs. 500.

6th November 1935] [Mr. P. V. Krishnayya Choudari]

Rs. 1,000 or Rs. 1,500. If such persons are suspended, I want to provide for an appeal in their case also. If the House thinks that we need not provide any safeguard for such persons like the Electrical Engineer, Educational Officer and such other officers, and if the Hon. Minister also is not for accepting it, I have no objection because I cannot help it."

* The Hon. the PRESIDENT:—"I do not understand what the hon. Member means by saying 'I cannot help it'; I want to know whether he withdraws his amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"If the Hon. Minister refuses to accept the amendment, I have no objection to withdraw it, Sir."

* The Hon. the PRESIDENT:—"I will now put the first portion of the amendment to the vote of the House. The question is:

In section 96 (2) add the following proviso, viz.:—

"Provided that any officer or servant in receipt of a salary of more than Rs. 100 may appeal against the order of dismissal to the Local Government within a period of one month from the date of the order on the first appeal."

The motion was carried.

The second portion of the amendment was by leave withdrawn. Clause 49, as amended, and clause 50, were put and carried.

Clause 51.

* Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President, I beg to move the following amendment:—

"In sub-clause (ii), omit the words 'with the previous sanction of the Local Government.'"

"This is but a simple amendment. My only contention in support of this amendment is that while the Corporation has the power under section 98 of the Madras City Municipal Act, to levy property-tax, a tax on companies, a profession tax, a tax for general purposes, water-tax, drainage-tax and so on, it should have a similar power in levying a tax on advertisements. Though I am for the separation of judicial and executive functions, still I find the amended Bill seeks to curtail the powers of the Corporation and has whittled down to a very large extent the powers already possessed by the Corporation and this sub-clause (ii) further seeks to curtail its powers in the matter of levying taxes on advertisements. Therefore, I move this amendment, that the Local Government should not interfere in the matter of levying taxes on advertisements."

Mr. V. T. ARASU:—"Mr. President, I rise to second the amendment moved by Mrs. Lakshmipathi. As has been pointed out by Mrs. Lakshmipathi, under section 98 of the City Municipal Act, the Corporation is given power to levy a property-tax, a tax on companies,

[Mr. V. T. Arasu]

[6th November 1935]

a profession-tax, a tax on carriages and animals, a tax on carts, a tax on timber brought into the City, and also a tax on advertisements. Sir, it is strange that in the case of the last-mentioned tax alone, namely, a tax on advertisements, Government insist by means of the amending Bill on previous sanction of the Government being obtained. It is puzzling to find why Government inserted this provision for the previous sanction of the Local Government in the case of a tax on advertisements alone. I think the House will realize that a tax on properties and a tax on companies are much more important than a tax on advertisements. Whereas in the case of such important taxes as the property-tax and companies-tax and profession-tax, no such previous sanction is insisted upon, why in the case of a minor tax on advertisements, which after all is not going to get any considerable revenue to the Corporation, should Government insist on previous sanction being obtained? Unless Government come forward with any substantial reasons as to why they have inserted this provision, I think, the amendment of Mrs. Lakshmipathi should be accepted by this House."

1-15
p.m.

* The Hon. the RAJA OF BOBBILI:—"The only ground is that before a new tax is levied, the Corporation should take the permission of the Local Government. I do not see any objection why the matter should not be brought to the notice of the Government before any new tax is levied."

Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, I am unable to appreciate the arguments of the Hon. the Chief Minister. The Government have accepted the principle that this new tax has to be levied. By passing this Act you are going to accept the principle. Then where is the necessity for the Corporation again to come up to the Government for previous sanction? It is just on a par with the property-tax which does not need the previous sanction of the Government."

* Mr. C. BASU DEV:—"Mr. President, the rules regarding the new tax are so complicated that even at the time that we were discussing this particular tax, we were in considerable difficulty in satisfying ourselves that the provisions were practicable. Even now there is considerable doubt in the minds of hon. Members of the Select Committee on this Bill as to the practicability of the working of this provision."

"That apart, Sir, I do not think there is anything derogatory to the Corporation if they are to seek the permission of the Local Government. On the other hand they ought to welcome the help of the Government in the application of this new and complicated tax. The provision only says that a tax can be levied. There may be rules and instructions which the Government with their wider and greater experience of things of this sort may issue to help the Corporation. I do not know why hon. Members of the Corporation, or those defending the Corporation, feel that they are being insulted or that there is anything derogatory to the dignity of the Corporation."

[6th November 1935]

Sriman M. G. PATNAIK Mahasaya:—"It is stated that this is a new tax; and apparently Government want to see how the powers given to the Corporation will be exercised. It is quite possible some discrimination may be made by the Corporation in such cases and it is necessary that there should be some control. A discrimination between communities is possible. There is absolutely no reason why the matter should not be brought to the notice of the Government so that the Government may be satisfied that the powers are properly exercised by the Corporation."

* Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President, my hon. Friend, Mr. Patnaik, said—or rather feared—that the Corporation may not use this power regarding the levy of tax with discretion. I fear that the hon. Member had at the back of his mind the idea that the Corporation would unduly levy taxes on advertisements undertaken by Europeans and treat them with partiality. That is exactly the reason why I gave notice of this amendment, namely, that the Corporation must have the entire discretionary power to levy its own taxes, whether it is a tax on property, profession-tax or tax on advertisement. The Corporation knows how best to levy a tax in its own interests. Therefore, this power should vest in the Corporation and not in the Government which may abuse its powers if it were a party Government."

The motion was put and lost.

* Mr. C. BASU DEV:—"Mr. President, I beg to move—

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

"(h) 'a poor tax' at a rate to be fixed by the Council."

"I shall have no objection if the word 'tax' is altered into 'rate.' My object is that some form of taxation should be levied for the purpose of finding funds to relieve the poor. In England the administration of the poor law is the basis of Local Self-Government. So much credit is claimed for the Corporation for its efficiency and usefulness and it is in keeping with that claim, that we should introduce a poor rate, to help the Corporation to find funds to relieve the distress of the poor, the infirm and the sick. Sir, some years ago, sitting in this Council the Maharaja of Pithapuram moved a resolution for the appointment of a committee to find ways and means by which relief to the poor may be afforded. On account of the depression, the Government were not able to find money even to defray the expenses of this Committee much more so to meet the expenditure involved in giving effect to its recommendations. I am aware that the object of the amendment, maintenance of poor houses, is included among the items of expenditure of the Corporation funds."

The motion was duly seconded.

* Mr. T. B. RUSSELL:—"Section 98 of the Act says that the Council may levy a property-tax, a tax on companies, a profession-tax, a tax on carriages and animals, a tax on carts, a tax on timber brought

[Mr. T. B. Russell] [6th November 1935]

into the City and a tax on advertisements. If to the foregoing items this item, namely, the 'poor-tax' were to be added, it seems to me that the tax would fall on the poor. It is therefore not the place where the amendment should find a place to secure the object of my hon. Friend."

* Mr. C. BASU DEV:—"I am not able to understand the point of order of my hon. Friend, Mr. Russell. My amendment is for a 'poor-tax' within quotation marks. This rate may be collected by an additional percentage on the property-tax. We have in the expenditure section provision by which funds can be expended if funds are available for the maintenance of poor houses. The amendment is to provide the necessary funds. The Corporation has not at its disposal sufficient funds at the present moment. The Corporation has a duty towards the poor and it must find funds to carry out that sacred duty even if it be by increasing the percentage of tax on property. We are not sufficiently advanced to levy a poll-tax. As it is charity in this City is unorganized with the result that it flows into unprofitable and wasteful channels. If we could pool these voluntary charity by the imposition of a poor-rate, I think we shall be taking a step in the right direction and finding funds for the maintenance of an adequate number of poor houses in efficient and proper condition. It is with that idea that I move this amendment."

* Mr. M. DEVADASAN:—"The system suggested by my hon. Friend is not foreign to civilized countries. The maintenance of poor houses obtains in England. The hon. Secretary is aware of that. There is provision not only for rescuing the poor but also for meeting their needs. In this City large number of people live in conditions which are quite unhealthy and insanitary. They are a danger to the health of the City and are an eye sore to the people in the locality. It is absolutely necessary that there should be some provision for accommodating them and catering to their needs. When my hon. Friend suggested that there ought to be a poor-rate, he never meant that there should be a tax levied on the poor; but on the other hand he wanted to levy a tax as a separate item. In the clause it may be placed as '(i) or (j) a tax for the relief of the poor.' The village pattadars pay such taxes as the village-cess, the education-cess, etc., when they pay also revenue to the Government. When that is the case, why should not a rate be collected for the relief of the poor? I do not mean to suggest that Peter should be robbed to pay Paul. It is not like that. When the health of the City is endangered, it is the duty of those better placed in their own interests to look after the poor. I hope the House will carefully consider the matter and would give its assent to a tax which would go to relieve the suffering of the poor and thus every one of us will show ourselves to be a humanitarian in spirit and service. On these grounds I support the amendment."

The House adjourned for lunch.

6th November 1935]

After Lunch (2-30 p.m.)

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil, of which the following is an English summary:—

"He said that he was glad to have an opportunity of speaking on behalf of the poor. Day in and day out the Government were busy bringing forward Acts and Bills with which he was not at all satisfied. If at all the Government wanted to help the poor they must organize poor houses and bring in a separate Bill. If this had been done by the Government, he would support this amendment. Not only the Government should come forward with a substantial grant, but the hon. Members of this House also should sacrifice a good part of their allowances which they drew in the shape of travelling allowances, etc. But when a poor house, on the model of the English poor houses was established, begging in the streets should be entirely prohibited. In the absence of such an Act, he was constrained to oppose the amendment of Mr. Basu Dev."

* Mr. G. R. PREMAYYA:—"Sir, we cannot deny that we have poor people in this presidency. I think we have a large population of poor people in our city and also, Sir, our charity is not organized. The rich people in our country do not care for the poor and I believe the Government also do not care for the poor. Institutions like our Corporation and municipalities have no care for the poor and they say that they have no money to look after the poor. Especially in Madras City, Sir, we see a large number of poor people living in the verandas and such other places in the streets. Such people must be taken care of by the Corporation. My hon. Friend Mr. Basu Dev wants to levy a tax as 'a poor tax' to enable the Corporation to run poor houses. It is the poor people living on the verandas and streets who contract disease. That disease does not stop there. It reaches even the rich people and they naturally spend money. They could not grudge spending money if thereby the cause of contamination was removed. So, Sir, there are very many reasons why this taxation is a necessary and a just one."

* Mr. BASHEER AHMED SAYEED:—"Sir, I find that the amendment which I gave notice of was passed over owing to my absence. I am sorry that I was not in my place when that amendment came before the House. I rise now to support this amendment for the very same reason. In this City of Madras it has become a big problem to house the poor, to look after the poor and also to give them medical aid. The number of poor people who are wandering in the streets is growing day to day and I may say for the information of this House that particularly in certain communities beggary has become their very profession and unless and until we are going to take care of the indigent poor I do not know, Sir, how our social status will improve. In fact the number of people that are seen at public places, bus stands, hackney-carriage stands, cart stands and tramway stops who are indigent, poor and not able to make their living is appalling. In other countries which are

[Mr. Basheer Ahmed Sayeed] [6th November 1935]

advanced, in at least those which claim to be advanced, there are sufficient arrangements made for clothing and feeding the poor. In the City of Madras out of charities the Corporation is running a poor house.

2-45
p.m.

"But that poor house is not popular simply because beggary in public streets and from house to house brings them more advantages and facilities and keeps them at large also. On that ground although we have more accommodation in the poor house the indigent and neglected and the disabled will not go there because to beg in public streets brings them a variety of food and more money and enables them also to be free. The problem of workhouse is more important and is growing to be more and more urgent and until and unless the Corporation is enabled to find funds for this, the problem will not be solved. A law to prohibit beggary is also very essential. It is therefore necessary that we ought to enable the Corporation to levy a tax when they think it fit and that too with the previous sanction of the Government if the Government so pleases, for establishing a workhouse and a poor house. The first is to give work to those who are unemployed and go about begging and the other to give food and medical treatment to those who are in need of such help being disabled and unfit. One of the greatest impediments in the way of the Corporation in solving this problem is the want of funds, the absence of a law and any amount of appeals to the public to solve this problem will not be of any avail. Very few people nowadays are to be found who will be inclined to come to the rescue of the Corporation. It will be meet and fair that the Corporation should have power to levy a small tax with a majority vote. The workhouse requires a proper building, the workhouse requires an equipment, the workhouse requires an establishment and supervision and all those things which are concomitants thereof. Without adequate funds these cannot be had and if we were to mainly depend upon the charity of others it will be well nigh impossible for the Corporation even in the course of fifty years to solve the problem. The duty has become insistent and we cannot any longer resist this necessity. This is a great duty which is cast upon any Corporation or civic body. I therefore hope that the House will not object to this levy of tax or such other tax as the Government may think it right or give power to the Corporation to raise. I therefore support the amendment."

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, I am glad that my friend Mr. Basu Dev has brought this amendment. But our Corporation Act allows us to set apart a portion of its revenues for poor house and other philanthropic works. We have already property-tax, water-tax, light-tax, drainage-tax and education cess. We are going to have advertisement tax also. Of course this affects only a certain class. The general tax affects all sorts of people. To make a poor house worthy of being maintained two Acts are necessary—a Leper Act and a Beggar Act. Without these things it is impossible for the Corporation to maintain a house. Then Mr. Siva Raj suggests the Removal of the Superstition Act. In the poor house maintained by

6th November 1935] [Mr. C. Natesa Mudaliyar]

the Corporation, inmates are fed well and they are having a feast almost every day. With all that the inmates will not stay there. There was a time when lorries were sent out to pick up poor people and bring them to the poor house and yet they will not remain there for a long time. If they want to retain them in a poor house, an Act is necessary. I request Mr. Basu Dev to withdraw this and ask some of the councillors of the Corporation to vote for more funds. We are having about hundred beggars to-day. Let us have 200. Let us have a building for them and in the present poor house inmates are to have comforts more than what middle class people are enjoying in their own houses. There is a medical man always attending on them. The medical man is the superintendent. If you ask the inmates they say volumes about the comforts they are having. Yet our vagrant beggars will not go in. On the other hand, as hon. Member Mr. Basheer Ahmed Sayeed said, they like loitering and getting money by begging instead of enjoying the comforts of a house. Poor house people wanted tobacco as a luxury. The Corporation supply them with tobacco and give them such luxuries. And yet they will not remain there. That means a Beggar Act is a necessity. Not only that, but a Leper Act also, and leper beggars must not be allowed in a beggar home. There must be a separate home for them. In our programme of relief there must be a beggar home and there must be a leper home and Corporation should look to it. Agitate for these two homes. Corporation get nearly fifty lakhs as receipts. Cut off half the pay of the various employees there except the people in the lower grade and utilize the amount thus gained for maintaining these homes. How can you tax people? There are already numberless taxes. I do not know how many more are going to come into existence if Mr. Basu Dev's resolution is to be accepted. I am for relieving the poor. Let us earmark certain portion from the Corporation funds for leper and beggar homes. I am trying to get five beds in a home for lepers but Corporation will not sanction. Let the Corporation Councillors look to that. The lepers are a menace to the City. There are Annadana Samajams in the City and they like to go there. Out of ten beggars near an Annadana Samaj five happen to be leper beggars. That is the condition. Induce the Councillors of the Corporation to see that a bigger beggar home and also a leper home are established and request Government to bring in a Beggar Act and a Leper Act."

* Sriman M. G. PATNAIK Mahasayo:—"I entirely agree with my hon. Friend Mr. Natesa Mudaliyar; it is absolutely necessary that some measure of compulsion should be employed to take these beggars into the poor house. Otherwise there is no use of raising money for these beggars. In this country, for some reason or other, begging is a profession. Therefore most people like to beg in the streets rather than live in a poor house subject to the control of others. Unless the poor people can be forced to live in a poor house there is no good of raising any money for the benefit of these people. From the

[Sriman M. G. Patnaik Mahasayo] [6th November 1935]

statement of both my hon. Friends Mr. Basu Dev and Mr. Natesa Mudaliyar, we find that the poor house maintained by the Corporation is not popular. In that case what is the good of raising money by further taxation? So the best thing is to introduce a Bill to compel these people to live in a poor house and then you can resort to further taxation. Until this is done I do not think this amendment could be accepted."

* Mr. T. SUNDARA RAO NAYUDU:—" Mr. President, I rise to oppose the motion moved by my hon. Friend. My reason is this. Under the existing Act as amended by the Select Committee, we have got sufficient provision to allow whatever my hon. Friend wants without recourse to fresh taxation. Under schedule V, it is stated: the provision, and maintenance of rest-houses, choultries, alms-houses, poor houses, homes or settlements for beggars, work-houses, infirmaries and children's homes, etc. These are some of the various items of authorized expenditure which are mentioned in the Act. If my hon. Friend wants that sufficient money has to be set apart from the Corporation funds we can do so as the Act stands. There is no necessity for a new or fresh taxation to be imposed on the people separately. If a poor tax is to be levied, on whom is it to be levied? That is a thing which has to be taken into consideration. We are suffering under heavy taxation. My hon. Friend who does not seek elections and comes into this House by indirect method can easily talk anything he likes and cast aspersions on others and indulge in all those sophistical arguments. What about those who have to stand for elections? Does he stand any chance with this tax at his credit? He is leaving that aside. The poor house in this city which has been started by my revered father is not very successful on account of this fact, that the inmates of the poor house want more luxuries like smoking and drinking. Certain things are allowed even now. We are giving them a little bit of tobacco and snuff. They want hot drinks, and toddy or liquor which they were indulging in outside. If they cannot get them here they get out of it. If you really want the poor house to be successful you must amend the City Police Act. According to the provisions in the existing City Police Act they can only prosecute and take them to the Magistrate and have them fined or sent to jail. They cannot force the beggar to go to the poor house. There is no use in sending them to jail. It is quite a different thing in England. In England the poor laws were started in the 17th or 18th century and there are rules and regulations. It will take a long time for the Corporation to launch upon schemes of this sort. You must first amend the City Police Act. Bring in certain measures by which we can compel these people to live there and then you can make provision for taxation. With these remarks, Mr. President, I oppose the amendment."

3 p.m. * Rao Sahib N. SIVA RAJ:—" I am in entire sympathy with the objects contained in the amendment. Whether elections or no elections, there can be no two opinions as to the necessity of giving relief to the

6th November 1935] [Mr. N. Siva Raj]

poor not merely in the City of Madras but to all people throughout the presidency by raising a tax. The difficulty seems to be that this problem will not be solved by a piecemeal legislation of this kind. By an amendment of the Madras City Municipal Act as proposed in this amendment, we are not going to solve this problem. I really feel that any step taken in the direction of having a poor law ought to be not merely for the people of the City of Madras but also for the people of the whole presidency. In the second place, it ought not to be possible only for the Corporation of Madras to raise this tax. It ought to be also possible for the local boards and district boards and mufassal municipalities to raise this tax. So I suggest that in addition to the difficulties in the actual working of these poor houses in the City of Madras, the matter has to be gone into in greater detail and only after that it would be possible to bring in a legislation to raise this poor rate. So, I would join my hon. Friend Dr. Natesa Mudaliyar and request my hon. Friend Mr. Basu Dev to withdraw his amendment."

* The Hon. the RAJA OF BOBBILI:—" The matter has been thrashed out sufficiently by several hon. Members who have spoken on the subject. The Corporation even now within its financial limits are adopting such measures as they deem fit for giving relief to the poor. So I think no useful purpose will be served by giving power to the Corporation to levy an additional tax called the poor tax. Moreover, it has been pointed out that the amendment, as now drafted, does not fit in very well with the section. In the Select Committee this question was carefully considered as to whether we could extend the scope of the objects on which the Corporation's monies could be spent and as a result of that we have added in the Bill leper settlement, work houses, infirmaries, etc., as objects for which the Corporation could spend their monies. More than that it will not be possible in the public interests to do, without having a proper provision by legislation to control begging and also control persons suffering from infectious diseases. Therefore I have to oppose this amendment."

* Mr. C. BASU DEV:—" I am very glad to note that in the discussion of this amendment, there has been considerable sympathy expressed for the poor and if anybody has made out a case for the acceptance of this amendment it is those like my hon. Friends Messrs. Natesa Mudaliyar, Basheer Ahmed, Patnaick and others who have expressed their sympathy for the poor but yet opposed it. Dr. Natesa Mudaliyar and others have very properly drawn the attention of this House to the fact that without a Beggar Act it is not possible to conduct beggar homes satisfactorily. These observations of my hon. Friends, I very much request the Hon. the Home Member who is in charge of these matters and who expressed his intention to oppose my Beggar Bill, to kindly note and at the next meeting when I move for the reference of my Bill to the Select Committee to come forward and support me. Hon. Members will remember that on the last occasion I did not deliberately move

[Mr. C. Basu Dev] [6th November 1935]

for the reference of the Bill to the Select Committee because of the governmental opposition as I did not want my motion to be defeated. I have thus kept alive my Bill. I am glad to hear that the Hon. the Home Member never had an idea of opposing it and we shall soon, therefore, have proof of his support and sympathy."

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The hon. Member withdrew the Bill and I therefore had no opportunity of having my say."

* Mr. C. BASU DEV:—"Sir, I may I take this as an assurance of the Hon. the Home Member that on the next occasion when I move to refer to Select Committee I will not only have his sympathy but active support and that he will allow the Bill to be referred to the Select Committee? Sir, with your permission I would like to indulge in one remark which is not absolutely relevant to the issue . . ."

* The Hon. the PRESIDENT:—"The hon. Member presumes that his remark is going to be irrelevant."

Mr. C. BASU DEV:—"It is relevant in one way and irrelevant in another way. It is relevant because my hon. Friend from Egmore said that I could never expect to represent any division through election. I only want to invite his attention and the attention of this hon. House to the fact that when in 1927 I contested for the seat at Royapetta, I was defeated only by 20 votes. I am very sorry to hear the remarks of my hon. Friend Mr. Sundara Rao who indulges in levity. My fight against the solid front of the congress single-handed has become classic and I would refer Mr. Sundara Rao to the leader of his own paper, the *Justice* of that date. I hope my hon. Friend from Egmore will disabuse his mind of such impertinences. That is only by the way.

"Hon. Members who have spoken on this amendment have stated that a Beggar Act is an absolute necessity and that I should come forward with a Beggar Bill."

* The Hon. the PRESIDENT:—"Ordinarily the reply of an hon. Member after having moved his amendment should be short. If the hon. Member is willing to canvass support for his Beggars Bill, I wish he postpones it to some other occasion."

* Mr. C. BASU DEV:—"I would certainly have been very short but for the fact that the hon. Members who have opposed this amendment expressed a desire unsupported by any logic or argument that I should withdraw my amendment. I therefore thought that I should make an effective reply. One hon. Member said that without a Beggar Act there is no meaning in having a provision for levying a poor tax. May I point out that on the last occasion when I made a request to the Government and to the Hon. the Chief Minister to support me when I moved the Beggar Bill be referred to Select Committee they were not pleased to do so on the ground that there are not sufficient funds. Sir, the

6th November 1935] [Mr. C. Basu Dev]

way in which some hon. Members argued seems to me that we are going round a vicious circle, and such arguments putting one condition before the other as it suits the particular position, serves no one and no purpose.

"One other argument that was advanced in opposing my amendment was that the Corporation is by statute given power to increase its tax. With regard to the remarks of some hon. Members and also the Chief Minister that the Corporation has ample funds and it is lawful to spend out of municipal funds to maintain beggar homes and institutions of that sort, I may say that I am aware of it. Sir, if you look at the way in which the Corporation spends money for these purposes you will find that they are spending very little money. The Corporation at the present day maintains the grand number of 125 beggars. Therefore we say that a poor tax should be levied by the Corporation to enable them to adequately meet this item of expenditure. I hope the expert member of the Corporation will enlighten us as to the financial position of the Corporation and whether it is possible for the Corporation to set apart sufficient funds for giving adequate relief to the poor. In the absence of a statement from the responsible authority of the Corporation, the Commissioner, that it has funds at its disposal to give adequate relief to the poor, this house has a right to draw the inference that there are not sufficient funds.

"Sir, my hon. Friend from Egmore has stated that the levy of a poor tax will be an additional burden on the poor rate-payers. The levy of a half per cent property tax would amount to 9 pies or so per half year for a man who pays Rs. 10 half yearly. I can assure my hon. Friend from Egmore that these rate-payers would be quite willing to pay this 9 pies more for the sake of their less fortunate sisters and brethren. I should tell my hon. Friend from Egmore that we are not concerned with the result on elections which this tax may have. We will have to do our duty. If we consider that it is our duty to levy this tax for the sake of giving relief to the poor, we must agree to levy such a tax whatever may be the consequences of such legislation to members at the elections."

The amendment was put to vote and lost.

Clause 51 was put and carried.

The Hon. the RAJA OF BOBBILI:—"I submit, Sir, that we should take up the clauses which have been postponed this morning."

Clause 4.

Discussion on Mrs. A. Rukmani Lakshmipathi's amendment * to sub-section (i) (a) was resumed.

Mrs. A. RUKMANI LAKSHMIPATHI:—"Sir, in view of the fact that Mr. C. R. Reddi has not been able to attend the session this afternoon,

* In sub-section (i) (a), add the following words at the end:—
'and one specially reserved for Anglo-Indians, the Adi-Dravida, Labour and Anglo-Indian seats to be filled by election through joint electorate.'

[Mrs. A. Rukmani Lakshmipathi][6th November 1935]

may I make a personal request to the Hon. the Chief Minister to have this particular item on the agenda postponed for to-morrow."

The Hon. the RAJA OF BOBBILI:—"I am sorry I am unable to accede to the request of the hon. the Lady Member. As the House is no doubt aware, this question is being postponed from time to time. The other day we had it postponed for two days and this morning we had it postponed for this afternoon. I find that even during these intervals no attempt has been made to solve the problem. Hon. Members will find it a great handicap to deal with those sections of the Act which have got a bearing on this section, if this section is not disposed of. I therefore submit that if we are to transact business expeditiously, it is necessary to take up this clause now."

3-15
p.m.

* Mr. C. BASU DEV:—"Moreover, on this amendment, Mr. C. R. Reddi has already made a speech and even if he were here he would not be able to participate any further."

* The Hon. the PRESIDENT:—"I can allow a postponement only if there is general agreement. Since there is no general agreement I cannot allow postponement."

* Rao Sahib N. SIVA RAJ:—"Mr. President, Sir, I am sorry I was not able to be here when my hon. Friend, Mrs. Lakshmipathi moved her amendment and later tried to get the representatives of the depressed classes to come to an agreement on this question. I was glad that in my absence an agreement was attempted but unfortunately they could not come to an agreement, for the simple reason that the depressed classes feel more than ever that the farther apart they are from the caste-Hindus the better it will be for their development as a community. That reason was urged very strongly during the last few days in trying to come to an agreement on this amendment. Sir, keenness has been added to this question on account of the recent developments in Bombay, chiefly owing to the announcement of Dr. Ambedkar, and we find that the scope for development is assured more, politically speaking, through the means of separate electorates than through the method suggested by my Friend. I can also imagine to myself the kind of arguments that would have been brought forward in support of the amendment. In any case there is not going to be anything new. There will be advanced just the same kind of arguments and just the same number of arguments that were advanced before in favour of joint electorates minus probably the epic fast of Mahatma Gandhi. Except those members who have already spoken in favour of joint electorates, the other Members of the depressed classes, are against this amendment."

Mrs. A. RUKMANI LAKSHMIPATHI:—"The other Members representing the depressed classes in the Council have not expressed their views."

* The Hon. the PRESIDENT:—"The hon. Member has spoken on behalf of the other Members of the depressed classes sitting behind. I think the House is ready for a vote on this question."

6th November 1935]

* Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President, I should like to make a short statement in connexion with the attempt that both Mr. C. Ramalinga Reddi and myself made in order to bring about an amicable and agreed settlement regarding joint electorates for the depressed classes. Yesterday, Mr. C. Ramalinga Reddi and myself met the representatives of the depressed classes in the Legislative Council and strained every nerve of ours to make those representatives agree to the system of joint electorate, because we felt that if the depressed classes were returned through the method of joint electorates their interests would be served much better than if they were returned through the system of separate electorates. When the congress and every other shade of political opinion are trying to bring the caste-Hindus and the depressed classes closer and closer and bring them into better contact with each other, the representatives of the depressed classes have not come forward to help us in the attempt that the congress is seriously making to help the cause of the depressed classes, thereby to remove the curse of untouchability. I am really very sorry to note that important representatives like Mr. Siva Raj, though they are cultured and educated, are adamant. They do not see the reasonableness of the proposal. The leaders of the depressed classes have been a party to the Poona Pact. As Mr. Siva Raj himself said yesterday, he was one of those responsible for saving the life of Mahatma Gandhi. But now he goes directly contrary to its spirit, notwithstanding the fact that he himself was a party to the signing of the Poona Pact. I do not see any reason for the motives which have actuated the hon. Member, Mr. Siva Raj to change his ideas in favour of separate electorates. The hon. Member has not in any way made his position clear. He has not told the House how the interests of the depressed classes would be better served through separate electorates rather than by joint electorates. I should like him to explain himself more clearly. I appeal to the Members of the depressed classes to agree to my amendment."

Mr. G. R. PREMAYYA:—"I want to say one word, Mr. President."

* The Hon. the PRESIDENT:—"We have had enough discussion on this amendment for a very long time. I cannot allow any more discussion."

Mr. BASHEER AHMED SAYEED:—"As a representative of Andhra Desa, you might give him a chance, Mr. President."

Mr. G. R. PREMAYYA:—"Yes, Mr. President, I was not able to catch your eye on a former occasion."

* The Hon. the PRESIDENT:—"The hon. the Lady Member herself who moved the amendment belongs to Andhra Desa. I shall now put the amendment to the vote of the House."

The following amendment was put to the vote of the House and declared lost:—

"In sub-section (1) (a) of section 5, add the following words at the end:—
'and one specially reserved for Anglo-Indians, the Adi-Dravida, Labour and Anglo-Indian seats to be filled by election through joint electorate.'"

[6th November 1935]

A poll was demanded and the House divided thus:—

Ayes.

- | | |
|---|---|
| 1 Mr. V. M. Ramaswami Mudaliyar. | 11 Mr. V. P. Narayanan Nambiyar. |
| 2 Dr. P. Subbarayan. | 12 „ G. Rameswara Rao. |
| 3 Mr. T. C. Srinivasa Ayyangar. | 13 Mrs. A. Rukmani Lakshmipathi. |
| 4 „ Basheer Ahmed Sayeed. | 14 Mr. U. C. Subramanya Bhatt. |
| 5 „ T. S. Ramaswami Ayyar. | 15 „ K. P. Raman Menon. |
| 6 „ V. T. Arasu. | 16 „ G. R. Premayya. |
| 7 Rao Bahadur P. C. Muthu Chetti-
yar. | 17 Rao Bahadur R. K. Venugopal
Nayudu. |
| 8 Mr. Ahmed Meeran. | 18 Mr. K. Koti Reddi. |
| 9 „ K. A. Nachiyappa Gounder. | 19 „ P. V. Krishnayya Choudari. |
| 10 Rao Sahib V. I. Muniswami Pillai. | |

Noes.

- | | |
|--|--|
| 1 The Hon. Rai Bahadur Sir K. V.
Reddi Nayudu. | 21 Mr. D. M. Reid. |
| 2 „ Rao Bahadur A. T.
Pannirselvam. | 22 „ W. K. M. Langley. |
| 3 „ Mr. C. A. Souter. | 23 The Zamindar of Kirlampudi. |
| 4 „ Mr. G. T. H. Bracken. | 24 Mr. P. C. Moses. |
| 5 „ Diwan Bahadur S.
Kumaraswami Reddi-
yar. | 25 „ P. V. Rajagopal Pillai. |
| 6 „ Mr. P. T. Rajan. | 26 „ V. G. Vasudeva Pillai. |
| 7 „ the Raja of Bobbili. | 27 Khan Bahadur Javad Hussain
Khan Sahib Bahadur. |
| 8 Diwan Bahadur C. Natesa Muda-
liyar. | 28 Mr. G. Simhachalam Pantulu. |
| 9 Mrs. K. Alamelumangathayaramma. | 29 „ P. K. Ramachandra Padayachi. |
| 10 Mr. W. Scott Brown. | 30 Rao Sahib V. Dharmalingam Pillai. |
| 11 „ H. R. Uzielli. | 31 „ D. Krishnamurti. |
| 12 „ C. E. Jones. | 32 Mr. M. G. Patnaik Mahasayo. |
| 13 „ G. T. Boag. | 33 „ G. Sriramulu. |
| 14 „ R. Madanagopal Nayudu. | 34 „ J. Kuppuswami. |
| 15 „ T. B. Russell. | 35 „ C. Indriah. |
| 16 „ T. Sundara Rao Nayudu. | 36 Rao Sahib C. Jayaram Nayudu. |
| 17 Khan Sahib Syed Tajudin Sahib
Bahadur. | 37 „ D. V. Narasimhaswami. |
| 18 Rao Bahadur R. Srinivasan. | 38 „ Pandit Ganala Rama-
murti. |
| 19 Mr. M. Devadasan. | 40 „ H. M. Jagannatham. |
| 20 Rao Sahib N. Siva Raj. | 39 Mr. K. Kesavaramamurti Nayudu. |
| | 41 „ C. Basu Dev. |
| | 42 The Zamindar of Chemudu. |
| | 43 Diwan Bahadur S. Ellappa Chetti-
yar. |

Neutral.

- | | |
|--------------------|---|
| 1 Mr. R. M. Palat. | 2 Subadar-Major S. A. Nanjappa
Bahadur |
|--------------------|---|

Ayes 19. Noes 43. Neutral 2.

The amendment was lost.

Mrs. A. RUKMANI LAKSHMIPATHI:—“ Mr. President, my next amend-
ment reads as follows:—

‘ In sub-section (1) (a), for the words “ forty-five ” substitute the
words “ fifty-one ”.’

“ The object of my amendment is that there should be 45 general
seats, and six reserved seats of which three are for depressed classes,
two for labour and one for Anglo-Indians, making altogether a total
of 51 seats.”

Mr. T. SUNDARA RAO NAYUDU:—“ On a point of order, Mr.
President.”

[6th November 1935]

* The Hon. the PRESIDENT:—“ Let the hon. Member state her case
fully.”

Mrs. A. RUKMANI LAKSHMIPATHI:—“ Sir, I see that my amendment
cannot stand in view of the fact that one seat has already been granted
to the Anglo-Indian Association and also in view of the fact that
amendment No. 2 relating to joint electorates has been lost. I do not
therefore move it.”

The amendment was not moved.

Clauses 4 and 6 were put and carried.

3-30
p.m.

Clause 25.

Section 46-A.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know if I can move
my amendment to clause 25? I wish to know whether I can move this
amendment in view of the decision of the House to have only separate
electorates. My amendment says that we should have joint electorate.
Is my amendment in contravention of the decision of the House? ”

* The Hon. the PRESIDENT:—“ The hon. Member himself seems to
doubt it; then he need not move it.”

Mr. T. S. RAMASWAMI AYYAR:—“ I do not think, Sir, that the House
has decided against joint electorates; there is nothing to that effect in
the Bill.”

Dr. P. SUBBARAYAN:—“ Mr. Krishnayya Choudari’s amendment will
really settle the issue.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Sir, I beg to move the fol-
lowing amendment:—

‘ For section 46-A, substitute the following:—

“ 46-A. The particular divisions selected by the Government
with reference to the strength of the Adi-Dravida electors
therein should be treated as plural member constituencies,
with seats reserved for Adi-Dravidas. These divisions shall
have a right of returning two members, one of whom shall
be an Adi-Dravida and the Adi-Dravida electors in those
constituencies would vote jointly with Hindu electors both
for any caste-Hindu and Adi-Dravida candidates who may
stand ”.’

Note.—The system of election is to be on the analogy of reservation of seats
in the Legislative Council for Non-Brahmans and for certain minorities such as
Adi-Dravidas, etc., in district municipalities.

I take it that the City Municipal Act is based on the District Muni-
cipalities Act. I do not know why the practice which has been working
very successfully for the last 15 years should be deviated from at pre-
sent. We were glad to hear of the Poona Pact, four years ago. The
Local Boards and District Municipalities Amending Bills were intro-
duced in the year 1928 by Dr. Subbarayan, when he was Minister,
before the Poona Pact was contemplated. There is no political

[Mr. P. V. Krishnayya Choudari] [6th November 1935]

significance attached to this practice and it has been working very satisfactorily in the mufassal. I do not know why we should deviate from that practice now."

* Mr. G. R. PREMAYYA:—"Sir, I second the amendment. When the District Municipalities Act was passed, although we agitated against it, the Legislative Council forced 'joint electorate' on us, and we accepted it. Now we find it is workable. About three years ago, in the case of municipalities, seats were allotted to Harijans, Muhammadans, etc., along with Hindu seats. The system has worked well and depressed class candidates are elected safely and easily; we have learnt to love our Hindu brethren. When we have this easy method of election, why should we have any break now? We are having joint electorates in the case of municipalities and local boards. Now I do not understand people saying that they do not want joint electorates. My hon. Friend, Mr. Siva Raj, says he speaks on behalf of his group. I do not know who they are. Does he speak for all the scheduled classes? Mr. Muniswami Pillai and myself voted against the proposition. Did he consult us? He never did so. All the depressed class people in the Andhradesa have learnt to love their Hindu brethren. They are going along with them and they are elected safely and easily. It would be a pity if we have separate electorates."

Mr. P. V. RAJAGOPAL PILLAI:—"May I know whether Mr. Premayya represents Adi-Andhras or Christians?"

Mr. G. R. PREMAYYA:—"I represent both in the whole of Andhradesa. The hon. Member represents only one district."

Mr. C. BASU DEV:—"I have got lower down another amendment which covers only a portion of the comprehensive amendment of Mr. Krishnayya Choudari. I shall move it separately."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, I have great pleasure in supporting the amendment moved by my hon. Friend from Guntur. As has been pointed out by Mr. Premayya, the system of joint electorates wherein the scheduled classes have got reserved seats, is working well. So far as the similar provision in the Local Boards Act is concerned, there has been no complaint that it has worked to the detriment of the communities to whom protection was given under that Act. No practical difficulty has been felt in the matter of giving effect to those provisions. I cannot understand why a change is sought to be made with regard to this principle."

"So far as the City of Madras is concerned, the problems that affect the scheduled classes are mainly those of housing and of supplying of other amenities like lighting and drainage. The Madras Corporation has been attempting for some years past to tackle these problems. There is no difference of opinion at all as to how these problems should be tackled. If more work has not been done on these lines, it is mainly due to want of finance and not due to any disinclination on the part of any Councillor of the Corporation of Madras to

[6th November 1935] [Mr. T. S. Ramaswami Ayyar]

help the scheduled classes. Why I refer to this aspect of the question is this; the scheduled classes want representation on the Corporation and that their special requirements be attended to. The question arises how they are going to send their representatives. It is suggested that special constituencies should be carved out in the City of Madras. I am not able to see how it can be done. If you are going to give representation to scheduled classes in the divisions in which they predominate and have plural member constituencies, then it would be possible for the community to bring to the notice of the Corporation Council their special grievances not only through their representatives but also through the sitting Hindu member for those constituencies. For example, one such division which has been contemplated by the members of the scheduled classes is the Nungambakam division. A number of these classes are living there in scattered areas in that division. Similarly, Rayapuram and Tondiarpet divisions are suggested. The special needs of these classes will be tackled, if the whole constituency is able to send representatives who will put forward these needs. If you are going to have a division where the scheduled classes are scattered, and if you do not ask them to vote for one candidate stands, you can have a scheduled class candidate also to stand. If a division like Nungambakam is selected, if a caste Hindu candidate stands, you can have a scheduled class candidate also to stand. Then the whole division will be able to understand the special needs of the scheduled classes living in it. But if you take a division here, and a division there and combine them into one constituency, how can the scheduled class candidate be elected, as against others? While we were discussing the question of grants-in-aid, it was stated that a mandate from the constituency was necessary. How is a candidate who is elected by a few people in Nungambakam, by a few people in Chintadripet and a few others in Rayapuram, going to get the mandate from the community?

"On the other hand, if divisions where the scheduled classes predominate are selected and they are given separate representation in those divisions in plural member constituencies, not only will they possibly pull together with the caste Hindus in their divisions, but their special needs also can be easily brought forward. Again, Sir, if in the future, we are going to have joint electorates and if we are going to make the minorities safe without safeguards, how are we to work up to that situation if we are going to have special constituencies all along without giving an opportunity to all the people to come to the same booth? For these reasons, Sir, I strongly support the motion for having plural member constituencies, with special reserved seats for the scheduled classes."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, Sir, I rise to support the amendment moved by my hon. Friend from Guntur. My hon. Friend who spoke before me has explained the necessity

[Mr. V. I. Muniswami Pillai] [6th November 1935]

for having plural-member constituencies. Sir, when the Local Boards and Municipalities Acts, 1920, were amended, when the amending Bills were before the Select Committee, my friends Rao Bahadur R. Srinivasan, Rao Sahib N. Siva Raj and myself were in the Select Committee and we agreed to a system of joint electorate with reservation of seats in all local bodies for scheduled classes. Madras City having within itself a large number of educated scheduled caste people who are wealthy and cosmopolitan, it is not a matter for satisfaction that we should decide upon separate electorate and seclude these communities from the others. Long before the Local Boards and Municipal Acts were amended, I had the opportunity of being elected to a general seat in the Ootacamund Municipal Council. After the amendment of those Acts, it was possible for me to get into the municipal council and also into the District Board, through the system of joint electorate. I do not think, Sir, there need be any fear on the part of the Adi-Dravidas in this City; after all the amendment only says that the election must be by the method of joint electorate. I am not here to unnecessarily drag the Poona Pact or the recent utterances made by Dr. Ambedkar. Of course, if we take this province, there are very few people who really join hands with Dr. Ambedkar in the opinion which he has recently expressed. I appeal to my scheduled class friends who represent the City in this Council to agree to this amendment on its merits.

“Sir, on the 15th of May 1935, a memorial has been addressed to the Hon. the House of Commons in London in connexion with the Poona Pact. The people who got up the memorial have clearly stated there that—

‘For several years representatives of the depressed classes to the various local bodies such as the District Boards, panchayat boards and municipal councils, have been and are being elected by the method of joint electorates with reservation of seats, and this method of representation to the local bodies has not produced so far any unsatisfactory result, nor has it given any cause for complaint. There are even instances where depressed class candidates have been elected to the local boards by the method of joint electorates, and even successfully elected as presidents and vice-presidents of some local boards.’

That being the case, Sir, I do not think that my friends need have any anxiety that their interests will be jeopardized. On the other hand, it must be admitted that we, scheduled castes, cannot live separately; we have to live among the other castes, Hindus, Indian Christians, Anglo-Indians and Europeans. The Local Boards Act and the District Municipalities Act do not prescribe joint electorates for any of these communities, and it is well-known that those communities are not satisfied on this account. Apart from that, there have been so many elections recently to the local boards, and I do not think any of us have—at any rate I have not—received any complaint from any quarter in regard to joint electorates. I therefore request my hon. friends to accept this amendment which is intended for the benefit of the scheduled classes.”

6th November 1935]

* Rao Sahib N. SIVA RAJ:—“Mr. President, if I enter into a lengthy disquisition on the subject of the representation of depressed classes whether in the legislatures or in local bodies, I am afraid I should have to take much time of the House; and for the purpose of the Madras City Municipal Act, I do not think I shall have recourse to that method. Moreover, Sir, I have on another occasion, viz., when the Joint Parliamentary Committee Report was under consideration in this House, made a very very lengthy speech expressing therein the sentiments of the depressed classes which have certainly undergone a considerable change since the date of the Poona Pact. I should say the heterodoxy of the year 1932 has become the orthodoxy of 1935.

“Sir, we know that during the days just prior to the Poona Pact and immediately after the award of the Premier, it was claimed as one of the greatest political victories for the depressed classes—perhaps the only victory of its kind in the history of the movement of the depressed classes—that we were able to get separate electorates, even at a sacrifice of a good number of seats which they would otherwise have got on the normal population basis. But curiously enough, in extraordinary circumstances and owing to the sentimentality of persons, or rather the fits of sentimentality into which one gets, the members of the depressed classes thought that they were really doing a national duty by signing the Poona Pact, particularly under the pressure of Mr. Gandhi's fast; but, Sir, since the time of the Poona Pact, there have not been wanting instances, nor events, to show that the entire sympathy evinced by the caste-Hindus just before the signing of the Poona Pact had become mere lip-sympathy. It is usual with the Hindu that he believes in many things that he does not do and he does many things in which he does not believe. The caste-Hindu, according to my experience of him, is nothing but a bundle of superstitions if he is not also a bundle of false pretences. His life is generally merely based on symbolisms, and we find that there are many manners and customs in the modern Hindu particularly which won't stand the test of sincerity. Anyhow, I find that since the days of the signing of the Poona Pact, in spite of some attempts that have certainly been made by honest people who are social reformers, there has been no advance at all. On the other hand, it has driven men of the type of Dr. Ambedkar who is much more educated and cultured than any one perhaps in my community either in this presidency or elsewhere, to seek another religion in order to have freedom of action and more social freedom generally. That is because many a thing must have happened. In one instance, known as the Kavitha affair, Mr. Gandhi very coolly gave advice to the scheduled classes by saying: ‘Shake the dust off your feet’—and go to hell: perhaps that is the next proposition. I know there was an occasion when the depressed classes as a whole and one of my friends—the hon. Mr. M. C. Raja who was then a Member of this Council—protested against a similar advice that was given by my late lamented friend,

[Mr. N. Siva Raj] [6th November 1935]

Mr. Thanikachalam Chettiyar at the time when there was a conflict between the depressed classes and the Hindus during the time of what was known as the Puliyanthope trouble. I know to what extent the advice given by Mr. Gandhi with reference to the Kavitha incident and the subsequent announcement of Dr. Ambedkar at the Nasik Conference—possibly as a consequence—have affected the minds of the depressed classes, at any rate in the City of Madras. Only the other day, Sir, I was presiding over a very large gathering of the depressed classes—perhaps the biggest gathering that I have ever presided over, for the first time in my life. About three thousand were there to sympathize with the depressed classes and I can talk about it with much better authority than any other hon. Member of this House can do. I was able to observe the intense feeling which the depressed classes exhibited on that occasion; it was a feeling of resentment and every one said that far from having joint electorates they would go away and have a separate religion altogether. That is the state of affairs in which we are living at the present moment. I am really surprised that my friend, Mr. Premayya, should suddenly shoot up and say that—in fact he never entered into my head even as an element of thought, because as I understand, he is a Christian—he represented a certain group of depressed classes on this question. You may remember, Sir, that I excluded members like Mr. Muniswami Pillai and Mr. Premayya, who hold their views in favour of joint electorates. Anyway, it seems to me that the representation of the depressed classes whether in this House or elsewhere—excepting perhaps those who have freedom of political action—has become a sort of plaything in the hands of politicians, and that is the saddest feature in the political progress of this country. Whatever that be, if the educated men in the depressed classes, and if I and my friends here who have been in this Council for a long time, do not represent the depressed classes, who else does? My friend, Mr. Premayya, shouts at me and says he represents twelve districts. What cheek! A gentleman from the Christian community comes and says that!”

Mr. G. R. PREMAYYA:—“Sir, does the hon. Member know that I have been nominated by the Government to represent the depressed classes in Andhradesa? Does he know that Mr. Ramjee Rao was nominated previously to represent the depressed classes?”

Rao Sahib N. SIVA RAJ:—“I know that Mr. Somasundaram Mudaliyar was also nominated to represent the depressed classes; that does not mean that he was a depressed class man or that he felt like the depressed classes.

“As I was saying, Sir, this question of representation of the depressed classes is the plaything of the politicians in this country. As a matter of fact, we have not yet come to the stage when we can compare even the methods of representation, i.e., the joint electorate and the separate electorate. We have not yet had the benefits or

6th November 1935] [Mr. N. Siva Raj]

advantages of the method of separate electorate; how then can anybody say that the joint electorate is better than the separate electorate or that the Hindus love the Muslims? We certainly feel, Sir, particularly having regard to the present circumstances, that we ought to be given the chance of sending our representatives through separate electorates and seeing how better will our representatives be—I am sure they will be much better than my friends who have now been returned in the joint electorate. That is a matter on which we feel very strongly, at any rate so far as the City of Madras is concerned.

“Mr. Muniswami Pillai who knows the districts in and out and persons like him may have opportunities of getting themselves elected; but there is no use of trying to solve the question from the point of view of the standards that we see prevailing at the present moment in any particular district. I personally can say, without fear of being contradicted, that so far as the City elections are concerned, I have a fair chance of being returned in a general electorate; but I will claim that to be a personal victory. . .”

Mr. M. A. MUTHIAH CHETTIYAR:—“Why do you object then?”

Rao Sahib N. SIVA RAJ:—“Exactly, because I do not judge any 4 p.m. question from my own personal advancement or my personal idea. My hon. Friend, the Kumara Raja of Chettinad, may laugh at it, and his experience is probably the other way, judging everything from self-interest.

“Then, Sir, there is the other point why this House ought to consider this question of separate representation of communities. As a matter of fact, the present clause that is contained in the Bill, as amended by the Select Committee, is a *via media* between the one extreme that Rao Bahadur Srinivasan had in view and the method suggested by my hon. Mover, namely, joint electorate. Rao Bahadur Srinivasan suggests that all the depressed class voters in the Madras City ought to be constituted into three separate territorial constituencies, each territorial constituency returning one member. That is really the separate electorate in the full sense of the word, and as I said, the present method is only a *via media*. It allows the depressed class voters in places where seats are not reserved, to vote for the caste Hindus and get a chance of getting returned in the general constituency; and it seems to me that the interests of the depressed classes would be served properly only if certain areas are reserved for the depressed classes and only if the members of the depressed classes give their votes so far as that seat is concerned so as to secure the right of their representative being returned to the Corporation. May I ask my hon. Friend, Mrs. Lakshmipathi, who generally takes a very sound and sane view of things which I may call nationalist and patriotic view of things, which tends on occasions to blur one's vision—may I ask her, when they have been having joint electorates for the rest of

[Mr. N. Siva Raj] [6th November 1935]

the caste Hindus for the legislative elections, how then does it happen that my hon. Friend, the Kumara Raja, is such a strong non-Brahman and my hon. Friend, Mr. Satyamurti, is such a strong Brahman, that there is a strong feeling of Brahman and Non-Brahman—nobody can deny that—and how does it happen that the joint electorate has not solved that? May I ask her that question? When that is the case with them, it is much worse with us.

“ Another point why it is said we must have a separate electorate is, we must have freedom of political action. I know many political parties come and say, you join us, we will help you. Sir, the best way of improving the depressed classes is to keep these two things apart and entirely separate, namely, the political advancement of the depressed classes and the social help that they might possibly get from the other communities or from the other political parties. The one reason why most of the members of the depressed classes—at any rate the members of the depressed classes in the present legislature—have been adopting the principles of the Justice party is, that while the Justice party is prepared to render us all possible help to advance our position socially, it gives us scope for freedom in the matter of our political action. It does not force its views upon us, upon any question it gives us entire freedom of action; and in the future, I am sure most members who really want to serve the depressed class community will support the party which stands for that principle, namely, giving entire freedom so far as politics is concerned, while at the same time trying to help us by giving all possible help they can to us, instead of giving that help as a consideration for the political support that they seek from us. That is the reason why I request the House to oppose this amendment.

“ Again, Sir, with regard to the question of joint electorate, my hon. Friend just puts into my head very rightly this point, namely, this House which consists of very enlightened, very wealthy and very cultured members and representatives of the public, did not vote for my hon. Friend, Mr. Devadasan, in the matter of the election to the Senate of the Madras University, even though he is a candidate of the party which commands the majority in this House. but voted for my hon. Friend, Mr. Nachiyappa Gounder, who belongs to a party which consists of only 16 people (Mr. V. T. Arasu: ‘ Question? ’); all right, have it at 20 or at 40, but certainly not a majority party. Anyhow, it does not matter. He was able to be returned to the Senate. I want to ask, how it happened? I am sure, my hon. friends on this side, Mudaliyar and Nayudu friends should in a way have voted for Mr. Nachiyappa Gounder and not for my hon. Friend, Mr. Devadasan. (Mr. Basheer Ahmed Sayeed: ‘ How do you know? ’) It is only people like you. . . .”

* The Hon. the PRESIDENT:—“ The hon. Member may address the Chair.”

6th November 1935]

* Rao Sahib N. SIVA RAJ:—“ Yes, Sir, I have never swerved from the habit of addressing the Chair. There is yet another point which I wish to touch with reference to my hon. Friend, Mr. Muniswami Pillai, and my hon. Friend, Mr. Premayya, who were growing so enthusiastic and eloquent for joint electorates. Sir, on the last occasion when a similar subject was mooted in this House, namely, the consideration of the Joint Report and when this House passed by rather a good majority the resolution which I had the honour to move, namely, that the Poona Pact must be scrapped and that the Communal Award ought to be restored, I find from the division list that both my hon. Friend, Mr. Muniswami Pillai, and my hon. Friend, Mr. Premayya, at any rate my hon. Friend, Mr. Muniswami Pillai, voted with us.”

Dr. P. SUBBARAYAN:—“ Mr. President, Sir, I had no intention of intervening in this debate before my hon. Friend, Mr. Siva Raj, had spoken, because I, for one, feel that the Hindu community is having its retribution for the way in which the depressed classes have been treated. I am glad that my hon. Friend, Mr. Siva Raj, observes that at least in the constitution as propounded in the present Bill, the depressed classes will still have a vote in the general constituency, though they vote in a separate electorate with regard to the election of their City representative to the new Corporation Council. For that small mercy, I am indeed thankful because I think the community's interests will be kept intact at least by that procedure adopted by the measure under discussion. At the same time I feel that in the general interests and welfare of the Hindu community as a whole a joint electorate would be better than a separate electorate, because we do not want to divide the communities. (The Hon. Rao Bahadur A. T. Pan-nirselvam: ‘ Hear, hear. ’) The Hon. the Home Member says: ‘ Hear, hear. ’ But, in his own community, even after conversion to Christianity, I see that depressed class Christians have got to take a place lower down than the one occupied by the Hon. Member because he belongs to a superior caste in this country; and what is more, these Christians, eminent Christian gentlemen, after having adopted the religion of the greatest Savior in the world who came to take away the differences in this world, still observe caste. I do not blame the Christians for that, because I think the sin lies at our door; as they are born in this country, they are so injected with the poison of caste that they observe it even when they go over to Christianity. I can understand the vehemence with which my hon. Friend, Mr. Siva Raj, spoke on the question of separate versus joint electorates, but I would like to appeal to him and the like of him that in anger we should not separate, and that we have a lot to gain in this country by union. We have a lot of lee-way to make up for the past misdeeds and I feel that by keeping together my hon. Friends belonging to the depressed class community will have everything to gain. The caste Hindus know the troubles that they themselves have when they begin to talk of the uplift of the depressed classes. They have the opposition of their own kith and kin, but in spite of this, many noble souls have done what they

[Dr. P. Subbarayan] [6th November 1935]

can to better the interests of our own Hindu brethren in the depressed class community and I am sure, in spite of the anger that my hon. Friend expended on the floor of this House, people like me who still feel that unity should be achieved at all costs, would continue to do what we can to achieve that union."

* Rao Sahib N. SIVA RAJ:—"On a point of personal explanation, Mr. President. I must make my position clear with reference to the work that is being done on behalf of the depressed classes by the Hindu community. I daresay my hon. Friend, Dr. Subbarayan, is a standing example of the help that is rendered to the depressed classes by caste Hindus and he even went out of his way to render that help. Of course, it is extraordinary. I also know that quite a good number of members are prepared to help, like my hon. Friend, Mrs. Lakshmipathi. But it is not Dr. Subbarayans and Lakshmipathis alone that matter. What about persons like Muthuswami Asari and Adikesavalu Nayakar . . ."

* The Hon. the PRESIDENT:—"Order, order. It is too long an explanation."

* Dr. P. SUBBARAYAN:—"Sir, I am indeed thankful to the compliment that my hon. Friend has paid to me. It is because I feel, as my hon. Friend feels, that there are persons like me and Mrs. Lakshmipathi in the Hindu community that I appeal to him to give us a chance to convert our brethren to our view of thinking, to convert the whole mass of the Hindu population to our view of thinking, so that to-morrow it may not be said that in anger we parted. If there is to be a partition at all, which I am sure may come if the general Hindu community goes on in the way they have done for the last half a century and more, let it come in peace; let us separate not in anger on one side or the other because we have felt that it is impossible for us to really meet the wants of our depressed class brethren, but I feel the time has not yet come and a chance must be given for the joint electorate to be tried in the Corporation. And I am sure when once the Hindu community solves this problem with regard to the untouchables, even my Hon. Friend, the Home Member's community, will equally solve the problem, because even though they may be converts to Christianity, they are injected with the poison of caste from the time they were born and they continue it even when they are converted to the religion of Christ. Therefore, the whole problem of the depressed classes, as far as I can envisage to-day is really enveloped in the treatment they receive from the Hindu community, and when once that large problem is solved the other problems will solve of their own accord and in the interests of unity and in the interests of all that we consider important in our national life I would appeal to my hon. Friends on the other side belonging to the depressed classes to accept this amendment of Mr. Krishnayya Choudari, which really is a very vital thing for the unity of the communities."

6th November 1935]

* The Hon. the RAJA OF BOBBILI:—"I do not think it is necessary for me to make a long speech at this stage as we have already had a full-dress debate on a similar amendment moved by my hon. Friend, Mrs. Lakshmipathi. I can only say that as it has not been possible to find a solution acceptable to all the depressed class Members in this House, as I have already stated, I must oppose this amendment."

* The Hon. the PRESIDENT:—"I will now put the amendment to the vote of the House. The question is—

'For section 46-A, substitute the following:—

"46-A. The particular divisions selected by the Government with reference to the strength of the Adi-Dravida electors therein should be treated as plural-member constituencies, with seats reserved for Adi-Dravidas. These divisions shall have a right of returning two members, one of whom shall be an Adi-Dravida and the Adi-Dravida electors in those constituencies would vote jointly with Hindu electors both for any caste Hindu and Adi-Dravida candidates who may stand."

"NOTE.—The system of election is to be on the analogy of reservation of seats in the Legislative Council for Non-Brahmans and for certain minorities such as Adi-Dravidas, etc., in district municipalities""."

The motion was lost.

* Mr. C. BASU DEV:—"I beg to move—

"In section 46-A, for the words "the other electors" in lines 5 p.m. and 6, the words "all the electors including the Adi-Dravida electors jointly" shall be substituted."

My amendment seeks to give depressed class voters a voice in the return of the representative for the general seat. I hope the House will accept the amendment. I would like to state the present position. The Government are nominating certain members of the depressed classes to the Corporation. The depressed class voters have been taking part in the elections to the thirty general seats. When that is the case, I do not see why the voters of the depressed classes should be prevented from exercising a right they have all through enjoyed and why their voting should be restricted to only such of those divisions in which seats have not been reserved for them. This is an unnecessary distinction and I hope that, in view of the views expressed on all sides of the House that attempts should be made to bring together both the Hindus and the depressed classes, there should be no distinction even in these three divisions and that both the caste Hindus and depressed classes should jointly return their representatives."

* Dr. P. SUBBARAYAN:—"I have great pleasure in seconding the amendment which really carries out what I want. I think even in divisions where seats are reserved for the depressed classes and where they have a separate vote for returning their representative, they

[Dr. P. Subbarayan] [6th November 1935]

ought also to have a voice in returning the other member. To a great extent, it will keep the Hindus and the depressed classes together and I think our *bona fides* will be shown by the way in which we treat this amendment of Mr. Basu Dev."

The amendment was put and carried.

Mr. T. B. RUSSELL:—" Mr. President, I move—

"In lines 4 and 5, for the words "elect an Adi-Dravida candidate" the words "elect a councillor who shall be an Adi-Dravida" shall be substituted.

"In lines 6 and 9, for the word "candidate" the word "councillor" shall be substituted."

is a drafting improvement."

Mr. T. SUNDARA RAO NAYUDU:—" I second the motion."

The amendment was put and carried.

Clause 25.

Section 46-B.

Mr. T. B. RUSSELL:—" Mr. President, I beg to move—

"The following words shall be added at the end, namely:—

"The boundaries of the said constituencies shall be fixed by the Local Government by notification. The Local Government may, after consulting the Council, by notification alter the boundaries of either of such constituencies."

This follows the wording of section 45 of the Act and is a drafting improvement."

Mr. T. Sundara Rao Nayudu seconded the motion.

The amendment was put and carried.

Clause 25.

Section 47.

Mr. T. SUNDARA RAO NAYUDU:—" Mr. President, I beg to move—

"(i) In sub-section (3), for the words "shall be printed separately," the following words shall be substituted, namely, "shall be shown separately";

(ii) for the words "by Government" at the end, the words "by the Local Government" shall be substituted; and

(iii) for the words "for the reservation of seats for Adi-Dravidas" the following words shall be substituted, namely, "as the divisions in which seats shall be reserved for Adi-Dravidas"."

These are amendments which are of a drafting nature."

Mr. R. Madanagopal Nayudu seconded the motion.

The amendments were put and carried.

6th November 1935]

Clause 25.

Section 49.

Mrs. A. RUKMANI LAKSHMIPATHI:—" Mr. President, I move—

'Omit the proviso under sub-section (1) (a).

Add the following proviso to section 49 (1):—

"Provided that no person shall be deemed to be disqualified as an elector if his non-residence is due to his being detained by Government in prison".'

My reason for the deletion of this proviso is that no special provision for Europeans should be made. It looks as if this particular proviso has been made in order to accommodate Europeans who do business here and who go to their country on furlough. This proviso exists in the Calcutta Act to provide for the convenience of the Europeans.

"With regard to the second amendment, I should like to point out to this House that the revising authority or the officers who prepare the electoral rolls sometimes refuse to enter the names of political prisoners in the roll. In some cases, they admit their names. I shall give an instance. In Bezwada the revising authority had the names of the political prisoners included in the rolls; while in Cocanada the revising authority definitely refused to put their names on the electoral rolls. To make it definite that such persons' names should be continued on the rolls, I have given notice of this amendment.

"The disqualification should be removed. There is already under 4-30 section 52 of the Act a clause removing the disqualification of those people who are convicted for some political offence. Therefore, with these few observations, I move for the deletion of the proviso under sub-section (1) (a) and substitution of the following proviso for section 49 (1):—

'Provided that no person shall be deemed to be disqualified as an elector if his non-residence is due to his being detained by Government in prison.'"

Mr. K. A. NACHİYAPPA GOUNDER:—" I beg to second the amendment."

Mr. T. S. RAMASWAMI AYYAR:—" Mr. President, Mrs. A. Rukmani Lakshmipathi moved the two amendments together. Personally speaking, I am in sympathy with the latter amendment of Mrs. Rukmani Lakshmipathi regarding the removal of disqualification of people who are in prison. A case arose, Sir, some two or three years ago even in the City Corporation and it was not possible for the Corporation to have a member of the City Council who was very useful retained in the Council. I therefore, Sir, have no hesitation to support the amendment moved by my hon. Friend, Mrs. Rukmani Lakshmipathi, to section 49 (1). But as regards the amendment to section 49 (1) (a),

[Mr. T. S. Ramaswami Ayyar] [6th November 1935]

I am sorry, Sir, I am not able to agree with the remarks made by my hon. Friend, Mrs. Rukmani Lakshmipathi. It may be that the provision is intended to help people who go out of India and it may certainly help Europeans who are in the City Council and who often have to leave India. But it has to be pointed out that many of the Councillors who served in the City Council are very useful members. It may be that either their business or private reasons make them go out of India. When they go out of India, sometimes they resign and another member is elected by the constituency. When a person who has resigned comes back, he is re-elected. To obviate this cumbersome procedure this provision is made. Similarly, Sir, even with regard to the electorate it may happen that when a person who is on the electoral roll and uses his franchise goes out of India and again comes back, it is necessary that we should retain the name on the electorate of that community. If the Europeans feel that electorate should not be changed often merely because they go out of India, I think, Sir, we should not deprive them of that right. They send their representatives of the community to the City Corporation, often very valuable members. Of late, those members of the City Corporation have been taking keen interest in the affairs of the City Council. I therefore, Sir, feel that we shall not deprive that community of this small convenience that is given to them. Though my hon. Friend, Mrs. Rukmani Lakshmipathi, thinks that it applies only to Europeans, it even applies to other communities also. Even Indians go out of India and they may also like to have their names retained on the electoral roll."

* Mr. W. K. M. LANGLEY:—"Mr. President, Sir, I should like to say a few words on the proposals of the hon. the Lady Member. As far as her first amendment is concerned, I have very little to add to the remarks for which this group has to thank my hon. Friend, the Member for the University. There is nothing very mysterious in the first proviso which the hon. the Lady Member wants to remove. It merely follows a proviso which is, I believe, customary in connexion with similar electoral rolls in practically every provincial Government and also the Legislative Assembly in this country. May I point out that a similar rule obtains in the Legislative Assembly itself; in fact, I have here before me the electoral roll of the Legislative Assembly which lays down in almost precisely similar terms that an European shall not be deemed to be disqualified to be an elector for his European constituency for the reason of his non-residence if he is employed in the constituency and his non-residence is due to absence of leave from such employment. Similarly, at the request of this group and with the full consent of the Select Committee which sat on this Bill and also in view of the convenience generally of those who are charged with the preparation of the electoral rolls, this proviso was inserted. I confess it was with some surprise mingled with regret that I heard the amendment of my hon. Friend, the Lady Member. I can only conclude that she feels that the Corporation would be better off if it could secure the entire approval of all its European members. I may

6th November 1935] [Mr. W. K. M. Langley]

conclude therefore that whatever view she may hold about the Corporation, she is apparently prepared to accept a continuance of this group in this particular House.

"Now, regarding the other part of the amendment of my hon. Friend, the Lady Member, I feel that this does considerably more credit to her heart than to her head. I have no alternative but to take the amendment absolutely as it stands and I can therefore take with confidence that this amendment not only implies but states in so many words that no individual who has been or is in prison should lose his residential qualification for the electoral rolls by that fact. It is true that the Lady Member in her speech made special reference to political prisoners. Apart from the difficulty of deciding where an offence ceases to be political and begins to become criminal, it is obvious that those concerned with the preparation of electoral rolls cannot go outside the actual wording of the proposed amendment if incorporated in the Bill. Obviously they cannot look up the records of our local Hansard in order to judge what interpretation to put upon a section of an Act. They must go by the actual wording of the Act itself; and this amendment leaves no doubt whatever that detention in prison, from whatever cause, would not disqualify anybody. Now, Sir, I cannot say that anybody in all seriousness could suggest such a proposition for the acceptance of any public man or public body of men. When I say this, I can actually think of one person alone to whom this particular argument might have appealed and that is the late lamented Mr. Horatio Bottomley. But I cannot conceive that it would appeal to anybody else. If the House disagrees with me and takes the view that the hon. Mover of this amendment is really serious I would just ask the House to reflect what this amendment would imply. If a prisoner's name must remain on the electoral roll, he must have the right to vote. How is that going to be arranged? I must address you, Sir, but I would like to ask my hon. Friend, the Sheriff of Madras, who is sitting just behind me whether he would be prepared to effect a general jail delivery whenever elections take place. I imagine that he would not be prepared to accept the responsibility of such an extremely risky proceeding. That being the case, I can only suggest that we should go back to clause 5 which we have already passed and in which many different bodies have asked for separate representation and provide under that clause a separate seat and a separate electorate for the general jail population. I imagine that this might have an educative effect. In fact, I will suggest to the hon. the Lady Member, if she is really serious with regard to her amendment, if by some means or other, we enfranchise the jail population that those members of her Party who feel called upon to be incarcerated for their conscience's sake or for their belief that they are thereby serving their country take the opportunity under a separate electorate of this nature to educate politically those less fortunate members in the houses of detention in the Presidency and in the City of Madras and thereby raise to a higher level the political conscience

[Mr. W. K. M. Langley] [6th November 1935]

of the lower classes of this Presidency. But, Sir, I cannot believe that this particular amendment is really meant seriously. I conclude that it is intended as a suggestion which I can fully appreciate. If it is meant in all seriousness, then I can only suggest that my hon. Friend, the Lady Member, takes this amendment just one step further and proposes the immediate enfranchisement of the whole lunatic asylums in this country."

4-45 P.M. * The Hon. the RAJA OF BOBBILI:—"I do not think it is necessary for me to make a long speech, Sir. The provision has been specially made in the statute on the lines of the rules in the Legislative Assembly in order to enable people who for various reasons have to go to foreign countries to retain their names on the electoral rolls. As regards the second portion of the amendment, I do not see how such a proposal will be in the interests of the Corporation. I do not wish to take up the time of the House by a long speech and so I beg to oppose the amendment."

* Mrs. A. RUKMANI LAKSHMIPATHI:—"In view of the remarks by my hon. Friend, Mr. Ramaswami Ayyar, and the hon. Member, Mr. Langley, I do not wish to press my amendment. I should like to tell my hon. Friend, Mr. Langley, that when I first gave notice of this amendment, I meant no ill-will towards the Europeans in particular. All that I have to say in support of the other amendment is that those convicted of political offences should not be disqualified to vote. I do not wish to press both the amendments."

The amendments were by leave withdrawn.

Mr. T. B. RUSSELL:—"I beg to move this small verbal amendment—

'For the proviso to clause (a) of sub-section (1), the following shall be substituted, namely:—

"Provided that a person shall not be deemed to be disqualified under this clause if he is employed in the City and his non-residence in the division for the period aforesaid is due to his absence on leave out of India; and "

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

* The Hon. the PRESIDENT:—"If Mr. Krishnayya Choudari wants to move his amendment he can move it as an amendment to this."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I move—

'In the first proviso to section 49 (1), for the words "absence on leave out of India," the words "absence on leave out of the City of Madras" shall be substituted.'

For example, the Secretariat officers go out on leave and are now entitled to go out. In the case of those who go out of the Corporation area, I move that their names may be continued on the electoral roll if they are *bona fide* persons who go on leave."

6th November 1935]

Mr. D. M. REID:—"I second the amendment and wish to add that I see no strong objection to it. I may say that I was under the same disability when I served in the Corporation of Madras. On account of business reasons we have to leave the City for a time. It is unfortunate to come back and find oneself temporarily barred and unable to continue. I can see that the House approves of it and that there is therefore no need to speak further."

The Hon. the RAJA OF BOBBILI:—"This question was discussed by the Select Committee and it was considered undesirable to grant any general exemption as there would be many people who will be having the extension qualification. Some people will be able to get out of the local bodies because we have got a provision in the other case. Unless the number of people affected will be comparatively small, I submit we should not grant such kind of exemptions. If in one case we grant it, we cannot refuse in the other."

Mr. P. V. KRISHNAYYA CHOUDARI:—"After all, there is no harm to the Corporation. They will get their tax which will be collected from these people. If they paid the amount, I do not see why they should be deprived of the right of continuing on the electoral roll. We are encouraging more franchise. With these observations I will press my amendment."

Mr. P. V. Krishnayya Choudari's amendment was put and lost.

Mr. T. B. Russell's amendment was put and carried.

Mrs. A. RUKMANI LAKSHMIPATHI:—"I beg to move—

'Omit sub-section (1) (b) altogether.'

"My object in moving this amendment is, Sir, that the system of adult franchise should be introduced in the City Corporation. I need not on this occasion dwell on the importance of adult franchise. From the Congress point of view, Sir, I should like to tell this House that adult franchise has been its ideal and the Nehru Report has also recommended universal franchise. The qualifications of a voter in the City Municipal elections are these. The voter should be a British subject. He should be 21 years old. And he should have residential qualification of 120 days in the aggregate. In view of these three qualifications which a voter ought to possess that voter should enjoy the privilege of adult franchise. If the system of adult franchise is introduced we will be giving an opportunity to all classes of people to exercise their vote in City Municipal elections. Rich people as well as the poor people will enjoy this privilege. Again, Sir, in postwar constitutions you will find that the adult franchise has been resorted to in countries like Turkey. An adult who is aged 18 enjoys the privilege of voting in the elections. In Japan also, Sir, so far as the elections to the lower house are concerned, adult franchise has been introduced. In England all adult women possess the privilege of voting. In Australia also, Sir, the constitution of 1900 contains this system of adult franchise. The qualification recommended by the

[Mrs. A. Rukmani Lakshmipathi][6th November 1935]

Lothian Committee for the Legislative Assembly is the literacy qualification and they did not approve of the introduction of adult franchise because they pointed out certain difficulties in the way of introducing adult franchise. They said it would cause great inconvenience and bring about much difficulty in preparing the electoral rolls. I do realize that in such a vast country as India the introduction of adult franchise might cause some inconvenience. But it is a question of principle that every adult person, so long as he or she has reached the age of 21, should be entitled to the privilege of voting. With these few remarks, I move that the whole sub-clause (b) be omitted."

Mr. V. T. ARASU:—"I beg to second the motion."

* The Hon. the PRESIDENT:—"The hon. Member may resume his speech to-morrow."

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

VI.—PAPER LAID ON THE TABLE OF THE HOUSE.

* *Proceedings of the Finance Committee, dated 7th October 1935.*

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

6th November 1935]

APPENDIX.

[Vide answer to question No. 472 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 6th November 1935, page 757 supra.]

Statement showing the grants paid to district boards towards construction of buildings for secondary schools during the last six years.

Name of district board.	1929-30.	1930-31	1931-32.	1932-33.	1933-34.	1934-35.
	RS.	RS.	RS.	RS.	RS.	RS.
Ganjam	..	6,740	6,393	4,347	..	..
West Godavari	..	..	6,469	17,076	5,707	..
Guntur	..	12,563	..	31,804	8,476	1,813
Kurnool	245	..	..	6,080	4,000	13,045
Bellary	..	..	..	11,804	15,236	..
Anantapur	10,572	41,207	6,662	5,810	3,04	..
Oddapah	..	..	2,890	..	14,265	5,088
Nellore	8,023	8,020	8,834	..	..	..
Chingleput	4,615	..	..	..	..	..
North Arcot	7,300	12,913	..	20,649	4,464	..
Chittoor	..	19,432	3,659	17,664	..	6,939
South Arcot	237	..	..	..	..	..
Tanjore	34,118	4,511	3,916	..	18,118	..
Trichinopoly	1,635	9,270	..	16,696	..	..
Madura	..	26,879	20,632	8,359	..	..
Ramnad	..	..	..	7,119	10,144	7,202
Tinnevely	..	34,547	7,343	3,757	2,608	..
Salem	..	..	..	..	993	..
Coimbatore	1,740	827	..	..	23,702	..
Malabar	8,201	1,482	..	..	115	760
South Kanara	..	..	4,600	..	..	..
Visagapatam Agency district	500	..	293	3,544	5,102	1,294
East Godavari Agency district	..	..	..	388	1,398	27

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Thursday, the 7th November 1935.

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

P R E S E N T :

Reddi Nayudu, Kt., The Hon. Rai Bahadur Sir K. V.	Muthu Chettiyar, Rao Bahadur P. O.
Pannirselvam, The Hon. Rao Bahadur A. T.	Nachiyappa Gounder, Mr. K. A.
Souter, C.S.I., I.C.S., The Hon. Mr. C. A.	Nanjappa Bahadur, Subadar-Major S. A.
Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.	Narasa Reddi, Mr. T.
Raja of Bobbili, K.C.I.E., The Hon. the.	Narasimhaswami, Rao Sahib D. V.
Rajan, The Hon. Mr. P. T.	Narayanan Nambiyar, Mr. V. P.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.	Natesa Mudaliyar, Diwan Bahadur C. Palat, Mr. R. M.
Abdul Hameed Khan Sahib Bahadur.	Patnaik Mahasayo, Sriman M. G.
Ahmed Meeran Sahib Bahadur.	Patro, Rao Bahadur Sir A. P.
Alagannan Chettiyar, Rao Sahib A. S.	Pattabhiramayya, Mr. K.
Alamelumangathayaramma, Mrs. K.	Peddi Raju, Mr. P.
Appadurai Pillai, Diwan Bahadur A.	Pocker Sahib Bahadur, B.
Arasu, Mr. V. T.	Premayya, Mr. G. R.
Basheer Ahmed Sayeed Sahib Bahadur.	Rajagopala Pillai, Mr. P. V.
Basu Dev, Mr. C.	Raja of Kallikote, The.
Boag, C.I.E., I.C.S., Mr. G. T.	Raja of Pariakimedi, The.
Devadasan, Mr. M.	Ramachandra Padayachi, Mr. P. K.
Dharmalingam Pillai, Rao Sahib V.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Duraiswami Reddiyar, Mr. K. M.	Ramalinga Reddi, Mr. C.
Ellappa Chettiyar, Diwan Bahadur S.	Ramamurti, Rao Sahib Pandit Ganala.
Foulkes, Mr. G. F. F.	Raman Menon, Mr. K. P.
Indrayya, Mr. C.	Ramaswami Ayyar, Mr. T. S.
Jagannatham, Mr. H. M.	Ramaswami Mudaliyar, Mr. V. M.
Javad Hussain Khan Sahib Bahadur, Khan Bahadur.	Rameswara Rao, Mr. G.
Jayaram Nayudu, Rao Sahib C.	Ranganatha Mudaliyar, Mr. A.
Jones, I.C.S., Mr. C. E.	Ranganatha Mudaliyar, Mr. G.
Kesavaramamurti Nayudu, Mr. K.	Ranga-swami Reddi, Mr. M. B.
Kolanda Reddi, Rai Sahib C.	Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Koti Reddi, Mr. K.	Ratnavelu Thevar, Mr. P.
Krishnayya Choudari, Mr. P. V.	Reid, Mr. D. M.
Krishnamurti, Rao Bahadur D.	Rukmani Lakshmipathi, Mrs. A.
Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi.	Russell, I.C.S., Mr. T. B.
Langley, Mr. W. K. M.	Scott Brown, I.C.S., Mr. W.
Madanagopal Nayudu, Mr. R.	Sesha Reddi, Rao Bahadur B. P.
Manikkavelu Nayakar, Mr. M. A.	Shetty, Mr. A. B.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Simhachalam Pantulu, Mr. G.
Moses, Mr. P. C.	Siva Raj, Rao Sahib N.
Muniswami Pillai, Rao Sahib V. I.	Smith, Mr. J. M.
Murugappa Chettiyar, Diwan Bahadur A. M. M.	Sreshta, Mr. M. S.
Muthiah Chettiyar, Mr. M. A.	Srinivasa Ayyangar, Mr. T. C.
	Srinivasan, Rao Bahadur R.
	Sriramulu, Mr. G.
	Stanes, Mr. F. J.
	Subbharayan, Dr. P.
	Subrahmanya Bhatt, Mr. U. C.
	Sundara Rao Nayudu, Mr. T.

[7th November 1935]

PRESENT—cont.

Syed Tajuddin Sahib Bahadur, Khan Sahib.	Wright, Sir William.
Thangal, Mr. P. M.	Yakub Hasan Sahib Bahadur.
Uzielli, C.I.E., I.C.S., Mr. H. R.	Zamindar of Bodinayakkanur, The.
Vasudeva Pillai, Mr. V. G.	Zamindar of Chemudu, The.
Venugopal Nayudu, Rao Bahadur	Zamindar of Kirlampudi, The.
R. K.	Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Local Self-Government

Publication of the report of the Special Officer on Road Development.

* 484 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased to state whether the Government have received the report of the Special Engineer for Road Development, and, if so, whether they will be pleased to lay it on the table of the House?

A.—An advance copy of the report has been received. The question of placing the report on the table of the House is under consideration.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know when the Government will place the report before the public? ”

The Hon. the RAJA OF BOBBILI:—“ The report is expected to be published shortly.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ It is stated here that the question of placing the report on the table of the House is under consideration. May it be, Sir, that it may not be placed on the table at all? ”

The Hon. the RAJA OF BOBBILI:—“ Till the matter is decided, it is considered to be under consideration.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I know the amount of funds that will be required to finance the schemes recommended by the Special Officer? ”

The Hon. the RAJA OF BOBBILI:—“ I have already stated that the report will be published for public information. At this stage, I cannot go into the details of the report.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ Along with the report, may I ask whether the Government's opinion on the report also will be published? ”

The Hon. the RAJA OF BOBBILI:—“ No, Sir, we do not want to delay the publication of the report pending the consideration of the various schemes by the Government.”

7th November 1935]

Allotment to district boards for bridges and culverts during the last six years.

* 485 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state the amount of grants given to each district board for bridges and culverts during each of the last six years?

A.—The attention of the hon. Member is invited to the answer given to question No. 1021 at the meeting of the Council held on 23rd March 1935. The particulars given in that answer include grants given to district boards for bridges and culverts.

Mr. A. B. SHETTY:—“ Sir, when the last question was answered, the figures for 1934–35 were not given. May I know whether the Hon. Minister can give the figures for 1934–35? ”

The Hon. the RAJA OF BOBBILI:—“ I have not got the figures. I shall be glad to supply the information to the hon. Member.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask whether separate figures for bridges and culverts cannot be supplied as they will go to show the treatment given to various districts in this particular direction? ”

The Hon. the RAJA OF BOBBILI:—“ They can be furnished, but it would mean a great deal of time and trouble.”

Sanitary Engineering

Separation of the Sanitary Engineering Department from the Public Health Department.

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

(a) what the reasons were for separating the Sanitary Engineering Department and Public Health Department during the recent redistribution of portfolios; and

(b) whether the separation is expected to facilitate the work of the department concerned; if so, in what way?

A.—(a) & (b) The Sanitary Engineering Department was separated from the Public Health Department in order to facilitate work. The work of the former department is mostly connected with local boards and municipal councils and is more allied to Local Self-Government than Public Health and Sanitation. Hence it has been retained with the Minister for Local Self-Government.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask, Sir, whether the heads of departments concerned have been consulted? ”

The Hon. the RAJA OF BOBBILI:—“ As a matter of fact, there has been no separation. The answer explains the position. Though

[7th November 1935]

they are two separate departments, they still continue to be under one Secretary in the Secretariat. The only thing is the Public Health Department has been transferred to my Hon. Colleague while the Sanitary Engineering Department which is mostly concerned with the work in local boards and municipalities has been retained with the Minister for Local Self-Government."

Medical Administration

Electrification of and opening of Radiological sections in the Government Headquarters Hospital, Salem.

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

(a) whether the Headquarters Hospital at Salem has been completely electrified;

(b) if so, when the work was completed;

(c) whether X-ray and Radiological sections have been opened in that hospital; and

(d) if so, from which date, and if not, whether there are any proposals for opening such sections and when?

A.—(a) Yes.

(b) The work was completed on 25th May 1935.

(c) & (d) X-ray and radiological sections have not been opened in the hospital. The question of opening an X-ray department is under the consideration of the Government.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, whether the X-ray and the radiological sections can be opened in the coming year? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot say, Sir."

Public Health

Prevalence of cholera in the Guntur district.

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

(a) whether it is a fact that cholera is raging in an epidemic form in the Guntur district and, if so, for how many months;

(b) what steps the Government have taken to eradicate the same;

(c) how many deaths due to cholera have occurred in each of the municipalities in Guntur district; and

(d) whether there are Health Officers in all such municipalities and if not, what are the municipalities where there are no Health Officers?

A.—(a) Cholera has existed in an epidemic form in the Guntur district since 2nd August 1935.

[7th November 1935]

(b) All possible preventive measures are being taken by the Health staff to control the disease. The Assistant Director of Public Health (Epidemics) visited and inspected parts of the district including the municipalities of Guntur and Narasaraopet. Necessary preventive measures were promptly adopted and the disease was brought under control.

	Municipality.							Deaths from cholera.
(c)—	1 Guntur	..	..	..	..	..	..	96
	2 Narasaraopet	..	..	..	..	..	..	54
	3 Tenali	..	..	..	..	..	..	Free.
	4 Ongole	..	..	..	..	..	..	Do.
	5 Chirala	..	..	..	..	..	..	Do.

(d) Except the Guntur Municipality where there is a Health Officer, the other four municipalities have no Health Officers.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask whether cholera has subsided now and whether the Government have discontinued the appointment of Municipal Health Officers? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I think it has gone down considerably."

Mr. G. R. PREMAYYA:—" Whose duty is it to appoint Health Officers—the Municipalities' or the Government's? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I think the appointment is made by the Government."

Mr. G. R. PREMAYYA:—" If so, why did not the Government appoint a health officer for Narasaraopet when cholera was raging there? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Temporary officer? "

Mr. G. R. PREMAYYA:—" Yes."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is the District Health staff to look after the matter."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask whether the Government are prepared to appoint a second-class health officer at least for every municipality having a certain population? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The Government have found that in many cases the municipalities have been opposed to any such provision."

Mr. P. V. KRISHNAYYA CHOUDARI:—" What is the attitude of the Government in the matter? If the municipalities refuse to appoint health officers, are the Government going to allow them to do so? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Certainly not. Each case will be decided on its merits."

[7th November 1935]

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

II.—A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919,
FOR CERTAIN PURPOSES (BILL No. 11 OF 1934)—*cont.*

Consideration of the above Bill was resumed.

* The Hon. the PRESIDENT:—"Discussion on amendment to delete sub-section (1) (b) of section 49 of the Act will continue."

* Mr. V. T. ARASU:—"Yesterday, Mr. President, you will remember that I rose to second the amendment of Mrs. Lakshminipathi. The amendment seeks to delete altogether sub-section (1) (b) of section 49 of the Act. Sub-section (1) (b) says that for any person to be enrolled on the electoral roll he must have paid in the preceding year any tax like the property-tax, tax on companies, or profession-tax; or he must have paid a tax under the Madras Motor Vehicles Taxation Act or must have paid in the preceding year ground-rent to Government in respect of land situated in the city or he must have been for the whole of such preceding year a mortgagee with possession, lessee or tenant of immovable property of an annual value of not less than sixty rupees in the city or he must be a guardian of a minor possessing any of the property qualifications mentioned in sub-clauses (i) to (iv) or he must be a retired, pensioned or discharged officer, non-commissioned officer, or soldier of His Majesty's regular forces. If these qualifications are insisted upon, only less than 10 per cent of the population of the city will be enfranchised. But if this amendment is carried, all persons over 21 years of age will be enfranchised."

"As regards the necessity and advisability of introducing adult franchise, no better argument can be given than in the pregnant words of the Simon Commission whose report was published in 1930. Speaking of elections to the Legislative Assemblies in this country, they say in paragraph 105 of Volume II of their report that as an ideal and an ultimate objective adult franchise is a thing that should be desired. Then they proceed to point out the difficulties in the way of the adoption of adult suffrage. I will mention the main and probably the most important difficulty pointed out by the Simon Commission and explain how it could be overcome. I think that such a course would be much better than pointing out to the House the advantages of introducing the adult suffrage system. The objection according to the Simon Commission is this:

'No adequate machinery exists for effectively dealing with such huge numbers. The proper conduct of a general election requires that, apart altogether from the politicians and their helpers, there should be an adequate supply of impartial persons capable of staffing the polling booths.'

Whatever force this argument may have in the case of elections to the Legislative bodies, both provincial and federal, I submit in the case of the elections to a City Council like the Madras Corporation, these difficulties are not insuperable. In the case of the Provincial and Federal Legislative Bodies, elections will have to be held all over

7th November 1935] [Mr. V. T. Arasu]

the Presidency on one and the same day, and the number of Government officers available for the purpose of being put in charge of polling booths may not be adequate. But in the case of the Madras City, elections have to be held only for forty divisions and they are held in batches of 10 or 15 divisions on any particular day. Therefore the Corporation authorities can get sufficient number of impartial persons to be put in charge of these election booths. Assuming for the sake of argument that each booth requires the services of twenty impartial persons, the number of persons required for ten booths will be only two hundred. This number can very easily be obtained. Whatever difficulties there may be in the way of the introduction of adult franchise in the case of elections to the Provincial and Federal Assemblies, in the case of elections to the Madras City Council, the difficulty pointed out by the Simon Commission cannot be said to be present. Again in paragraph 203 of Volume I of their report they have stated:

'The urban labourer is often a depressed class man, frequently migratory and always poor, and therefore largely fails to qualify for the vote.'

The report further proceeds to state the defects in a system of franchise based on property qualifications:

'Again, junior members of undivided Hindu families, however high their standing and education, often have no property and pay no qualifying tax in their own right, and are thus excluded.'

The two sentences quoted by me support my contention that a system of adult suffrage and universal franchise should be introduced in the City of Madras.

"Lastly, Sir, I should like to make one appeal to the hon. Members representing the depressed classes in this Council. It was only yesterday that they expressed their opinion that under a system of joint electorates true representatives of the depressed classes have no chance of entering the Council. I want to draw their attention to the fact that under the system of property qualifications mentioned in section 49, only a very small percentage of their population will find themselves on the electoral roll. It is to the advantage of the members of the depressed classes to secure adult franchise, if they really desire that true representatives of their communities should be returned to the Corporation Council. Whether it is by the system of joint electorates or separate electorates, unless every adult member of those communities is enabled to vote, their position will not be better off and their object that only true representatives of their communities should be returned will not be achieved. I appeal to hon. Members in this House to accept this amendment and vote for it."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, I have much pleasure in supporting the amendment which has now been moved; and in doing so, I wish to say a few words. Of course it is the ideal and desire of every one that we should have adult franchise though not

11-15
a.m.

[Mr. K. A. Nachiyappa Gounder] [7th November 1935]

now, at least in course of time. To pave the way for it, we will have to introduce adult suffrage little by little and evidently with this aim this amendment has been moved by the hon. Member representing Madras City. Originally franchise was given only to people who were paying a high rate of assessment, and as time passes, the qualifications for franchise was brought down little by little and it has now been fixed in the case of municipal and local board elections, that any one who pays any assessment can be entitled to vote. Franchise has been widened now; we are reaching the stage when we can go forward and have adult franchise. It is quite necessary that we should try this experiment first of all in the City of Madras where there is a large number of educated people. In the matter of literacy, I can say without contradiction that the City of Madras has got the highest point. This is the best place to try this experiment first. It has been pointed out by the previous speakers that the Simon Commission also have aimed at this ideal and they seem to have felt that there are some obstacles in the way. It has been explained by hon. Members who preceded me at sufficient length that it is not very difficult to adopt methods to overcome those difficulties. As has been pointed out, the Corporation has got a good deal of staff with it and even if it is not enough, the Government will be able to spare some of their staff for a day to attend to election work. It will not at all be difficult to cope with this work. It is needless to point out that it is the general desire and it is the public opinion that we should have adult franchise. We should adopt this system if we are to follow the view-point of the general public. I believe, Sir, that this amendment will have the unanimous approval of all sections of the House; I think it will be quite possible to give a trial to this experiment in the premier city of our Province and it will be to our advantage. The city can set the example and the other parts of the Province will closely follow suit; and we will ultimately have adult franchise throughout the province for all the elections. With these words, I have much pleasure in supporting the motion before the House."

* The Hon. the RAJA OF BOBBILI:—"Sir, I have listened with great interest to the speeches that have been delivered in support of this amendment. I think that most of the time was devoted to the consideration of the merits of having adult franchise. I may state that it is the ideal of all political parties; ultimately we should have adult franchise. But what we are now considering is the question of the municipal franchise; I would appeal to hon. Members of the House not to consider the Madras Corporation as a political body and talk of political rights and general principles and say that we should have adult franchise, etc. The present question is what should be the basis of the electorate of the Madras Corporation. On this point the Government are of the opinion that the test should be the payment of some tax to the municipality. The present proposals put forward by the Government are intended to extend the franchise as much as possible. We believe that, as far as

7th November 1935] [The Raja of Bobbili]

the electorate of the Madras Corporation is concerned, it is desirable to have such a test. Therefore I am not in a position to accept the amendment."

* Mr. K. KOTI REDDI:—"Sir, after the speech of the Hon. the Chief Minister I am tempted to say a few words. He stated that all parties are agreeable as to the goal. Goal is always there; the question is when we would be able to reach the goal. About 12 or 14 years ago, the goal of attaining total prohibition in the Madras Presidency was resolved upon by the then Government in power. That goal is still there. No attempt has ever been made to reach that goal. In this matter also, the goal of introducing adult franchise for municipal areas and for the Corporation of Madras is there; it will be there always; I do not know whether it will be reached at all. If adult franchise is to be introduced at all, Madras is the most suitable place to introduce it. It has been the experience of the whole world that before the introduction of adult franchise in respect of political bodies, it was first introduced first in local bodies. The Hon. the Chief Minister said that the Corporation is not a political body. Whether it is a political body, or a club or a local body, the principle is just the same in all cases. The principle is that there should be no taxation without representation. Big countries have been lost on this principle. I may quote the instance of the United States of America. If you believe in the principle, it should be put into effect as early as possible. The Government say there are obstacles in the way; I do not believe in those obstacles. If there is the will to do things, practical difficulties will disappear. It is stated that if everybody is made a voter, no tax will be collected; nobody will come forward to pay the tax. There are other ways by which the tax may be collected. If you adopt the system of adult franchise, the tax will be collected easily; in the case of local boards and district municipalities, payment of tax was not fixed as a condition. I do not see any reason why it should be done in the case of the Madras Corporation alone. If the Hon. the Chief Minister had stated that there were difficulties in the way of introducing adult franchise, we could have suggested the remedies; he did not refer to them at all. Such obstacles do not exist at all in the case of Madras at any rate. The necessary staff is there; the Police force is there; educated people who are prepared to shoulder the responsibility of conducting these elections are there. All the necessary ideal conditions for introducing the system of adult franchise exist in Madras; if the experiment cannot be tried in Madras, I do not know whether there is any other place at all where it can be tried. If payment of any tax is made a condition precedent to a person being made a voter, I think very few of the members of the depressed classes will be voters. It is up to the representatives of those classes to realize now the absolute necessity of having adult franchise at any rate with regard to the Corporation of Madras. With these words I support the amendment."

* Mr. M. DEVADASAN:—"Sir, the Hon. the Chief Minister has stated that it is not advisable to introduce adult franchise in the case

[Mr. M. Devadasan] [7th November 1935]

of the Corporation of Madras. I am not a member of the Corporation; nor do I reside permanently in the City of Madras; yet I feel I can express my opinion as a Member of the Legislative Council. I do not think I would be questioned by anybody if I take part in the discussion of this point. Even at the time of the discussion of the Joint Parliamentary Committee Report, I was one who favoured adult franchise; and I continue to hold the same opinion even now. I advocated that adult franchise should be introduced for the legislatures. I feel that it should be introduced in respect of elections to the Corporation of Madras. At the time when the District Municipalities Bill was under discussion, some Members were in favour of introducing adult franchise in respect of elections to municipal councils. But the majority was against it. This can be found in the proceedings of the Legislative Council. I submit, Sir, that the City of Madras must set the example to the municipalities in the matter of the adoption of adult franchise. Some hon. Members stated that the adoption of adult franchise in the City of Madras would go a long way to help the depressed classes. Though I do not subscribe to that view, I say that adult franchise should be introduced on other grounds, in the interest of all people. It is not only the members of the depressed classes who do not possess houses or other immovable properties in the City of Madras; members of other communities also are in the same position. Most of the people in the city are emigrants; they come here and go away after a brief sojourn. We need not support the principle contained in the amendment on the ground that it is advantageous to members of the depressed classes alone and not to others. I think this Bill is introduced more to serve vested interests than the interests of the common people. There are provisions in the Bill to safeguard various vested interests; but the Bill has not provided sufficient protection to ordinary people, who are not so rich and influential like others.

11-30 a.m. "So, it is absolutely necessary that this principle should be adopted. I submit that the adoption of adult franchise would be a step in advance in the political progress of this country. No doubt some members on this side of the House and some others on that side may object to the introduction of adult franchise, but I for one do not think it will be either inconvenient or inexpedient, but would be a step in the right direction. My friend who preceded me has sufficiently established a case for the introduction of adult franchise, and I do not want to add anything more, except to appeal to the Hon. the Minister to adopt this principle in the City and to give a lead to other municipalities. This will be a great step in the establishment of democracy in this Province. With these few words, Sir, I support the motion."

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

'Omit sub-section (1) (b) altogether'."

The amendment was put and lost.

7th November 1935]

* The Hon. the PRESIDENT:—"Mr. Sundara Rao Nayudu's amendment, No. 54, will dispose of the principle of assessment or payment of tax. I do not know if the word 'tax' is the proper word there."

Mr. T. SUNDARA RAO NAYUDU:—"Mr. President, I beg leave to move the amendment which stands in my name—

'For sub-section (1) (b) (i), substitute the following:—

"has been assessed in the previous year to any tax mentioned in section 98, except the tax on dogs"."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I have to bring to your notice, that my amendment No. 52 which is more comprehensive than No. 54, may be allowed to be moved first."

* The Hon. the PRESIDENT:—"Assessment precedes payment, and if the principle of assessment is conceded, then the question of payment goes out. If however amendment No. 54 is not passed by the House, then we shall go back to the question of payment and take up the hon. Member's amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"But if that is passed, probably my amendment will be shut out."

* The Hon. the PRESIDENT:—"The hon. Member knows that ordinarily we take first a more comprehensive amendment."

* Mr. T. SUNDARA RAO NAYUDU:—"Let me be allowed to make a few observations in respect of my amendment. Under the Act IV of 1919, only a person who has paid all the taxes due to the Corporation before the 31st of March preceding the year in which the electoral roll is published, will be eligible to be included in the voters' list. That means that a man who owns, say ten houses, and has not paid any tax even in respect of one of them, or any person who has not paid any other tax such as the companies' tax or the profession tax, etc., will be excluded from the voters' list. On the other hand, a sole tenant living in a house the annual rental valuation of which is Rs. 60 and more, will be included in the list even though he may be in arrears of rent for several months, nay several years. This is a real hardship felt by the poor owners of houses all these years. Moreover, several instances have been brought to our notice in which the servants of the Corporation have, by their negligence or carelessness, not collected the taxes from the rate-payers on the due date, and consequently the names of such persons have had to be excluded from the voters' list that year. You are aware, Mr. President, that after all no person is going to be exempted from payment of tax simply because he has not paid it on the due date. It will anyhow be collected by the Commissioner either by adopting any of the coercive measures or by filing a suit in the City Civil Court. The Corporation is not likely to be loser on this account. The present amendment seeks to remedy this evil and to permit all persons who have been assessed to tax to be included in the voters' list, whether he has paid the tax or not or whether he is in arrears in respect of any of the taxes mentioned in section 98 (a), (b) and (c).

[Mr. T. Sundara Rao Nayudu] [7th November 1935]

"Again, Sir, only the payment of taxes mentioned in section 98 (a), (b) and (c) of the Act entitles a person to exercise the franchise; according to the present amendment, the payment of the tax mentioned in section 98 (a) to (f), i.e., property tax, companies' tax, profession tax, tax on animals and carriages, cart tax, timber tax and advertisement tax, entitles a person to exercise the franchise. By this amendment the number of voters will be very much increased. I am afraid at this stage I cannot say to what extent it will be increased, but I can roughly estimate the increase at about 25 per cent or even more, without any fear of contradiction. By this amendment, any person who has been assessed to pay any tax will have the right to vote in the elections. This is really a very great advance on what we have in the present Act. No doubt an exception is made here in respect of tax on dogs. This is simply to prevent the abuse of inflating the voters' list with fictitious names. You are aware, Sir, that a man who owns a dog would have paid some tax or other and would be otherwise eligible for being included in the voter's list. There will be only a very few cases in which a person who has paid the dog tax alone will be excluded from the list. I think, Sir, in the interests of purity of the Corporation elections, it is far safer to prevent such persons from being entered in the voters' list, than allow a loophole for encouraging malpractices. The principle underlying the amendment, as I said, is that only those who pay something into the Corporation coffers have a right to vote. The difference must have been noted by you, Sir, between the qualification of a voter for the Legislative Council or Assembly and the qualification of a voter for the Corporation Council. In the Legislative Council, an elected member deals with all the activities of a man; the laws framed in the legislature apply to social, economic, political, educational, industrial and even the religious aspect of a man, whereas the Corporation deals only with one aspect of his life, viz., the civic side. So, the qualification for a voter in regard to the Legislative Council must be very low; I am prepared even to go very near adult franchise in the case of legislatures if the country is to-day prepared for it. But I am still so conservative as not to allow such an extended franchise with regard to the Corporation. In regard to this only persons who pay something to the Corporation shall have the right, not those who don't pay any contribution to it in any capacity. With these few words, Mr. President, I move the amendment for the acceptance of the House."

* Diwan Bahadur C. NATESA MUDALIYAR:—"I second this amendment, Sir. If a man is assessed, it is certain that the Corporation is going to get the money out of him anyhow. Supposing he is a man who is assessed to the extent of Rs. 2,000; if he pays his tax ten days after the 31st of March, he has no vote. Whereas, a man who occupies a house for Rs. 5 a month, gets a vote. Moreover, Sir, with regard to the Legislative Council elections, I think assessment is taken into consideration and not paying of the tax beforehand. The idea of payment, before the electoral roll is prepared in order to hasten the collection of

7th November 1935] [Mr. C. Natesa Mudaliyar]

revenue to the Corporation, is not quite correct, because nobody pays a tax just because he will have a vote. Very few people, or none, pay the taxes for this particular purpose of getting a right to vote. I therefore second the motion moved by my friend Mr. Sundara Rao Nayudu."

* The Hon. the RAJA OF BOBBILI:—"All along, the principle followed in the existing Act is that a citizen should pay all the taxes which are due by him to the Corporation before his name can be brought on the electoral roll. The Select Committee, after due consideration, decided to relax the stringency of this principle and to accept the payment of any one of the taxes levied under section 98 as a qualification to be included in the roll. Since then of course various representations have been made to me by associations and the public, that the present system is in a great number of cases working hardship and that we should in this respect bring the Act into line with the Madras Local Boards Act and the District Municipalities Act. The Government therefore consider that there will be no harm in giving a trial in the Corporation to the system which has already been prevailing in the district boards and municipalities. I do not however agree in thinking that the original proposals contained in the City Municipal Act have really the effect of facilitating elections, although they have one effect which is important, viz., that they do not give any scope for fictitious or false names being placed on the electoral rolls."

"Although in deference to public opinion Government are now prepared to accept this amendment, I have given these details just to show that although this change is desirable on all other grounds, there is still a loophole left for preferring false claims; and I hope the executive authorities of the Corporation will exercise sufficient care in preparing the electoral roll and see that only those persons who are legally eligible to be put on the electoral roll are included. With these few words, I accept the amendment." 11-45 a.m.

* Mr. V. T. ARASU:—"Mr. President, I wish to suggest a verbal amendment. The amendment of Mr. Sundara Rao Nayudu says 'except the tax on dogs.' But section 98 provides for taxes on animals as well. So, I think, instead of the word 'dogs' the word 'animals' may be substituted. Otherwise it will lead to difficulties. A person on the pretext of having an animal may pay a tax of four annas or six annas and then ask the Corporation to include his name in the electoral roll. In district municipalities I know of several instances where people who want to be included in the electoral roll although they do not possess any animal, pay a tax of 4 annas as animal tax and ask that their names should be included in the electoral rolls. If the idea of the Government is that fictitious persons should not be included in the rolls, I suggest that the word 'dogs' be deleted and instead the word 'animals' may be inserted."

* Mr. C. BASU DEV:—"Mr. President, Sir, I rise to oppose not the whole of the amendment, but only the latter portion of it. I do not know whether by hon. Friend from Egmore . . ."

[7th November 1935]

Mr. T. SUNDARA RAO NAYUDU:—" Mr. President, Sir, I take exception to my being addressed as the member representing Egmore. I ought not to be addressed like that. I represent Madras."

* The Hon. the PRESIDENT:—" The hon. Member would have been in order if he had referred to Mr. Sundara Rao like that in the Corporation."

* Mr. C. BASU DEV:—" Sir, I referred to him as coming from Egmore because I wanted to distinguish him from others who represent the City here, but if my hon. Friend takes exception to it, I will call him as the hon. Member representing the City of Madras. I do not know why Mr. Sundara Rao should be so biased against the dog and partial to the donkey and other animals. Is he afraid of the increase of the voters? Unfortunately, I was not present when adult franchise was discussed. I think, on all sides of the House there was unanimity on the proposition that adult franchise is the ultimate goal. I do not know then why Mr. Sundara Rao takes this view. If a person pays a tax to the Corporation, he gets an interest in the Corporation, whether it be a tax on a dog, donkey or a horse; and why should there be any discrimination. Sir, it is an unfortunate insult to the dog, the loyalty of which we all very much appreciate. I therefore move an amendment to his amendment, and that is to delete the words 'except the tax on dogs.' I hope my hon. Friend will kindly accept my amendment."

The amendment was duly seconded.

* Sir WILLIAM WRIGHT:—" Mr. President, I would also like to move an amendment to this amendment. Like my hon. Friend from Guntur, I have not got the benefit of the Law (Drafting) Department to assist me, and if my amendment requires any drafting improvement I shall have to ask the department to undertake this. My amendment is—

'that after the words "except the tax on dogs," the following words be added:—

"and is not in arrears for more than one year in respect of any tax payable to the Corporation."

"Sir, we on these benches would have preferred the clause to have remained as it came from the Select Committee, but after having heard the arguments of my hon. Friend, Mr. Sundara Rao Nayudu, and those of the Hon. the Chief Minister, we would not oppose this amendment, but we think it desirable that this provision should also be made."

Mr. D. M. REID:—" I second the amendment, Sir."

Rao Sahib V. I. MUNISWAMI PILLAI:—" Sir, after hearing the speech of the Hon. the Chief Minister, I feel that I have to say something in regard to the first amendment moved by my hon. Friend, Mr. Sundara Rao Nayudu. Sir, experience in local boards show that if this amendment is accepted, it will not be in the interest of the finance of the Corporation. If people are assessed and are brought on to the electoral rolls, subsequently we find that it is not ordinarily possible

7th November 1935] [Mr. V. I. Muniswami Pillai]

to collect the taxes; and consequently the local boards are asked to write off these uncollected taxes. I do not think the portion in the amendment 'except the tax on dogs' will be welcomed by the poorer classes. If there is some misuse, it can easily be detected and brought to book by the authorities of the Corporation, but if this amendment is allowed to go in, it will depend upon the vigilance and the carefulness of the Corporation to see that the taxes due to the Corporation are properly collected. In the course of the debate on a previous amendment we found people advocating adult franchise, but by this amendment the poor man who can have a vote by paying a tax on dog will be deprived of his vote unless he has paid the tax. I do not think there is much force in that. In the circumstances, I feel that the acceptance of this amendment will not be in the interests of the Corporation."

* The Hon. the RAJA OF BOBBILI:—" Sir, the amendment moved by my hon. Friend, Sir William Wright, removes the one objection that may be urged regarding the main amendment. I am grateful to him for having really improved the amendment and I gladly accept it."

* The Hon. the PRESIDENT:—" I think the House is ready for a vote. I will first put Mr. Basu Dev's amendment to vote. The question is—

'Delete the words "except the tax on dogs".'

The amendment was put and lost.

* The Hon. the PRESIDENT:—" I will now put Sir William Wright's amendment to the vote of the House. The question is—

'Add at the end the words "and is not in arrears for more than one year in respect of any tax payable to the Corporation".'

The amendment was put and carried.

* The Hon. the PRESIDENT:—" I now put Mr. Sundara Rao Nayudu's amendment as amended by the amendment of Sir William Wright. The question is—

'For sub-section (1) (b) (i), substitute the following:—

"has been assessed in the previous year to any tax mentioned in section 98, except the tax on dogs and is not in arrears for more than one year in respect of any tax payable to the corporation".'

The amendment was put and carried.

* The Hon. the PRESIDENT:—" In the amendment of Mr. P. V. Krishnayya Choudari, the first part is disposed of; the second is doubtful, because the only extra qualification that is added in the Legislative Assembly list is the literacy qualification which will be later on discussed and disposed of; and what remains next may be moved by the hon. Member if he so chooses, and that is—

'Any person who pays or has paid a licence fee to the Corporation shall be included in the electoral roll.'

[7th November 1935]

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, now that the Government have accepted the amendment moved by my hon. Friend, Mr. Sundara Rao Nayudu, as further amended by Sir William Wright which means that even persons who have been in arrears for one year will be eligible to be included in the rolls, I want to go a step further and include persons who pay some money by way of licence fee to the Corporation. At present you have fixed certain qualifications for persons to be included in the rolls. There may be some persons who without paying any tax to the Corporation, yet they may be paying something towards the finances of the Corporation; for instance hotel-keepers and rickshawalas and some such people pay licence fees to the Corporation. I wish to move this amendment because I find the object of the Government in the matter of including the names of persons on the electoral roll seems to be the payment of something towards the finances of the Corporation. Moreover, Sir, we have rejected adult franchise to the Corporation though we have it in several village panchayats under the Local Boards Act. When that is the case in village panchayats, I do not see any reason why a person who pays licence fees to the Corporation must not also be given the franchise. It is with that idea I move my amendment, namely—

For sub-section (1) (b) (i), substitute the following:

'Any person who pays or has paid a licence fee to the Corporation shall be included in the electoral roll.'

Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, Sir, I wish to second the amendment moved by my hon. Friend, Mr. Krishnayya Choudari. In doing so, I would like only to point out that when you have accepted the previous amendment according to which people who have been assessed have been given a chance of becoming voters, I do not see any reason why people who actually pay something to the Corporation should be left out from the electoral rolls. I think it will be in the interests of the Corporation if those people who pay something to the Corporation by way of licence fee also were to come on the electoral rolls."

12
noon.

* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"The payment of a tax, Mr. President, implies a sort of permanency, but a licence fee does not. To-day a man may pay a licence fee for erecting a sunshade, a marriage pandal, etc., to-morrow the man and the thing for which he paid a licence fee may disappear. So according to my hon. Friend, Mr. P. V. Krishnayya Choudari's amendment every such man will be entitled to vote. To-day a man may put 100 bricks on a pathway and he will have to pay a licence fee for it. Sometime after both the man and bricks will disappear and yet his name will find a place in the Corporation voters' list. Instances of this sort might be multiplied. The person who pays a licence fee may disappear but his name will not disappear from the Corporation voters' list. I think, Sir, if I may be permitted to say so, the suggestion is ludicrous. I beg to oppose it."

7th November 1935]

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, after hearing the expert Member's opinion I should say that even though he is well conversant with the subject he did not give a correct opinion as regards this point. He said that my amendment is ridiculous but I say it is not. I can say that his arguments are ridiculous."

* The Hon. the PRESIDENT:—"The hon. Member said ludicrous and not ridiculous."

Mr. P. V. KRISHNAYYA CHOUDARI:—"A person who pays a tax for the marriage pandal may disappear. My point is that the person may also be paying licence fee in another way. Another thing I want to point out is that a man who owns a cow may pay a licence fee and to-morrow he will shift himself to another place and still he will be paying a tax. One man may own a jatka to-day and pay a licence fee. To-morrow his jatka will disappear. That is not the proper argument which the expert Member should have advanced to oppose my amendment. If I may be permitted to say, Sir, those who pay any amount of licence fee, whether they are in one place to-day and another place to-morrow, they must be entitled to get a vote. There is a qualification under the Municipal Act that every person who is a resident in the City for 120 days is qualified for a vote. If he is not a resident for 120 days in the City, he will not be entitled to vote. So I find no objection to the House accepting my amendment. I am strongly of opinion that this amendment will help those who pay licence fees to exercise their votes in the municipal elections. There is every justification for retaining this clause and I appeal to hon. Members of this House to support my amendment."

Mr. R. MADANAGOPAL NAYUDU:—"The real difference between a tax and a licence fee is that the tax is a permanent source of revenue which keeps the Corporation going. Therefore the person paying a tax is entitled to a vote."

Mr. V. T. ARASU:—"What about licence fee?"

* Mr. R. MADANAGOPAL NAYUDU:—"I will tell my hon. Friend. He need not be in a hurry. A licence fee has been decided by the High Court to be practically the actual cost of supervision which may be necessary for the purpose of carrying out the duties of checking the various items and conditions under which the licence has been granted, e.g., whether a pandal is properly put up and maintained and whether a cow shed is properly kept and that is the real difference between a licence and a tax. People who pay taxes have got a specific interest and help the Corporation in the actual management of its affairs by contributing to its finances and therefore they ought to have votes while those who pay barely for the purpose of supervision are not entitled to the privilege of a vote. That is the real distinction between the two. That is the reason why the Select Committee thought that persons who pay a licence fee ought not to be entitled to a vote."

[7th November 1935]

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

'For sub-section (1) (b) (i), substitute the following:—

"Any person who pays or has paid a licence fee to the Corporation shall be included in the electoral roll." "

The amendment was put and lost.

* The Hon. the PRESIDENT:—"We shall dispose of all the items including No. 60 (afterwards)."

Mr. T. SUNDARA RAO NAYUDU:—"I beg to move the amendment which stands in my name—

'In sub-section (1) (b) (ii) for the words "has paid" the words "has been assessed" shall be substituted.'

"Mr. President, Sir, this is only a consequential amendment on the amendment No. 54 which has already been passed."

Mr. R. Madanagopal Nayudu seconded the motion.

The amendment was put and carried.

Mr. P. V. KRISHNAYYA CHAUDARI:—"I beg to move the amendment which stands in my name, viz.—

'For sub-section (1) (b) (ii), substitute the following:—

"has paid a tax under the Motor Vehicles Taxation Act, 1931, for the preceding quarter immediately before the electoral roll is prepared or revised." "

"I move it, Sir, because the Hon. the Chief Minister has pointed out that under the Motor Vehicles Taxation Act this will not come under assessment but will become a separate qualification. That is why I want to move it, Sir. The word 'assessment' will not cover my amendment. What I want is, that if a person who pays a motor tax for the preceding quarter immediately before the electoral roll is prepared or revised, his name should be admitted as a voter in the electoral roll as the same is not provided for in the present Select Committee report. As we have already provided for so many people who are assessed, it is quite essential that the person who pays a tax on motor vehicles should be admitted as a voter. I need not say much about this for I do not want to take the time of the House."

Mr. V. T. ARASU:—"I beg to second the amendment."

The Hon. the RAJA OF BOBBILI:—"Mr. President, Sir, it was considered that there might be changes in ownership so that it was considered better to have at least one year. Therefore I oppose it."

The amendment was put and lost.

Mr. T. SUNDARA RAO NAYUDU:—"Mr. President, Sir, I beg to move the amendment that stands in my name, viz.—

'In sub-section (1) (b) (iii), for the words "has paid," the words, "has been assessed" shall be substituted.'

"This amendment is only a consequential one."

7th November 1935]

Mr. R. MADANAGOPAL NAYUDU:—"I beg to second it."

The amendment was put and carried.

* Mr. C. BASU DEV:—"I beg to move the amendment that stands in my name, viz.—

'In sub-section (1) (b) (iv) in line 3 after the word "tenant" insert the words "or sub-tenant." "

"Sir, the effect of my amendment will be to enfranchise a very large number of sub-tenants. Under the section as it stands even a person who pays Rs. 100 rent for a portion of a house does not enjoy the franchise of the Corporation. Let me not be construed as pleading in this amendment for those tenants who pay high rents but for those poor workers who are sub-tenants in this City. I do not see any reason why the sub-tenant should not have the same qualification to vote as the chief tenant. It may be argued that many false claims would be set up by persons without the necessary qualification. I do not think much is required of me to commend this amendment for the acceptance of the House. It is very simple and it will have the effect of putting large number of voters on the list. I hope to have the support of the hon. the Lady Member of the House who has moved an amendment for adult franchise. This amendment will to some extent satisfy her desire of achieving adult franchise, because it is bound to bring in at least 95 per cent of the workers on the voters' list. I have also the assurance of the support of the Leader of the Opposition. With these words I commend the amendment for the acceptance of the House."

* Dr. P. SUBBARAYAN:—"Mr. President, Sir, I second the amendment so ably moved by my hon. Friend, Mr. Basu Dev, because I feel that this will give franchise not only to the labouring classes but also to the scheduled classes. It will increase the number of voters. I have also given notice of an amendment to omit Explanation (2) under clause 49, as a consequential amendment. I think that it is right and proper that, when it is not possible to introduce adult franchise, we should work as much towards it as possible. I hope the House will accept the amendment, as the idea behind the amendment is adult franchise."

* Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, Sir, though I am one of those that are anxious to bring as many of the scheduled classes as possible on the electoral roll, I think the amendment before the House will lead us nowhere. Even under the present Bill, as modified by the Select Committee, it is stated that tenants should be put on the electoral roll. Most tenants especially those paying small rents do not enter into agreements with the owners of houses. It is different with those living in bungalows where agreements are entered into that the lease is to continue for a period of years. Mostly

[Mr. M. A. Muthiah Chettiyar] [7th November 1935]

in Madras, houses are let without agreements on the understanding that the tenancy can be terminated on a month's notice on either side. That is the usual condition. In some cases houses are taken on lease and the rents are collected by the owner weekly, fortnightly, monthly or even once in three months. In some cases, tenants sub-let portions of the house with the approval, through letters, of the house-owner, if no agreement subsists between them. Under such circumstances, it will be impossible, except in the case of houses fetching a rent of Rs. 100 and above, where written agreements are generally entered into, to find out who the tenants are. Tenancy will be changing every now and then and it will not be possible for the returning officer to prepare a proper roll. I think it would be unworkable however much we would like to sympathise with the poor and try to get them on to the electoral roll."

Rao Sahib N. SIVA RAJ:—"Mr. President, if I rise to speak on this amendment, it is just to point out to the hon. the Mover and seconder of the amendment, that it is practically unworkable. The suggestion was made that by this amendment a large number of depressed class voters would be brought on the roll and I may at once say, with my experience, that I can never conceive of tenants of Madras City having the scheduled class men as sub-tenants. Adi-Dravidas can never live along with caste Hindus as their sub-tenants. There has been no such case anywhere in Madras City. So that, this amendment is not going to confer any benefit on the scheduled classes. However much I am in sympathy with the spirit of the amendment, I fear I cannot support the amendment because it will not be workable."

"As for extending the franchise in the case of the scheduled classes, I think that there is a provision made to lower the qualifications required of a voter; and this if adopted will meet the object the Mover of this amendment had in view."

* Mr. R. MADANAGOPAL NAYUDU:—"Mr. President, Sir, I am sorry that neither the mover nor the seconder of the amendment have realized that it is not likely to bring in a large number of Adi-Dravidas by fixing the tenancy rate at Rs. 60 a year. I ask them how many of the classes whom they seek to benefit, will be benefited by this amendment on account of their paying a rent of Rs. 60 a year. Very very few, Sir. Mr. Basu Dev said that 95 per cent of the labourers would be brought on the list. I question his statement very seriously. I wonder if five per cent of the labouring classes are paying that rent. The same holds good in the case of the Adi-Dravidas also. I do not think there are many among that community paying that rent as sub-tenant or as the tenant of a whole house. Therefore, the relief which my friends think . . ."

Dr. P. SUBBARAYAN:—"On a point of personal explanation, may I say, the point that my hon. Friend raises does not come in, in so

7th November 1935] [Dr. P. Subbarayan]

far as the idea is that all sub-tenants of the house, the tenant of which is paying Rs. 60 a year, should be enfranchised."

* Mr. R. MADANAGOPAL NAYUDU:—"I thought Mr. Basu Dev wanted that a sub-tenant paying a rent of Rs. 60 himself should be enfranchised. I think that is what he means and not a sub-tenant of a house, the chief tenant of which pays a rent of Rs. 60. That is not what he meant, I suppose."

* The Hon. the PRESIDENT:—"Mr. Basu Dev has given notice of an amendment (item 66) which wants to reduce the amount to Rs. 24."

* Mr. R. MADANAGOPAL NAYUDU:—"Even assuming it is to be so, I do not see the logic or reason for this proposal. The proposal ought not therefore to be accepted. As has been pointed out by the ex-Mayor of the Corporation, the Corporation will find a lot of difficulty, owing to constant changes in tenancy, in preparing a correct roll. The provision is that the occupation is to be in the previous year. The work involved in seeing how many people have been in occupation of such premises in the preceding year would be abnormally great and out of all proportion to the benefits which the proposer of the amendment contemplates. I feel, therefore, that this amendment ought not to be accepted."

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, Sir, I think that the arguments that have been put forward are merely begging the question. The object of this amendment is to increase the number of voters of the lower middle class who are living in houses as sub-tenants, though paying a rent of Rs. 8 or Rs. 10. If one has experience of Georgetown, he will know how in a house with a rental value of Rs. 100 many sub-tenants live each paying a small rent. But not one of them has a vote. Leave alone the bungalows. I have not the practical experience of the ex-Mayor but I can claim that I have moved with the people during my time in the course of social work and I have seen families to whom sheer injustice had been done. I want that it should not be continued. Let them have the power of influencing the elections of the representative of the areas they live in. I do not adopt the line of the seconder of the amendment that it will be a step towards adult franchise. It is only on the ground of doing sheer justice to this class of people that I want that they should be enfranchised. If one goes to Kandaswami Chetti street, Linghi Chetti street, or to Bunder street, one will see the state of affairs and the number of people, who are as well educated and who can as well manage affairs as the first citizen of the Madras Corporation, being denied the right to have a voice in electing their representatives. This naturally keeps them discontented. In order to keep them contented and to release them from the position they are in, it is very desirable that they should be enfranchised. I do not see any harm in doing it. I support the amendment and I feel that the privilege should no longer be withheld from them."

[7th November 1935]

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil:—

“கார்ப்பேரேஷனில் வீட்டுகளில் சப்-டெனெண்டுக்கு ஓட்டுரிமை கொடுக்க மிஸ்டர் பாசுதேவ் அமெண்டுமெண்டை ஆக்சேபிள்கிறேன்.

“மோட்டார் வெகிகல் டாக்ஸ் ஆக்ட்டுப்படி முந்திய மூன்று மாசத்திய வரி கட்டினவனுக்கு இல்லை என்று இதற்கு முந்தி தீர்மானம் செய்திருக்கிறீர்கள்.

“சப்-டெனெண்டுக்கு உரிமை கொடுப்பது கொஞ்சமும் பொருந்தாது. துடர்ந்து ஒரே வீட்டில் குடியிருக்கமுடியாதவர்களும் உண்டு. ஒன்றுக்கு மேல் அதிக குடியிருப்பவர்களுமுண்டு. மாசம் ஒன்றுக்கு 5 ரூபா வீதம் வாடகை செலுத்துகிற பிரதம வாடகைதாருக்கு ஓட்டுரிமையிருக்குப்போது அதையே பல் இரட்டிப்பாக்கினதுபோலல்லவா, ஒரே அயிட்ட துலை பலரிடம் வசூலாகிறது.

“ஓட்டு கொடுக்கக்கூடிய தினம் வருங்கால் தூர இடங்களிலும் சஞ்சரிப்பார்கள். அப்போது பிசகாக வேறு மனுஷியானே தயார் செய்ய இடமாகும். விவகாரத்துக்கு எனமாகும், துர்வினியோகத்துக்கும் ஆஸ்பதமாகும். எலக்டோரோல் தயார் செய்வதும் சாத்தியமாகாது.

“ஓட்டு அதிகம் செய்யவேண்டுமென்பது எண்ணமிருந்தால் ஒரு குடும்பத்தில் உள்ள வயதுவந்த எல்லா நபர்களுக்கும் ஓட்டுரிமை உண்டென்று ஏற்படுத்தினால் அது ஓர் காரணமாகவாவது சொல்லலாம். ஆகையால் இதை ஆக்சேபிள்கிறது நியாயமாயிருக்கிறது.”

* Mr. M. D. DEVADASAN:—“My Friend, Mr. P. C. Muthu Chettiyar, said that there would be gross abuse if the City sub-tenants were enfranchised. Of course there are abuses in elections and nobody can deny it. In regard to elections in the mufassal, viz., in municipalities and district boards, there are voters who are not real voters. They are bogus men put up as voters. Yet my friend thinks that there will be more abuse here. The voters and candidates must be more careful. If there is any abuse it must be more due to the candidate than to the voters. It is the candidates themselves who must share the responsibility because it is they who take the men to the polling station saying that they are voters while they are not real voters. This does not mean that people who ought to be enfranchised should be deprived of their franchise. My Friend, Mr. Muthu Chettiyar, said that he had no objection to the enfranchisement of the scheduled castes taking it to mean that the scheduled classes alone are sub-tenants. I must submit that all classes of people including the scheduled classes in the City of Madras belong to the category of sub-tenants. My friend stated that there will be difficulty in the workability of the election. He said that there are no agreements between landlords and tenants and similarly there are no agreements between the tenants and the sub-tenants. If there is necessity for the enfranchisement of tenants then the sub-tenants need not be enfranchised. If the tenants can be enfranchised then the sub-tenants also can be enfranchised. At the time the tenants are registered they can be asked whether there are sub-tenants under them. At the time of the registration of the tenant both the tenant and the sub-tenant may be registered. So there cannot be any difficulty. If there is any objection for these sub-tenants being enfranchised then

7th November 1935] [Mr. M. Devadasan]

before the final electoral list is prepared the matter may be looked into. Some Members are objecting to the enfranchisement of the sub-tenants because they think that it would be difficult for them to canvass the votes of the sub-tenants. Sir Patro stated that it is nothing but justice that requires sub-tenants to be enfranchised. If the sub-tenants are also enfranchised it will go a great way in helping the cause for which the tenants are to be enfranchised. If the tenants are to be enfranchised I do not see why the sub-tenants should not be enfranchised.”

* Sir A. P. PATRO:—“One word of personal explanation, Sir. The hon. Member, Mr. Muthu Chettiyar, was speaking about horse-keepers and bus drivers. I am glad he is very much in their company. My reference is not like Mr. Muthu Chettiyar's reference to horse-keepers, syces and bus drivers. I am speaking of an important class of people who are springing up in Madras called the sub-tenants. The house will be in the name of one person while five persons are his sub-tenants. Sir, it is very essential to enfranchise not only high class people living in bungalows but the other class who live in Georgetown (laughter) not the type of men like syces and horse-keepers whom Mr. Muthu Chettiyar knows.”

* The Hon. the RAJA OF BOBBILI:—“The question is not whether a certain class of people living in the City should be enfranchised or not but whether it is workable to accept this amendment to avoid abuses of this privilege. In the Bill, as amended by the Select Committee, the tenant of an immovable property of not less than an annual rental value of Rs. 60 which means five rupees monthly rental is eligible to be placed on the electoral roll. In the case of the sub-tenants there will be no lease deeds or documents to prove that he is a sub-tenant. A provision like this will lead to considerable abuse and will also result in seven or eight members coming in a family. Under this provision it is possible for each member to claim that he is a sub-tenant and will lead to abuses of privilege. It will also be an impossible task for a party preparing the electoral roll to come to any definite conclusions as to who is a sub-tenant and who is not. In these circumstances I have no alternative but to oppose this amendment.”

* Mr. C. BASU DEV:—“Mr. President, I rise to say a few words in reply to the observations made by those who opposed the amendment. Sir, I am glad to say at the outset that the Leader of the Opposition as well as the father of the House, Sir A. P. Patro, have done me the honour of supporting this amendment. Sir, Mr. Madanagopal Nayudu had advanced arguments which he had to withdraw when the mistake was pointed out to him. (Voice: ‘No, no.’) It was pointed out to him that this amendment does not raise the rental valuation of the premises and also that further down I had given notice of an amendment to reduce it to Rs. 24. May I say that even granting his argument that only 5 per cent of the workers will be enfranchised, there are a number of clerks and other Ministerial officers most of whom pay between Rs. 10 to Rs. 20 per month as rent, but are only sub-tenants and who are as intelligent,

[Mr. C. Basu Dev] [7th November 1935]

as cultured and as capable of looking after the interests or promoting the efficiency of the Corporation as anybody else. Are we to disenfranchise these persons because the hon. Member for Indian Commerce and the ex-Mayor of Madras is opposed to this amendment on the ground that it is impracticable and that it is not necessary and possible to enfranchise them? Am I to understand that he is afraid of intelligence or that he is going to put a premium on the intelligence of the voters? My hon. Friend, Mr. Langley, is saying 'Lack of intelligence.' The voters coming as sub-tenants are a highly intelligent section of the population. If anyone wants that the Corporation should be helped by intelligence, he has to bring in these persons. Sir, Mr. Madanagopal Nayudu first advanced his arguments on a misconception of the meaning of my amendment. When that was pointed out to him he went on to say about the practicability of the amendment and that on that ground the amendment should not be supported. I am only reminded of the story in Julius Caesar of the infuriated mob which when told that it was not Cicero the Orator but the poet, said 'Well, let us hang him for his bad poetry.' That is the sort of argument advanced against my amendment."

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

Ayes.

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| 1 Mr. M. Devadasan. | 12 Mr. K. A. Nachiyappa Gounder. |
| 2 Rao Bahadur Sir A. P. Patro. | 13 " C. Basu Dev. |
| 3 Sriman M. G. Patnaik Mahasayo. | 14 " G. Rameswara Rao. |
| 4 The Raja of Kallikote. | 15 Mrs. A. Rukmani Lakshmiipathi. |
| 5 The Zamindar of Mirzapuram. | 16 Mr. P. Ratnavelu Thevar. |
| 6 Dr. P. Subbarayan. | 17 " K. P. Raman Menon. |
| 7 Diwan Bahadur T. A. Ramalingam Chettiayar. | 18 The Zamindar of Chemudu. |
| 8 Mr. T. C. Srinivasa Ayyangar. | 19 Mr. G. R. Premayya. |
| 9 " T. S. Ramaswami Ayyar. | 20 " P. M. Thangal. |
| 10 " V. T. Arasu. | 21 Rao Sahib C. Kolanda Reddi. |
| 11 " Ahmed Meeran. | 22 Mr. K. Koti Reddi. |
| | 23 " P. V. Krishnayya Choudari. |

Noes.

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| 1 The Hon. Rao Bahadur Sir K. V. Reddi Nayudu. | 17 Khan Sahib Syed Tajuddin Sahib Bahadur. |
| 2 " Mr. A. T. Pannirselvam. | 18 Mr. R. M. Palat. |
| 3 " Mr. C. A. Souter. | 19 Diwan Bahadur A. Appadurai Pillai. |
| 4 " Mr. G. T. H. Bracken. | 20 Rao Sahib N. Siva Raj. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 21 Mr. D. M. Reid. |
| 6 " Mr. P. T. Rajan. | 22 " W. K. M. Langley. |
| 7 " the Raja of Bobbili. | 23 The Raja of Parlakimedi. |
| 8 Diwan Bahadur C. Natesa Mudaliyar. | 24 The Zamindar of Kirlampudi. |
| 9 Mrs. K. Alamelumangathayaramma. | 25 Rao Bahadur B. P. Sesha Reddi. |
| 10 Mr. W. Scott Brown. | 26 Mr. P. C. Moses. |
| 11 " H. R. Uzielli. | 27 " P. V. Rajagopal Pillai. |
| 12 " C. E. Jones. | 28 " V. G. Vasudeva Pillai. |
| 13 " G. T. Boag. | 29 " G. F. F. Foulkes. |
| 14 " R. Madanagopal Nayadu. | 30 " F. J. Stanes. |
| 15 " T. B. Russell. | 31 Khan Bahadur Javad Hussain Sahib Bahadur. |
| 16 " T. Sundara Rao Nayudu. | 32 Mr. G. Simhachalam Pantulu. |
| | 33 " P. K. Ramachandra Padayachi. |

7th November 1935]

Noes—cont.

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| 34 Rao Sahib V. Dharmalingam Pillai. | 42 Mr. K. Kesavaramamurti Nayudu. |
| 35 Rao Bahadur D. Krishnamurti. | 43 " M. A. Muthiah Chettiayar. |
| 36 Mr. G. Sriramulu. | 44 " K. M. Duraiswami Reddiyar. |
| 37 " C. Indrayya. | 45 " H. M. Jagannadham. |
| 38 " K. Pattabhiramayya. | 46 Subadar-Major S. A. Nanjappa Bahadur. |
| 39 Rao Sahib C. Jayaram Nayudu. | 47 Diwan Bahadur S. Ellappa Chetti- |
| 40 " D. V. Narasimhaswami. | yar. |
| 41 " Pandit Ganala Ramamurti. | |

Neutral.

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| 1 The Zamindar of Bodinayakkanur. | 3 Rao Sahib A. S. Alagannan Chetti- |
| 2 Rao Bahadur P. C. Muthu Chetti- | yar. |
| yar. | 4 " V. I. Muniswami Pillai. |

Ayes 23. Noes 47. Neutral 4.

The amendment was lost.

* Mrs. A. RUKMANI LAKSHMIPATHI:—" Mr. President, Sir, I beg to 12-45
move the following amendment:— p.m.

'In sub-section (1) (b) (iv), for the words " sixty rupees " substitute the words " twelve rupees ".'

"The idea behind the amendment is to widen the electorate by lowering the franchise so that a tenant who pays Rs. 12 a year as rent may be entitled to vote in the elections to the City Corporation. The sub-clause says that in order to be entitled to vote a person must have been a mortgagee with possession, lessee or tenant of immovable property of an annual value of not less than sixty rupees. Sixty rupees is a very excessive amount and the figure of twelve rupees I have suggested will give an opportunity to a large part of the population to vote."

* Mr. K. KOTI REDDI:—" I second the amendment. To-day in the mufassal any person who pays one pie or one anna as tax to the Local Government or Government of India is a voter to the local bodies so much so practically adult franchise prevails there. I am told that in certain places, the system is so abused that there are more voters than the population itself. Therefore, Sir, I do not see why restrictions like these should be placed which will have the effect of reducing the number of voters. Since the House is not agreeable to adult franchise which will surely safeguard all interests and prevent all abuses, I hope they will be agreeable to this amendment which will enfranchise a large class of voters."

* The Hon. the PRESIDENT:—" Is Mr. Basu Dev moving his amendment? "

Mr. C. BASU DEV:—" Yes, Sir. I move that

'in sub-section (1) (b) (iv), for the words " sixty rupees " the words " twenty-four rupees " be substituted.'

"I do not think any further words are necessary to support the amendment."

The amendment was duly seconded.

[7th November 1935]

Mr. R. MADANAGOPAL NAYUDU:—"Sir, my hon. Friend from Cuddapah has stated that persons who pay one pie or one anna as tax to the local bodies in the mufassal are entitled to vote and therefore persons who pay a rent of Rs. 12 as tenants should be allowed to vote in Madras also. Sir, the voter in the mufassal pays one pie or one anna to the district board, but the tenant who pays Rs. 12 as rent does not pay anything to the Corporation, because if the rental value is Rs. 12, the House is free from tax, but all the same the tenants enjoy all the amenities of the Corporation. Unless the rental value is Rs. 36 a year, no tax is levied. On what ground should such a person who pays no tax at all get the right to vote, I fail to understand."

* Dr. P. SUBBARAYAN:—"Sir, I am surprised that hon. Members of the House who are members of the Corporation should say that the right to vote goes with the payment of a tax. They forget that the right to vote is an inherent right which, if you are going to work democracy in this country, every person, every adult born and resident in this country should have. If the affairs of the Corporation are to be managed properly, I think, we must work towards adult franchise, so that the City fathers will not be responsible to the mere aristocrat or the plutocrat but to the proletariat. That should be our aim. Therefore I cannot see any reason why Mr. Madanagopal Nayudu and others who think with him should get up here time after time and say that the tax-paying capacity alone should be the qualification for being a voter. What is being done by the two hon. Members here is to put as many persons as possible even on the restricted franchise on the voters' list. They tried the question of sub-tenants; they met with ~~failure~~ because it was impossible to work. So said the Mayor, who according to himself and other friends of his, has had experience of the working of the Corporation. I want to point out that work on the Corporation is no experience as to who should be on the voters' list and who should not be. I feel, Mr. President, that in the interests of the larger public, in the interests of democracy, it is but right that we should, as far as possible, widen the franchise instead of having the tax-paying capacity alone as the qualification for a voter."

Mr. K. KOTI REDDI:—"Mr. President, Sir, the hon. Member has misunderstood me. As a matter of fact it is not necessary to pay a tax to the district board to be a voter. If a person pays even a pie to the Government of India or the Local Government, he will be entitled to vote."

* The Hon. the RAJA OF BOBBILI:—"I am afraid the hon. Member, Mr. Koti Reddi has misunderstood the point. He said that the payment of any tax in the mufassal entitled a person to vote in the elections to the district boards or municipalities. But in the case of sub-tenants here, they do not pay any tax to the Corporation, because houses of a rental value of less than Rs. 36 a year are exempted altogether. Therefore any figure of less than Rs. 36 does not arise at all. Now according to the section as finally passed by the House, if a person pays

[7th November 1935]

[The Raja of Bobbili]

to the Corporation any tax levied under section 98 (except the dog-tax), whatever might be the amount, whether it is four annas or eight annas, will make him eligible to be placed on the electoral roll. I therefore oppose the amendment."

Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, if my understanding of the Act is correct, I am afraid, there is a misapprehension in the mind of Mr. Madanagopal Nayudu. He says that the minimum rental value below which people are exempt from assessment is Rs. 36. Evidently he refers to section 102 which says:—

'The Council may, by a general resolution, exempt any building or land from the property-tax—

(i) if the annual value of the same does not exceed a sum specified in the said resolution such sum not being greater than thirty-six rupees; . . .

"Two points will have to be noted here. They will be exempted only if there is a general resolution of the Corporation. The Corporation may resolve that even when the rental value is below Rs. 36, there should be no exemption. Even if exemption is granted, it refers only to the payment of the tax, but section 49 makes no reference to the payment of the tax. Sub-clause (iv) says—

'has been for the whole of such preceding year a mortgagee with possession, lessee or tenant of immovable property of an annual value of not less than sixty rupees in the City;'

"The amendment seeks to reduce the amount from Rs. 60 to Rs. 24. ^{1 p.m.} If the amendment is carried, it will mean that a person who is occupying a house with an annual value of Rs. 12 will be entitled to vote. Section 102 can say that the tax need not be paid. There will be no inconsistency at all. If we pass this amendment, it will not be invalid. All people whose property is of the annual value of Rs. 12 will be enrolled as voters. If you enfranchise such people, there will be no legal obstacle. The only question is 'are you prepared to do it?'"

* The Hon. the PRESIDENT:—"The question is: 'In sub-section (1) (b) (iv) for the words "sixty rupees" substitute the words, "twelve rupees".'"

The amendment was put and lost.

Mr. C. BASU DEV:—"Sir, I would like to increase the figure in my amendment to 36."

* The Hon. the PRESIDENT:—"It is too late to do so."

"The question: 'In sub-section (1) (b) (iv) for the words "sixty rupees" substitute the words "twenty-four rupees".'"

The amendment was put and lost.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, my amendment (No. 52) prescribes various other qualifications than the literary qualification. I think I may be allowed to move it now."

[7th November 1935]

* Mr. C. BASU DEV:—"Sir, I beg to move the amendment that stands in my name:—

'After sub-section (1) (b) (vi) insert the following:—

"(vii) is a literate, i.e., able to read and write in any language certified in the manner prescribed or alternatively is a holder of the elementary school certificate issued by the headmaster of a school recognized by Government."

"I do not think that many arguments are necessary to commend this amendment. Literacy as a qualification is one of the qualifications which the Indian Franchise Committee had recommended and has now been embodied in the new India Act. If literacy is to be a qualification even in the mufassal areas, I do not see any reason why it should not be so in the premier city of this province. Literacy qualification has been fixed in the case of voters to the new Provincial Legislative Assembly. It is high time that we remove the embargo on literacy in the Corporation. You must allow every person who knows to read and write to vote at elections; by doing so, he is helping in the discharge of a very important duty that of choosing his representative in the Corporation of Madras. With these few words I move my amendment. I hope it will be approved and accepted by all the liberal elements in the House."

* Dr. P. SUBBARAYAN:—"Mr. President, Sir, I rise to second this amendment moved by my hon. Friend, Mr. Basu Dev. I feel that, when literacy has been made a qualification for the future election to the local Legislative Assembly, it is but right that we should give this franchise even to the people in the City. As I said, the aim should be adult franchise. At present we ought to have on the voters' list as large a number of voters as we can get who will be qualified to judge of the efficiency of the persons who represent them on the Corporation. Then you must give the franchise at least to literate persons who are supposed to understand really what is wanted in civic life. I therefore feel that the Government would not be doing anything wrong, if they accept this amendment, because it will be only carrying out the policy that is contemplated by the Government of India Act, and the recommendation of the Lothian Franchise Committee."

* Mrs. A. RUKMANI LAKSHMIPATHI:—"Sir, I support Mr. Basu Dev's amendment which is almost the same as mine, that every literate person should be entitled to take part in the election to the City Corporation. The Lothian Committee has recommended literacy franchise for the Provincial Assembly. The White Paper has also accepted this principle and this has been specifically laid down in the new Constitution Act. When a literate person is entitled to vote for the Legislative Assembly, I do not see any reason why the electors to the Corporation which has a smaller electorate than the Assembly, should be denied this privilege. The amendment says, every person who knows to read and write in any language whether it be English or any vernacular,

7th November 1935] [Mrs. A. Rukmani Lakshmipathi]

should be accorded this right. I take it, Sir, the idea is to widen the electorate as much as possible and by lowering the franchise. The experiment can be tried in the City; the population of the City is only 6 lakhs and the adult population cannot be more than 60 per cent. I am sure that this system will work very satisfactorily if it were to be experimented upon for the first time here. I plead that literate people should also have a share in shaping the civic affairs of the City and as such, I heartily support the amendment."

* Mrs. K. ALAMELUMANGATHAYARAMMA then spoke in Tamil of which the following is an English summary:—

"Sir, educated people must be qualified to vote in the Corporation election. I would insist on these people having finished their course of primary education at least. My opinion is they can read the notices issued in vernaculars and they can very intelligently choose the candidate. I have given expression to this opinion of mine before the Lothian Committee. For this purpose, it is necessary that we should have compulsory elementary education which will enable a man to choose the proper person as his representative on the Corporation."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Sir, I rise to support the amendment moved by my hon. Friend, Mr. Basu Dev. There is a clause in this Bill which seeks to increase the number of voters belonging to the scheduled castes in proportion to their population in the City. Therefore if this amendment is accepted, it will go a long way to help the Government to include a large number of scheduled class members. I am one of those who believe that universal education must precede universal suffrage. All side of the House stated that universal suffrage should be introduced, and it was not accepted. I hope the Government would accept at least this modest amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I just want to bring one point to the notice of this House. In the original Bill there were provisions in respect of this matter, which were more liberal than the provisions inserted by the Select Committee. The original Bill provided for a literate person being enrolled as a voter. I feel, Sir, that the Government should accept this amendment. I pressed this matter in the Select Committee and it was rejected. We should retain a provision which was found in the original Bill brought forward by the Government."

"I feel, Sir, it is the duty of the Legislative Council at least to see that the Government proposals, as introduced by the Bill, are kept up. I think if the Hon. the Chief Minister accepts the amendment, there will be consistency with the provisions of the Original Bill. I do not want to add anything more to what has already been stated."

"Another point is that the amendment which I gave notice of, No. 52, which is a comprehensive one, includes literacy as well as other qualifications referred to in the Bill . . ."

[7th November 1935]

* The Hon. the PRESIDENT:—"It may be comprehensive, but it is very complicated."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I feel there is no complication in it; anyhow, as the President says, it is complicated, I obey the Chair. I support this amendment."

* Mr. G. R. PREMAYYA:—"Mr. President, Sir, this is a modest amendment. Several missionaries bring orphan and poor children to the schools and give them education up to the eighth standard or fourth and fifth forms and send them out. Many of them may have no houses nor any property; they work as farmers, some work in factories, others work as clerks of merchants, etc. Such people may not have any chance of taking part in the elections. In the district boards, several members come and sit like mummies. They pay taxes to the extent of Rs. 500 or Rs. 1,000, but they do not know what is going on in the district board. In such cases, what is the use of bringing them on as elected members and keeping them on the board? If people who can read and write come into the boards, they will be of real use and will be an asset to the country. With these observations, Sir, I support the motion moved by my Friend, Mr. Basu Dev."

* The Hon. the RAJA OF BOBBILI:—"As far as this Bill is concerned, we have been following the principle that before a person becomes eligible to be registered as a voter, he must contribute something to the coffers of the municipality; and as previously stated, all the arguments which apply to a political body cannot be applied to the Madras Corporation. I consider that it is not desirable to give this franchise. Originally, it was considered desirable to adopt the same rule for the Corporation as for the future Legislative Assembly; but on further examination it was found that as it would create difficulties, it would not be possible to make a provision to that effect in the present Bill. It has therefore been decided during the select committee stage to drop the original proposal and go into details and fix the qualifications for the voters. It is for that reason, Sir, that the original proposal to adopt the electoral roll of the Provincial Legislative Assembly in the Corporation had to be given up. In regard to the previous amendments, we have been proceeding on the basis that only those who contribute towards the funds of the Corporation by way of taxes should be entitled to vote. I therefore propose this amendment."

* The Hon. the PRESIDENT:—"I think the House is ready for a vote. The question is:

'After sub-section (1) (b) (vi), insert the following:—

"(vii) is a literate, i.e., able to read and write in any language certified in the manner prescribed or alternatively is a holder of the elementary school certificate issued by the headmaster of a school recognized by Government."

7th November 1935]

The amendment was declared lost. Mr. K. A. Nachiyappa Gounder demanded a poll and the House divided thus:

Ayes.

1 Mr. G. Simbachalam Pantulu.	10 Mr. K. A. Nachiyappa Gounder.
2 Mrs. K. Alamelumangathayaramma.	11 Rao Sahib V. I. Muniswami Pillai.
3 Dr. P. Subbarayan.	12 Mr. C. Basu Dev.
4 Diwan Bahadur T. A. Ramalingam Chettiyar.	13 „ G. Rameswara Rao.
5 Mr. T. C. Srinivasa Ayyangar.	14 Mrs. A. Rukmani Lakshmipathi.
6 „ T. S. Ramaswami Ayyar.	15 Mr. K. P. Raman Menon.
7 Rao Bahadur P. C. Muthu Chettiyar.	16 The Zamindar of Chemudu.
8 Mr. Ahmed Meeran.	17 Mr. G. R. Premayya.
9 Mr. P. Peddi Raju.	18 „ P. M. Thangal.
	19 „ K. Koti Reddi.
	20 „ P. V. Krishnayya Choudari.

Noes.

1 The Hon. Rai Bahadur Sir K. V. Reddi Nayudu.	23 The Zamindar of Kirlatupudi.
2 „ Mr. A. T. Pannirselvam.	24 Rao Bahadur B. P. Sessa Reddi.
3 „ Mr. C. A. Souter.	25 Mr. P. C. Moses.
4 „ Mr. G. T. H. Bracken.	26 „ P. V. Rajagopal Pillai.
5 „ Diwan Bahadur S. Kumaraswami Reddiyar.	27 „ V. G. Vasudeva Pillai.
6 „ Mr. P. T. Rajan.	28 „ G. F. Foulkes.
7 „ the Raja of Bobbili.	29 Khan Bahadur Javad Hussain Khan Sahib Bahadur.
8 Diwan Bahadur C. Natesa Mudaliyar.	30 Mr. P. K. Ramachandra Padayachi.
9 Mr. W. Scott Brown.	31 Rao Sahib V. Dharmalingam Pillai.
10 „ H. R. Uzielli.	32 Rao Bahadur D. Krishnamurti.
11 „ C. E. Jones.	33 The Raja of Kallikote.
12 „ G. T. Boag.	34 The Zamindar of Bodinayakkanur.
13 „ R. Madanagopal Nayudu.	35 Mr. C. Indrayya.
14 „ T. B. Russell.	36 „ G. Sriramulu.
15 „ T. Sundara Rao Nayudu.	37 Rao Sahib C. Jayaram Nayudu.
16 Khan Sahib Syed Tajuddin Sahib Bahadur.	38 „ D. V. Narasimhaswami.
17 Mr. R. M. Palat.	39 Mr. K. Kesavaramamurti Nayudu.
18 Rao Bahadur R. Srinivasan.	40 „ F. J. Stanes.
19 Diwan Bahadur A. Appadurai Pillai.	41 „ M. A. Muthiah Chettiyar.
20 Rao Sahib N. Siva Raj.	42 „ K. M. Doraiswami Reddiyar.
21 Mr. D. M. Reid.	43 „ H. M. Jagannatham.
22 The Raja of Parlakimedi.	44 Diwan Bahadur S. Ellappa Chettiyar.

Neutral.

1 Rao Bahadur Sir A. P. Patro.	5 Subadar-Major S. A. Nanjappa Bahadur.
2 Sriman M. G. Patnaik Mahasayo.	6 Diwan Bahadur C. S. Ratnasabhapati Mudaliyar.
3 The Zamindar of Mirzapuram.	
4 Mr. T. Narasa Reddi.	

Ayes 20. Noes 44. Neutral 6.

The amendment was lost.

The House then adjourned for lunch.

[7th November 1935]

After Lunch (2-30 p.m.)

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I move that the following be added at the end of section 49 (1) (b) (vi):—

'or is the wife of a person possessing any of the qualifications referred to in sub-clauses (i) to (vi).'

"My object in moving this amendment is this. Though I have moved in a previous amendment that those who are qualified to be electors to the Legislative Assembly should also be brought under this provision, after hearing the arguments of the Hon. Minister, I thought it was not desirable to move that amendment; and I therefore omitted all the other portions except this which I think will be relevant to this section; and this will also be in consonance with the view of the Government. I therefore want to include a provision to the effect that the wives of men who are voters to the Legislative Assembly should also be included as voters to the Corporation, because I think this will be one of the methods by which the number of voters will be increased. I hope this will not complicate matters. There is yet another reason for inserting this provision because we should give more franchise to ladies also to enable them to take up more responsibilities in the civic affairs of the Corporation. That is why I want that wives of men who pay taxes to the Corporation should come under the category of voters."

Dr. P. SUBBARAYAN:—"I second it, Sir."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"Sir, I rise to support the amendment moved by my hon. Friend, Mr. Krishnayya Choudari. Recently when the Government called upon the local officials to prepare the list of voters in connexion with the deliberations of the Delimitation Committee, I think orders were issued to prepare the list so that it may be 10 per cent more than the usual population of the scheduled castes, I mean the male members who are eligible to become voters, and that their wives also can be included as voters. So, that principle has been accepted by the Government. That being the case, I do not see why this amendment should not be accepted. Especially in the case of those people who have not got much property in the city, I think it will be an advantage to the womenfolk also if they are given the power of voting. I therefore strongly support the amendment."

Mr. T. SUNDARA RAO NAYUDU:—"Mr. President, Sir, I rise to oppose the amendment moved by my hon. Friend, Mr. Krishnayya Choudari. The Hon. the Chief Minister has already explained to the House the criteria for the inclusion of names in the voters list as also the qualifications that are necessary for the purpose. I have already stated in my previous speech that if any person is to be included in the voters list, he must have paid something to the coffers of the Corporation. Then, Sir, in the City of Madras, majority of the properties are owned by women and not by men. If you take the property list in the Corporation, you will find that about 60 per cent of the property

7th November 1935] [Mr. T. Sundara Rao Nayudu]

stands in the name of women and only about 40 per cent stands in the name of men. If in the voters' list we do not find a sufficient number of women, it is on account of the fact that according to the old Act, unless and until all the taxes due and payable by the assessee is paid before the 31st of March, his or her name is not included in the voters' list. That is why several names which ought to have found a place in the voters' list have been removed. As a result of the new amendment that has been passed this morning, you will find that about 25 per cent more will be added to the voters' list and there will be no useful purpose in adding some more names to the voters' list by the mere fact that one happens to be the wife of a person who pays a tax to the Corporation. On this ground, therefore, I strongly oppose the amendment moved by my hon. Friend, Mr. Krishnayya Choudari."

* Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President, Sir, I rise to support the amendment moved by my hon. Friend, Mr. Krishnayya Choudari, namely, that the wives of all men tax-payers should be qualified to vote, though I do not agree with Mr. Krishnayya Choudari's argument that women simply because they are the wives of husbands who possess the qualifications to vote, should be given the vote. I am of opinion that, women should rest on their own legs and if they have any property they should be qualified to vote; on their own merits they should be qualified to vote. On that ground, I do not see eye to eye with my hon. Friend, Mr. Krishnayya Choudari. But with regard to the other argument that he advanced when he said that by including the wives of men tax-payers in the electoral rolls, the electorate would be enlarged, I perfectly agree with him, because we have been urging the principle that franchise should be lowered and that we should have as big an electorate as possible. On that ground I support the amendment of Mr. Krishnayya Choudari because by his amendment we would be bringing into the electoral rolls as many women as possible, I mean such of those women whose husbands are qualified to vote."

Mr. G. RAMESWARA RAO:—"On a point of order, Sir, the House has no quorum." 2-45 p.m.

The Hon. the PRESIDENT:—"The hon. Member does not seem to have properly counted."

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil:—

"மிஸ்டர் சிருஷ்ணய்ய சவுதாரி அமெண்டுமெண்டை ஆசைப்பிக்கிறேன். ஒரு வரி செலுத்தும் புருஷனுக்கு ஒட்டு இருந்தால் பெண்சாதிக்கும் ஒட்டு கொடுக்க உரிமை வேண்டுமென்கிறார்.

"இம்மாதிரியானால் ஒரு வரி செலுத்தவோருக்கு இரண்டு ஒட்டு கொடுக்க ஏற்படுகிறது. இது ஒரு ஆச்சரியமான யோசனை.

"பெண்சாதி போலிருந்து வரி செலுத்தினால் ஒட்டுரிமை பெண்சாதிக்கு மட்டும்தான் இந்த கேசில் புருஷனுக்கு ஒட்டுரிமை இல்லை என்று சட்டம் ஏற்படுத்தியாய்விட்டது.

"இவள் அடைகிற நற்காரியத்தில் புருஷனுக்கு பங்கு இருக்கப்படாதுபோலும் ஆனால் இதுதான் தர்ம சாஸ்திரத்துக்கு ஒத்திருக்கிறது.

[Mr. P. C. Muthu Chettiar] [7th November 1935]

“புருஷன் செலுத்திய வரிக்கி மட்டும் இருவருக்கும் ஒட்டுரிமை வேண்டுமாய் விரும்பப்படுகிறது.

“இது எப்படி அநேக கேசுகளில் புருஷனுக்கு சரியான பெண்சாதிதானு வென்று எப்படி அறியமுடியும். பெண்சாதிகள் எத்தனைக்கு? இது நிற்க ஈஸ்வரனுக்கு அர்த்தனாசுவரர்யென்றும் உமையவன் பாகனென்றும் நாமதேயங்களுண்டு. இதனால் பாதிக்கு உமையவன் பாகமானதால் இந்த நியாயப்படிக்கு ஒரு புருஷன் இரண்டுவிதமான அமைப்பாகிறார். அதுபற்றி ஓர் நியாயம் நினைக்கலாம் சரிதான். அப்படியென்றால் அதிப்படி ஒட்டுரிமை மார்க்கு செய்யும் போது தம்பதிகளாய் வந்து மங்களாசாசனம் செய்வதுபோல் முதலில் புருஷனால் ஒரு கோடு மார்க்கு செய்து ஆரம்பித்து அப்பால் ஸ்திரீயின் அப்பால் பாக்கி கிராஸ் கோட்டை போடும்படி செய்வால் அது ஒரு ஓட்டாக X சேர்ந்து பொருந்தும்.

“அப்படியல்லாது இரண்டு ஓட்டுக்கு இடம் செய்வது நியாயமில்லை என எண்ணுகிறேன்.”

* Diwan Bahadur C. NATESA MUDALIYAR:—“Mr. President, Sir, no doubt it is a very good suggestion that we should enlarge the number of voters in the City but there are communities in which the wives of the husband voters will not come and vote. When the officers of the Corporation go to a house of female voters they do not easily get the name of the voter. Muhammadan members of this House who are not in their seats should have a say on this question. Let the Muhammadan members come and consider deeply over this matter. It is only certain communities that will be benefited by this amendment. I see the Lady Member is quite willing to accept the amendment. When wives of the husband voters have vote, why not the husbands have the same privilege? Then there will be some meaning in bringing forward this amendment. Generally it is only modernized women that will go to the polling station to vote.”

K. AHMED MEERAN SAHIB Bahadur spoke in Tamil.—He said that this amendment was to include the wives of the tax-payers as voters in the Corporation. He said that he was quite willing to accept the amendment as it tends to increase the voting strength. He was one of those who wish to enlarge the franchise somehow or other. He was not prepared to accept the statement of Dr. Natesa Mudaliyar that it would be a real hardship for the gosha women to come to the polling station. As a matter of fact the Muhammadan women would be most willing to come and vote because nowadays special provisions have been made by means of separate polling booths and other arrangements for gosha ladies. He strongly supported the amendment.

* The Hon. the RAJA OF BOBBILI:—“Sir, as far as I am aware, protests have been received from several associations in this country against the enfranchisement of the wives of voters. It is surprising to find that although my hon. Friend objects to the amendment on that ground, she supports the amendment on other grounds. But according to the principle laid down by the Select Committee the first qualification for an elector was the full contribution to the Corporation. As that principle is violated, I oppose the motion.”

7th November 1935]

* Dr. P. SUBBARAYAN:—“Mr. President, certainly there are two views on this point. I am afraid the Chief Minister is entirely wrong in saying that women are opposed to what is called the wifehood franchise which is well-known in England. Most of the women organizations took this wifehood franchise as one qualification because they feel that a large number of women should be on the electoral rolls. There is this difference in this country. The Lothian Committee after having gone into the question decided that the time has come when there should be a large enfranchisement of women in this country and also recommended that the wifehood qualification is to be one of the basis on which women ought to be brought on the electoral roll and this has been adopted by the Government of India Act, 1935. Franchise of women whose husbands are qualified to be voters should be brought under the present constitution and what Mr. Krishnayya Choudari's amendment demands is that the same course may be adopted in regard to the City Corporation. The Hon. the Chief Minister would admit that women in this country are as much interested in the civic welfare of the City as men are and that is the reason why I think that the House should accept the amendment proposed by Mr. Krishnayya Choudari.”

Mr. P. V. KRISHNAYYA CHAUDARI:—“Mr. President, Sir, I found the other day in the Delimitation Committee they wanted all the lady seats to be given to Madras because Madras is a very important City. To-day I am surprised to find in this House that Members are nervous to give this little privilege to women. When the Corporation prepare electoral rolls to the Legislative Assembly I find no difficulty for the same body to prepare electoral rolls for women whose husbands are voters to the Corporation. The returning officers are the same to the Legislative Assembly and they may undertake this work also. I feel, Sir, this amendment is an important one and that the House will accept it. I appeal once again to the House.”

The amendment was put and lost.

* Mrs. A. RUKMANI LAKSHMIPATHI:—“Sir, I have given notice of an amendment for the omission of sub-section (2) thinking that my amendment on the adult franchise would be accepted but since that amendment has been rejected by the House, I do not propose to move this amendment.”

* Mr. T. B. RUSSELL:—“I beg to move, Sir, the amendment that stands in my name, viz.:—

‘For sub-section (2) of section 49, the following shall be substituted, namely:—

“If on the preparation of the divisional electoral rolls, the number of Adi-Dravidas thereon does not bear to their population in the city at the census immediately preceding the preparation of the rolls, the same proportion as that which the aggregate number of the electors of other

[Mr. T. B. Russell] [7th November 1935]

communities bears to the total population in the city of such communities, the Local Government may, in order to make up the deficiency in the number of Adi-Dravida electors, prescribe such wider qualifications as they may deem fit in the case of Adi-Dravidas; and every Adi-Dravida possessing any one or more of such qualifications shall be included in the electoral roll of the division in which he possesses the residential qualification."

"Sir, the amendment is a long one and it has been already approved by the Select Committee. It only makes two or three minor changes. It is only a verbal alteration. It proposes to substitute the word 'wider' for 'special'."

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

8 p.m. The amendment was put and carried.

Mr. T. B. RUSSELL:—"Mr. President, I beg to move—

'At the end of sub-section (3) the following shall be added, namely:—

"The person so entitled shall be included in the electoral roll of the division in which the principal office in the city of the company or association or the principal residence in the city of the family, as the case may be, is situated."

"This is a drafting amendment."

Mr. T. SUNDARA RAO NAYUDU:—"I second the motion."

The amendment was put and carried.

Mr. T. B. RUSSELL:—"Mr. President, Sir, I beg to move—

'For the proposed section 49-A, the following shall be substituted, namely:—

"49-A. No person shall be included in the electoral roll as qualified to vote at the election for either of the labour constituencies referred to in section 46-B—

(a) unless he has resided in the city for ninety days in the aggregate in the year preceding that in which the electoral roll is published; and

(b) unless he is either—

"(i) a manual labourer who works in a factory as defined in the Factories Act, 1934, and situated in the city, or

(ii) an ordinary member of a trade union which was registered in the city not less than one month before the preparation of the electoral roll, and actually engaged or employed in an industry with which the trade union is connected."

7th November 1935] [Mr. T. B. Russell]

"The change in the section proposed by the Select Committee is to make the period of residence definite. The Select Committee merely prescribed a period but did not specify the period."

Mr. C. BASU DEV:—"I second the motion."

Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, Sir, may I know why when in the case of the other electors the period of residence is 120 days, in this case it is 90 days. I fail to see the reason why uniformity has not been observed and 120 days' residence has not been prescribed."

Mr. T. B. RUSSELL:—"The shorter period was fixed to widen the franchise for labour. The Government will have no objection to the longer period being adopted if that be the general sense of the House."

Dr. P. SUBBARAYAN:—"Mr. President, the ex-Mayor suggests a period of 120 days. I think, Sir, that as the labourers are all casual employees a provision of this nature will rob them of their vote. I am sorry that my hon. Friend Mr. Russell has so easily fallen into the net laid by the ex-Mayor. I appeal to the Government that 90 days should be retained."

The amendment was put and carried.

Clause 25 as amended was put and carried.

Clause 28.

New section 51.

Mr. T. B. RUSSELL was called to move his amendment.

* Mr. T. SUNDARA RAO NAYUDU:—"Mr. President, Sir, I request to be permitted to move amendment No. 77 which stands in my name. If that amendment is considered and passed, it may be incorporated in Mr. Russell's amendment and the whole thing can be passed. My amendment is that at the end of section 51 (1) (a) (i), the following be added:—

'and has paid all taxes due by him to the Corporation before the date of nomination'.

Mr. Russell's amendment only required the payment of property and profession taxes. The object of my amendment is that the intending candidate should have paid all taxes due to the Government before the nomination papers are filed."

* The Hon. the PRESIDENT:—"Mr. Russell may move his amendment and the hon. Member may move his amendment as an amendment to Mr. Russell's motion. I think that will be the proper course."

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, before my hon. Friend Mr. Russell makes the motion, I like to request that I may be permitted to move the amendment standing in my name (item No. 83). If Mr. Russell's amendment or Mr. Sundara Rao's amendment is considered and passed, Mr. President, it will defeat the object of my amendment. My amendment says that, as in the case of the

[Mr. A. Appadurai Pillai] [7th November 1935]

electors, mere assessment would be sufficient for enabling a candidate to stand for election, etc. Mr. Russell's amendment states that no person shall be qualified for election as a councillor unless he has paid the profession and property tax. But I have stated that mere assessment is enough. As I stated, Sir, if either Mr. Sundara Rao's amendment or that of Mr. Russell is considered and passed, the object of my amendment would be defeated."

Mr. T. SUNDARA RAO NAYUDU:—" May I also explain my position, Sir."

* The Hon. the PRESIDENT:—" I will first allow Mr. Russell to move his amendment."

* Mr. T. B. RUSSELL:—" Mr. President, Sir, I move—

' For sub-section (1) of the proposed section 51, the following section shall be substituted, namely:—

" 51. (1) No person shall be qualified for election—

' (a) as a councillor in respect of any of the forty general divisional seats, unless—

" (i) he has paid the property and profession taxes, if any, due by him under this Act up to and including the preceding half-year; and

(ii) his name is included in the electoral roll of any of the forty divisions of the city;

' (b) as a councillor in respect of any of the three divisional seats reserved for Adi-Dravidas, unless—

" (i) he is himself an Adi-Dravida;

(ii) he has paid the property and profession taxes, if any, due by him under this Act up to and including the preceding half-year; and

(iii) his name is included in the electoral roll of any of the forty divisions aforesaid;

' (c) as a councillor in respect of a labour constituency, unless—

" (i) he has paid the property and profession taxes, if any, due by him under this Act up to and including the preceding half-year; and

(ii) his name is included in the electoral roll of either of the constituencies for labour; and

' (d) as an alderman, unless—

" (i) he has paid the property and profession taxes, if any, due by him under this Act up to and including the preceding half-year; and

(ii) his name is included in the electoral roll of any of the forty divisions referred to in clause (a) or in the electoral roll of either of the constituencies for labour referred to in clause (c) or he is a member . . ."

7th November 1935] [Mr. T. B. Russell]

" There is a small variation from the amendment originally given notice of by me and with your permission, Sir, I will read it out—

' possessing the residential qualification under section 49-A of any of the bodies referred to in clauses (b), (c), (d) and (g) of sub-section (i) of section 5 or he is a trustee of the Port of Madras.'

" The alteration in the Bill as amended by the Select Committee was made on the representations of the European group who pointed out that, under the section as it was drafted, there was no provision for the members elected by special constituencies to be aldermen. I do not think that it was the intention of the Select Committee. It was so far as I am aware an oversight. Therefore, we have made suitable alterations to secure that members of special constituencies shall be eligible to be aldermen.

" It was pointed out to me that as drafted it was permissible for a member representing a special constituency not resident in Madras to be an alderman. It is not probable that a member having his residence outside Madras—Trichinopoly for instance—will take the trouble of coming all the way to Madras to attend the Council. But any way, there was no bar to his being on the Council, as the clause at present stands. To make the position absolutely safe, I have introduced the amendment.

" I am not entirely satisfied that no further drafting difficulties will arise but I hope they will not."

Mr. T. SUNDARA RAO NAYUDU:—" Mr. President, I rise to second the long amendment of my hon. Friend and at the same time I am not pressing my amendment."

Dr. P. SUBBARAYAN:—" Mr. President, I can understand the Government wanting to retain the section about the payment of tax for qualification. They have now given it up altogether. That depended upon the finances of the Corporation, because that would lead to speedy collections. After all the number of councillors and aldermen is now being fixed at 65. It will not be anything by way of financial help that a person should pay his tax before he stands for election. During the first meeting of the Select Committee that I was able to attend I said it was a wrong principle to make the payment of tax a condition precedent to being put on the electoral roll. I stand by that. I would therefore plead not to make a distinction between an elector and a candidate. If the candidate has his name on the electoral roll then he should be entitled to stand. The collection of tax is a matter for the Corporation officials as the Corporation officials are the people who are concerned with it. I do not think you should penalize a candidate merely on the question of his not having paid his tax."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—" There is sometimes a doubt whether a tax has been paid or not. There have been several cases in which demand was not made and the bill collector did not come within the year itself. What we are generally doing in the

3-15
p.m.

[Mr. T. A. Ramalingam Chettiyar] [7th November 1935]

mufassal is—and I do not think in Madras City it is different—that the bill collector comes and demands payment of taxes. Whatever he claims we give. When we find a receipt in our name we generally make payment. Sometimes it may be for the whole period or not. It may be, for a property somewhere a person might not have paid when he has a large number of properties. The tax payer does not look into it. It is only when the bill comes the money is paid. If the bill collector does not come the money is not paid. Also if some of the people are interested, the bill collector for instance or somebody else it can be easily managed so that one does not pay all the taxes, because as I said persons with several properties are not likely to know whether any payment for that half year was made for all his properties or not. So in view of that if the Government wants to insist on some payment. I do not have any objection. But to say that all the dues of the man ought to be paid seems to me to be a matter for question. I hope the Government will look into that aspect of the matter.”

* Mr. M. A. MUTHIAH CHETTIYAR:—“After all it does not matter if a candidate is in arrears of tax because he cannot escape payment. The money can be collected. The difficulty will be found in practice to exclude such men. When there is an assessment in question he appeals to the Standing Committee. The Standing Committee takes a number of months to decide. In the first instance, it comes to the Commissioner for review and then there is an appeal to the Standing Committee. It will take four months. But the answer could be given that he can pay the money under protest and then take the refund after disposal of the appeal. I know Government can easily give that answer. I would appeal to Government not to insist on this condition because after all it is only one year's tax that can be in arrears.”

* Diwan Bahadur A. APPADURAI PILLAI:—“I would draw your attention, Sir, to the fact the Mover's amendment practically covers the same ground as my amendment. My amendment is to substitute: ‘Unless he has been assessed in the previous year to property tax or profession tax.’ That means that no payment need be insisted upon, in the case of persons standing as candidates for election. In other words, both the elector and the candidate should stand in the same position. I do not know what the object is in differentiating between the qualifications of the candidate and the voter. The elementary principle in all matters of democratic representation is that any elector ought to be able to stand as a candidate. That is the principle, Sir, accepted in the Government of India Act, and so far as the Legislative Council elections are concerned any elector is eligible to stand as a candidate. That is the principle on which the Joint Committee on Indian Reforms have stated that the qualifications of the candidate and the electorate should be alike for the simple reason that no elector should be disqualified from standing as a candidate. The arguments that I should advance in respect of this amendment have been anticipated by Mr. Sundara Rao Nayudu, in connexion with amendment

7th November 1935] [Mr. A. Appadurai Pillai]

No. 54. He stated that an elector need not have paid the tax, and that it is quite sufficient if he has been assessed the previous year. You will remember, Sir, that the House accepted the amendment. The amendment proposed by Sir William Wright was to the effect that the dues should not be in arrear for more than a year. The same conditions might apply to the candidates also. As the clause now stands the implication seems to be that there ought to be some sort of difference between the elector and the candidate. I think, Sir, after all if we insist upon that sort of difference there is a very great danger of persons who are eligible to stand as candidates being disqualified for non-payment of taxes. One of the reasons advanced by Mr. Sundara Rao Nayudu is that some times the bill collectors do not go to collect taxes. The same reason would apply to candidates. If it is sought to keep back a person from qualifying himself as a candidate it is quite easy not to collect tax from him. The next point is, Sir, that it would facilitate the preparation of electoral roll for the Legislative Assembly and the Council elections if similar qualifications are maintained for both bodies. It is on these grounds that I move my amendment. The Corporation authorities are there to see that all the amounts are duly collected. The amounts are collected with all costs and other incidental expenses. Where then is the need for prescribing a difference between the elector and the candidates? If we think that an elector can come into an electoral roll for having been assessed, I contend the same concession should be allowed in the case of a candidate.”

Dr. P. SUBBARAYAN:—“I am aware that the Chief Whip is in agreement with the proposition I made. I think it will be carried out in Mr. Russell's amendment. I move the following amendment to the amendment of Mr. Russell—

‘In new section 51, sub-section (1)—

- “ (1) in sub-clause (a) delete (i) and re-number (ii);
- (2) in sub-clause (b) delete (ii) and re-number (iii);
- (3) in sub-clause (c) delete (i) and re-number (ii); and
- (4) in sub-clause (d) delete (i) and re-number (ii).”

“As has been explained, after all a person has got to be assessed and must have paid his tax. The fact that he is on the electoral roll will qualify him. That is my amendment.”

* Diwan Bahadur T. A. RAMALINGA CHETTIYAR:—“I second the amendment. Supposing there is the agreement that the tax should be paid by the lessee and the tax is not paid by the lessee the landlord will be penalized because the house will stand in his name. In view of this, I hope Government will accept it.”

* The Hon. the RAJA OF BOBBILI:—“Sir, my hon. Friend, the 3-30 Leader of the Opposition, is wrong in assuming that the object of this p.m. amendment is to facilitate the collection of revenues. The intention of this amendment is that the candidates who want to stand for election

[The Raja of Bobbili] [7th November 1935]

should set an example by not being in arrears to the Corporation. As regards the other difficulties pointed out by Mr. Ramalingam Chettiyar, those will apply with equal force to the restrictions laid down with reference to electors."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"In the other case, the payment of any tax is enough, but in this case the candidate must have paid all the taxes."

* The Hon. the RAJA OF BOBBILI:—"No, Sir. Perhaps the hon. Member was not here when we dealt with the section this morning. The amendment is that he must not be in arrear for more than one year, which means he can be in arrear for one year. Sir, I am not very particular about this. If it is the general desire of the House that there should be no differentiation between the qualifications of a candidate and those of a voter, I have no objection. I have only to explain the reasons underlying the Government amendment and point out that it is not intended to facilitate the collection of revenue as the Leader of the Opposition has assumed. It is merely to see that a candidate who wants to stand should set an example by paying the taxes he owes to the Corporation. It is not desirable that the candidate himself should be a defaulter to the Corporation."

* Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, now that the Hon. the Chief Minister has stated frankly that the object of the amendment is not to facilitate collection of revenues but to see that the candidate sets a high example, one main reason which may underlie the Government amendment vanishes. True, all must set a very good example, particularly people who aspire to govern the affairs of the City Corporation, but there may be many reasons why even an ideally honest man for no intentional fault of his, may have failed to pay all the taxes or rates due by him within the proper time. The question may arise whether the non-payment was due to his own fault or due to accidental circumstances such as the notice of demand not having been served on him. Enormous number of contentions may arise from irregularities. Our attempt must be to simplify the procedure of elections and see that as far as possible they are conducted with the least trouble. In the light of the views expressed by the Hon. the Chief Minister I hope the House will agree to the amendment in view of the complications that would arise both before and after the polling, if this condition of payment of all the taxes were made a qualification for an elector to stand as a candidate for election. Any one who aspires to get elected as a councillor should not be wanting in promptitude in the payment of the taxes. But to put it as a qualification for a candidate would lead to undesirable, undesired and ulterior results."

* Mr. K. KOTI REDDI:—"Mr. President, I submit that on the other hand, it would be better if the Hon. the Chief Minister insists that after becoming councillors they should be prompt in the payment of

7th November 1935] [Mr. K. Koti Reddi]

their taxes and set an example to others. Even to-day municipal chairmen and commissioners send circulars to members who are in arrears reminding them that they ought to set an example to others by paying up all arrears. That would be better than making the payment a qualification for a candidate for election. Nowhere else in the world is it made a qualification. If attempts are made to make a difference between the qualifications of a candidate and those of a voter, it is objectionable. The only distinction that is usually made is with regard to the age of the candidate and that also is usually made with regard to candidates for upper chambers. I do not see why we should impose a qualification which is imposed nowhere else in the world. This sort of setting an example by compulsion is not right."

* The Hon. the RAJA OF BOBBILI:—"With regard to this question of making the candidate set an example, I should point out that the present Municipal Act requires that a person who wants to have his name registered as a voter, must pay all the taxes due by him. We have now relaxed all these restrictions and as a result of the amendments accepted by the House, the present position is that he must not be in arrears for more than one year. When that is the position, I do not see what objection there can be in having six months here. I do not say that the six months period is sacrosanct or that it should not be altered. But this amendment is not so meaningless or senseless as it is sought to be shown. If it is the general desire of the House to remove these restrictions, I am not fighting against it. What I have said is that there is no absurdity. The law at present says that a person, to qualify himself as an elector, must pay all the taxes due by him. As a matter of fact, we are proceeding in the direction of relaxing the restrictions rather than adding to them."

* The Hon. the PRESIDENT:—"Does Mr. Natesa Mudaliyar want to move his amendment?"

Diwan Bahadur C. NATESA MUDALIYAR:—"No, Sir."

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil:—

"இந்த அமென்டுமென்டை ஆகேஷிக்கிறேன். ஆனரபல் மெம்பர் ரசல் துரை அவர்கள் இதில் சொல்லுகிறபடி காண்டிடிட்டாய் வருபவர்கள் அவர்கள் கார்ப்பரேஷனுக்கு செலுத்தவேண்டிய பூரா பாக்கி வரி வகையறு எல்லாம் செலுத்தியபின் காண்டிடிட்டாய் வரவேணுமாய் சொல்வதை ஆகேஷிக்கிறது. ஒட்டர்களின் பேர் ஒரு வருஷத்திய பாக்கிக்கி மேலிருந்தால் லிஸ்டுக்கு வருவதில்லை. ஒரு நபருக்கு அனைக லீடுகளிருக்கலாம். அதற்குரியவர்களில் ஐந்து அல்லது பத்து வருஷத்துக்கு குத்தகையாக விட்டிருக்கலாம். அதற்கு டெண்டெண்ணு செலுத்தக்கூடிய ஒப்பந்தமிருக்கலாம். அப்படிப்பட்ட கேசுகளில் எப்படி செலுத்த முடியும். உயர்ந்த வரி அல்லது ரிமிஷன் செய்யவேண்டியதான வரி இதுகள் சம்மந்தமாய் அப்பீல் செய்யவேண்டியதாகவோ பெண்டிங்காகவோ இருக்கலாம். இதுகளிலும் நோட்டீசு வாராமலோ கொடுக்காமலோ இருக்கிற கேசுகளிலும் ஏதோ ஒரு அயிட்டத்துக்கு தெரியாமலே பாக்கி நேர்ந்திருக்கலாம். இதுகளிலும் பணம் செலுத்தவில்லை என்கிற காரணம் சொல்லி காண்டிடிட்டை விட்டிவிடுவது நியாயமாகுமா?"

[Mr. P. C. Muthu Chettiyar] [7th November 1935]

“அன்னியில் இது இதர மாகாணத்துக்கு ஜில்லாக்களில் பிரவேசிக்க இடமாகும். பெரிய எலெக்ட்ரிக்ஸிலும் லாண்ட் ஹோஸ்டர் ஜம்னீதாரிகளுக்கும் ரிவினியூ தீர்வை பேஷ்கிஷ்விதிகள் லஷ்கணக்காயுள்ளவை எல்லாம் செலுத்தும்படி சொன்னால் எப்படி முடியும்.

“ஒரு எலக்டோரல்ரோல் தயாராகும்போது அதற்கு பல சடங்குகள் செய்து கட்சியாக ஸ்கூல்டிவிக்காக ஆபீஸர்கள் நியமனமாகி பயனலாக்கி விடுகிறார்கள். அதில் பிரின்டிங் பிஸ்டேக்காக அனந்த நாராயணனுக்கு ஆனந்த நாராயணன் என்று பிரிண்டாயிருந்தால் அப்படிதான் (நாமினி) பெயரை போடவேண்டும். ஆகிய கண்டிஷன்களுள்ள ஒட்டர் பிஸ்டீக்கு மறு ஏற்பாடு நுழைவித்தால் ரூல்ஸ்க்கே முரணாகும். ஆதலால் இந்த ஏற்பாட்டை ஆரோபிப்பது நியாயமாயிருக்கிறது.”

Mr. T. B. RUSSELL:—“ I accept Dr. Subbarayan's amendment.”

Dr. Subbarayan's amendment was put and carried. Mr. Russell's amendment * as amended by the amendment of Dr. Subbarayan was put and carried.

* The Hon. the PRESIDENT:—“ We have now covered all the amendments up to No. 85.”

Mrs. A. RUKMANI LAKSHMIPATHI:—“ There is one consequential amendment, No. 74.”

* The Hon. the PRESIDENT:—“ The Hon. Member's amendments Nos. 74, 75, 78 and 82 cannot be moved since they have been covered by the previous amendments.”

Clause 28 as amended was put and carried.

Clause 46.

* The Hon. the PRESIDENT:—“ Hon. Members will note that on the previous day when we adjourned the consideration of this clause;

* For sub-section (1) of the proposed section 51, the following section shall be substituted, namely:—

“ 51. (1) No person shall be qualified for election—

(a) as a councillor in respect of any of the forty general divisional seats, unless his name is included in the electoral roll of any of the forty divisions of the city;

(b) as a councillor in respect of any of the three divisional seats reserved for Adi-Dravidas, unless—

(i) he is himself an Adi-Dravida; and

(ii) his name is included in the electoral roll of any of the forty divisions aforesaid;

(c) as a councillor in respect of a labour constituency, unless his name is included in the electoral roll of either of the constituencies for labour; and

(d) as an alderman, unless his name is included in the electoral roll of any of the forty divisions referred to in clause (a) or in the electoral roll of either of the constituencies for labour referred to in clause (c) or he is a member possessing the residential qualification under section 49-A of any of the bodies referred to in clauses (b), (c), (d) and (g) of sub-section (i) of section 5 or he is a trustee of the Port of Madras.”

7th November 1935]

[The President]

amendment * No. 86 had been moved by Mr. Basheer Ahmed and duly seconded and supported by several hon. Members. It was postponed on account of the fact that the constitution of the Corporation was still pending. Further discussion upon that motion will continue.

“ The question is ‘ omit sub-clause (i) ’.”

The amendment was put and lost.

Clause 46 was put and carried.

Clauses 52 to 54 were put and carried.

Clause 55.

Section 101.

* Diwan Bahadur A. APPADURAI PILLAI:—“ Sir, I beg to move the amendment standing in my name:—

“ To clause (c) in sub-clause (ii) add the following:—

“ and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and similar institutions run purely on philanthropic lines ”.”

The words found in the present clause are: ‘ places used for the charitable purpose of sheltering the destitute or animals.’ These words will not cover all the cases mentioned in my amendment. As there is some doubt, it is desirable that it should be expressly provided for. In the city there are several institutions of the kind I have enumerated in the amendment, which are conducted on purely philanthropic lines. It is the desire of Christian missionaries and others who are in charge of these institutions that these should be brought within the scope of clause 55. If they are not exempted from taxation, it will work a great hardship. These institutions should naturally be looked after either by the Government or by the Corporation. When Christian missionaries and other public bodies come forward to manage such institutions, it seems but necessary and desirable that they should be exempt from the payment of tax. In order to make the position clear, it is considered by some of us that the exact cases intended should be specified. I commend my amendment to the acceptance of the House.”

Mr. G. R. PREMAYYA:—“ Sir, I have great pleasure in seconding this amendment. This is a very reasonable amendment. Every one of us knows how these institutions have been established and managed. There are institutions which are managed by Hindus, like the Seva Sadan and the Ramakrishna Mission Students Home. Christian institutions, Muhammadan institutions, Hindu and other institutions should be exempted for the simple reason that they are maintained out of charitable funds. Whether these institutions are managed with the help of funds from America or from India, they should be exempted.”

* “ Omit sub-clause (1).” This amendment was moved on 9th August 1935 by Mr. Basheer Ahmed Sayeed and further consideration thereof was postponed—vide Volume LXXVII, pages 539-47.

3-45
p.m.

[7th November 1935]

Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"Sir, I beg to oppose the amendment. No doubt, as suggested by my hon. Friend on the other side, this appears to be a very modest amendment. You must also consider the amount of money involved which would be lost by the Corporation. I have not got the figures here; if necessary, they can be supplied. To the institutions referred by my hon. Friend, Mr. Appadurai Pillai, the Corporation are rendering various municipal services; therefore I do not see why they should be exempted from taxation. The chief point to be considered is the revenue which the Corporation would lose. With these words, I beg to oppose the amendment."

Sriman M. G. PATNAIK Mahasayo:—"Sir, I am really surprised at the Commissioner of the Corporation opposing this amendment. It is the duty of the Corporation itself to maintain such institutions; but if others come forward to do so, the Corporation should not think of getting tax from them. These are charitable institutions and they should be exempt from taxation. Instead of the Corporation contributing towards the expenses of the management of these institutions, they want to get some money from them."

Mr. P. V. KRISHNAYYA CHAUDARI:—"Sir, I think the Act provides for certain things. I think my hon. Friend, Mr. Appadurai Pillai, is anxious to have the position cleared. The clause refers to choultries for the occupation of which no rent is charged, to places used for charitable purposes, to ancient monuments, to charitable hospitals and dispensaries, and to hospitals and dispensaries maintained by railway administrations. Such being the case, it is quite reasonable that my hon. Friend, Mr. Appadurai Pillai, should request the Government to clear the doubt whether the institutions referred to by him will be exempt from taxation. I feel that this amendment should be accepted by the Government."

* Mr. M. DEVADASAN:—"Sir, I support the motion moved by my hon. Friend, Mr. Appadurai Pillai. The expert Member stated that much loss will be incurred by the Corporation if this amendment is accepted. He has not stated what would be the amount of loss. In the city of Madras it is absolutely necessary that there should be such institutions as are mentioned in the amendment. Such institutions should be maintained by the Corporation itself at its own expense. Instead of paying contribution to these institutions which are run with the help of funds got outside India also, the Corporation wants to tax them. I do not see why the Corporation of Madras should not extend the same liberality and generosity to these institutions as the foreign missionaries have done. It is quite legitimate and proper that the Corporation should not levy any tax upon these institutions. These institutions are absolutely necessary in the interests of the civic welfare of the city. I urge that the Members of this Council should accept

7th November 1935] [Mr. M. Devadasan]

this amendment. There cannot be any justification for the denial of the right which the amendment seeks to provide. With these few words, I support the amendment."

Rao Bahadur P. C. MUTHU CHETTIYAR:—

"இந்த அமென்டுமெண்டை ஆதரிக்கிறேன். அதாவது, அனாதை குழ 4 p.m. நத்தைகளை பரிபாலித்து ஆதரிக்கும்படியான சங்கங்கள், பயித்திய ஆஸ்பத்திரி, லைப்பர் ஆஸ்பத்திரி, ஊமைப் பள்ளிக்கூடம் இது போன்ற நற்காரியங்களை செய்யும்படியான சங்கங்களுக்கு அல்லது இன்ஸ்டிடியூஷன்களுக்கு வரி விதிக்கிறது கூடாதகாரியம்.

"மதுரையில் மின் மார்கர் லேடி அம்மாள் சில குழந்தைகளை பாதுகாத்து வருவது பாருட்டத்தக்கது. அதற்கு அனாதைகள் உதவி செய்வார்கள். இங்கு இருக்கும் ஆனாமின் மெய்ம் பெடி ஐந்தாசவரிகளும் உதவிசெய்திருப்பா என்று எண்ணுகிறேன். ஒரு சமயம் திருப்பரங்குளத்தில் செடியில் ஒரு குழந்தை சிசு கிந்து எடுத்து வளர்க்க விதாமி இருக்கிறார்கள். எனக்கு தெரிந்தவரை லேபல் பெயர் பராலும், ருனிசிபாலிட்டியாராலும் இவைகளுக்கு வேண்டிய உதவி செய்து வந்திருக்கிறோம்.

"இம்மாதிரி காரியங்கள் ஒரு பெரிய கார்பரேஷனில் தாராளமாய் பேச்சுக்கு இடமன்னியில் வரி விதிக்கக்கூடாது என்று செக்ஷனில் கண்டிருக்க வேண்டியது கவனிக்கப்படாதிருந்ததைப்பற்றி வருந்தத்தக்கது.

"இம்மாதிரி காரியங்களில் விஸ்தாரமான எண்ணத்தை கொடுக்கவேண்டுமாய் விரும்புகிறேன்."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"The Commissioner said that the Corporation was rendering services to these institutions and that therefore they cannot be exempted from paying the property tax. But in the case of hospitals and dispensaries also such services are being rendered by the Corporation and in fact they are more than what is expected to be done in regard to these institutions. A hospital may contain, say 100 beds, and the services to be rendered to that hospital by the Corporation must necessarily be more than what they will be to an institution of this kind—which must be comparatively small. It may be contended that some form of handicraft is carried on in these institutions and large collections are being made and that therefore there is sufficient justification for the payment of the tax. But, Sir, these collections are not much and the management have to spend large funds on capital outlay. Moreover, the duty of maintaining such orphanages and homes devolves on the Corporation. I know certain mufassal municipalities are maintaining such institutions. That being the case, the Corporation should at least exempt the buildings in which the institutions are housed, from all tax. While I support this amendment, I move for the insertion of the words 'approved of by the Corporation' after the word 'institutions.' The term 'similar institutions' is too vague. If power is given to the Corporation to approve the institutions which are eligible for such exemption, I think it will be better. I hope, Sir, that my amendment to the amendment moved by my friend will be accepted."

The amendment was duly seconded.

[7th November 1935]

* The Hon. the RAJA OF BOBBILI:—"I thought, Sir, the language of sub-section (c) of section 101, viz., 'places used for the charitable purpose of sheltering the destitute' would cover most of the items included in the present amendment. I should like to know whether the hon. the mover of the amendment considers that sub-section (c) is not sufficiently comprehensive and whether he wants this amendment."

* Diwan Bahadur A. APPADURAI PILLAI:—"That is exactly the reason why, Sir, this amendment is brought forward. 'Destitute' may not cover all these cases. The inmates of these institutions may or may not be destitutes; we want that the institutions as a whole should be exempted. 'Destitutes' may refer only to people who are in poor circumstances, who are helpless and so on. I do not think, Sir, sub-section (c) covers the cases referred to in my amendment. I am anxious, therefore, that this amendment should be accepted by the House."

The Hon. the RAJA OF BOBBILI:—"I accept the amendment, as amended by my friend, Mr. Ratnasabhapat Mudaliyar's amendment."

Diwan Bahadur A. APPADURAI PILLAI:—"I am very thankful to the Hon. the Chief Minister for having graciously accepted this amendment."

Mr. M. A. MUTHIAH CHETTIYAR:—"I should like the mover to understand, Sir, that if Mr. Ratnasabhapat Mudaliyar's amendment is accepted, the whole lot of institutions mentioned here would have to be approved by the Corporation. I take it that it was not the intention of either Mr. Ratnasabhapat Mudaliyar or the mover of the original amendment. Mr. Ratnasabhapat Mudaliyar's amendment will defeat the object of the mover."

* The Hon. the PRESIDENT:—"Perhaps the mover does not find any difficulty in the Corporation approving all these institutions."

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I think 'approved' should qualify the words 'similar institutions' only."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I think 'and such other institutions as are approved of by the Corporation' would be better."

Mr. T. C. SRINIVASA AYYANGAR:—"I move, Sir, a slight verbal amendment to Mr. A. Appadurai Pillai's amendment, viz., to insert the word 'such' before the word 'similar' and add the words 'as are approved by the Corporation' at the end. This will bring out the meaning of the amendments of both the hon. Members very clearly."

The amendment was duly seconded and was put and carried.

7th November 1935]

* The Hon. the PRESIDENT:—"I shall now put the amendment, as amended, to the House. The question is:

To clause (c) in sub-clause (ii), add the following:—

"and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines, as are approved by the Corporation".

The amendment was put and carried.

The amendment of Mr. Ratnasabhapat Mudaliyar was by leave withdrawn.

* The Hon. the RAJA OF BOBBILI:—"Sir, I beg to move amendment No. 103-A standing in my name:

In sub-clause (iii) after the words "shall be inserted" the following words shall be added, namely:—

"and for the words 'and all such other property of Government not being buildings as may from time to time be notified by the Governor in Council with the consent of the Corporation;' the words and brackets 'and all such other property of Government (being neither buildings nor land from which in the opinion of the Government any income could be derived) as may from time to time be notified by the Local Government' shall be substituted".

The object of this amendment is to exempt Government property which is neither building nor land from which in the opinion of the Government, any income is derived. It is only right that such buildings or land should be exempt from taxation by the Corporation."

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

Mr. T. S. RAMASWAMI AYYAR:—"The Hon. the Chief Minister will perhaps explain the reasons for his amendment, in order to facilitate discussion. For my part, I am not able to understand the reason why such exemption should be given."

* The Hon. the PRESIDENT:—"Is the House ready for a vote?"

Mr. P. V. KRISHNAYYA CHOUDARI:—"No, Mr. President. The Hon. Minister, in moving his amendment, has not made it clear to us whether the Corporation is at present deriving any income on any such lands or buildings within the Corporation area, if so, what is the aggregate amount that the Corporation is so getting, and to what extent, as a result of this amendment, the Corporation is likely to lose. This information, Sir, the Hon. Minister should have given to the House before introducing his amendment. The Hon. Minister has been pointing out to us in connexion with various amendments, that the Corporation would lose so much on this account and so much on that; in this case, however, he has not done so. If the above points are

[Mr. P. V. Krishnayya Choudari] [7th November 1935]

cleared, I think we will be in a better position to express our views on the amendment. I therefore request, Sir, with your permission, the Hon. Minister to furnish us such information."

* The Hon. the RAJA OF BOBBILI:—"Sir, at present all these lands and buildings are being taxed by the Corporation. My position is that it is not fair that Government properties which are neither buildings nor lands from which Government derive any income should be taxed, because they come under 'public properties.' It is not fair that they should be taxed by the Corporation."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Though the Government may not be deriving any benefit, the value of the properties may be getting enhanced every day on account of their importance. With regard to private lands, even if they are not utilized for any purpose, simply because they are situated in important localities and they have a certain value, they are taxed. I cannot understand why Government property alone should be treated differently. I therefore oppose the amendment."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"It is stated in the amendment: 'being neither buildings nor land.' The expression 'from which any income could be derived' may be included under either category. That is not quite clear."

The Hon. the RAJA OF BOBBILI:—"It is, 'nor land from which in the opinion of the Government any income could be derived.'"

The amendment was put and carried.

4-15 p.m. Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I beg to move the amendment that stands in my name, namely—

'Add the following at the end of sub-clause (iii):—

"At the end of clause (h), before the word 'and' the following proviso shall be inserted:—

'Provided that the Government do not derive any income from such beds and' "

"My object in moving this amendment is that the Public Works Department authorities may allow some plots on the bed of the Cooum for loading the silt or sand and thereby derive some income and in such a case it will be a loss to the Corporation if they exempt it from taxation. There may be occasions when the river-bed may dry up and it being wide, the authorities may grant permits to take away the silt, etc., on payment of certain amounts. In the interests of the Corporation I think my amendment is necessary. I therefore hope the Hon. the Minister will accept my amendment."

Rao Sahib V. I. MUNISWAMI PILLAI:—"I second it, Sir."

The Hon. the RAJA OF BOBBILI:—"I accept the amendment, Sir."

The amendment was put and carried.

Clause 55, as amended, was put and carried.

7th November 1935]

Clause 56.

Section 102.

Mr. P. V. KRISHNAYYA CHOUDARI:—"I beg to move the following amendment, namely:—

'In sub-clause (i), for the words "The rates of property-tax fixed by the council may be proportionate to the value of each building or land" the words "The rates of property-tax shall be proportionate not only to the value of each building or land but also the aggregate value of all buildings and lands owned by a person" shall be substituted.'

"My reason for moving this amendment is this. In order to prevent the Corporation from realizing more money by way of taxation, several rich people will construct small buildings and thereby get more income by way of rent, at the same time paying only a small amount of tax to the Corporation. As a matter of fact the owner of a big bungalow will not be able to get a person to occupy his bungalow by paying Rs. 200 or Rs. 250 as rent, whereas the owner of a small building will always be sure of getting a tenant for Rs. 50 or so and thus his building will not be kept vacant; at the same time he pays a tax which will be smaller in proportion to the tax which may be paid by the owner of a big bungalow. I think this will lead to injustice in the case of owners of big buildings. For instance, if a man constructs a big bungalow at a cost of one lakh of rupees and has to pay a tax of Rs. 250, he may not get a tenant to occupy it at a rent of Rs. 200 or so; whereas in the case of another person who constructs about ten small buildings, he will easily get tenants for these houses; so much so his houses will not be kept vacant; and he will have to pay a very much smaller amount as tax than what the owner of the big bungalow has to pay. In order to bring the two into uniformity, I am moving this amendment."

"Another reason why I am moving this amendment is, if only big bungalows are constructed the artistic beauty of the town will be reduced, whereas the number of smaller houses will go on increasing in the City. If a uniform rate of taxation is introduced in the matter of big bungalows as well as smaller buildings, the number of big buildings will not go down. I therefore commend my amendment for the acceptance of the House."

The amendment was duly seconded.

* Mr. C. BASU DEV:—"Mr. President, I would only like to add one word to what my hon. Friend, Mr. Krishnayya Choudari, said about the architectural beauty of the City. Sir, I think the object of the amendment is to see that the rich man is made to pay at a higher rate on the value of his property than other people. If that is the object, I do not see any reason why a person who invests his money in one big building should be made to pay more than the person who invests

[Mr. C. Basu Dev] [7th November 1935]

his money in a number of small buildings. I think this is an unwarranted discrimination between a man who invests one's own money in a big building and another who invests his money on small buildings and generally makes more money. I therefore think this House will easily accept this amendment which is in consonance with the object underlying proportionate taxation."

* Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, I want to speak on the section as a whole. My objection to the clause as introduced in the Bill is two-fold—not only to the amendment to the old Act which has been put in by Government in the Bill but also to the suggestion made by my hon. Friend, Mr. Krishnayya Choudari. He says that practically nobody should come forward to build a house to suit the lower middle classes in the City. As a matter of fact, everybody is anxious that a number of small houses in Madras should be built by persons who are likely to invest money. I know there are several persons who are not capitalists, but who are retired Government officials residing in Mambalam who want to build one or two houses, live in one of the houses and let out the other for rent. According to my hon. Friend, Mr. Krishnayya Choudari, it will come to this. If a person should build three houses, one big and two small ones, and the Corporation fixes a progressive rate of taxation, that is 20 per cent for bigger and 15 per cent for smaller houses, then that unfortunate person will have to pay 20 per cent for the two smaller houses also. I therefore oppose the amendment of my hon. Friend, Mr. Krishnayya Choudari.

"I want to make one other suggestion to the Government and that is this. Clause 56 reads like this:

'The rates of property tax fixed by the council may be proportionate to the value of each building or land or may advance in systematic progression with the value of the building or land, but shall in no case decrease as the value of the building or land increases . . .'

The old section reads thus:

'The council shall levy the property-tax at a uniform rate.'

No doubt, Sir, this Bill fixes a minimum and maximum. If I remember aright, the minimum rate has been mentioned as the present rate and the maximum is about 20 per cent. So, between 15½ and 20 per cent the Corporation may fix a progressive rate of taxation. I am sure all Members who know the conditions in Madras would realize that it is among the bigger classes of houses there are more vacancies, and bungalows at a rent of Rs. 100 and more or houses with a rent of Rs. 150 or so, fall vacant more often than small houses. I am sure members of the Corporation who have detailed knowledge of the houses in the City will agree with me when I say that if we take the average for the last ten years, all houses above a rent of Rs. 100 and more would have fallen vacant for at least two years; and that comes to about 20 per cent. That being the case, it is only the owners of such houses that will be hard hit. In certain cases, the owners

7th November 1935] [Mr. M. A. Muthiah Chettiyar]

of such houses would not even get any remission worth mentioning if the house is vacant for a month or two. It is therefore dangerous to allow in a Bill a provision for a progressive rate of taxation, and it will lead to unhealthy and party rivalry in the Corporation. I am glad to say that in the Corporation, party rivalries are dying down owing to various good causes. Therefore I do not want that this germ should be left in this Bill to encourage party rivalry in the Corporation. Members here probably knew the affairs of the Corporation about seven or eight years ago; and I think Mr. Reid was in the Corporation at the time when the Corporation resolved to reduce the taxes by 3¼ per cent. There is always a tendency to lower the rate of taxation in the name of the poor people. There are ever so many persons belonging to the middle class who own small houses as well as houses bearing over Rs. 100 assessment, and they should not be penalised. I want to see that resolutions of the Corporation in matters of finance are placed above party considerations. I shall be very glad if we can go into the question of having a fixed rate instead of a minimum or maximum, say, 17 or 18 per cent or even, say, that Government should prescribe the rate of taxation. I would welcome it if there should be a flat rate but there is danger in providing for a progressive rate of taxation. I know many instances where office premises in Georgetown and other places become vacant and if they are to be assessed according to a progressive rate of taxation it will be an undue burden on the owners of such premises. For this reason, I would appeal to Government to omit the words 'or may advance in systematic progression with the value of the building or land, but shall in no case decrease' or, in the alternative, not to move the clause at all and retain the old provision in the Act itself."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Mr. President, Sir, under the Act there are two ways of assessing a building. Section 99 empowers the Corporation to levy property tax on buildings which are actually rented. In such cases rent is fixed at a certain percentage of the rental value of the building, but with regard to buildings which are not ordinarily let out and which are occupied by the owners, section 102 will apply. I consider that the provision in the Bill is quite reasonable. Different grades of houses are occupied by different classes of people. For instance, a man drawing more than Rs. 500 will occupy a building which was built at a cost of, say, Rs. 10,000; and there may be the case of another person occupying a house built at a cost of Rs. 50,000. In that case, the man who has built the house at an exorbitant cost might contend that if his house is let out for rent, nobody would be prepared to take it up for rent at more than Rs. 200 in which case the house will have to be assessed on the rental value of Rs. 200. I consider that such buildings must be taxed at a higher rate than ordinary buildings. A man who has built a house at a cost of Rs. 5,000 should be taxed at a uniform rate of 15 per cent. It is but reasonable that a man who had built a house

[Mr. C. S. Ratnasabhapati Mudaliyar] [7th November 1935]

at a cost of Rs. 50,000 or more, should be taxed at a higher percentage than one who has built a house at a lower cost.

4-30 p.m. "As regards the amendment of Mr. Choudari, I have to oppose it because he wants that the houses should be taxed on the investments and not on their rental value. If it is accepted, it will work as a hardship on the owners of houses."

* The Hon. the RAJA OF BOBBILI:—"Even now I find considerable opposition to the provision introduced by the Government about the assessment of property tax. I would therefore request the hon. Mover not to press it."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I am not introducing any new system. My point is this. If there are ten buildings owned by a single person, the rates of property-tax should be in an aggregate amount. This provision is already there in the Act. My contention is that the rates of property-tax should be proportionate not only to the value of each building or land but also the aggregate value of all buildings and lands owned by a person. I leave it to the House. I do not press it."

The amendment was, by leave, withdrawn.

* Mr. C. BASU DEV:—"I beg to move the amendment that stands in my name, viz.—

(i) In the proviso (a) of section 102 of the Act, for the word "may" the word "shall" shall be substituted.

(ii) The words "with the sanction of the Local Government" shall be omitted.

(iii) In line 5, for the words "on the ground" the words "if it is proved" shall be substituted.

(iv) In line 6, for the words "any or the full" the words "the full or any" shall be substituted."

If the amendment is carried, the section will read thus:

'The council shall exempt any local area from the whole or a portion of the water and drainage-tax or of the lighting-tax if it is proved that such area is not deriving the full or any benefit from the water-supply and drainage or from the lighting system.'

I move this amendment because from my own experience in the City, I find that the Corporation are providing all these amenities only to the comparatively rich class of people, while the poorer classes also pay the tax. The poor are not at all enjoying any of these amenities. It is only at the expense of these poor people the rich are enjoying. The poor have a right to claim similar amenities. That is highly unjust and also improper. The persons who are not deriving these benefits should not be asked to pay these taxes. The provision as it stands gives discretion to the Corporation to exempt a portion of tax. I want that it should be compulsory. I know my hon. Friend, Mr. Sundara Rao Nayudu, who is the President of the Depressed Classes Service Army will support me now because he has considerable

7th November 1935] [Mr. C. Basu Dev]

experience of the slums where the absence of these amenities is most prominent. I am sure from his experience he will be able to support in full what I have stated though yesterday he was against giving a second vote for Adi-Dravidas."

Mr. T. SUNDARA RAO NAYUDU:—"I never said that."

Mr. C. BASU DEV:—"I heard his voice loudest saying no. If I mention it now, it is only in the hope that he will at least to-day make amends for what he did yesterday by supporting this amendment. He is very closely moving with the depressed classes and he must have enough experience about them. I do not think that anything more need be said about this amendment. With this, I commend this amendment for the acceptance of the House and of the Government."

* The Hon. the PRESIDENT:—"As there is no seconder to this amendment, it falls through."

Sir WILLIAM WRIGHT:—"Mr. President, I beg to move the amendment that stands in my name, viz.—

'At the end of section 102, as amended, a further proviso shall be added as follows:—

"(d) in the case of passenger-sheds, latrines, cart-stands, retiring rooms and platforms belonging to a railway administration, the tax leviable shall not exceed 4 per cent of their annual value.'"

* Mr. W. K. M. LANGLEY:—"Mr. President, I beg to second this amendment. This amendment speaks for itself. It stands to reason that such buildings and conveniences as those which are enumerated in this amendment are put up very largely at the request and for the convenience of the general public. I myself during the last few years have been a Member of one of the Advisory Committees for one of the local railways and I can testify, and no doubt some of the other Members of this House can also testify that there is at every meeting of such Advisory Committees an insistent demand for larger and better conveniences of every kind on the railway and in my opinion quite rightly. If one looks into the newspapers at any time, he will find many letters in the newspapers on the same subject. Well, after all, a railway is in the first place a commercial body which is expected to make a profit or at any rate not to run at a loss. The railways at the present time are, I am afraid, running at a loss but on the other hand, the railways have to be influenced by the fact that they are definitely undertaking work of a public utility nature and therefore they have to consider the conveniences and demands of the public. But nevertheless, it stands to reason that the railways, if they are going to be heavily taxed, will hesitate very considerably before they meet the incessant demands of the public. I therefore feel that in a Bill like this, the railway companies should be definitely protected by statute so that they may know that any such improvements on their

[Mr. W. K. M. Langley] [7th November 1935]

part will not land them in any taxation heavier than such improvements would reasonably justify not only to the railway shareholders but also to the public of this country, who, as tax-payers, expect to get income from the railways. I think it would be justifiable on the part of railways to claim that such buildings and conveniences as are enumerated in this amendment should be exempt from taxation altogether, but the railway authorities do not press for such a consideration as that. But we do feel that the property-tax which the railway has to pay should be definitely limited. I should like to make one other point in connexion with the railway. It is a point which crops up in connexion with railways in all countries and that is that the railway in serving the public has inevitably to bring its system right into the heart of the most important cities and thereby has to incur very heavy expenditure and liability to taxation in the most highly assessed sections of such cities. If the railways only considered their own convenience, they could avoid this high taxation but they would not then be serving the convenience of the public. Now as a further justification for my claim, I would like to draw attention to the fact that the principle has already been accepted if not in this Council, in the previous Council which sat in this building because there was a proviso passed in this Council to section 84 (1) of the District Municipalities Act, 1920, as amended by the Madras Municipal Act of 1930. This proviso runs as follows:—

‘Provided that the aggregate property-tax leviable in the case of light-houses, piers, wharves, jetties and passenger-sheds, latrines, cart-stands, retiring rooms and platforms belonging to a railway administration shall not exceed 4 per cent of their annual value.’

The House will therefore observe the principle that has already been accepted in the case of district municipalities so recently as 1930 and therefore it is not asking this Council too much to propose that some proviso based on this principle should be inserted in the present Act. I have great pleasure in seconding this amendment.”

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“Mr. President, Sir, I do not know what the attitude of the Government is with regard to this amendment. Whatever it may be, Sir, I consider that I would be failing in my duty if I do not oppose this amendment. I do admit that the railway is a public utility concern. For this reason the buildings specified in the amendment should not be taxed differently from other buildings.

4-45 P.M. “It may be that these buildings are for the convenience of the public, but still the railways are making a lot of money from these buildings. In the platforms certain portions are set apart and rented for vending things; and there are fees levied for porters and for the vendors on the open platform. They collect cart-stand fees from jatkas and carts. They collect rents for advertisement boards. When they are making money in different ways, I cannot understand why they are to be treated differently from other bodies. The Government have always been treating the municipalities and the Corporation in

7th November 1935] [Mr. C. S. Ratnasabhupati Mudaliyar]

a stepmotherly way. Whenever the interest of the Government is interfered with, they throw the municipalities overboard. When a dispute arises between the municipality and the railway, they always support the railway. At this rate, I fear the Corporation will have to lose very heavily and I do not know where they will be after some years.

“I was a member of a Railway Advisory Committee. Even then, I was fighting that railway buildings should not be treated differently from buildings belonging to other departments. So, Sir, I oppose this amendment.”

* The Hon. the RAJA OF BOBBILI:—“Mr. President, Sir, the proposed amendment says that the future tax leviable in the case of passenger-sheds, latrines, cart-stands, etc., shall not exceed 4 per cent of their annual value. The real difficulty is that with regard to these buildings, i.e., latrines, cart-stands, retiring rooms and platforms, it is almost impossible to ascertain their annual rental value. Under the proposed amending Bill, such cases are covered by section 100 which says:

‘The annual value of the premises shall be deemed to be 6 per cent of the total of the estimated market value of the land at the time of the assessment and the estimated cost of erecting the building at such time after deducting for depreciation a reasonable amount which shall in no case be less than 10 per centum of such cost, and

(b) machinery and furniture shall be excluded from the valuation under this section.’

“My first objection is that it is difficult—practically impossible to ascertain the annual rent value on the basis of which they are to be assessed. If the hon. Members who moved and seconded the motion are keen on pressing it to a division, I would request that I may be given some time so that I may be in a better position to realize what the effect would be of my accepting this amendment and whether it would involve any serious loss to the Corporation.”

Mr. T. S. RAMASWAMI AYYAR:—“Mr. President, Sir, may I also point out that there are two other aspects of the matter which have to be considered besides the aspect mentioned by the Hon. the Chief Minister.

“In the case of private buildings we have adopted the system of progressive taxation. How are we to adopt such a principle in the case of the railway buildings if this amendment is to be accepted? Take the case of the South Indian Railway buildings in the City, the Park or the Egmore station. The annual value of the retiring room or the platform of one of these places may differ very much from the value of the other. How is the principle of progressive taxation to be adopted? The amendment simply says that it shall not be more than 4 per cent. Are we to give up the principle of progressive taxation and make an exception in the case of the railway buildings alone? It is a serious objection which will have to be answered.

[Mr. T. S. Ramaswami Ayyar] [7th November 1935]

"I do feel that the railway requires some consideration because it is a public utility service. But I think, Sir, 4 per cent is rather too low. With regard to other buildings you are going to have 18½ per cent. Under the present scheme the idea is that the larger the building the greater is to be the tax, just as in the case of the income-tax. I suggest to the hon. the Mover to consider whether 4 per cent is the correct figure at which we should tax the railway buildings and whether he could not suggest a higher figure. The second question is how is the principle of progressive taxation to be worked in the case of the railway buildings, which the hon. Member is not giving effect to in this amendment?"

* Sir WILLIAM WRIGHT:—"Mr. President, Sir, I will first deal with the two questions which have been addressed to me by the hon. Member for the University of Madras. I have to point out to him that this Bill has already adopted 4 per cent as a fair rate of taxation for public utility organizations like the Port Trust and I think that also answers the other question as regards progressive taxation. If this House has accepted the principle that there should be no progressive taxation as regards utility organizations, such as the Port Trust, I see no reason why it should not be extended to the railway buildings.

"The hon. Member who first opposed the amendment referred to the earnings of the railway in respect of its platforms, cart-stands and stalls. What he said might possibly give a lead to the Hon. the Chief Minister in assessing the annual value of these buildings. If the Hon. the Chief Minister will allow further consideration to be postponed till to-morrow, it may be possible, on the basis of the suggestion, that the Hon. the Chief Minister may be able to fix upon the annual value, which, he says, he will require some time to consider."

The House agreed to the postponement of the further consideration of the amendment till the next day.

Clause 57.

Section 104.

* Mr. BASHEER AHMED SAYEED:—"Mr. President, Sir, I beg to move—

- (a) After the word "premises" and before the word "within" insert the words "in two equal instalments".
- (b) In section 104, for the words "half year" substitute the word "year".

Sir, the privilege accorded hitherto by the existing section 104 for the payment of taxes in two equal instalments is varied in a certain way under the newly proposed section. It is convenient for the rate-payers to pay the taxes in two equal instalments and it is also convenient for the office. Now, Sir, section 104 says that the tax shall be leviable half yearly whereas in the existing section the tax is leviable every year but payable in two instalments, each instalment being payable within fifteen days of the commencement of the half year. In the first instance,

7th November 1935] [Mr. Basheer Ahmed Sayeed]

the tax is assessed for the whole year; but the rate-payer is called upon to pay the tax in two instalments within fifteen days of the beginning of the half year. Under the scheme of the present amending Bill, the assessment is to be levied each half year and the payment is to be made as usual. I think administratively it will be very difficult to levy taxes every half year. The budget of the Corporation is framed for the year and all the taxes are settled during the budget time and if taxes were to be levied every half year, I do not know what the procedure will be that has to be followed in connexion with the budget. Sir, section 98 prescribes a cumbersome procedure to be adopted in the case of imposing taxes for the first time. Sub-clause (2) of section 98-A says:

'When the council shall have determined to levy any tax or duty for the first time or at a new rate the Commissioner shall forthwith publish a notice in the manner laid down in sub-section (1) specifying the date from which, the rate at which and the period of levy, if any, for which such tax or duty shall be levied.'

The procedure that is required is a resolution of the Corporation Council, publication of the notice and sanction from the Government. All these have to be gone through. I do not know whether it will be possible for any tax to be levied every half year if the foregoing procedure is to be followed before the collection is to be resorted to.

"There is also some inconsistency between the scheme of section 98 (4) and section 104. This section reads as follows:—

'Where any resolution under this section has taken effect for a particular year . . .'

The section does not say—

'Where any resolution under this section has taken effect for a particular half year . . .'

I therefore think that it needs revision as to what exactly is the scheme of the procedure that will have to be followed if taxes are to be levied each half year and how exactly the scheme of section 104 could be fitted with section 98-A. Under the circumstances, it will be desirable if we keep the present scheme as it is. I would also like to ask if there is any special meaning attached to the words levy, imposition, charge and so on in the various sections of this chapter."

(Before Mr. Basheer had finished his speech, the House rose for the day, to meet again at 11 a.m. the next day.)

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

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Friday, the 8th November 1935.

The House met at eleven of the clock, Mr. President (the Hon. Mr. B. Ramachandra Reddi) in the chair.

P R E S E N T :

Reddi Nayudu, Kt., The Hon. Rai Bahadur, Sir K. V.	Murugappa Chettiyar, Diwan Bahadur A. M. M.
Pannirselvam, The Hon. Rao Bahadur A. T.	Muthiah Chettiyar, Mr. M. A.
Souter, C.S.I., I.C.S., The Hon. Mr. C.A.	Muthu Chettiyar, Rao Bahadur P. C.
Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.	Nachiyappa Gounder, Mr. K. A.
Raja of Bobbili, K.C.I.E., The Hon. the Rajan, The Hon. Mr. P. T.	Nanjappa Bahadur, Subadar-Major S. A.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.	Narasa Reddi, Mr. T.
Abdul Hameed Khan Sahib Bahadur.	Narasimhaswami, Rao Sahib D. V.
Ahmed Meeran Sahib Bahadur, A. M.	Narayanan Nambiyar, Mr. V. P.
Alagannan Chettiyar, Rao Sahib A. S.	Natesa Mudaliyar, Diwan Bahadur C. Palat, Mr. R. M.
Alamelumangathayaramma, Mrs. K.	Patneik Mahasayo, Sriman M. G.
Annamalai Chettiyar, Mr. S. A. A.	Patro, Kt., Rao Bahadur Sir A. P.
Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T.	Pattabhiramayya, Mr. K.
Ari Gowder, Mr. H.B.	Pocker Sahib Bahadur, B.
Basheer Ahmed Sayeed Sahib Bahadur.	Premayya, Mr. G. R.
Basu Dev, Mr. C.	Rajagopala Pillai, Mr. P. V.
Boag, C.I.E., I.C.S., Mr. G. T.	Raja of Kallikote, The.
Devadasan, Mr. M.	Raja of Parlakimedi, The.
Dharmalingam Pillai, Rao Sahib V.	Ramachandra Padayachi, Mr. P. K.
Duraiswami Reddiyar, Mr. K. M.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Ellappa Chettiyar, Diwan Bahadur S.	Ramamurti, Rao Sahib Pandit Ganala.
Foulkes, Mr. G. F. F.	Raman Menon, Mr. K. P.
Gopalaswami Mudaliyar, Diwan Bahadur M.	Ramaswami Ayyar, Mr. T. S.
Indrayya, Mr. C.	Ramaswami Mudaliyar, Mr. V. M.
Jagannatham, Mr. H. M.	Rameswara Rao, Mr. G.
Javad Hussain Khan Sahib Bahadur, Khan Bahadur.	Ranganatha Mudaliyar, Mr. A.
Jayaram Nayudu, Rao Sahib C.	Ranganatha Mudaliyar, Mr. G.
Jones, I.C.S., Mr. C. E.	Rangaswami Reddi, Mr. M. B.
Kesavaramamurti Nayudu, Mr. K.	Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Kolanda Reddi, Rai Sahib C.	Ratnavelu Thevar, Mr. P.
Krishnayya Choudari, Mr. P. V.	Reid, Mr. D. M.
Krishnamurti, Rao Bahadur D.	Rukmani Lakshminpathi, Mrs. A.
Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi.	Russell, I.C.S., Mr. T. B.
Langley, Mr. W. K. M.	Scott Brown, I.C.S., Mr. W.
Madanagopal Nayudu, Mr. R.	Shetty, Mr. A. B.
Manikkavelu Nayakar, Mr. M. A.	Simhachalam Pantulu, Mr. G.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Siva Raj, Rao Sahib N.
Moses, Mr. P. C.	Smith, Mr. J. M.
Muniswami Pillai, Rao Sahib V. I.	Sreshta, Mr. M. S.
	Srinivasa Ayyangar, Mr. T. C.
	Srinivasan, Rao Bahadur R.
	Sriramulu, Mr. G.
	Stanes, Mr. F. J.
	Subbarayan, Dr. P.
	Subrahmanya Bhatt, Mr. U. C.

[8th November 1935]

PRESENT—cont.

Sundara Rao Nayudu, Mr. T.	Wright, Sir William.
Syed Tajuddin Sahib Bahadur, Khan Sahib.	Yahya Ali Sahib Bahadur, Khan Bahadur.
Thangal, Mr. P. M.	Yakub Hasan Sahib Bahadur.
Uziel, C.I.E., I.C.S., Mr. H. R.	Zamindar of Bodinayakkanur, The.
Vasudeva Pillai, Mr. V. G.	Zamindar of Chemudu, The.
Venkatarama Ayyar, Mr. K. R.	Zamindar of Kirlampudi, The.
Venugopal Nayudu, Rao Bahadur R. K.	Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Education

Students' strike in the Government College, Mangalore.

* 489 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that the students of the Government College, Mangalore, went on strike recently; if so, what were the causes of the same;

(b) whether it is a fact that certain lady students of the college were suspended by the Principal recently; if so, for what offence the said students were suspended;

(c) whether he will be pleased to place on the table of the House a detailed statement showing the particulars of the offences, the occasions on which they were committed and also the explanations, if any, given by the lady students; and

(d) what action the Government have taken or propose to take in the matter?

A.—(a) Yes; the strike was an attempt on the part of the students to coerce the Principal into cancelling certain orders of his imposing punishments on a few students in the interests of college discipline.

(b) Yes; one student was suspended for two days and another for five days for breach of college regulations, one of them having been guilty also of gross impertinence.

(c) The Government do not consider it desirable to make a statement on what is purely a matter relating to the internal discipline of the college.

(d) The Government do not propose to take any action; they understand that the Principal's orders punishing the students have since been cancelled.

Mr. U. C. SUBRAHMANYA BHATT:—"I am glad, Sir, that the strike has ended. May I know from the Hon. Minister as to whether he would examine the causes that led to the strike and take such action as is necessary in the interests of the college?"

8th November 1935]

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"We have called for a report from the Director."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know, Sir, whether the Hon. Minister would consider the question?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"When the report is received we shall see if any further action is necessary."

Action taken on the written statement of Mr. Raghunatha Rao in re the suspension of Miss Rohini from the Government College, Mangalore.

* 490 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Education and Excise be pleased to state with reference to the recent strike in the Government College, Mangalore, consequent on the order of suspension issued on Miss Rohini and another lady student—

(a) whether the Government have perused the written statement of Miss Rohini's father, Mr. S. Raghunatha Rao, B.A., L.T., retired Headmaster, Government Hindu Elementary Training School; if so, whether he will be pleased to place a copy of the same on the table of the House; and

(b) what action the Government have taken or propose to take in the matter?

A.—(a) Yes; the Government have perused a statement made by Mr. S. Raghunatha Rao, a copy of which it is considered unnecessary to lay on the table.

(b) The hon. Member is referred to the answer to clause (c) of question No. 489.

Alleged irregular collection of term fees by the Principal, Government College, Mangalore.

* 491 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that the Principal of the Government College, Mangalore, takes a fee of Rs. 75 and odd for the first term of two months in the College Department instead of the ordinary fee of Rs. 36; if so, what the several items are for which the excess amount is taken;

(b) whether the Principal has obtained previous permission of the Director of Public Instruction to make the additional collections;

(c) whether the accounts relating to the expenditure of the additional sums are audited and accounted for; and

(d) what action the Government have taken or propose to take in the matter?

A.—(a) Besides the ordinary fee of Rs. 36 and the special fees authorized by rule 89-C of the Madras Educational

[8th November 1935]

Rules, the following recoveries are made at the beginning of the first term:—

	RS.	A.	P.
(i) Registration fee	3	0	0
(ii) Matriculation fee	2	0	0
(iii) College Calendar	0	8	0
(iv) Additional fee for library, reading room, magazine, etc.	2	0	0
(v) Subscription of eight annas to the College Portrait Society and another eight annas towards a college scholarship, both imposed on students by themselves	1	0	0
(vi) Cost of examination answer books (for a whole year) ...	1	0	0
(vii) Subscription to the college stationery society	0	2	0
(viii) Deposit with the college stationery society	15	0	0

The last-mentioned item is in the nature of a 'caution money' for the purchase of text-books and note-books from the college stationery society.

(b) Yes; wherever necessary.

(c) Yes.

(d) The Government do not consider that any action is called for.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know, Sir, whether in addition to these the Principal insists upon the students buying two of his books?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"No such information."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know if the Hon. Minister would call for a report on that?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"This answer itself is based upon information given to us by the Principal and there is no reason to think that he has suppressed anything."

Alleged circular of the District Educational Officer, Malabar, to the managers of all schools calling for a report about teachers and students concerned in the civil disobedience movement.

* 492 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that the Educational Officer, Calicut (Malabar district), has called for a report from the managers of all

[8th November 1935]

schools in Malabar about the teachers and students who took part in the civil disobedience movement; if so, why and under what circumstances has the step been taken after the lapse of so many years;

(b) whether the initiative in the matter was taken by the District Educational Officer himself or after consulting the Director of Public Instruction; if so, will the Hon. Minister be pleased to place on the table of the House a copy of the correspondence, if any; and

(c) what action the Government have taken or propose to take in the matter?

A.—(a) Yes; the Government understand that a communication was sent by the District Educational Officer, Malabar, to the Headmasters of Secondary and Training Schools in the district calling for cases, if any, of admissions of persons convicted of disloyal activities. This action was taken by the District Educational Officer in view of rule 99 of the Madras Educational Rules which prescribes that no pupil convicted in a court of law for disloyal activities should be admitted into a school without the previous sanction of Government.

(b) The initiative in the matter was taken by the District Educational Officer himself. There is no correspondence to place on the table of the House. The circumstances under which the District Educational Officer took action have already been explained.

(c) No action is called for.

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether Government consider participation in the civil disobedience movement is tantamount to sedition or disloyalty?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"What we have said is that people who have been convicted for disloyal activities should not be admitted without the sanction of the Government. When application is made for admission Government will consider whether their subsequent conduct has been such as to deserve re-admission. They don't refuse admission altogether."

Mr. U. C. SUBRAHMANYA BHATT:—"In view of the fact that civil disobedience movement has ended long ago and now we have come to normal times, would the Hon. Minister consider that it is not advisable to continue the old spirit of bitterness even now?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am afraid we cannot say that disloyal activities have all come to an end. 'Persons convicted of disloyal activities,' that is the wording."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask why this is the only District Educational Officer who is taking such a step and whether there are other District Educational Officers taking such steps?"

[8th November 1935]

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I hope others will follow the example of this Educational Officer."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know, Sir, whether the Government would delegate the power of disposing of that matter to the principals of colleges or headmasters of schools whenever they get apologies, instead of wasting the time of the Government on such matters?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"This is a matter which ought to come before the Government because they alone have the information as to how they have been conducting themselves after the disloyal activities."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know why this step has been taken now and not immediately after the incident?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not know when these people made themselves particularly offensive."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the Hon. Minister will call for information as to whether anything transpired after the stoppage of the civil disobedience movement?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The question of re-admitting these boys is under consideration."

Alleged dismissal of two Secondary Grade teachers of the Government Secondary School, Calicut.

* 493 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Education and Excise be pleased to state whether it is a fact that the District Educational Officer, Calicut (Malabar), recently dismissed from service two secondary grade teachers from the Government Secondary School, Calicut; if so, on what grounds they were dismissed?

A.—Yes, the District Educational Officer, Malabar, recently ordered the discharge from the Government Training School, Calicut, of two students who had been admitted into the school in July, on his discovering that they had both been convicted in connexion with the civil disobedience movement in 1932.

The District Educational Officer ordered their discharge from the school because the sanction of Government had not been obtained for their admission which under rule 99 of the Madras Educational Rules is required before persons convicted in a court of law for disloyal activities are admitted into a Government school.

Changes in the curriculum of the S.S.L.C. examination.

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

(a) whether the Madras S.S.L.C. Scheme of 1929 was changed in July 1934 in response to widespread complaints against the scheme,

[8th November 1935]

by the then Director of Public Instruction, Mr. W. E. Smith, and the S.S.L.C. Board after careful consideration of reports of schools and Teachers' Associations and in consultation with the Madras, the Andhra and the Annamalai Universities;

(b) whether the new scheme was again changed during the current year, and the schools were ordered to go back to the 1929 scheme;

(c) what the reasons are for such a sudden reversion;

(d) how many changes the S.S.L.C. scheme has undergone during the past ten years;

(e) whether protests have been raised by the publishers and other educationists for such sudden and frequent changes in the S.S.L.C. scheme;

(f) whether there are proposals being examined for evolving a new and ideal scheme; and

(g) if so, what they are, at what stage they are, and when they are likely to be introduced?

A.—(a) Orders were passed in June 1934 approving a revised course of study for the Secondary School-Leaving Certificate. This revised course was adopted at the recommendation of the then Director of Public Instruction, Mr. Erlam Smith.

(b) It was decided in June last that the introduction of the new scheme of 1934 should be held in abeyance.

(c) The Secondary School-Leaving Certificate Board, with the concurrence of the three Universities passed a resolution in April 1935 in favour of reverting to the 1929 scheme and as Mr. Champion, who was Director of Public Instruction at the time, was also of opinion that there were certain objections to proceeding further with the 1934 scheme at the moment, the Government passed an order in June last postponing the introduction of the 1934 scheme for another two years.

(d) The Secondary School-Leaving Certificate scheme has been changed twice during the past ten years.

(e) It is believed that some protests have been raised by publishers but the Government have no knowledge of any protests by educationists.

(f) & (g) Government have no information.

Number of candidates from the Ceded districts admitted into the Government Training Colleges at Saidapet and Rajahmundry during 1935.

* 495 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) the total seating capacity of the Government Training Colleges (i) in Rajahmundry and (ii) Saidapet;

[8th November 1935]

(b) the total number of applicants for seats therein from the Ceded districts in 1935;

(c) the total number of seats allotted to the applicants from the Ceded districts in (i) Rajahmundry and (ii) Saidapet;

(d) how many of the admitted students had teaching experience before and how many of them had none such;

(e) how many lady candidates applied and how many were selected; and

(f) how many of the candidates have appointments guaranteed after training and how the guarantees can be enforced either by the candidates or the Government?

A.—(a) (i) 120; and (ii) 180.

(b) (i) 40; and (ii) 18.

(c) (i) 12; and (ii) 5.

(d) Out of 180 students admitted in Saidapet, 174 had previous teaching experience; out of 130 students admitted in Rajahmundry 117 had previous teaching experience.

(e) Three applied in Rajahmundry; none was selected. In Saidapet no application was received.

(f) All the 130 candidates admitted in the Rajahmundry Training College have appointments guaranteed to them after training. In the Training College at Saidapet 166 out of 180 candidates admitted have appointments guaranteed to them after training. Ten candidates hold conditional guarantees, i.e., they have promises of being appointed if vacancies exist at the time of their relief after training. The remaining four candidates have neither absolute nor conditional guarantees. There is no system under which these guarantees can be enforced.

Mr. G. RAMESWARA RAO:—"Sir, the answer to (f) says that there are some students whose appointments are not at all guaranteed. Further they say there is no system under which these guarantees can be enforced. May I suggest the dropping of the idea of guarantees altogether?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"There is some indication that these people will get employed."

Mr. P. V. KRISHNAYYA CHODARI:—"Is it not helpful to admit every candidate as soon as he applies to the training school instead of asking the manager to give a guarantee of service?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"This kind of guarantee is helpful to the members of the committee in making the choice in giving preference to candidates who are likely to get employment."

[8th November 1935]

Number of candidates, castewar, admitted into the various Professional Colleges, Industrial and Commercial Institutions during 1935.

* 496 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Education and Excise be pleased to state the total number of applicants for admission and the total number actually admitted in 1935 into the following Educational Institutions of each caste:

- (a) Engineering College;
- (b) Medical Colleges and Schools;
- (c) Veterinary Institutions;
- (d) Agricultural College;
- (e) Industrial Institutions; and
- (f) Commercial Institutions?

A.—The required particulars are given in the appended statement.* There are no Government Commercial Institutions.

Acquisition of land in Kurnool for the provision of play-ground for the Government Muhammadan High School.

* 497 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the Hon. the Minister for Education and Excise be pleased to state whether it is a fact that the Government have asked the District Collector of Kurnool to acquire land for play-ground for the Government Muhammadan High School at Kurnool; and, if so, whether the acquisition has been made now?

A.—No.

Industries

Duties of the Inspector of Industrial Schools.

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

- (a) what the duties are of the Inspector of Industrial Schools;
- (b) how many industrial schools are under his jurisdiction; and
- (c) the amount of his travelling allowances during the year 1934-35?

A.—(a) The Inspector's duties are—

- (1) supervision, control and direction of aided industrial schools other than Textile schools;
- (2) management of Government Industrial schools; and
- (3) furnishing technical advice to Jail industries.

(b) 62.

(c) Rs. 1,561.

* Printed as Appendix I on page 948 infra.

[8th November 1935]

Number of students in the School of Technology.

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

- (a) the number of students in the School of Technology; and
- (b) the number of students in the various branches?

A.—(a) & (b) A statement^a is appended.

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask whether Government have any proposal to extend the activities of the Industrial School of Technology? ”

The Hon. Mr. P. T. RAJAN:—“ I am afraid I cannot say off-hand.”

Registration*Vacancies in the Upper Grade of Sub-Registrars remaining unfilled.*

* 500 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Public Works be pleased to state—

- (a) the total number of vacancies in the Upper Grade of Sub-Registrars that are yet to be filled up;
- (b) the date of the first and of the last vacancy amongst them;
- (c) when they will be filled up;
- (d) the result of enquiry by the Special Officer, namely, Registrar, appointed in last April to enquire into the conduct of certain Sub-Registrars whose claims are hitherto overlooked for promotion to upper grade;

(e) the principles that will be adopted in filling up the existing upper grade vacancies, whether it is communal rotation or seniority or merit or all;

(f) whether the promotions to the existing vacancies in the upper grade will be given effect to from the date of vacancy or only from the date of filling up the same; and

(g) whether the Inspector-General of Registration is fully empowered to make the above promotions of his own accord solely or whether he should do so only in consultation with any other authority and if so, with whom?

A.—(a), (b) & (c) The Government have not the information.

(d) The result of the enquiry has not been reported to Government yet.

(e) According to the existing rules promotions from the second (lower) grade to the first (upper) grade is by seniority. As regards vacancies which occurred prior to 3rd May 1934, if any, the principle of communal rotation will apply in filling up every alternate vacancy.

^a Printed as Appendix II on page 949 infra.

[8th November 1935]

(f) The question is under consideration.

(g) The answer to the first part of the question is in the affirmative. The point referred to in the second part does not arise.

Mr. G. RAMESWARA RAO:—“ May I know why the appointments are held up without the vacancies being filled up? ”

The Hon. Mr. P. T. RAJAN:—“ Enquiries are being made about these.”

Mr. G. RAMESWARA RAO:—“ Is it because they are awaiting report? ”

The Hon. Mr. P. T. RAJAN:—“ Yes, in the case of seven or eight officers.”

Local Self-Government*Nominations to the District Boards of Bobbili and Vizagapatam.*

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

(a) whether nominations have been made or are proposed to be made to each of the District Boards of Bobbili and Vizagapatam, the newly bifurcated ones of the Vizagapatam district;

(b) the names and addresses of persons nominated to each of the said boards and the community of each; and

(c) the elected reserved seats that exist now on each of the boards as bifurcated?

A.—(a) Nominations to the Bobbili District Board were made and published in the *Fort St. George Gazette*, dated 20th August 1935. The question of making nominations to the Vizagapatam District Board is under consideration.

(b) The attention of the hon. Member is invited to the notification published in the *Gazette* referred to. The communities and sex of the nominated members are—

- | | | | | | |
|------------------|-----|-----|-----|-----|------------|
| (1) Muslims | ... | ... | ... | ... | 2 members. |
| (2) Women | ... | ... | ... | ... | 1 member. |
| (3) Anglo-Indian | ... | ... | ... | ... | 1 Do. |
| (4) Adi-Dravida | ... | ... | ... | ... | 1 Do. |

(c) Bobbili—Three.^a
Vizagapatam—Five.^b

Mr. G. R. PREMAYYA:—“ May I know, Sir, why no Christian was nominated to the district boards of Bobbili and Vizagapatam? ”

The Hon. the RAJA OF BOBBILI:—“ No nominations have been made in Vizagapatam so far. No Christian was nominated in Bobbili because there is already a Christian member.”

^a One for Adi-Dravidas, one for women and one for Indian Christians.

^b Two for Adi-Dravidas, one for women, one for Muslims and one for Europeans.

[8th November 1935]

Mr. G. R. PREMAYYA:—"Since the time of the bifurcation, may I know why no Christian has been nominated in Bobbili?"

The Hon. the RAJA OF BOBBILI:—"We could not find a suitable candidate."

Adoption by district boards and municipalities of a cut in the salaries of elementary school teachers as per G.O. No. 749, L. & M., dated 25th February 1935.

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

(a) how many district boards and municipalities have so far adopted cut in salaries of teachers in elementary schools as empowered in G.O. No. 749, L. & M., dated 25th February 1935, and what they are and what the cut introduced by each is;

(b) whether the reports referred to at the end of paragraph 1 of the said Government Order have been received from the district boards;

(c) what the district boards are which have not submitted such report and what action has been taken on them for the non-submission of the report; and

(d) whether a copy of the report from the Salem District Board in this behalf will be placed on the table?

A.—(a) G.O. No. 749, L. & M., dated the 25th February 1935, applies only to district boards: of the 17 district boards which were authorised to adopt a cut, (1) Tanjore East, (2) Malabar, (3) Vizagapatam (including Bobbili), (4) Godavari West, (5) Kanara South, (6) Ganjam and (7) Kurnool have adopted the cut as advised. Cuddapah and Kistna have enhanced the cut to As. 2, and Chittoor to 1 anna 6 pies. Trichinopoly has decided not to impose a cut.

(b) Yes, from all district boards.

(c) Does not arise.

(d) The report * from Salem is placed on the table.

Delay in the absorption of the ex-taluk board clerks of South Arcot into the service of the district board.

* 503 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the strength of the ministerial staff of the District Board, South Arcot, prior to and after the abolition of taluk boards;

(b) the number of taluk board clerks absorbed and unabsorbed in the district board service;

* Printed as Appendix III on pages 949-951 infra.

[8th November 1935]

(c) in the case of those absorbed into the district board service, their service, pay drawn while in taluk board service and that now fixed by the Government together with their qualifications;

(d) when the Government issued orders selecting clerks of ex-taluk boards to district board service;

(e) when appointments of such selected clerks were made by the President of South Arcot District Board; and

(f) whether any complaints have been received by the Government from any of the ex-taluk board employees in South Arcot district regarding their grievances for delay in appointing them?

A.—(a) The ministerial staff of the South Arcot District Board before the abolition of taluk boards was 55 excluding one manager of the District Board Office, another of the District Board Engineer's Office and an accountant. The strength of the staff after the abolition of taluk boards is sixty-nine which excludes one Secretary, two Superintendents, one Manager of the District Board Engineer's Office and one Accountant.

(b) The additional posts of clerks (14) sanctioned to the district board consequent upon the abolition of taluk boards were filled by the appointment of ex-taluk board clerks. Government have no information in regard to the number of ex-taluk board clerks still left unabsorbed.

(c) Government do not consider that any useful purpose will be served by furnishing a statement of these particulars.

(d) The orders of Government are dated the 28th May 1934 and 28th August 1934.

(e) Government have no information.

(f) No.

Irrigation

Disposal of the buildings at Mettur.

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

(a) what the Government have done with their buildings at Mettur;

(b) how many have been sold in auction, what the amount fetched by them is and what the original cost of constructing them was;

(c) whether it is a fact that the buildings constructed for the occupation of upper and lower division clerks cannot endure to stand long since they are not of strong structure;

(d) if so, what the Government propose to do with them; and

[8th November 1935]

(e) of all the buildings at Mettur, how many are of a substantial nature, what they are and what the original cost of constructing them was?

A.—(a) & (b) The attention of the hon. Member is invited to the answer to clauses (e), (f) and (g) of question No. 467, dated 23rd January 1935, and the statement which was furnished to him on 12th March 1935, with reference to the answer given to the supplementary question No. 844 of the same date. Later information is not available with Government. Such of the buildings as are vacant after the requirements of Government have been met will be sold or let out on rent to private persons if there is a demand for them.

(c) The buildings were intended to be only of a temporary nature.

(d) These buildings also will be dealt with as indicated in the answer to clauses (a) and (b) above.

(e) There are 14 buildings costing between Rs. 5,000 and Rs. 10,000 and 15 costing above Rs. 10,000. Information as to what they are and what the capital cost of each is, is not available with Government.

Interest realized on the capital outlay on the Cauvery Delta system.

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

(a) what is the total capital expenditure on the Cauvery Delta system; and

(b) what interest they expected to derive on the capital invested and what interest they are now actually getting?

A.—(a) Rs. 78,41,754 to the end of 1933-34.

(b) It is impossible to say what return was originally expected on the capital invested as the construction estimates of the Cauvery Delta Works were not accompanied by forecast statements and though these construction estimates were closed important works have been sanctioned from time to time and expenditure of a capital nature is incurred every year. The return for 1933-34 was 10.7 per cent on the total capital outlay.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know if the Hon. Member will try to give us the information about the original scheme and what rate of interest they expected on it so that the House may know what rate the Government are actually collecting on the Cauvery-Mettur Project and people may know, whenever additional taxation is imposed, whether the present rate is much greater than what it was?”

[8th November 1935]

The Hon. Mr. C. A. SOUTER:—“ I do not quite understand the question. I may state generally that it is impossible for Government to give any exact figure of expenditure on the Cauvery delta for this reason that this system was constructed by the ancient Hindu Rajas long before Government took possession. What was spent then we do not know and it must only be a matter of conjecture.”

Progress of the scheme for the construction of a tank across the Kaveri Vagu, Nellore district.

* 506 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state the stage reached in the construction of a new tank across Kaveri Vagu in Gundimadakala village, Udayagiri taluk, Nellore district?

A.—Plans and estimates have been received by Government. The scheme is being considered in connexion with the next year's budget.

Representations for diversion of water into the Badathalav tank, Salem district.

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

(a) whether representations have been received from the patta-dars under the Badathalav tank ayacut in Krishnagiri taluk of Salem district in or about July last either by the Government or by the District Collector or any of the local officials praying for the diversion of water from the Markandeya river, or from the jungle stream in Narlapalli reserve forest through Chakanayur tank, to the said Badathalav tank to provide adequate supply for irrigation; and

(b) if so, what action has been taken thereon and what the Government propose to do with the schemes suggested?

A.—(a) & (b) A petition, dated 20th July 1935, was received by Government and forwarded to the Chief Engineer for Irrigation. The scheme for the diversion of water from the Markandeya river was abandoned in 1926 on financial grounds. The Chief Engineer (Irrigation) will submit a report on the other scheme if he considers it feasible.

Land Revenue Administration

Penalty for raising fodder crops in the delta taluks of the Nellore district.

* 508 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Member for Revenue be pleased to state with reference to the answer to the supplementary question to question No. 108 answered on 7th August 1935—

(a) whether the Government have received the report which they undertook to call for from the Collector of Nellore; and

[8th November 1935]

(b) if so, whether they will be pleased to lay it on the table of the House?

A.—A copy * of a report, dated 16th October 1935, received from the Collector of Nellore is attached.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know if it is a fact, Sir, that the fodder crops are grown before the harvest actually commences in the wet land area and they won't require any further water? Is it a fact that on the moisture itself they can grow pillipesara?"

The Hon. Mr. C. A. SOUTER:—"What the hon. Member says may be true, I do not know. But in this case, the Collector reports that water was taken for pillipesara, and it seriously jeopardized the standing food crops."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Is it a fact, Sir, that in February the Collector of Nellore had notified that there was scarcity of water for second crop?"

The Hon. Mr. C. A. SOUTER:—"I have no information."

Distrain proceedings in Kasaragod taluk for arrears of land revenue.

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

(a) what the total amount of land revenue in arrears in the Kasaragod taluk is;

(b) what the total number is of distraint warrants and sale notices issued in the Kasaragod taluk;

(c) whether there is any distinction in classification between the districts of Malabar and South Kanara with regard to pepper gardens and waste lands in the matter of taxation; if so, what the distinction is;

(d) whether it is a fact that it is this classification which is responsible for the arrears of land revenue in Kasaragod to such an extent; and

(e) whether the Government have considered or propose to consider a reclassification of these areas with a view to bringing them in line with those prevailing in Malabar?

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

(c) The pepper vine is counted as a garden product in South Kanara, but not in Malabar. In South Kanara assessment is charged on all lands included in holdings. In Malabar no assessment is charged on an occupied dry land included in a holding unless the land is cultivated or brought under cultivation.

(d) The Government see no reason to suppose that it is a fact.

* Printed as Appendix IV on page 951 infra.

[8th November 1935]

(e) In November 1934, the Government received, along with other representations regarding the proposals for the re-settlement of the South Kanara district, a memorandum from the Kasaragod Malayali Landholders' Association in which it was contended that the kumaki villages of the Kasaragod taluk should be settled on the same lines as Malabar villages. The Government saw no reason to accept this contention. They do not propose to reclassify the area in question, as suggested by the hon. Member.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know, Sir, as to why pepper vine should be counted as a garden produce in South Kanara and not in Malabar and also why the unoccupied dry lands in the holding should not be assessed in Malabar and may be assessed in South Kanara?"

The Hon. Mr. C. A. SOUTER:—"The conditions of Malabar are not similar to those of South Kanara."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know, Sir, whether this Hosadrug sub-taluka of South Kanara has got the same conditions in all respects as Malabar?"

The Hon. Mr. C. A. SOUTER:—"I am not prepared to admit that, Sir."

Mr. U. C. SUBRAHMANYA BHATT:—"In view of the extreme distress prevailing in the sub-taluka of Hosadrug, may I know if the Hon. Member would go into that question and re-examine it?"

The Hon. Mr. C. A. SOUTER:—"I think, Sir, the answer to (e) covers that question."

Control of Books

Proscription of the Telugu translations of Gorky's novel the 'Mother' and the Communist Manifesto of Karl Marx and 'Imperialism' by Lenin.

* 509 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Home Member be pleased to state—

(a) whether it is a fact that the Government of Madras have proscribed the Telugu translations of (1) Gorky's novel the 'Mother' and (2) the Communist Manifesto of Karl Marx, both published by the Andradesa, Grandhamandali, Kistna district, and (3) 'Imperialism' by Lenin;

(b) whether the English version of the said three books is proscribed;

(c) whether their translations in any other Indian language are proscribed;

(d) on whose complaint or complaints have the Telugu versions been proscribed; and on what grounds in each case;

(e) what the offending passages are in each of them;

[8th November 1935]

(f) whether either the Hon. the Law Member or the Advocate-General has gone through them and recorded his opinion; and

(g) which other responsible officer knowing Telugu has read them before they have been proscribed?

A.—(a) Yes.

(b) & (c) The Government have no information whether the English version of the said books or their translations in the vernaculars of other Provinces in India have been proscribed elsewhere. Only Telugu translations have come to the notice of this Government and the notifications issued in respect of them apply to all other documents containing copies, reprints or translations of, or extracts from, the said books.

(d) Objectionable publications are generally brought to the notice of the Government either by the Criminal Investigation Department or by the Registrar of Books or other officers of the Government. The books in question came to notice in the usual course and were proscribed by the Government on the ground that they contained matter of the nature described in section 4 (1) of the Indian Press (Emergency Powers) Act, 1931, as amended by section 16 of the Criminal Law Amendment Act, 1932.

(e) to (g) There are several passages in the books falling under the above section and no useful purpose will be served by specifying each and everyone. The books were reviewed by the Telugu translator and action was taken by the Government on the translations of select passages furnished by him. The Advocate-General was not consulted.

Mrs. A. RUKMANI LAKSHMIPATHI:—"May I know, Sir, whether those objectionable passages in the said books which have been proscribed are seditious and of what character they are?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"They are of a character which is 'described in section 4 (1) of the Indian Press (Emergency Powers) Act, 1931, as amended by section 16 of the Criminal Law Amendment Act, 1932,' as stated at the end of the answer to clause (d)."

Electricity

Electric pumps and their capacity.

* 510 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Law Member be pleased to furnish the number of electric pumps and their aggregate capacity and the rates charged per unit for pumping by private electric licensees, municipalities and the Government in this Presidency?

[8th November 1935]

A.—The number of electric pumps and their aggregate capacity in the area commanded by the Pykara Hydro-Electric system are as follows:—

	Number of electric pumps.	Aggregate capacity. HORSE-POWER.
Government electric distribution system	174	1,302.50
Municipal systems of Coimbatore, Pollachi, Tiruppur and Karur.	27	176.53
Total ..	201	1,479.03

The rate charged is 1 anna per unit.

Similar information is not available in respect of other licensed areas.

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask, Sir, in view of the figures given which show that the development of electrical pumping by Government has been more rapid than under the municipal system or private licensees, whether the Government will be pleased to consider or whether they have already considered the question of distributing such load themselves in well-irrigated areas like North Arcot to serve as an object lesson to the other areas?"

The Hon. Sir K. V. REDDI NAYUDU:—"The question will be considered."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Is the Government aware, Sir, that Mysore has reduced the rate to half an anna?"

The Hon. Sir K. V. REDDI NAYUDU:—"The Government have no information."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Will the Government find it out so that here also some reduction may be made?"

The Hon. Sir K. V. REDDI NAYUDU:—"It does not necessarily follow."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know, Sir, whether Government will call for information as to what rate the private licensees charge for agricultural pumping?"

The Hon. Sir K. V. REDDI NAYUDU:—"I think, Sir, for each licence the rate is prescribed and they have never exceeded the rate prescribed under the rules."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Was it not a fact, Sir, that whenever a question was raised, the Government always took shelter under the plea that the Government of Mysore did a particular thing?"

The Hon. Sir K. V. REDDI NAYUDU:—"This Government never hid themselves under any circumstances."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Was it not the reason given by them on several occasions?"

The Hon. Sir K. V. REDDI NAYUDU:—"Certainly not by way of hiding themselves."

[8th November 1935]

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know, Sir, whether the Government will restrict the fee charged by private licensees for agricultural pumping to make it the same as that levied by Government? "

The Hon. Sir K. V. REDDI NAYUDU:—" It depends upon a number of circumstances. But the question will be considered."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—" Will they now at least get the information from Mysore and reconsider the matter? "

The Hon. Sir K. V. REDDI NAYUDU:—" Conditions in Mysore are not the same as in Madras. Further, they may have their own reasons to do so."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—" The reason may be to help agriculture."

The Hon. Sir K. V. REDDI NAYUDU:—" The reason may be otherwise also."

Mr. V. M. RAMASWAMI MUDALIYAR:—" The Hon. Member cannot raise the plea that in Mysore the conditions are different."

The Hon. Sir K. V. REDDI NAYUDU:—" How can they do it when the conditions are different? "

UNSTARRED QUESTION

Inland Waterways

Collection of penal licence fees from owners of boats plying in the Buckingham Canal.

411 Q.—Mr. V. T. ARASU: Will the Hon. the Member for Revenue be pleased to state—

(a) whether any representations were received by the Government from the owners of boats plying for hire in the Buckingham Canal alleging that penal licence fees are being collected from them against the spirit of section 6 of the Navigation Rules under the Canals and Ferries (Public Ferries) Act of 1890; and

(b) what the findings of the Government are on those allegations?

A.—A petition from the boat owners was received recently and referred to the Chief Engineer for Irrigation. The Chief Engineer's report is awaited.

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

II.—RESOLUTION RE GUARANTEE IN RESPECT OF DEBENTURES ISSUED BY THE CENTRAL LAND MORTGAGE BANK—cont.

11-15 a.m. * The Hon. the PRESIDENT:—" Discussion on the motion * of the Hon. Mr. P. T. Rajan will now be resumed."

* This was discussed in part on 2nd and 4th November 1935.

RESOLUTION re GUARANTEE IN RESPECT OF DEBENTURES ISSUED 905 BY THE CENTRAL LAND MORTGAGE BANK

[8th November 1935]

* Mr. C. BASU DEV:—" Mr. President, I rise to oppose the resolution. I do so on two grounds: firstly on account of the unsatisfactory working of the land mortgage banks, secondly on account of the policy of the Government underlying their financial assistance to these banks.

" Referring to the banks themselves, at the outset, I must say that I am not in the least satisfied with them from their very inception. I, along with many of my hon. Colleagues, had occasion to complain to the Hon. Minister that these banks were not started in the proper atmosphere with the proper groundwork of propaganda, but that they sprang into existence overnight with the result that most of them were in the hands of political cliques. I am sorry to say that the officers responsible for the starting of these institutions are not a little responsible for this state of affairs.

" From the report of working of the land mortgage banks we find that the old Pithapuram bank had to be abolished and the new Pithapuram bank to be started. May I ask why and how the old bank had failed to function and what the necessity was for starting a new Pithapuram bank instead of reviving the old bank and substituting a new directorate? It is not to throw out one group and place another in power? There are many other instances of this kind. Even this single instance is sufficient to show that these banks are in the hands of political cliques which cannot and will not work them on sound principles.

" Sir, I understand that the primary banks are under the immediate supervision of the sub-deputy registrars. I wish to know what their qualifications are and what their experience is in assessing the value of lands and in ascertaining the status and the repaying capacity of the applicants for loans. I should think the officials of the Revenue Department are the proper persons to be entrusted with this important work.

" Next, Sir, I would refer to the want of or insufficient supervision of the co-operative societies by the Co-operative department. In April last I had occasion to complain to the Deputy Registrar against the very serious maladministration of the Workers' Co-operative Bank. I received a reply from him in May, a month later, that for want of evidence my complaint could not be further examined."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know, Sir, whether we can discuss under this motion, matters other than those relating to land mortgage banks? "

* The Hon. the PRESIDENT:—" Let us follow the arguments of Mr. Basu Dev."

* Mr. C. BASU DEV:—" Sir, my hon. Friend seems to be very anxious to have his say on this question. I am sure he will have his chance. (Laughter.) Sir, if I referred to the Workers' Co-operative Bank, it is only with a view to give an instance of deficiency in supervision of the Co-operative department over the working of co-operative

[Mr. C. Basu Dev] [8th November 1935]

societies generally, and land mortgage banks are part and parcel of the co-operative movement which is under the control and supervision of the Co-operative department.

"To proceed with the Workers' Bank, from April last, till October when the department was forced by me to take action, a sum of nearly Rs. 13,000 was allowed to be misappropriated. If this is the sort of control which the department is going to exercise, I am afraid it is not safe to entrust large sums of money to societies."

* The Hon. the PRESIDENT:—"The hon. Member may confine his remarks to supervision over land mortgage banks."

* Mr. C. BASU DEV:—"Sir, it is very difficult to draw a line between the land mortgage banks and other banks."

* The Hon. the PRESIDENT:—"But during the course of this discussion, the House will have to draw a line."

* Mr. C. BASU DEV:—"I bow to your ruling, Sir. I am not attacking the Minister, but only the department over which he has very little control, because it is very much under the influence of the alleged expert, the Joint Registrar, to whom the Hon. Minister, with zeal that does more credit to his heart than to his head, has been giving undue and unjustified encouragement, much to the detriment of the department in which considerable rot has already set in."

Diwan Bahadur A. APPADURAI PILLAI:—"I take very serious objection to the word 'rot.' Is it not unparliamentary to say that, Mr. President, with reference to the working of a department?"

* The Hon. the PRESIDENT:—"I do not think the use of the word 'rot' is unparliamentary at all. Mr. Basu Dev may proceed with his speech."

* Mr. C. BASU DEV:—"Thank you, Sir. My criticism of the department is not very much favoured by the authorities or by the erstwhile Director of Industries. I do not want to tread upon the corns of either the officers or those interested in them and I therefore leave the matter at that pleading for greater and stricter control by the department."

"Now, Sir, as regards the object of the Government in affording such large financial assistance to the land mortgage banks, the idea is to redeem the rural debt. If that is so, I respectfully submit, this is not the way to tackle the problem. From the report of Mr. Satyanadhan, we find that within a period of five years, from 1930, the time of the Banking Enquiry Committee, to the date of this report, the rural debt has increased from 150 crores to 200 crores, that is by 50 crores. This piecemeal and patchwork attempt to redeem such a vast

8th November 1935] [Mr. C. Basu Dev]

sum is not the proper way of getting about the business. The only way is to copy the experiment of Bhavanagar. I hope and pray that the Government will have the courage and the wisdom to boldly investigate at least the possibilities of that experiment. From the report of the working of the Debt Conciliation Act in the various provinces which we have had occasion to study in connexion with the consideration in the Select Committee of the Debt Conciliation Bill of Mr. Ramalinga Chettiyar, we find that conciliation has invariably resulted in reducing the debt by 50 per cent; we in this province can logically anticipate a reduction even greater than 50 per cent of the provincial rural debt if the Government can come boldly forward and say that they are prepared to take upon themselves the debt if it is reduced to a reasonable figure. If the debt is thus reduced from 200 crores to at least 100 crores, I have every confidence that the debtors themselves will be willing to come forward to pay at least another 50 per cent of this 100 crores and this would ultimately have the effect of reducing the commitment of the Government to 50 crores.

"Mr. President, the Government, for the last three or four years, have been making remissions of revenue to the extent of 50 or 60 lakhs every year. If to this amount is added the annual collections from the rural debts towards loans which the Government will thus have taken upon themselves, I am sure, they will find more than the annual instalments necessary to pay off this 50 crores of debt. Sir, I do not suggest that the Government should raise a loan of 50 crores. That will be an impractical proposition, but I say that there is no difficulty in the Government issuing debentures to the creditors to the extent of Rs. 50 crores at 3½ per cent. This is the simplest and best way of effecting reduction in rural debts and the debtor himself will be considerably relieved even in the matter of the interest he has to pay on the debt. As it is, he will have to pay about 6½ to 8 per cent. I hope the Government will sympathetically and courageously examine this proposition with a determination to give effect to it as far as possible. I therefore think that the Government will have first to decide upon their future policy before they commit themselves to guarantee for another amount of 50 lakhs."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I am not anxious to oppose this resolution, but at the same time I want to point out some defects in the present administration of the land mortgage banks so that the Government may remedy them. I do not know why the Central Bank, as stated at page 6 of the report, under item VI, which is a 5 per cent debenture, redeemed only Rs. 44,000 and retained such a large sum as Rs. 7 lakhs and odd and under item VIII which is a 4 per cent debenture they discharged Rs. 22,300 without trying to completely discharge the debenture under item VI which carries 5 per cent interest. The House will understand that by this transaction the Central Bank loses interest at 1 per cent on Rs. 22,800. I do not know why the Central Bank has discharged the debenture

[Mr. P. V. Krishnayya Choudari] [8th November 1935]

carrying a lower rate of interest when they have yet to clear a debenture carrying a higher rate of interest.

11-30 a.m. "Another thing which I want to bring to the notice of the Government is that the land mortgage banks, which it was expected, would give relief to the rural population are not giving them the expected relief as the banks are working at present. I shall prove my statement by taking the House with me through some of the figures given in the report. According to the report (page 8, paragraph 12), at the beginning of the year the number of loan applications pending before the primary banks was 1,055, and during the year 2,504 loan applications were received by them. The total amount of loans applied for to the primary banks aggregated Rs. 65 lakhs nearly, of which the Central Land Mortgage Bank granted a loan of Rs. 27 lakhs nearly, or very roughly one-third of the loan amount has been sanctioned by the Central Land Mortgage Bank. From this we should be able to find that there is something defective in the working of the land mortgage bank, the cause for which we are not in a position to understand now. From this it will be clear that the benefit enjoyed by the poorer class of people by the working of the land mortgage bank is not so very encouraging. These land mortgage banks were started some six years ago. After six years' working, I ask how many people have been benefited. If the Hon. Minister will look into the figures given on page 10 of the report he will find as follows:—

Year.	Number of loan applications
1929-30	26
1930-31	221
1931-32	267
1932-33	486
1933-34	728
1934-35	1,050
Total ...	2,778

"The total number of loan applications for six years amounted to 2,778. Now, is it worth while, I ask the Government, to give a guarantee of interest to the extent of $1\frac{1}{2}$ crores for the benefit of 2,778 loan applications? I ask what are the reasons for not improving the working of the banks.

"Another defect which I want to point out is that the land mortgage banks are not serviceable to the people. If hon. Members will look into the tabular statement of the report they will find there were three loan applications whose amounts were below Rs. 500 each. So how many people were really benefited in 1929? Only three people. That is the way in which the land mortgage bank is functioning for the poorer class of people. Again in 1930-31, three people, in 1931-32, eight people, in 1932-33, 11 people, 1933-34, 46 and 1934-35, 98 people. These figures show that there has been no progress in the working of

8th November 1935] [Mr. P. V. Krishnayya Choudari]

these banks, so far as its benefit to the poorer class of people is concerned. So I want to know what the real cause for this is and therefore request the Government to investigate and see if any more relief could be given to poorer people.

"Another fact which I wanted to bring to the notice of the Hon. Minister was that even though half a dozen banks as mentioned in the report were started some five years back, they have not transacted even one loan. I want to know what the reasons are for this state of affairs. Whether the department has taken any action or not is another matter which the Government has to answer. If the department has taken action and yet the banks mentioned above have not been working, why not the Government close such banks and open them in other places?

"Mr. President, Sir, there are certain points to be noted in connexion with the drawing up of debentures. I ask why the Government should not issue a notice to all 5 per cent debenture-holders that their debentures will be discharged from such and such a date, and that they will only be given the rate of interest which will be prevalent in the market at that time. When the land mortgage banks are in a position to get loans at $3\frac{1}{2}$ per cent interest, why not they ask the debenture-holders to convert their debentures into $3\frac{1}{2}$ per cent Government paper and if they do not do so, give them notice, just like the Government of India, saying that when the banks get funds those debentures will be discharged.

"Again, Sir, although the bank has got property security of Rupees 1,70,00,000, it has advanced loans to the extent of only one-third of this amount. I would suggest to the Government to give the people all possible facilities. Why not the bank give loans up to 50 per cent of the value of the property? Why not give the people larger loans because every instalment that is paid by them will go to discharge the loan, thereby reducing the liability of the property? Even if they allow 60 per cent of the securities as loans, they will not be in any way losers, because the rate at which they fix the value of the security is far below the market rate. So the land mortgage bank can grant at least 50 or 60 per cent of the security as loans. The ryot population are probably not in a position to take advantage of the existence of the land mortgage banks. The Central Land Mortgage Bank, though it gets a profit of Rs. 60,000 or Rs. 70,000 per year by way of profit, is not spending even an anna for propaganda work. As a matter of fact, a very responsible man told me that there is no propaganda work in the villages about the utility of the land mortgage bank. So the Central Land Mortgage Bank should be insisted on to do some propaganda work.

"Then, as regards the suggestion that there should be one Sub-Deputy Registrar for three banks, that depends upon the nature of the work for each Sub-Deputy Registrar. In my opinion one Sub-Deputy Registrar can get on even with the work of twenty banks, if he is a

[Mr. P. V. Krishnayya Choudari] [8th November 1935]

proper officer and knows his work well. I feel on the other hand that we should increase the number of banks as has been pointed out by the Executive Officer. In this connexion I request the Hon. the Chief Minister to see that something is done as early as possible and also to give an opportunity to this House for discussion by bringing forward this report as an annual report just like the Public Services Commission's Report."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"I am not opposing the resolution moved by the Hon. Minister, but at the same time I would like to point out that the support given by the department to other activities of that department, viz., house-buildings and credit societies, and marketing, etc., is not so encouraging as it is in the case of land mortgage banks. The other day the Registrar of Co-operative Societies convened a conference of all important co-operators including the President of the land mortgage bank, the chairmen of municipal councils and presidents of district boards who are all interested in house-building. After due deliberation, the whole conference came to the conclusion that they might float a Central House-building Society for the province if the Government gives guarantee to raise debentures. After the whole scheme was submitted to the Government I understand that Government has turned it down saying that they cannot give a guarantee. I do not understand the reason for their saying so and why one section of co-operative activity, viz., the land mortgage bank should be benefited by a guarantee of 100 lakhs of rupees, while the other section, the House Building Section, should suffer whose activity is after all to acquire house-sites for the poor class of people and which goes a great way to meet the poor man's demands, and I do not think it is fair on the part of the Government to utilize to the fullest extent all the debenture amount for land mortgage banks only.

"Secondly, Government recently appointed marketing officers to give relief to the poor agriculturists. As far as I understand, nothing has been done substantially. I think money spent in that direction will not go a great way to relieve the indebtedness of the agriculturists. In my own district the Registrar tried to start a society for giving marketing facilities. At one time it was turned down, but I was told the matter was again being reconsidered. I do not know how far it is going to be successful. Moreover just when the co-operative movement was started, the department went ahead and started several societies for depressed classes and others. At a later date the Registrar found that the societies were not working properly and he began to apply his pruning knife, liquidated and abolished several societies with the result that most of the money had to be written off as bad debts. So it would be in the interests of the land mortgage bank that it proceeds slowly. But in view of the assurance of the Hon. Minister that the loans advanced to the primary land mortgage banks will be properly utilized by the various banks, I have no objection to support this resolution."

8th November 1935]

* Mr. K. A. NACHIYAPPA GOUNDER:—"Mr. President, Sir, by rising now I may not be misunderstood to oppose the guarantee being given, as a matter of fact I am for it, but at the same time, I like to make some observations about the difficulties in the actual working of the land mortgage banks. If you go into the system adopted now for granting loans, you will find, Sir, that there are very many difficulties in getting loans from these banks. In the valuation of the land given as mortgage, the local conditions and the particular conditions of the soil of the land are not taken into account. Only a very stringent value is put taking into consideration the value of the other lands in general in that village. With regard to the percentage of the value of the land granted as loan, there again it is very low. On pure dry and rain-fed lands, no loan is allowed, and the lands irrigated by wells can get only a maximum of 30 to 35 per cent of the value as loan and on wet lands only up to 50 per cent of the very low value fixed is allowed as loan. The debtors generally have debts more than 50 and 60 per cent of the present woeful value of the land, and when these strict conditions are applied, not even a fair percentage of the ryots who are indebted are able to take advantage of the land mortgage banks. Some remedy should be found for this state of affairs so that the banks may be useful to as many ryots as possible.

"With regard to the title to the lands, various difficulties come in and hardship is caused. Even though the ryot is able to give sufficient security to cover any defects in the title of any piece of land to be included in the mortgage, even though the defect may not in practice affect the property in any way, loans are to be refused. Sir, the two points, viz., valuation and title, that I have mentioned require some investigation and remedy in order that the land mortgage banks may work with more real and practical advantage to the ryot population.

"As regards advancing loans on lands in proprietary estates there is again a great hardship. Generally the by-laws are drafted in such a way that loans can be advanced only on lands in ryotwari areas. Proprietary estates form a fairly good portion of the lands in every area of our Presidency and if these lands are to be excluded, I do not think we will be doing justice to these people. It may be said that many of these tracts have not been surveyed, but may I ask, Sir, whether money-lenders are not lending monies on such lands in the ultimate hope of winning their cause in the civil courts and taking up those lands? Why should not the land mortgage banks also adopt that course? There cannot be said to be any risk at all, Sir, because there are sufficient records with the proprietors of the estates and with the ryots also which go to show that such and such a land belongs to such and such a ryot. Therefore there is no insuperable difficulty in extending the operations of the land mortgage banks to these tracts also or at least to such estates which are surveyed. Finally, Sir, I would request the

[Mr. K. A. Nachiyappa Gounder] [8th November 1935]

Hon. Minister to investigate these points and see that loans are granted on lands in proprietary estates also. With these remarks I support the motion."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I should like first of all, to thank the hon. Members who have taken part in the debate; because my intention when I proposed, when the Land Mortgage Banks Bill was under discussion, that every increase in the Government guarantee should come before the House, was that this House ought to know about the administration of the Central Bank and express their views with regard to what has been done and what ought to be done in future. This debate has served that purpose. At the same time, I request hon. Members of the House to take a greater and more steady interest in the working of these institutions (land mortgage banks). I am sorry to say that the remarks made by some hon. Members show that they do not know how the societies are working at present. If more hon. Members of this Council and the public take interest in these institutions, it will be for the benefit of everybody.

"Coming now to the actual remarks made by some hon. Members, there seems to be some misapprehension as to how the whole thing is managed. A considerable part of the criticism of Mr. Krishnayya Choudari was directed against the way in which the debentures were issued and redeemed. Sir, it must be remembered that we are working under an Act of this Council. Section 4 (2) of the Act runs as follows:—

"The total amount due on the debentures issued by the Board and outstanding at any time shall not exceed the total amount due on the mortgage, the amount paid thereunder and remaining in the hands of the Board or of the trustee at such time and the value of all other assets transferred by the mortgage banks to the Central Mortgage Bank and subsisting at that time."

As soon as we get mortgages, we transfer the mortgages to the trustee and to the extent we transfer the mortgages we float debentures and on these mortgages every year we collect a portion of the principal. That portion will have to be paid back to the debenture-holders, because the section says we can leave debentures outstanding only to the extent to which the principal is yet due. So that portion of the principal which is collected will have to be paid back to the debenture-holders. Therefore every three or four months, lots are cast and from the particular series for which any portion of the principal money is collected, the necessary quantity of debentures are drawn and paid up. Under the Act, we can follow only the course which we are following. That is why when series IX and others are outstanding we had to pay back a portion of the debentures in the VIII series which are bearing only 4 per cent interest. A portion of the debentures has to be paid back each time and only the balance is outstanding. For that no doubt a suggestion can be made, namely, that instead of actually drawing lots and redeeming these debentures, we may probably purchase debentures

8th November 1935] [Mr. T. A. Ramalingam Chettiyar]

in the open market. That is the only way in which without violating the provision in the section, we can give effect to the suggestion made by Mr. Krishnayya Choudari.

"The second point is what are we doing with regard to debentures which are still bearing 5 per cent interest? It is already mentioned in the report circulated to hon. Members that so far as series VI and IX are concerned, we have already given them notice of redemption on the 1st of December. (Interruption.) No, not in rotation. When debentures are issued the series can be redeemed after giving three months' notice. In view of the fact that we are able to raise money at a lower rate of interest, we have given notice to the debenture-holders that we are going to redeem the sixth and the ninth series on the 1st of December. After that, the only debentures which will bear more than 4 per cent interest will be the seventh series. I am asked: why not redeem that also? The difficulty is money is not forthcoming as easily as friends in this House seem to think. Money is coming in only in dribblets. We thought that 3½ per cent debentures would give us enough money to meet our current demands and we waited for a long time. I am thankful to the Government for issuing instructions to local bodies to the effect that they may deposit a portion of the provident fund and other monies they have in the Central Land Mortgage Bank debentures. But for that order, I doubt whether even now we would have been able to get the money we wanted. That is the reason why we have not redeemed all the debentures bearing more than 4 per cent interest. As soon as we redeem the sixth and ninth series we will certainly take up the remaining seventh series. I have already written to the Government that it is our intention to take up the seventh series and have them redeemed as soon as we are in a position to do so. We propose to call for applications for debentures and the moment we get sufficient money to redeem the seventh series, we will do so. After that there will be no debentures bearing more than 4 per cent interest. Not only that, we are trying to develop the 3½ per cent debentures. As yet, the response is not as much as we want and we hope, as we proceed, to be able to raise debentures at the lower rate of 3½ per cent. Not only that, hon. Members will be glad to know that only at the last meeting of the executive committee we were able to reduce the rate of interest to the borrowers by another half a per cent. At the present moment the ultimate borrower can get money on mortgages at 6 per cent. I am as anxious as hon. Members in this House to reduce the rate of interest as much and as soon as possible.

"The difficulty is we have to depend on the open market for the money required. We must be assured that we will get and be able to raise the required amount of money at the required rate of interest. That we are not assured of. As we feel our way and as we are able to raise the required money in the open market, the rate of interest at which we lend money will certainly be reduced.

[Mr. T. A. Ramalingam Chettiyar][8th November 1935]

"For particular series of debentures, particular mortgages are made security. So it is not possible to sell debentures as we please and bring down the rate of interest. That is the reason why the present system of issuing the debentures and redeeming them is followed.

"Then, Sir, one or two questions were raised as to what exactly is the amount that is outstanding in the form of debentures and what amount is wanted. In the guarantee already given, the Government have fixed two amounts; one is the sum of Rs. 50 lakhs and the other is the amount of Rs. 24 lakhs. Under section 6 of the Act they have guaranteed up to the face value of Rs. 50 lakhs; under section 7 they have guaranteed up to Rs. 24 lakhs and odd. Hon. Members of the House will see from the statement given to us that after the first of December, the only debentures that will be outstanding in the second guarantee of Rs. 24 lakhs, will amount to Rs. 7 lakhs. So, the guarantee given for Rs. 24 lakhs will be reduced to Rs. 7 lakhs. Therefore a sum of Rs. 17 lakhs is reduced. Add to this sum, the sum of Rs. 50 lakhs already guaranteed by the Government. The additional guarantee that is required now is only to the extent of Rs. 30 lakhs and odd. It is not really Rs. 50 lakhs. The total guarantee works out to only Rs. 33 lakhs, more than what they have already given.

"As regards the present position, I may say at once that debentures to the value of Rs. 35 lakhs have been issued by us under the guarantee given under section 6. There will be only Rs. 7 lakhs under the guarantee under section 7. It comes to Rs. 42 lakhs. We want about Rs. 8 lakhs more to discharge these two series—series 6 and 9—in the first week of December. The total thus comes to about Rs. 50 lakhs and odd. The remaining Rs. 50 lakhs will be for the purpose of financing our operations in future. We floated debentures to the extent of Rs. 2 lakhs a month last year; now the demand is increasing to something like Rs. 3 to 4 lakhs every month.

"The question was raised by my hon. Friend Mr. Krishnayya Choudari, that the amount of Rs. 5,000 fixed as the maximum for borrowing by an individual member is too low and that it ought to be raised. I am glad that the Government have already agreed to the proposal of the bank to raise this maximum to Rs. 10,000. Of course they have added a condition that we will have to do so in select areas. We will have to consult the Registrar with regard to the conditions on which this can be done. A start will be made practically immediately to raise the maximum in some areas at least to Rs. 7,000 in some places and to Rs. 10,000 in other places.

"There was a complaint that the annual reports of the bank are not circulated to Members of this House and that they should be informed about the administration of the bank on account of the guarantee that is given. Certainly we agree to this, and we have

8th November 1935][Mr. T. A. Ramalingam Chettiyar]

absolutely no objection to circulate the report of the bank to the Members of the House; if the Government will undertake to circulate the copies as soon as the annual report is ready, we will be prepared to send the requisite number of copies.

"Complaint was made as regards the issue of shares; I think it is an unjust complaint. Here I have the list of distribution of shares districtwar; I find that 19 districts in the Province have been given shares. (Mr. P. V. Krishnayya Choudari: 'How many shareholders are there in the Guntur and the Kistna districts?') Guntur—5 and Kistna—1. My friend seems to forget one thing. It is only when they find the satisfactory working of the bank now, everybody wants to have a share probably in the management of the bank. He forgets the fact that when it was started, there were not people prepared to buy shares; they were not coming in at all; we used to advertise in the papers for several months; we had very little response from the public for purchasing these shares. It was very difficult to induce the people to take shares; we had to go to friend after friend and induce them to take shares of this bank. (Replying Mr. P. V. Krishnayya Choudari) there are 81 shareholders in the Madras City. It was a question of people requesting friends to take shares and not a question of cornering the shares as was suggested. It is always the case; when a concern is started, very few people support it. When it is working well, everybody wants to get in. I may say this: there is no need for further shares, and it will not be in the interest of the administration of the bank to add more individuals, because this bank is intended for societies. We are issuing any number of shares to societies; but as regards individuals we do not want that people should come in either for political purposes or any other purpose. For some time past we have stopped the issue of shares to individuals. If, in case the Government think that any more shares should be allotted either on territorial basis or on any other basis, we have no objection; but the Government will have to realize this fact that in the interest of the bank itself there is no need to increase the share capital of the bank. If people who have no interest in the working of the bank come in, it would not be in the interest of the bank. (Mr. P. V. Krishnayya Choudari: 'Why should you have six persons on the directorate?') That is for the purpose of administration. It is according to the provision in the Act that the Board is constituted. If this Council were of the opinion that there was no need for this number, that is another matter. What happens in these institutions is this: it is individuals that give momentum to the work of the institution. For instance, Sir M. Ramachandra Rao has devoted practically all his time for the development of this bank for the last four or five years. But for his very steady and self-sacrificing work, I do not think this bank would have attained its present level of efficiency. As a matter of fact, this bank is leading the whole of India; everywhere they are following in the footsteps of this particular bank; the other day, Mr. Darling said that he took the

916 RESOLUTION ~~76~~ GUARANTEE IN RESPECT OF DEBENTURES ISSUED
BY THE CENTRAL LAND MORTGAGE BANK

[Mr. T. A. Ramalingam Chettiyar] [8th November 1935]

example from Madras. Such being the case, I do not think that the Members of the House have got any reason to think that the affairs of this bank are not properly managed. If my hon. Friend, Mr. Krishnayya Choudari, wants anything to be done with regard to representation of any interests ignored so far, he is a member now, the shareholders' meeting will be held on the 24th; it is open to him to bring forward any proposal before the shareholders and I assure him that any reasonable proposal to carry out the interests of this bank will have the support of most of the shareholders.

"The point was raised by my friend, Mr. Nachiyappa Goundar, in a spirit of generosity but, I am sorry to say, hardly in the interest of the sound business. He says: in proprietary estates where there is no survey, there are people lending money on mortgaged securities; why not the Central Land Mortgage Bank? Unfortunately, in a public concern like ours, we cannot afford to take risks. If it is a private money-lender, he can take risks. We have to insist upon proper title being shown. If there is no survey, and if there is no patta, how can we lend money and take risk? It is people's money and money guaranteed by the Government; we have to safeguard the debenture-holders' interests.

"It was also stated that the percentage of the value of the property we lend is too low. There again there is difficulty. We have fixed not 35 per cent but 40 per cent of the value of the property as the maximum sum, we will advance. That is due to the fact that if the money is at default, interest will be accumulating and the question of cost of recovering the money will arise; we have to provide for all such contingencies. It should not also be forgotten that the value is not a permanent feature. Generally prices have come down during the last three or four years. In particular areas, when particular crops cannot be raised, the value of the land comes down. That is a thing which we have to take note of. I think 40 per cent is not a very low figure. If my friend, Mr. Krishnayya Choudari, wants to convince us that we can raise 40 to 45, that is a matter for the general body of the bank to decide. It is always better to have a safe margin so that the interest of the debenture-holders may not suffer if there is any default in payment, or if any adverse circumstances come into existence.

"Then the question of valuation was raised. I must tell the hon. Member that we cannot make any exception with reference to title and valuation. It will be dangerous. The whole business turns on the question of valuation. If the bank is not to be satisfied on these two issues, value and title, it will be very difficult for the bank to manage its business. If anything happens, if in any case we make a mistake and if it is known to the public, the prestige of the bank and the confidence of the people in the transactions of the bank will vanish; and we cannot think of persons coming to finance the bank; the whole thing will come to a stop there.

8th November 1935] [Mr. T. A. Ramalingam Chettiyar]

"Then, Sir, there were some complaints about dry areas not being helped and also that we are not starting as many societies as may be necessary. I can only say, Sir, that in these two respects, the department has been doing its best. It is proceeding cautiously. In the case of dry lands where there are no irrigation facilities, it is naturally a bit reluctant. It is not correct to say that there are no banking facilities in such places; the report itself shows that there are several dry areas where banks have been started, and there are proposals to start banks in other places as well. But with reference to dry lands which are not irrigated, the policy of the bank is to be a bit cautious for the obvious reason that any failure of the monsoon will make it impossible for the ryot to pay up his loan, and make him become a defaulter. We want to avoid defaults. After all the position of a bank, which is a business concern, and that of the Government are entirely different. It may be under certain circumstances the Government should not care for business principles but should be generous, but in the case of a business concern, like a bank, I think we cannot afford to be generous at the expense of business principles and business procedure.

"My friend, Mr. Basu Dev, stated that he opposed the motion. I think he was the only gentleman who opposed it. I am sorry he is not here, but his objection I could not understand. For one thing he said, why not the Government themselves help the people to discharge the debts as was done in Bhavnagar? Sir, we have no objection to the Government directly intervening and lending at the rate of 4 or 4½ per cent and helping the ryots. As a matter of fact, in the conference which was called the other day by the Hon. the Finance Member to which three of us representing the co-operative societies were invited, we agreed that the Government might directly lend to the ryots at the rate of 4½ per cent. We exist no doubt to help the ryots; if the ryots are going to be helped by the Government with a cheaper rate of interest, certainly, we won't stand in the way. It is because the Government want a bank to undertake this business that we are there. All that the Government do is to give us this help of guaranteeing our debentures, otherwise the whole thing is managed by us. The Government have agreed to lend money up to Rs. 2,000 for the purpose of discharging prior debts. As I said, we do not stand in the way, and in fact we approve of the action the Government are going to take. If the Government are prepared to lend money at lower rates of interest and to manage the business themselves, I think there can be no difficulty whatever. But, in the absence of the Government directly dealing with the problem, an institution like the Land Mortgage Bank is necessary, and that is why it has come into existence. So long as it is there, it has worked and is working, as I said, on business principles.

"His other objection was that societies were started without any preparation and suddenly. I am sorry, Sir, that he is speaking without experience. As a matter of fact, people in a locality have been asking

[Mr. T. A. Ramalingam Chettiya] [8th November 1935]

for a bank for years before they got one. Several applications are made and deputations go, before a society is registered. It is not at all true to say that a society is sprung on the people without any notice or without preparation."

Mr. P. V. KRISHNAYYA CHOUDARI:—"But banks do not really come when they are wanted."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Facilities do not exist in places where they are wanted. For instance, we have to take into account the area, we have to find out whether the people there are in a position to utilize the bank, whether they will pay back the money; then there is also the bigger question of the personnel to manage these banks. In several places the banks are not able to work well for want of proper men to manage them. It was also mentioned by my friend, Mr. Choudari, that there are several banks which have not been working for several years. That gives the answer to the question raised by him; it is all due to want of proper men. Whenever a bank is asked for, the department makes enquiries, the Sub-Deputy Registrar or Deputy Registrar goes there and makes enquiries, and when everything has been done, the matter is sent up to us for approval or disapproval. Until that stage, we do not come in at all. It is therefore not the bank that is responsible for the starting or non-starting of societies in particular areas or in particular districts."

Mr. P. V. KRISHNAYYA CHOUDARI:—"But they are guided by the recommendations of the Central Bank."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"As I said, Sir, in the earlier stages, the application is made only to the Deputy Registrar; then the Sub-Deputy Registrar goes and makes enquiries; afterwards, the Deputy Registrar of the district is consulted. Even when the enquiry is made by the officer of the Land Mortgage Bank, the opinion of the District Deputy Registrar is taken, and it is only finally that the Central Bank gets the case. I do not think there have been many cases in which the Central Bank stood in the way of societies being started."

"Again, Sir, it was stated that the number of Sub-Deputy Registrars has not been increased and that has been standing in the way of starting new banks. There I think the Hon. the Minister will have to admit that on account of the smallness of the number of these Sub-Deputy Registrars, several applications have been delayed and that we have been asking for more and more of them. No doubt, if we can have a few more Sub-Deputy Registrars, we can have a few more societies also started; but that is a matter for the Government to decide."

"Sir, these are some of the points which have been raised in the House, and I am thankful to the hon. Members for the interest evinced in the working of this bank; we want them to take greater interest and help this institution."

8th November 1935] [Mr. T. A. Ramalingam Chettiya]

"With these words, Sir, I request that the House will give a unanimous vote in favour of this resolution."

* The Hon. Mr. P. T. RAJAN:—"Sir, the administration report of the bank was circulated rather late; but though there was delay, I am glad to see that hon. Members have perused the report and placed their suggestions and observations before the Government for their consideration. I propose to reply to the points raised both by my hon. Friends, Messrs. Krishnayya Choudari and Koti Reddi, as those points practically cover the whole field."

"Mr. Krishnayya Choudari asked for the number of primary banks functioning in the Presidency to-day; they are 77 in number. I can also give the number of banks which were brought into existence in the last three years:—

1933 ...	...	...	...	...	...	17 new banks.
1934 ...	...	...	...	...	...	9 banks.
1935 ...	...	...	...	...	...	2 "

"Altogether, during the last three years, 28 banks have been started. If we could not increase the number of banks, it is because of the difficulties pointed out by my friend, Mr. Ramalingam Chettiya, viz., that we do not get the necessary human material to work the banks and secondly that more banks mean more staff. In these days of depression, the Government cannot afford to increase the staff indiscriminately. The main objection, however, is, as I said, that we cannot find the necessary human material to work these banks properly. My friend, Mr. Choudari, himself pointed out that a number of banks have not been functioning for the last four or five years. I propose to instruct the department to wind them up and transfer them to other places in the same district, if we find that proper men are forthcoming to work them. In the case of the Rajapalayam and Watrap banks, it is proposed to amalgamate them with headquarters at Srivilliputtur. In this connexion, I should point out to my friend, Mr. Nachiyappa Gounder, who is ceaseless in his efforts to help the people of Salem district, that he might pay some attention to the working of the bank at Tiruchengodu. If there is no hope for that bank, it will have to be transferred elsewhere, unless we get persons to come forward and give a guarantee that they would work the bank. The other four or five banks have not yet started functioning for the simple reason that they have not had sufficient time to begin work; and I do hope that by next year they will be in a better position to help the ryots by recommending necessary loans."

"Sir, the fact that none of these primary banks made any default in the payment of arrears due to the Central Land Mortgage Bank shows that these institutions are functioning fairly well. If all these banks together cannot give that amount of help to the ryots which

[Mr. P. T. Rajan] [8th November 1935]

We all expect them to do, it is not the fault of these institutions. Government have imposed conditions and they want that these banks should work cautiously and carefully, so that the confidence in the Central Land Mortgage Bank and the primary banks may not be shaken. It is better to give help consistently, though to a limited few, than to help a number of people for some time and then stop such help because these banks do not function properly.

12-30 P.M. "Now, Sir, I come to the other point, namely, that the shares have not been evenly distributed among the districts. In this connexion I should like to give, with your permission, Sir, a brief account of the capital and shares of the bank. The authorized capital of the bank is Rs. 10,00,000 which is made up of 10,000 shares of Rs. 100 each, of which only 5,000 shares have been made available at present for allotment and the other 5,000 shares are held in reserve to increase the holding by primary banks later on if found necessary. Every Land Mortgage Bank is eligible for membership in the Central Land Mortgage Bank and any person over 18 years of age is also eligible for membership. Government is also a shareholder. In the case of individuals we have taken care to see that no individual holds more than Rs. 2,000 worth of shares. At present there are 191 individual members holding 799 shares to the value of Rs. 79,900; there are 71 banks holding 1,585 shares to the value of Rs. 1,58,500. In 1930 shares to the value of Rs. 50,000 were allotted to individual members and when it was found that they were not enough, that amount was increased to Rs. 80,000 in 1933. In future it is not proposed to allow individual members to join the bank and membership will be restricted chiefly to the societies. Sir, I am aware of the feeling on the part of some Members of this House that there has not been a due proportion of shares in respect of individual members in the districts. I see, to some extent, there is force in the point, but my hon. Friend, Mr. Ramalingam Chettiyar, has pointed out that that was not due to any fault on the part of the bank that shares were not made available. At the time when the bank was started, nobody would even look at the bank, but now that the bank is in a flourishing condition and it is functioning well, individuals want shares. Be that as it may, in order to rectify that mistake and to meet the wishes of hon. Members of the House, I propose to suggest to the Board of Directors to issue shares to the value of Rs. 20,000 and see that they are distributed in those districts which have not received their due share, so that the deficiency might be made up. When this opportunity is given to the districts, I do hope men who are interested in the working of the bank would enter the bank and devote their time and energy to administration with greater success.

"Sir, in regard to the other point raised by hon. Members, viz., that there should be no differential treatment between dry and wet areas, I may say that as far as I am aware there is no hard and fast rule regarding the area in which these banks are to be started. The

8th November 1935] [Mr. P. T. Rajan]

general criterion observed in granting loans to members is, their capacity to repay the loans after deducting a fair margin to meet their own requirements. To this extent the value of the land to be mortgaged is taken into consideration. In areas where these conditions are satisfied, naturally the banks are established more easily. If in dry areas, similar conditions are found I do not think there can be any objection to the starting of new banks. It is only in wet areas that it is far more easy to satisfy the conditions which I have just now mentioned. I am quite sure if hon. Members would satisfy the Registrar about these conditions, namely, the repaying capacity especially of people who stand to benefit by these banks and that if proper men would come forward to work the banks, the Registrar would certainly take a very sympathetic view of such representations for the starting of new banks wherever and whenever necessary.

"Sir, my hon. Friend, referred to the appointment of executive officer. So long as the affairs of the bank are managed well, I do not see any reason for the appointment of an executive officer by Government."

Mr. P. V. KRISHNAYYA CHOUDARI:—"When once the matter goes wrong, there is no use in appointing an executive officer."

* The Hon. Mr. P. T. RAJAN:—"As it is, the interests of the Government are looked after by the Registrar of Co-operative Societies, who is an ex-officio member of the Directorate, and he is also on the Executive Committee. Besides, there are two nominees of the Government on the Directorate and one of these two nominees is also on the Executive Committee. The Registrar who is the trustee of the bank looks after the interests of the debenture holders. In this capacity he has got such wide powers that nothing could be done without his knowledge. At every stage practically, he is consulted and in some cases his previous consent is necessary. As such I do not see any reason for interfering with the management of the bank as suggested when everything is as good as can be expected.

"Sir, I am however aware of the feeling, that in view of the fact that Government have guaranteed both principal and interest, the management of the bank should be taken up by Government and managed by the department. If necessity for such a course ever were to arise the Government of the day, I am quite sure, will consider that suggestion. As I said a minute before, since the bank is functioning properly and since the Registrar in his capacity as Registrar and Trustee has complete control, there is no necessity to interfere with the affairs of the bank at present."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Why not you make all the local bodies purchase all the debentures?"

* The Hon. Mr. P. T. RAJAN:—"It is not a question of forcing anybody. As a matter of fact, the bank deals with long-term loans, so

[Mr. P. T. Rajan] [8th November 1935]

that the loan amount can be paid only in 15 or 20 years time. As such, the local boards and other bodies may not find it convenient to invest their funds in this bank as they will not be in a position to get back the amount when they want."

Mr. P. V. KRISHNAYYA CHAUDARI:—"If they are prepared, what is the objection?"

* The Hon. Mr. P. T. RAJAN:—"If they are prepared, I am quite sure my Hon. Colleague who is in charge of Local Self-Government will gladly consider the question and see that such restrictions are removed.

"Sir, I would like briefly to refer to the series of debentures which are being redeemed now. My hon. Friend, Mr. P. V. Krishnayya Choudari has pointed out that series No. VIII is being redeemed in preference to series VI and IX which carry greater rates of interest. That point was met by my hon. Friend, Mr. Ramalingam Chettiyar. It is because of section 4 (2) of the Act that this policy has been adopted by the bank and in this case it was not for the purpose of converting these debentures into ones carrying lesser rates of interest. The IX series of debentures was specially floated for issuing 5 per cent debentures offered in lieu of redeemed debentures and the amount of Rs. 1,91,900 represents the value of debentures carrying higher rates of interest prior to their conversion. The bank proposes to redeem series VI and IX by the 1st December 1935 and further contemplates redeeming series VII in course of time as and when they get money. Though the guaranteed rate of interest is 5 per cent I am quite sure the bank will, as far as possible, fix only a lesser rate as is evident from the rates fixed for series X, XI, XII, XIII, viz., 4, 4, 4, and 3½ per cent. Only in the case of series IX instead of scaling down the rate of interest in one jump from 6 or 6½ per cent to 4 per cent the bank is doing it gradually. If any one is to complain about the low rates of interest it is the debenture holders who have been forced to convert their debentures which carried a higher rate of interest to ones carrying a lower rate.

12-45
p.m. "Sir, before I refer to the necessity for increasing the guarantee of amount to the Central Land Mortgage Bank I may briefly refer to the points raised by my hon. Friend, Mr. Basu Dev. He has made a number of misstatements. As mentioned by my hon. Friend, Mr. T. A. Ramalinga Chetti, they were made without any knowledge and without any basis. As far as allegations are concerned I propose to reply by ignoring them as I consider it to be the best way of meeting these allegations. As a matter of fact he has taken advantage of the freedom of speech offered to this Honourable House and has made serious allegations which if they had been made outside would have landed him in trouble. With reference to the defalcation of the Workers' Co-operative Bank, unfortunately rival labour parties got into the bank and ruined it. The less I say about it the better. The man, who misappropriated the amount, was sufficiently punished in

8th November 1935] [Mr. P. T. Rajan]

a court of law. Then my hon. Friend, Mr. Muniswami Pillai, has said that other co-operative banks do not receive the same help as the Central Land Mortgage Bank receive. He referred to the case of Central House Building Co-operative Society where Government refused to guarantee the debentures raised by that society. As a matter of fact Government have been helping the building societies and if societies want to have central society it is up to them to start one and the Government will give as much help as they can. After all, the help which is being given to the Central Land Mortgage Bank is not direct but a guarantee which is only a contingent liability. Regarding the grievance of Potato Growers Association I may say that it is receiving the consideration of the Registrar and there is a proposal to help that association by finding godowns and other marketing facilities. Since the work of any association depends a great deal on the members themselves the department can give them suggestion, advice and co-operation, but the main work of any particular association must necessarily fall on the members of that association. If the Potato Growers Association take that responsibility upon themselves I am quite sure the Government and the department will not lag behind in their support to that association."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I fear the hon. Member is confusing one with the other. There was a recent proposal to form a new society and there was a difficulty in registration. Will the hon. Member send for the paper and see it?"

* The Hon. Mr. P. T. RAJAN:—"With reference to the new society I believe the society has been registered. Anyhow, I am prepared to look into the matter and give that help which that association is in need of. Coming to the points raised by my hon. Friend, Mr. Nachiyappa Gounder it is needless for me to speak on those points as Mr. T. A. Ramalinga Chettiyar has dealt with them in his speech. Sir, Government have guaranteed under section 7, Rs. 2,25,000. These are debentures issued by bank before the introduction of the Act and subsequent to the Act they have guaranteed debentures to societies to an extent of 50 lakhs and out of that 50 lakhs the bank has issued debentures to the value of 35 lakhs of rupees. As at present arranged the bank will be floating debentures for about nine lakhs of rupees in 1935 to replace the debentures of the VI and IX series besides debentures for about Rs. 2 to 3 lakhs every month for issue of loans to primary banks. It is expected that by January 1936 the present maximum of Rs. 50 lakhs carrying the Government guarantee under section 6 of the Act will be exhausted. In order to invest the new debentures with the status already achieved by the previous debentures and make them popular with the public the bank has requested the Government to increase the maximum amount from 50 to 150 lakhs. Government while agreeing to the request have proposed to increase the amount to 100 lakhs only now, viz., 50 lakhs at a time so that the House may have an opportunity of considering the working of the

[Mr. P. T. Rajan] [8th November 1935]

bank carefully when a similar request is made in future. Sir, now I hope the House will accept my resolution, viz., that the guarantee amount be raised from 50 to 100 lakhs of rupees so as to make the bank more helpful and useful to the people of this province."

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

'That this Council recommends to the Government that they may, under sub-section (2) of section 6 of the Madras Co-operative Land Mortgage Banks Act, 1934, increase the maximum amount of the guarantee given by them in respect of the debentures issued by the Central Land Mortgage Bank to a total face value of Rs. 100 lakhs exclusive of such debentures as the bank may from time to time redeem, subject to the periods of issue and the rate of interest specified in the resolution passed by this Council on the 4th August 1934.'"

The resolution was put and carried.

The House then adjourned for lunch.

After Lunch (3 p.m.)

III.—A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR
CERTAIN PURPOSES (BILL No. 11 OF 1934)—cont.

Discussion on the amendment to add a new proviso to section 102, left over the previous day, was resumed.

Mr. W. K. M. LANGLEY:—"Mr. President, discussion on this amendment was postponed till to-day so that we might be given certain facts and figures. The Hon. the Chief Minister has been kind enough to supply us with certain figures and information and satisfied us that it was impossible for him to agree to this amendment. In view of this, it is not intended to press the amendment."

The amendment was, by leave, withdrawn.

Clause 56 was put and carried.

Clause 57.

Section 104.

Discussion on the amendment of Mr. Basheer Ahmed Sayeed to section 104 moved the previous day was resumed.

* Mr. BASHEER AHMED SAYEED:—"Mr. President, I was referring yesterday to the scheme of the levy of tax under section 104 and that contemplated in section 98-A. I suggest, Sir, that the section as it now stands may be left without being tampered. As I pointed out yesterday, it will be administratively difficult to levy tax every half year. The whole scheme of the Act is that the tax should be fixed for the year. If hon. Members will read section 98-A and all provisions thereunder it will be seen that the levy of tax is made only for

8th November 1935] [Mr. Basheer Ahmed Sayeed]

the year and not for each half year. But the collection is for the purposes of conveniences divided into two equal instalments. If you are going to say that the Council should levy taxes half yearly does it or does it not follow that the Council should meet every six months and decide on the taxes and the manner in which the tax should be collected? I think, Sir, there is no consistency between the scheme underlying section 98-A and the scheme of section 104. I, therefore, suggest that the present provision may be left as it is, the tax being levied every year but recoverable in two equal instalments. I do not think, Sir, I should take up any more of the time of the House."

Mr. V. T. ARASU seconded the motion.

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Mr. President, Sir, I fear I must oppose the motion of my hon. Friend, Mr. Basheer Ahmed Sayeed. He stated that the scheme adumbrated in section 104 is inconsistent with the provisions of section 98-A. It was solely with a view to conform its provisions with section 98-A that section 104 has been amended. This was very fully explained at the time when the Select Committee was considering the Bill. Sub-clause (2) of section 98-A says that the resolution shall specify the date from which, the rate at which and the period of levy, if any, for which such tax or duty shall be levied. Supposing in the middle of the year any tax has to be levied, it can be done under the existing clause. I do not think there is anything inconsistent in this. I must say that there must be a provision in the Act for the levy of the tax in some cases half yearly. It is only for the sake of convenience that sections 98-A and 104 were amended.

"Besides, Mr. Basheer Ahmed stated that for every tax there has to be a resolution of the Council. It is only when you want to increase the rate or the rates of taxes or impose a new tax, a resolution has to be passed by the Corporation. So, Sir, I do not consider that this clause should be amended as proposed by Mr. Basheer Ahmed Sayeed."

Rao Bahadur P. C. MUTTHU CHETTIYAR spoke in Tamil:—

"இந்த மாதிரியான புரோவிசன்களுக்கு யாதொரு அவசியமில்லையென்று நினைக்கிறேன். ஏனென்றால் 5 வருஷத்துக்கு ஒரு தரம் விலைமதிக்கக்கூடிய தாயிருக்கிறது.

"தவிரவும் எந்த சொத்தையாவது கொஞ்சம் குறைத்து வரி விதித்தால் அது சீர்திருத்தம் செய்வதற்கு ரெவினியூ ஆபிசர்கள் ரொம்ப ஜாக்ரதையாயிருக்கிறார்கள். ஒரு வருஷத்துக்கு ஒருதரம் விலை மதிக்கவோ வரி மதிக்கவாவது, என்றால், அதற்கு அர்த்தம் உண்டு, மாசா மாசாவது மூன்று மாசத்துக்கு ஒருதரமாவது வரி விதிப்பது என்றால் என்ன விதமாய் நடக்கும் என்பது தெரியவில்லை. இது மற்ற ஜில்லாக்களுக்கு இந்த பிரின்ஸிபல் ஏற்பட்டால் ரொம்பக் கடினமாயிருக்கும்.

"மொபிசில்களில் ஒரு கட்டிடத்தின் ஒரு வருஷத்திய வரும்படியின்மேல் வாடகை மதிப்பை உத்தேசிக்கிறது.

"இது நீலகிரி, கொடைக்கானல், குற்றாலம் போன்ற ஹெல்த் சானிடேரியம் பிரதேசங்களில் கட்டிடங்களுக்கு ஒரு வருஷத்துக்கு மூன்று, நான்கு மாசந்தான்

[Mr. Basheer Ahmed Sayeed] [8th November 1935]

"It must be added from the date from which it is proved to have been vacant or unlet. And similarly with regard to (b) (2) in the proper place it will have to be inserted. I have had no time to consider where it should be inserted."

The amendment was not moved.

Mr. Russell's amendment was put and carried.

Clause 58 as amended was put and carried.

Clauses 59 and 60 were put and carried.

Clause 61.

* Mr. BASHEER AHMED SAYEED:—"I move the amendment that stands in my name, that is—

'Omit the words "or a company" in line 5 of sub-clause (i).'

"I brought forward this amendment in the Select Committee. But that does not preclude me I submit from placing the same before the House although I might have failed in the Select Committee. I submit, Sir, that there is every reason that 30 days' time should be given for the Government and other quasi statutory bodies like the railway administration. But I fail to see why 30 days' notice should be given to a company, or other individual, or organization or any society. I do not think that so much time should be given to a company as is given to Government or railways. Company does not deserve any preferential treatment as against individuals who are given only 14 days' time in order to comply with the requirements of the committee under this section. I have not heard, Sir, even in the Select Committee proceedings any reason for giving differential treatment to the company. I therefore suggest that company may be left out and only Government and railway administration may be given 30 days' time for compliance."

Mr. V. T. ARASU:—"I second it."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Mr. President, this clause was fully discussed at a meeting of the Select Committee. It was thought that some companies owning a number of buildings, if the assessment is made for the first time, should have 30 days' time for preferring revision petitions. A company must have sufficient time to prefer appeal as the chief officers of the company may be in another province or England. They must be given time to consult their head offices and it was for that reason that the change was found necessary. (Mr. Basheer Ahmed Sayeed: 'The correction section 109 does not contemplate appeals but only calls upon the company or agent to give returns with regard to facts and figures.') That applies to all cases, Sir, whether it is demand for new assessment or notice calling for returns. In every case companies may require longer time than private individuals. So it was thought necessary that they should be

8th November 1935] [Mr. C. S. Ratnasabhapatil Mudaliyar]

given a longer period, and by so doing I do not think the interests of the Corporation in anyway suffers."

* Mr. W. K. M. LANGLEY:—"Mr. President, I should like to oppose this amendment for the cogent reasons advanced by my hon. Friend, the member for Coimbatore. It is the case within my own experience that companies for which firms may be agents and which are not actually represented themselves within the City or out of the municipality are called upon to submit certain returns. In many cases the so-called agent is only an agent for the company in a complimentary sense and such notices will have to be sent as Mr. Rathnasabhapatil Mudaliyar has said to the head office of the company wherever it may be. It seems to me to be only reasonable that certain additional period should be allowed in the case of companies in order to meet such cases."

The Hon. the RAJA OF BOBBILI:—"I do not think it is necessary for me to speak at length on the subject. Two previous speakers who preceded me have clearly made out a case against this amendment. I therefore oppose this amendment."

Mr. T. S. RAMASWAMI AYYAR:—"Though there is no other amendment, I would like the Hon. the Chief Minister to consider whether even in the case of individuals he will not extend the time to 30 days. Though there is no specific amendment, I should submit that even in the case of private individuals he should extend the time to 30 days, because the same difficulties arise. It may sometimes happen that the individual or the owner may not be in the City when the return is asked or he might not have the information to give immediately. So could it not be that even in the case of individuals 30 days may be the time fixed as minimum?"

The Hon. the RAJA OF BOBBILI:—"There is no separate amendment."

* The Hon. the PRESIDENT:—"I have no notice of the amendment at all."

The amendment of Mr. Basheer Ahmed Sayeed was put and lost. Clause 61 was put and carried.

Clause 62.

Section 110.

* Diwan Bahadur A. APPADURAI PILLAI:—"Sir, I beg to move the amendment standing in my name, viz.—

'After the words "under the same Act" in the proviso, insert 3-30
the following:— p.m.

'and societies registered under the Indian Companies Act and intended solely for the benefit of poor and destitute families'."

[Mr. A. Appadurai Pillai] [8th November 1935]

"Sir, the proviso says:—

'Provided that any society registered or deemed to be registered under the Madras Co-operative Societies Act, 1932, and the paid-up capital of which is less than fifty thousand rupees and any other society registered or deemed to be registered under the same Act, which on the recommendation of the Commissioner, the Council may by resolution exempt from the payment of the tax on companies shall not be liable to the tax on companies but such society shall be liable to profession tax.'

"Here, Sir, the proviso protects only societies registered under the Co-operative Societies Act, from assessment under the companies' tax. Most of the societies referred to by me are Benefit Societies, or Charitable Institutions and although they are intended to benefit the poor and the destitute they will come under section 110 (1) and be liable to be taxed as companies. The proviso exempts only companies registered under the Co-operative Societies Act. I claim by my amendment that that concession should be extended to societies registered under the Indian Companies Act but are intended solely for the benefit of poor and destitute families. I have in mind Benefit Societies which have no capital and no income whatever and which exist solely for the benefit of the poor, particularly, when the bread-winner dies and the family is left in utter destitution. We come across instances where families of wage-earners and employees are left in the lurch owing to the sudden demise of the bread-winner. There are societies registered under the Companies Act, but intended only to benefit the poor and the destitute, which I have now described. It is the intention of some members who examined the provisions of this Act that I should urge on this hon. House the desirability of exempting from liability to companies' tax, Benefit Societies which do not earn any profit at all, but which exist only for the relief of the poor and the destitute. There are societies called Christian Benefit Fund Societies. Whenever the death of one of the members is reported, a call is sent round to the members of the society on the roll to contribute a rupee or two each as the case may be, and whatever amount is thus collected, after deducting a small sum for meeting expenses, is disbursed to the family of the deceased member. Such Benefit Societies though registered under the Indian Companies Act should be exempt from assessment to companies' tax. My reason is that, if they are treated as companies and charged as companies, they will be liable to assessment on a larger scale. You will find from Schedule IV of the Bill that the minimum chargeable as tax on companies is Rs. 25, but if benefit societies are charged only profession tax the maximum payable will be Rs. 5 and the minimum Rs. 4. I shall illustrate my point. Suppose the income of a Benefit Society is not less than Rs. 100 and not more than Rs. 200 per mensem, it will be charged a profession tax of Rs. 5 maximum or Rs. 4 minimum. The same society, if it were to be assessed as a company, will have to pay Rs. 25 and that will be five times the amount which it will have to pay as profession tax. My contention is, therefore, that a Benefit Society intended solely for the poor and the destitute, particularly families bereft of their bread-winners, ought to be

8th November 1935] [Mr. A. Appadurai Pillai]

given this concession and ought not to be treated as a company assessable to Companies' tax. These societies will not escape the payment of profession tax, as the proviso makes it clear that 'and any other society registered or deemed to be registered under the same Act which on the recommendation of the commissioner, the Council may by resolution exempt from the payment of the tax on companies shall not be liable to the tax on companies but such society shall be liable to profession tax.' The concession that I seek is only that, instead of being assessed as companies and charged a higher rate, they may be assessed to profession tax so that the difference between the company tax and profession tax may go to the benefit of the poor and the destitute. That is my point. This point has been included in the joint memorandum of the Indian Christian community presented to the Select Committee. I appeal to the hon. Members of this House to support my amendment. It will not decrease the finances of the Corporation but it will be a great help to the destitute and the poor on whose behalf the Death Benefit Fund Societies work."

Sriman M. G. PATNAIK Mahasayo:—"Please explain how they differ from Insurance Companies?"

* Diwan Bahadur A. APPADURAI PILLAI:—"My Friend wants me to explain how these Death Benefit Societies differ from Insurance Companies. I am not prepared to satisfy his curiosity. He is a lawyer whose professional knowledge is more comprehensive than mine. I leave it to him to explain the difference. By this amendment I only claim exemption for Death Benefit Societies from payment of companies' tax, while they remain liable to be charged to profession tax."

* Mr. C. BASU DEV:—"I second the amendment and in doing so, I must admit that from the mere fact that a society calls itself a Benefit Society one should not infer that it is really started to help its constituents. But inasmuch as this proviso itself provides a double safeguard, first for the recommendation of the commissioner and then the acceptance of the same by the Corporation, I think there will be sufficient guarantee that this concession provided for will not be misused. I am aware that there are several Benefit Societies which benefit more the promoters than the constituents themselves."

"My Friend, Mr. Patnaik, wanted to know the difference between an Insurance Company and a Death Benefit Society. Insurance Companies pay up the sums assured on the deaths of the insured persons without touching any of the other constituents, but death benefit societies go to the rescue of the families of their deceased constituents by calling for subscriptions from the other members under a call system. The call-money is pooled and a certain percentage paid to the family of the deceased. While the former is based on contract between the company and the constituent, the latter is based on mutual help between the constituents themselves, the executive of the society only acting as collecting agents. I hope that the Government and the House will accept this necessary amendment."

[8th November 1935]

Mr. G. R. PREMAYYA:—"Sir, in rising to support the amendment, I wish to say a few words. I do not know if all hon. Members have understood what the hon. Mover pleaded for. I do not know if there are Benefit Societies in the other communities. In the Christian community we have some societies of this nature. In my district there is a society registered under the Companies' Act, run entirely by honorary workers. The president and secretary are both honorary workers. The society consists of some 300 members. On the death of a member of the society the nearest relative of the deceased would write to the secretary for money and the secretary with the consent of the president would write to all the members to contribute a rupee each. The money thus collected is sent to the family of the deceased for the expenses of any service or ceremony that may be conducted there. It exists only for the community. And it is registered under the Companies' Act only to avoid suspicion, and not to make profit for itself. In the circumstances to charge it to Companies' Act, simply because it is registered under the Companies' Act is not reasonable. So, I say, Sir, societies of that kind should be exempt from the Companies' tax."

The Hon. the RAJA OF BOBBILI:—"Sir, the amendment does not straightaway exempt from companies' tax such societies as are registered under the Indian Companies Act, but only gives power to the Corporation Council to exempt, on the recommendation of the commissioner such societies as really deserve such assistance."

Mr. R. MADANAGOPAL NAYUDU:—"I move, Sir, that—

'for the words "societies" in the amendment the words "any society" may be substituted.'"

The amendment was duly scconded and was put and carried.

* The Hon. the PRESIDENT:—"I will now put the amendment of Mr. Appadurai Pillai as amended by Mr. Madanagopal Nayudu to the vote of the House. The question is—

'After the words "under the same Act" in the proviso, insert the following:—

"and any society registered under the Indian Companies Act and intended solely for the benefit of poor and destitute families".'

The amendment was put and carried.

* Rao Sahib V. I. MUNISWAMI PILLAI:—"I beg to move the amendment that stands in my name, that is—

'Add the following words after the word "tax" in the first proviso:—

"provided the share capital exceeds 1,000 rupees".'

"Sir, the clause as it stands, will apply even to societies whose share capital is less than Rs. 25,000 and in their cases also, it is said, that on the recommendation of the commissioner the Council may exempt them from companies tax. It may be within the memory of this Council

8th November 1935] [Mr. V. I. Muniswami Pillai]

classes societies in the city that they must be excluded from any kind of taxation, either companies' or profession-tax. Unfortunately my hon. Friend, Mr. Krishnayya Choudari, who gave notice of a similar amendment withdrew it. If that amendment had been moved, it would have achieved my object. Now, Sir, any society, if it were not to be assessed for company's tax, must pay profession-tax. If my amendment is accepted, it would give some relief to such co-operative societies which have a share capital of below Rs. 1,000. The difficulty is that most of these societies are managed by honorary people who cannot find time to prepare statements to be submitted to the Corporation. So in the interests of very poor societies I am demanding that this amendment should be accepted. The other day when we were discussing the definition of 'company' the Hon. the Chief Minister said that no useful purpose would be served by accepting this amendment since discretion is given to the Corporation to exempt these societies. But in the case of very poor societies, as already explained, there will be difficulty. I therefore request the Hon. Minister to accept this small amendment and give relief to small societies."

* Mr. M. DEVADASAN:—"I beg to second the amendment moved by my hon. Friend, Mr. Muniswami Pillai. In this connexion I submit that in the names of the depressed classes some of the leaders are running some companies and societies and they have got to pay company's tax, profession-tax or any other tax just like other people. In the past some societies had to work under great difficulties and they had to make representation before the Corporation officials for the remission of taxes on the score of inability to pay the sum. On those occasions they were told that the Corporation were not empowered to grant any such remission and that they were debarred by the provisions of the old Act. Now there is a chance of amending the Act so as to suit the needs of the poorer class of people. I do not want in this connexion that partiality should be shown to the depressed class people or companies to be started by them. But it is solely with a view to enable them to run the existing societies or companies for some time to come that I want this amendment to be accepted. I second the amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I have to make certain remarks owing to the observation made by my hon. Friend, Mr. Muniswami Pillai, viz., that I have withdrawn my amendment. We have already provided for a limit of Rs. 50,000 up to which the Corporation may exempt co-operative societies from the companies' tax. So I thought there would be no use wasting the time of the House by moving my amendment. There will not be a share capital of more than Rs. 50,000 unless you take into account the loans that they raise. Of course they may take in deposits. But if you are going to consider them as share capital, the total share capital of the society may go very high. Moreover, the amendment moved by my hon. Friend will not give any

[Mr. P. V. Krishnayya Choudari] [8th November 1935]

benefit to the depressed class societies. On the other hand, it will be more inconvenient for them. So I oppose the amendment."

The Hon. the RAJA OF BOBBILI:—"The amendment seeks to exempt such societies whose share capital does not exceed Rs. 1,000. But in the case of profession-tax, a profession-tax of Rs. 4 is derivable on any income of Rs. 1,200 a year. It seems unlikely that a society with a capital of Rs. 1,000 will be making a profit of Rs. 1,200 a year. For the first time, we have given power to the Corporation to exempt any society, if the Corporation considers that such a society deserves it. I therefore consider that the amendment is unnecessary. I oppose it."

The amendment was by leave withdrawn.

Clause 62, as amended, was put and carried.

Clause 63.

Section 111.

Mr. P. V. KRISHNAYYA CHOUDARI:—"I beg to move the amendments that stand in my name—

'For sub-section (1) (a) (i), the following may be substituted:—

"(i) within the city for not less than 120 days in the aggregate"

'For sub-section (1) (b) substitute the following:—

"(b) resides in the city for not less than 120 days in the aggregate and is in receipt of any pension or income from investments"

"The very principle of this legislation is that when once you collect the tax from a person, he must be given the power of voting. That is the idea. Unless a person has resided in the city for not less than 120 days, he will not be entitled to vote under the franchise clause. So my idea is that unless a person exercises his profession in the city for not less than 120 days, he should not be liable to pay profession-tax. The same argument applies to the other amendment also. These are the reasons for my amendments."

Mr. V. T. ARASU:—"I second the amendments."

Mr. R. MADANAGOPAL NAYUDU:—"I am really surprised at the argument of my hon. Friend, Mr. Krishnayya Choudari, who says that, because a man pays tax, he should be allowed to vote, no matter whether he resides in the city for 120 days or not. Nobody asks any man who pays his profession-tax not to remain in the city for 120 days. But on account of one's own conveniences if a man were to leave the city after

8th November 1935] [Mr. R. Madanagopal Nayudu]

60 days, that does not mean that he ought not to pay his profession-tax. Only when a man carries on his business or trade or profession for not less than 60 days he is asked to pay a tax. Therefore to say that, because a man may not get his vote if he stays for 60 days, he should not be taxed is not a sound argument."

The Hon. the RAJA OF BOBBILI:—"Under the present Bill if a person stays in the city for 60 days for the half year he will be liable to profession-tax. But if this amendment is accepted, I presume that if he stays only for 120 days he will be liable to profession-tax, which I am sure is not the intention of the Mover of this amendment. I therefore oppose the amendment."

* Mr. BASHEER AHMED SAYEED:—"I rise also to oppose the amendments. If these amendments are to be accepted, it would mean a terrible loss to the Corporation finances. Profession-tax is one of the main taxes and if it is going to be made that a man who resides for 120 days only in the city should be made liable, that would mean for nearly four months of the half year he can stay outside the city and then come to the city and also escape profession-tax. Even when we fix 60 days there are some persons who evade payment of their profession-tax. Provision has been made to avoid such a loss either to the Corporation or to any other municipality. Notwithstanding the existence of such a provision as the present one there are people who are clever enough to evade the law. So if we fix 120 days as the limit it will be disastrous to the Corporation. I do not see the logical sequence between payment of tax by a man and his stay in the city. If a person has a profession and if he wants to exercise his right of voting, he must reside within the city for 120 days, and pay also the profession-tax. Nobody prevents him from residing in the city for 120 days. I therefore oppose these amendments in the interests of the finances of the Corporation."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, it is not a curious argument as has been suggested by my hon. Friend; it is a really substantial argument. I want to reduce the residential qualification to 60 days. If the Government are anxious to realize money by levying a profession-tax, they should also be anxious to give the tax-payers the vote. So long as they are not prepared to reduce the residential qualification of voters to less than 120 days, I press this amendment."

The amendments were put and lost.

* Mr. D. M. REID:—"Mr. President, Sir, I move that—
'in the new Explanation 4, for the words "shall be deemed" the words "shall not be deemed" be substituted.'

"Sir, in the original Bill this Explanation was not included and I understand that in the Select Committee there was a misunderstanding over its implication. According to sub-section (3) (v) of section 4

[Mr. D. M. Reid] [8th November 1935]

of the Indian Income-tax Act, 1928, any capital sum received in commutation of the whole or a portion of a pension is exempted from payment of income-tax. The Explanation 4 to section 111 in the Bill before us says the following:—

'Any amount received by a person in commutation of his pension or any portion of his pension, shall be deemed to be a pension within the meaning of this sub-section.'

"The Bill before us is trying to tax an income which the Indian Income-tax Act does not allow to be taxed. As profession-tax is based on income, it is assessed in exactly the same way as income-tax. Therefore it seems wrong for capital sums to be made liable to pay profession-tax since the underlying principle involved in both is the same. Any amount received in commutation of a pension is a capital sum and there are several considerations for not making it liable to pay profession-tax. In the first place, as I said, it is a capital sum, and profession-tax is not based on capital; it is based on income. The second point is that it is drawn by the recipient in lieu of an annuity and is intended presumably for investment either in business or in shares. In either of these cases, profession-tax will be paid later on the future earnings of that capital sum; and if it were made liable to profession-tax in the first place it would be taxed twice over and incidentally at a heavy rate in the first instance and at a normal rate in the second instance. Owing to the basis on which profession-tax is charged, the treatment of a large sum of this nature as income would move the recipient into a higher category for the purpose of calculating profession-tax than he would otherwise have been put if he had not commuted his pension. For example, taking the case of a man earning Rs. 12,000 a year, he pays a profession-tax of Rs. 75 per half year. If he suddenly receives at the end of his service Rs. 20,000 in commutation of a portion of his pension, he will be immediately placed in the category of persons earning Rs. 32,000 a year with a corresponding heavy increase in the rate of tax payable on the whole. The point which I think I ought to make is this: that we here are contending for a principle. No one will argue that we are putting forward a special case for something that is in the interests of us Europeans in this country, because it is not. Very far from it. Europeans, Sir,—I would ask my hon. Friends to listen to this—can avoid the payment of such a tax on commuted pensions by having them paid in England, in France, Germany or anywhere in the world. It is quite easy. It is not for ourselves. The people who will suffer are our Indian fellow-citizens who, after years of hard and careful work retire and settle down in Madras and find themselves suddenly imposed upon by a tax at a very high rate which will almost make them wish that they never saved money. If this amendment is carried, it will be a reasonable and proper thing and of course it will put the law in line with the law of the whole of India on taxes on income, that is the Indian Income-tax Act. I base my amendment not on considerations of expediency but on the broad principles involved."

8th November 1935]

* Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, Sir, in seconding the amendment moved by Mr. Reid, I wish to point out that this profession-tax has been considered to be an obnoxious tax by all in the city. I have been for the past four or five years trying to find an alternative tax which will be more acceptable to the people of the city, but no such alternative which will yield the same revenue has been found. This question has engaged the attention of the several informal conferences on this Bill. The profession-tax brings about Rs. 3½ lakhs to the Corporation, most of which being paid by Indian merchants, because European merchants mostly come under the companies' tax though they also pay considerable sums by way of profession-tax. As Mr. Reid pointed out, this is not a question of Europeans getting an advantage over Indians, because Europeans can easily escape this tax by having the commuted amount paid out to them in foreign countries. According to the schedule, the highest rate which the Corporation is allowed to levy is Rs. 500, but they have limited the rate to Rs. 350. That is a big sum to be paid by a person in receipt of a commuted pension. I do not think there will be many cases of commutations of pension every year; probably there will be ten cases or so. The Corporation would not lose much. As I said before, there has been a lot of agitation against profession-tax; it has been said that it is a second income-tax. The profession-tax is not like a similar tax prevailing in Calcutta, where a doctor or a lawyer has to pay Rs. 15 or Rs. 20 for carrying on his profession in the city. Here, our profession-tax should rather be called a municipal income-tax. As there is no alternative tax which will yield the same amount of revenue, we have to continue the profession-tax. I have great pleasure in supporting the amendment of Mr. Reid."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Mr. President, I am sorry I have to oppose this amendment. There seems to be some misconception in the minds of the proposer and the seconder, when they say that hardship will be caused to pensioners when they are asked to pay profession-tax on commuted amounts. Section 111 (1) (b) says that any person who resides in the city for not less than sixty days in the aggregate and is in receipt of any pension is liable to profession-tax. Therefore a pensioner residing in the city and drawing the minimum amount of say Rs. 50 or Rs. 100 will have to pay profession-tax. As long as the pension which a person gets is treated as income and is taxed accordingly, I do not see why when a portion of the pension is commuted, the commuted amount should not be treated as income for the purpose of profession-tax. For example, suppose a man is drawing a pension of Rs. 200. He will have to pay a tax of Rs. 5 or so for a half year. But if he commutes half of his pension, Rs. 100, he will get Rs. 10,000 in a lump sum and thereafter he will be getting only Rs. 100 as his pension. He will be liable to profession-tax only on Rs. 100 thereafter, while before the commutation he was liable to profession-tax on Rs. 200. Therefore, so long as

[Mr. C. S. Ratnasabhupati Mudaliyar] [8th November 1935]

you concede that pension also is income and liable to assessment for profession-tax, it stands to reason that the commuted amount also should be liable to assessment for profession-tax. Otherwise a person who commutes his pension will not only have the benefit of receiving a lump sum but will have his profession-tax reduced for the subsequent periods. That is a position which should not be accepted. I think I have explained the position clearly and the House will throw out the amendment."

Sriman M. G. PATNAIK Mahasayo:—" Mr. President, Sir, pension is considered to be deferred pay. If pay is liable to profession-tax, I do not see why pension should not be liable to profession-tax. For the same reason, the lump sum received by way of commutation also should be liable to profession-tax. It is said that this commuted amount is intended to be invested and the income from investments will pay profession-tax and therefore the commuted amount itself should not be made liable to profession-tax. But the same is the case with ordinary salaries. Suppose a man gets a salary of Rs. 5,000 which he invests in some way. Even then, the income from investment will be charged to profession-tax. Therefore I do not see why there should be any difference between pension and salaries and there is no force in the argument that if the commuted pension is taxed, the person will be taxed twice over."

* Diwan Bahadur A. APPADURAI PILLAI:—" Mr. President, Sir, as a pensioner, I think I am in a better position to speak on this amendment than some of my hon. Friends who are not in this unenviable position. (Hon. Members: 'Why unenviable position?' Question?) Pension, which my hon. Friend, Mr. Patnaik, described as deferred pay, is the amount earned for services rendered. After a service of 30 or 35 years, the man gets a pension on certain scale fixed by Government. That is intended to help him to settle down in life after wandering about all over the country for 30 or 35 years. The Government have now graciously consented to commute a portion of the pension to the extent of 50 per cent. This commutation is based on the fact that the pensioner should have some provision to start his pensioned life in a contented atmosphere. He has had so many liabilities in his life; he must have incurred debts for the education of his children and the marriage of his daughters. His wandering life itself has not conduced to proper investments or saving of any kind.

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" Whatever he gets in the shape of travelling allowances, is spent on his tour expenses. In order to make the man settle down in life after a service of 30 or 35 years, commutation is allowed. When the commuted man comes to settle down in life, very often you will find that he has prior debts, he has to clear away liabilities he has incurred during his service. In fact I wanted to give notice of an amendment to exempt pension from profession-tax. I was served with a notice for payment of profession-tax; what is the profession, Sir, that I am

8th November 1935] [Mr. A. Appadurai Pillai]

exercising? I carry on no profession at all. It is true that I was carrying on profession before I retired. So long as I was doing so, I was gladly paying the profession-tax imposed on me by the Corporation of any municipal council. Now I am a pensioner and as such, I carry on no profession at all, except that I sit at home, take my food and read some books. After I got into this Council, I come here when the Council is in session; that is all my profession. Fearing that hon. Members of the House may object to my amendment to exempt pension from profession-tax, I refrained from giving notice of the amendment. I do not think it would be fair on the part of this hon. House to declare, as it has been provided for in the proviso, that the moment a man commutes his pension, that amount should be liable to profession-tax. I am thankful to my hon. Friend, Mr. Reid, for having taken up the cause of the pensioners. If a pensioner gets a commuted sum of Rupees 20,000, he would have to pay a large amount as profession-tax. Commutation is intended to enable the pensioner to settle down in life and enjoy during his remaining years, his well-earned rest. He ought not to be mulcted in the payment of an additional tax, called the profession-tax. This provision has been newly put in; it is not in the existing Act, it is not in any Act; no municipality levies tax on commutation. It has been brought in here for the first time. I appeal to this hon. House not to oppose Mr. Reid's amendment, but to accept it and confer this concession on hard-worked servants of the Government, who live to earn a pension. How many of us live to earn pension? Hon. Members would accept that very few Indians live to earn pension after a hard service of 30 or 35 years. The ordinary life of an Indian is said to be 50 or 55 years. He has to retire at the age of 55 if he is in charge of executive work. In ministerial posts the service is extended up to 60 years. The Corporation should not seek to make an earning upon the commuted amount of pension. As pointed out by my hon. Friend, the ex-Mayor of Madras, it is not fair that the Corporation should levy any profession-tax at all; he was objecting to the profession-tax itself. He is an experienced gentleman; he is an aristocrat; he has been Mayor of Madras for no other reason except to serve the public. He stood up and said that he was always opposed to the levy of even the profession-tax. It always implied a certain amount of inconvenience and annoyance. The more so in the case of commuted pension. I hope the hon. House would accept the amendment."

* Mr. T. C. SRINIVASA AYYANGAR:—" Sir, it is rather unfortunate that I have to oppose the amendment, Sir, after so pathetic and moving speech which has been made by so eminent a member of this House, Diwan Bahadur Appadurai Pillai, whose honourable record of public life we all appreciate and admire, and who, we hope, will be blessed with a long life, and enabled to earn his pension for decades. But however, there was more of eloquence than of logic in his speech. He stated that pension is deferred pay. If a gentleman in the public service can be taxed to profession-tax, surely the hon. Member's own

[Mr. T. C. Srinivasa Ayyangar] [8th November 1935]

description of pension will make it liable to profession-tax. The previous amendment which we voted upon says that, if a person resides in the city for over 60 days, and is in receipt of pension, he is liable to the principle of income-tax for the purpose of profession-tax. These commuted amounts should not be taken into account; that is his argument. That argument should not prevail. That is why, the explanation has been put in the Bill. Suppose a gentleman is getting Rs. 100 as pension per mensem; two-thirds of it is commuted and drawn in advance; to that extent, in the succeeding years he will pay less profession tax; and he is in a more advantageous position; when he draws a large amount out of the pension in advance he should pay the tax, else it will amount to this, that if pension is received in a particular way, it shall not be taxed; but if it is received in a more normal way, it shall be taxed. There is no logic in it; certainly there is no consistency. I am sorry I have to oppose the amendment in spite of the very moving speech of my hon. Friend, Mr. Appadurai Pillai."

* Mr. YAKUB HASAN:—"Sir, I support this amendment. Pension is a monthly income and though a pensioner does not exercise any profession, yet tax is collected from him because, though this tax is called profession-tax, it is practically a municipal income-tax. When a part of pension is commuted, then the pensioner will cease to get that portion of the pension hereafter. The principle on which commutation of pension is allowed, is this: a person is supposed to live on an average for a certain number of years after retiring from service he is getting a certain pension; the capitalized value of a portion of the pension is given to him as a lump sum. The Government pays him the amount on some calculation on the average he will live for so many years and get pension for that period. If the pensioner dies after getting this lump sum, the Government loses that amount. This commutation is worked out on some average. This system has been adopted so that, if people wish to commute a portion of their pension the commuted amount be given to them. But that lump sum is not a pension. In the explanation the capitalized amount that one receives is considered as his pension for that year and he is required to pay on that income profession-tax for that year. The explanation says:—'Any amount received by a person in commutation of his pension or any portion of his pension, shall be deemed to be a pension within the meaning of this sub-section.' To call the commuted amount a pension is an absurdity. It is not a pension and this amendment seeks to remove that absurdity. The Corporation may not lose much if this amendment is carried. As pointed out by one of the speakers, pensioners cannot be considered as exercising any profession at all and they ought to have been exempted from the payment of profession-tax. I do not propose that profession-tax should not be levied on pension. All that I say is those people who commute a portion of their pension and cease to be pensioners or become recipients of reduced pension, they should not be charged with any tax in that year on the amount they get as commutation. With these words I support the amendment"

8th November 1935]

Mr. K. P. RAMAN MENON:—"Sir, I support the amendment and am of opinion that capitalized pensions should be exempted from the provisions of this Bill.

"First of all, I do not agree with those gentlemen who think that pension is deferred pay. I should say that pension is only compassionate allowance granted by the Government to keep their servants who have rendered valuable services to them above want. That is the real essence of it.

"Then again, Sir, how can you say that a man who ceases to have a profession at once becomes liable to pay a profession-tax? A profession-tax is a tax on some profession that a man is following. The moment a man retires from Government service he ceases to have a profession. You cannot therefore say that he is liable to a profession tax. It is a contradiction in terms. You cannot impose a tax at all on a man who is not having a profession. If you call it by any other name, say an extra tax for the benefit of the Corporation or a Corporation income-tax or any such thing, it may be alright; but to call it a profession tax in such cases is certainly a contradiction in terms.

"Again, is it the object of the Corporation to scare away all the pensioners from the Madras City? On the other hand, I should think that it is to the interest of the Corporation to induce the elite of society—at present, the pensioners do form the elite—to stay in the City, at any rate as many of them as possible. But if you propose to penalize them with a tax on their capitalized pension, they may find it more convenient to get away from Madras and settle elsewhere. All these are reasons to show that capitalized pension should not be taxed at all."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"Mr. President, Sir, I am sorry I have to oppose the amendment for the simple reason that if a person wants to have the luxury of living in the capital of the province, if he wants to enjoy the amenities of the City and enjoy the amusements which are available to him here in his leisure hours, surely he ought not to grudge to pay a profession tax. My hon. Friend, Mr. Raman Menon asked: Why do you want to scare away the pensioners from Madras? I do want them to be scared away to the mufassal and not to settle down in Madras, in order that they may guide and enlighten us, lead an exemplary life amidst us in the mufassal and be of some use to the rural population. So, if they are to be scared away from the City, so much the better. But if they want to settle here and enjoy the amenities of City life, surely they ought not to grudge this little sum in the shape of a profession-tax."

* Mr. P. V. RAJAGOPALA PILLAI:—"As a pensioner myself, I wish to say a word or two in favour of the amendment. A certain person who retired from service in the Military Accounts Department and settled at Tanjore commuted a portion of his pension and drew a lump sum. The members of the church to which he belonged are required

[Mr. P. V. Rajagopala Pillai] [8th November 1935]

to pay subscription based on their monthly income. The church authorities required the person in question, to pay his subscription based on the lump sum as well. He refused to do so and about two years afterwards he went up to the High Court where it was decided that commuted pension was not income. It is therefore very doubtful, Sir, whether such lump commutation amounts can be treated as income here. With these words, I support the amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, I listened to the interesting discussion both in favour of and against the proposed amendment. I presume it is conceded on all sides that pensions themselves cannot be exempted. The present position is that in the case of the income-tax, commuted pensions are exempted. I have also received information that recently there has been a judgment of some Civil Court that commuted pensions are not liable to profession-tax. Of course, if we concede that profession-tax is a kind of surcharge on income, it follows that the amounts commuted should be treated in a different manner from pensions; because the individual who commutes a part of his pension and invests the amount for example in a building will be liable to pay a house-tax to the Corporation; if he uses the money for any business or profession, he will again be liable to profession-tax; and if he invests the money in shares or in any other kind of business, he will be liable to pay income-tax. If in addition to these, we are to tax his commuted pension, I think it will really amount to double taxation. I therefore accept this amendment."

* The Hon. the PRESIDENT:—"I will now put the question to the vote of the House. The question is:

'In the new Explanation 4, for the words "shall be deemed" the words "shall not be deemed" shall be substituted.'

The amendment was put and carried.

* The Hon. the PRESIDENT:—"Clause 63 as amended, and clauses 64, 65, 66, 67, 68, 69 and 70 are for the vote of the House."

Clauses 63, as amended, and 64 to 70 were carried.

Clause 71.

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

'Add a new clause (b) to section 118 of the Act as follows:—

"(b) Basava bulls, beggars' monkeys, etc., which are kept by persons for earning their livelihood;".'

"We have provided now for tax on animals, etc. The poor beggars who take these Basava bulls and monkeys will become liable to be taxed, and we will be giving opportunities to the Corporation employees to create scenes in the streets. I want, by my amendment, that there should not be any unnecessary harassment of these poor beggars. Allegedly, I think, there are certain provisions by which the Corporation is laying a sort of cart-tax on people who come in carts from

8th November 1935] [Mr. P. V. Krishnayya Choudari]

places like Saidapet, etc., outside the city, which have come within the notice of the Hon. Minister. My amendment only seeks to avoid such hardships to the poor beggars."

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil and the following is an English summary of the speech:—

"I second this amendment. Of course, I am happy to be associated with any amendment for the abolition of any tax; but this is really a deserving case. There will be cases in which these poor beggars will lead a calf with five legs or a lamb with two heads; or again, a sheep may give birth to eight lambs or five only; it will be difficult for the Corporation authorities to decide the actual tax to be levied in these cases. Similarly I think in the case of pigs, there is a provision for levying a tax; as the Tamil proverb goes, the pig is noted for its giving birth to very many young ones at a time and I am sure it will be very difficult for an assessor to count them all. I therefore think that besides the Basava bulls and monkeys referred to in the amendment, sheep, lamb, pigs and all animals used for agricultural purposes should not be taxed. We may of course tax parrots, fowls, cocks and other birds which are reared in houses. I appeal to the House, Sir, to accept the amendment."

The Hon. the RAJA OF BOBBILI:—"Sir, after hearing the very 4-45 interesting speech of my hon. Friend, Mr. Muthu Chettivar, I can only p.m. say that by accepting an amendment of this kind, we will make the task of the Corporation people very difficult in deciding which are beggars' monkeys and which are not. I therefore consider there is really no need for this amendment, and I oppose it."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, the reason why I wanted to move this amendment was, as the Hon. the Chief Minister himself has stated, it would be very difficult for the Corporation authorities to distinguish between beggars' monkeys and monkeys belonging to others; and I consider at least the poor people may be exempted from tax, especially when we have decided to forego large sums as a result of accepting various other amendments."

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

'Add a new clause (b) to section 118 of the Act as follows:—

"(b) Basava bulls, beggars' monkeys, etc., which are kept by persons for earning their livelihood;".'

The amendment was put and lost.

* Mr. BASHEER AHMED SAYEED:—"Sir, I move the following amendment standing in my name, namely—

'Omit sub-section (a) of section 118.'

"Sir, sub-section (a) of section 118 is 'Carriages and animals belonging to the Government.' The principle is that the Corporation pays taxes to the Government whenever any tax is payable by it on any vehicle or any other property that the Corporation might own and

[Mr. Basheer Ahmed Sayeed] [8th November 1935]

on which Government is entitled to claim any tax or fee. Lands vested in the Corporation, except for public purposes, are liable to be taxed for quit-rent. Motor cars, lorries, engines, etc., are liable to be taxed under the Motor Vehicles Taxation Act. Such being the case, I do not see why, so far as the Government owns animals, carriages and even motor cars, they should not be taxed. On the basis of reciprocity, I move this amendment. When Government are entitled to tax the Corporation for such things, they are unwilling in spite of our repeated requests, to exempt vehicles owned by the Corporation for public purposes from taxation under the Motor Vehicles Taxation Act; and they refused time and again to grant such exemption. When the Corporation is paying a heavy amount in respect thereof, I do not see why the same logic should not be applicable to Government and why they should not pay to the coffers of the Corporation tax in respect of carriages and animals owned by Government, even as other private owners are bound to pay. There is no distinction made between the Corporation and the Government in the matter of collection of taxes or the collection of any dues which the Corporation owe to the Government. Such being the case, I only want that the Corporation ought not to lose any amount on taxes which they are entitled to collect on animals and carriages which may be owned by the Government. Here, I might also put in another argument that so far as the City Police force is concerned, all those carriages and animals which are required to be kept by the officers of Government in the discharge of their duties are exempt. They come under clause (b) and we do not propose to tax them, but if Government own lorries or carriages or animals—any number of them—I do not see why Government ought not to pay to the Corporation what it is entitled to claim in that respect. I therefore move my amendment for the acceptance of the House."

Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, I desire to second the amendment moved by my hon. Friend, Mr. Basheer Ahmed. No case has been made out why carriages and animals belonging to the Government should not be taxed. The Act allows for taxation of carriages and animals belonging to all people, whether poor or rich. As pointed out by my hon. Friend, Mr. Muthu Chettiyar, in his humorous speech on the last amendment, even goats are taxed. In regard to the taxation on buildings, Government come in like any other private individual and when that is the case, why this particular exemption with regard to carriages and animals owned by Government? As has been pointed out by my hon. Friend, Mr. Basheer Ahmed, special case has been made out with regard to certain officers; for example, we see that City Police officers are exempted as they come under clause (b), as they are on public duty and their services are required at all times; not only they help the Government, they also help in a way the Corporation. And so far as they are concerned, certainly they are entitled to exemption. But what is the reason why Government should have a general exemption with regard to carriages

8th November 1935] [Mr. T. S. Ramaswami Ayyar]

and animals belonging to them? Take for instance, cars and lorries belonging to Government. They are also used on the road surface as much as any private vehicle. Then, why this exemption, I ask. Unless, therefore, Government are able to convince the House that there is a special case, I do not see any reason why this general exemption should be given. It was only yesterday that Government claimed exemption with regard to lands lying waste and which did not produce any return to Government. Then, I heard the Hon. the Chief Minister saying aside that even the foreshore would come under that. I was wondering why the foreshore should be exempted from taxation when Government are deriving certain income by selling sand; but that section has been passed and I have no quarrel with that. I do not see, therefore, why Government should have a general exemption of this kind with regard to carriages and animals."

The Hon. the RAJA OF BOBBILI:—"Sir, this is not a new provision which is sought to be introduced into this Bill, but it is already in the existing Act. With regard to the arguments advanced by hon. Members, I can only say that Government stand on a different footing from ordinary individuals or tax-payers on account of the fact that Government give such large grants to the Corporation. I therefore do not see why Government should be taxed and if hon. Members say that Government also should pay tax, they should realize that Government money is tax-payers' money; and I am sure they would not press this amendment. (Mr. T. S. Ramaswami Ayyar: So also Government buildings.) As regards Government buildings, I may inform my hon. Friend that in most countries all Government buildings are exempted from taxation."

Mr. BASHEER AHMED SAYEED:—"I do not press my amendment, Sir."

The amendment was, by leave, withdrawn.

Clauses 71, 72 and 73 were put and carried.

Clause 74.

Section 124.

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, I move the following amendment that stands in my name, namely—

'In sub-section (1), in line 4, for the word "eight" substitute the word "four".'

"Mr. President, Sir, there are different categories of carts in the Madras City, for instance, double-bullock carts, single-bullock carts, carts dragged by two men and those dragged by one man. I do not know whether the owners of these bullock carts gain anything or not. I understand that those persons who have got double-bullock carts near the harbour, they are able to get some wages whenever a ship arrives

[Mr. C. Natesa Mudaliyar] [8th November 1935]

in the harbour, and at other times they get nothing practically. At other times, they have to maintain the bullocks without their earning anything, and as such all such persons are the sufferers. In the case of those who have got single-bullock carts, I know how these people suffer. I do not know whether they have at any time saved Rs. 4 in a lump from their earnings. I know of several people in Triplicane who have sold their all and purchased single-bullock carts and they are themselves drivers of these carts. What they get as charges by carrying things or persons from one place to another, comes to about one-third of what the jutka men get. If a jutka man gets Re. 1, these single-bullock cart men get only six annas and with that amount they have to feed the bullock, feed themselves and their families and also to attend to any deterioration in the condition of the carts. That is the condition of these people. If we expect them to pay Rs. 8 half-yearly and Rs. 16 every year, it will work a great hardship. If the Bill provides for a graded system of taxation it will be better.

“Again, Sir, in the case of carts which are drawn by men, I want to know what is it that they gain. We should on the other hand thank such people for keeping such carts to hire it to the poor people for eking out their livelihood; I thank the man who owns so many such carts and lets them for poor people and thus enable them to eke out their own livelihood, otherwise the condition of the poor people will be miserable. Instead of thanking them for having such carts and thus indirectly feeding the poor people, if you tax these poor people, it will be a hard thing. Further, Sir, originally the rate was Rs. 4 but now in the Bill it is proposed to levy Rs. 8. Now that the Government to-day is in a good mood and have accepted many of the amendments in a charitable spirit, I request the Government to go back to the old rate of Rs. 4 and earn the gratitude of the poor people. Once more I appeal to the Government to be charitable in accepting this amendment. Sir, the Hon. the Raja of Bobbili is out for charity, whether it is a ryot here or a poor man there or a charitable institution anywhere. So, I request the Government to make this Rs. 4 and thus relieve so many poor people in the City of Madras. In fact, let there be one rate for double-bullock carts owned by rich people, another for single-bullock carts owned by poor. I therefore request the Government to accept my amendment.”

Rao Sahib V. I. MUNISWAMI PILLAI:—“I second it, Sir.”

The Hon. the RAJA OF BOBBILI:—“Sir, my hon. Friend, Dr. Natesa Mudaliyar stated that by this amending Bill the Government have doubled the existing tax from Rs. 4 to Rs. 8. All that the new section says is: ‘If the Council by a resolution determines that a tax shall be levied on carts, the Commissioner shall levy the said tax half-yearly at the rate or rates (which shall not exceed eight rupees per cart per half year) fixed by the Council . . .’ It therefore follows that this amending Bill does not seek to increase or double the existing tax. It is a matter left entirely to the discretion of the Corporation Council

8th November 1935] [The Raja of Bobbili]

and I do not see any objection to leave it as it is. As a matter of fact, it is still open, I presume—I speak subject to correction—to the Corporation to levy different rates for double-bullock carts and single-bullock carts and I do not see why we should by reducing the maximum restrict the discretion of the Council in varying the tax according to the requirements in each case. If, however, it will satisfy my hon. Friend, I am prepared to agree that in the case of single-bullock carts the maximum tax may be Rs. 4.”

Diwan Bahadur C. NATESA MUDALIYAR:—“Sir, I am extremely thankful to the Raja Sahib, and I beg leave to withdraw my amendment.”

The amendment was by leave withdrawn.

* The Hon. the RAJA OF BOBBILI:—“Sir, I will now move a definite amendment to the effect that in the case of single-bullock carts the tax shall not exceed Rs. 4. I move—

‘that the following proviso be added at the end of sub-section (c) of section 124:—

“Provided that in the case of single-bullock carts the tax shall not exceed four rupees half-yearly”’.

Mr. T. SUNDARA RAO NAYUDU:—“I second it.”

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

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

APPENDIX I.

[Vide answer to question No. 490 asked by Mr. G. Ramaswara Reddi at the meeting of the Legislative Council held on the 8th November 1935, page 893 supra.]

Name of the Institution.	Number of candidates who applied for admission.															Number of candidates admitted.	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	Total	(16)
(a) College of Engineering, Guindy—																	
(i) Engineer class—																	
(ii) Probationary Subordinate class—																	
(b) Medical College and schools—																	
(1) Medical College, Madras	64	127	10	10	10	1	1	221	21	32	8	7	2	2	68	68	
(2) Medical College, Vizagapatnam	30	85	1	4	4	2	2	123	15	63	1	1	2	2	83	83	
(3) St. Ann's Medical School, Madras	96	187	6	23	2	2	2	274	49	29	4	19	2	2	103	103	
(4) Leif Willagdon Medical School, Madras	70	180	7	16	39	7	7	253	57	20	5	7	4	4	63	63	
(5) Government Indian Medical School, Madras—	30	4	1	32	7	7	7	74	13	2	1	7	2	2	24	24	
(i) Licentiate in Indian Medicine class—																	
(ii) Associate Licentiate in Indian Medicine class—																	
(iii) Associate in Indian Medicine class—																	
(c) Veterinary College, Madras—																	
(1) Government School of Technology, Madras	219	174	19	89	9	9	1	511	109	112	13	54	6	1	295	295	
(2) Government School of Arts and Crafts, Madras	109	20	10	24	71	71	1	234	43	12	4	8	26	2	93	93	
(3) Government Textile Institute, Madras	61	47	1	16	67	67	1	192	21	18	1	9	15	1	64	64	
(4) Government Industrial School, Ma'ura	13	9	2	8	5	5	1	37	11	8	2	5	4	1	30	30	
(5) Government Industrial School, Bellary	15	5	5	15	6	6	1	46	10	3	1	14	6	1	34	34	
(6) Government Industrial School, Calicut	25	4	1	14	7	7	1	51	18	3	1	13	3	1	36	36	
(7) Government Trade School, Mangalore	5	6	1	14	7	7	1	33	5	6	1	14	7	1	32	32	
(8) Kerla Soap Institute, Calicut	18	21	1	14	6	6	1	54	5	7	1	14	7	1	13	13	
(9) Industrial Engineering Workshop, Madras	8	2	4	1	1	1	1	9	1	1	1	1	1	1	3	3	

NOTE—The figures in columns (6) and (13) include, besides depressed classes—
(i) other backward classes in the case of the Agricultural College and Industrial Institutions; and
(ii) all others not included in columns (2) to (5) or columns (9) to (12) in the case of Medical colleges and schools.

8th November 1935]

APPENDIX II.

[Vide answer to question No. 499 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 8th November 1935, page 894 supra.]

Government School of Technology.

(1) Electrical Engineering	..	..	..	1st year	..	178	
Do.	..	..	..	2nd "	..	149	
Do.	..	..	..	3rd "	..	151	
Do.	..	..	..	4th "	..	70	548
(2) Mechanical Engineering	..	..	..	1st "	..	68	
Do.	..	..	..	2nd "	..	49	
Do.	..	..	..	3rd "	..	31	
Do.	..	..	..	4th "	..	57	
Do.	..	..	..	5th "	..	40	245
(3) Electric Wiring	..	..	..	1st "	..	76	
Do.	..	..	..	2nd "	..	39	115
(4) Plumbing	..	..	..	1st "	..	34	
Do.	..	..	..	2nd "	..	16	50
(5) Printing—Composition and Proof-Reading.	..	..	..	1st "	..	54	
Do.	..	..	..	2nd "	..	32	
Printing—Machine Minding	..	..	..	1st "	..	14	
Do.	..	..	..	2nd "	..	14	114
(6) Metal-workers Drawing	..	..	..	1st "	..	17	
Do.	..	..	..	2nd "	..	9	26
(7) Wood-workers Drawing	..	..	..	1st "	..	7	
Do.	..	..	..	2nd "	..	5	12
Total ..						1,110	

APPENDIX III.

[Vide answer to question No. 502 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 8th November 1935, page 896 supra.]

Letter from the President of the Salem District Board, to the Secretary to Government, Local Self-Government Department, dated the 14th October 1935, R.O.C. No. 2699/35-H-4.

[Elementary education—Local boards—Elementary school teachers—Adoption of the revised scales as per G.O. No. 749, L. & M., dated 25th February 1935—Report submitted.]

Adverting to paragraph 1 of G.O. No. 749, L. & M., dated 25th February 1935, I have the honour to submit the following report on the several points raised in the said Government Order.

[8th November 1935]

2. The scale of pay of elementary schoolmasters in this district was revised as per scales fixed in G.Os. No. 2504, L. & M., dated 22nd May 1934, and No. 5096, L. & M., dated 7th December 1933, and given effect to from 1st July 1934 as per resolution No. 259 (388), dated 28th July 1934 of the Salem District Board. G.O. No. 749, L. & M., dated 25th February 1935, and the necessary statements prepared in this regard were placed before the district board at their meeting held on 28th September 1935 and the sanction of the Board was obtained.

3. Statements in detail refixing the pay of teachers, so as to fit in the new scales as per instructions contained in paragraph 2 of the Government Order were prepared with the aid of the best information available with regard to the continuous acting service of the teachers, and the sanction of the district board has been obtained for them.

4. Proposition statement for the revision of scale of establishment of certain schools with reference to instructions and principles contained in paragraph 3 of the Government Order was prepared in consultation with the Deputy Inspectors of Boys' Schools and the Sub-Assistant Inspectress of Schools and the sanction of the Board was obtained for the same.

5. As regards the introduction of temporary cut in the scale of pay of elementary school teachers during the year 1935-36, the same does not appear to be necessary during the current official year as the Elementary Education Budget for 1935-36 of this Board has already been so framed as to meet the increased demand by way of introduction of the revised scale of pay. However this question will again be taken up for the consideration of the Board at the time of preparing the Budget Estimate for 1936-37.

6. As regards the grant of personal pay to the pensionable teachers in Government Girls' schools transferred to the control of local bodies, doubts have been raised with reference to the grant of advance increment or personal allowance to them by the now defunct taluk boards, the Board has resolved to refer the matter to the Government for their specific orders in the matter and then sanction the personal pay to such of the deserving teachers. A separate reference in this regard will be made to Government.

7. Elementary higher grade trained teachers are provided in higher grade posts as far as possible and they are paid the scale of pay fixed for elementary higher grade scale.

A copy of district board resolution No. 95 (729), dated 28th September 1935, is enclosed for favour of information:—

Resolution No. 95 (729), dated the 28th September 1935.

No. 1.—Proposed by M.R.Ry. B. Seetharamayya Garu and seconded by M.R.Ry. K. M. Ratna Mudaliyar that the proposals are approved. The salary as fixed in the statement is sanctioned. The case of the six

[8th November 1935]

teachers may be referred to Government and necessary sanction accorded after receipt of Government Orders.

No. 2.—Mr. Nachiyappa Gounder proposes and Kumaraswami Gounder seconds that the teachers of Government girls' schools subsequently transferred to the local bodies shall be paid the salary they were getting at the time of the introduction of the new scale as expressly ordered by Government in the Government Order under reference. The case of teachers of purely local fund service who were getting more than the maximum in the new scale at the time of introduction of said scale should be considered for granting the excess over maximum. The case of teachers whose salary should be in excess of what they are getting now on a calculation according to their continuous service acting and permanent as stipulated in the said Government Order should be considered. As defects are found in the statement prepared, fresh statements should be prepared in a correct way and submitted to the Board for their consideration.

Resolution of Mr. Seetharamayya is put to vote.

19 voted *for*, 2 voted *against*.

The motion is carried.

(Signed) S. ELLAPPA CHETTIYAR,
President

28th September 1935.

APPENDIX IV.

[Vide answer to question No. 508 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 8th November 1935, page 900 supra.]

*Letter from the Collector of Nellore, dated 16th October 1935,
L. Dis. No. 4700/35.*

It was only in Kovur taluk of this district that the irrigation of pillipessra (a fodder crop) raised as a second crop after harvesting the first crop paddy was penalized in fasli 1344. The total extent of pillipessra crop irrigated against orders was 1,497.22 acres and the amount of penalty levied was Rs. 2,818-4-0.

2. Last fasli was a year of shortage of water and as there was a likelihood of failure of the first crop at the tail end of the delta, the cultivation of a second crop was prohibited. The ryots who harvested a successful paddy crop knowing that the standing first crop under the delta was in need of water and that the cultivation of second crop was prohibited on account of insufficiency of water, raised pillipessra, a second crop and irrigated it against orders thereby seriously reducing the quantity of water available for the standing food crop. The irrigation of pillipessra was therefore treated as irregular and penalized to the extent of ordinary fasaljasti charge amounting to Rs. 2,818-4-0.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Saturday, the 9th November 1935.

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

PRESENT:

Reddi Nayudu, Kt., The Hon. Rai Bahadur Sir K. V.	Muthu Chettiyar, Rao Bahadur P. C.
Pannirselvam, The Hon. Rao Bahadur A. T.	Nachiyappa Gounder, Mr. K. A.
Souter, C.S.I., I.C.S., The Hon. Mr. C. A.	Nanjappa Bahadur, Subadar-Majcr S. A.
Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.	Narasa Reddi, Mr. T.
Raja of Bobbili, K.C.I.E., The Hon. the.	Narasimhaswami, Rao Sahib D. V.
Rajan, The Hon. Mr. P. T.	Narayanan Nambiyar, Mr. V. P.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.	Natesa Mudaliyar, Diwan Bahadur C. Palat, Mr. R. M.
Abdul Hameed Khan Sahib Bahadur.	Patnaik Mahasayo, Sriman M. G.
Ahmed Meeran Sahib Bahadur, A. M.	Patro, Kt., Rao Bahadur Sir A. P.
Alamelumangathayaramma, Mrs. K.	Pattabhiramayya, Mr. K.
Annamalai Chettiyar, Mr. S. A. A.	Pocker Sahib Bahadur, B.
Appadurai Pillai, Diwan Bahadur A.	Premayya, Mr. G. R.
Arasu, Mr. V. T.	Rajagopala Pillai, Mr. P. V.
Ari Gowder, Mr. H. B.	Raja of Kallikote, The.
Basheer Ahmed Sayeed Sahib Bahadur.	Raja of Pariakimedi, The.
Basu Dev, Mr. C.	Ramachandra Padayachi, Mr. P. K.
Boag, C.I.E., I.C.S., Mr. G. T.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Davis, Mr. J. A.	Ramamurti, Rao Sahib Pandit Ganala.
Devadasan, Mr. M.	Raman Menon, Mr. K. P.
Dharmalingam Pillai, Rao Sahib V.	Ramaswami Ayyar, Mr. T. S.
Duraiswami Reddiyar, Mr. K. M.	Ramaswami Mudaliyar, Mr. V. M.
Foulkes, Mr. G. F. F.	Rameswara Rao, Mr. G.
Gopalaswami Mudaliyar, Diwan Bahadur M.	Ranganatha Mudaliyar, Mr. A.
Indrayya, Mr. C.	Ranganatha Mudaliyar, Mr. G.
Iswaran Pillai, Mr. I. C.	Rangaswami Reddi, Mr. M. B.
Jagannatham, Mr. H. M.	Ratnasabhapatni Mudaliyar, Diwan Bahadur C. S.
Jayaram Nayudu, Rao Sahib C.	Ratnavelu Thevar, Mr. P.
Jones, I.C.S., Mr. C. E.	Reid, Mr. D. M.
Kesavaramamurti Nayudu, Mr. K.	Rukmani Lakshmipathi, Mrs. A.
Kolanda Reddi, Rai Sahib C.	Russell, I.C.S., Mr. T. B.
Koti Reddi, Mr. K.	Scott Brown, I.C.S., Mr. W.
Krishnayya Choudari, Mr. P. V.	Sesha Reddi, Rao Bahadur B. P.
Krishnamurti, Rao Bahadur D.	Shetty, Mr. A. B.
Langley, Mr. W. K. M.	Simhachalam Pantulu, Mr. G.
Madanagopal Nayudu, Mr. R.	Siva Raj, Rao Sahib N.
Mahboob Ali Baig Sahib Bahadur.	Smith, Mr. J. M.
Manikkavelu Nayakar, Mr. M. A.	Sreshta, Mr. M. S.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Srinivasa Ayyangar, Mr. T. C.
Moses, Mr. P. C.	Srinivasan, Rao Bahadur R.
Muniswami Pillai, Rao Sahib V. I.	Sriramulu, Mr. G.
Murugappa Chettiyar, Diwan Bahadur A. M. A.	Subrahmanya Bhatt, Mr. U. C.
Muthiah Chettiyar, Mr. M. A.	Sundara Rao Nayudu, Mr. T.
	Syed Tajuddin Sahib Bahadur, Khan Sahib.
	Thangal, Mr. P. M.
	Uzielli, C.I.E., I.C.S., Mr. H. R.
	Vasudeva Pillai, Mr. V. G.
	Vedachala Mudaliyar, Mr. M.

[9th November 1935]

PRESENT—cont.

Venugopal Nayudu, Rao Bahadur	Yakub Hasan Sahib Bahadur,
R. K. Wright, Sir William.	Zamindar of Bodinayakkanur, The.
Yahya Ali Sahib Bahadur, Khan Bahadur.	Zamindar of Chemudu, The.
	Zamindar of Kirlampudi, The.
	Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Police

Shorthand Inspectors in the Police Department.

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

(a) how many shorthand inspectors are employed in the Presidency; and

(b) what the expenditure incurred on account of the shorthand inspectors during the year 1934-35 is?"

A.—(a) Two.

(b) Rs. 6,000 on account of pay and special pay. The expenditure incurred on account of travelling allowance is not known.

Mr. A. RANGANATHA MUDALIYAR:—"May I know whether the inspectors referred to are Police Inspectors?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Yes, Sir, Police Inspectors."

Mr. A. RANGANATHA MUDALIYAR:—"Does this include Sub-Inspectors also?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"No, Sir, the answer is only with reference to Inspectors."

Irrigation

Interest realized on the capital outlay on the Kistna and the Godavari Delta systems.

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

(a) what is the total capital expenditure on the Kistna and Godavari Delta systems; and

(b) what interest they expected to derive on the capital invested and what interest they are now actually getting?"

A.—(a) The total capital expenditure to end of 1933-34 on the Godavari and Kistna Delta systems was Rs. 1,82,03,346 and Rs. 1,97,00,711, respectively.

[9th November 1935]

(b) The return anticipated at the time of the completion of the original construction estimates was 9.3 per cent in the case of the Godavari Delta system and 6.77 per cent in the case of the Kistna Delta system. The return for 1933-34 on the total capital outlay was 15.8 per cent and 13.6 per cent, respectively.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know, Sir, whether the Government have included in the capital expenditure the inclusion fees collected from year to year from the ryots of these two deltas?"

The Hon. Mr. C. A. SOUTER:—"Inclusion fees are not items of capital expenditure."

Mr. V. T. ARASU:—"Arising from the answer to clause (b) which states that the return for 1933-34 on the total capital outlay was 15.8 per cent and 13.6 per cent, may I know, Sir, whether in calculating this percentage of return, allowance has been made for the maintenance charges and the salary paid to the staff connected with the delta system?"

The Hon. Mr. C. A. SOUTER:—"Yes, Sir, this is the net return."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask, Sir, in view of the return being more than what was anticipated, whether the Government have examined any proposal of giving any relief to the ryots of the delta by reducing the water-rates?"

The Hon. Mr. C. A. SOUTER:—"No, Sir, the rates in the delta are not very high."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Very recently a flat water-rate of Rs. 6-4-0 has been levied in the delta. What are the reasons for Government increasing the rate when they got a return in excess of their anticipation?"

The Hon. Mr. C. A. SOUTER:—"I presume the hon. Member means that Rs. 6-4-0 is an excessive rate. It is not."

Breach in the Tippiyapalem anicut, Cumbum, Kurnool district.

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

(a) whether it is a fact that there was a breach in the newly constructed Tippiyapalem anicut in Cumbum (Kurnool);

(b) whether the Chief Engineer inspected the anicut after completion and was satisfied with the work;

(c) whether the amount of the contract has been paid to the contractor in full; and

(d) what is the estimated cost of repairing the breach and what time it will take to complete the same?"

A.—(a) Yes.

(b) The Chief Engineer for Irrigation did not inspect the reservoir after the work was completed and before the

[9th November 1935]

bund breached. He inspected it afterwards in September 1935. He has reported that the breaches were not due to any mistake in the design or to defective workmanship during execution.

(c) The Government have no information.

(d) The restoration of the bund will cost Rs. 60,000 to Rs. 70,000 and it may not take more than 12 months to complete the work.

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know, Sir, whether the Chief Engineer has reported as to what exactly was the cause of this anicut giving way?"

The Hon. Mr. C. A. SOUTER:—"I shall explain very briefly. The earth work on that bund had only been recently put down and there had been some rain and it had not time to consolidate properly. Suddenly there was very heavy rain and within a very few hours the tank rose to the extent of 10 feet and water began to percolate through the new earth work; and due to the enormous pressure exercised by the sudden rise in the water by 10 feet and in consequence of this percolation of water, a hole was made which gradually extended and the entire bund collapsed."

Mr. A. RANGANATHA MUDALIYAR:—"May I know what is the full tank level?"

The Hon. Mr. C. A. SOUTER:—"Notice, Sir."

Mr. A. RANGANATHA MUDALIYAR:—"May I know if with a rise of only 10 feet of water such damage could have taken place?"

The Hon. Mr. C. A. SOUTER:—"I think I have explained, Sir."

Land Revenue Administration

Appointment and transfer of clerks in the Revenue Department.

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

(a) whether the clerks entertained in the Revenue department may be transferred to other departments;

(b) if so, for what reasons and on what principles such transfers are made;

(c) whether a copy of the Government Order passed permitting such transfers will be placed on the table;

(d) how many such transfers have been made from the Revenue department in Salem district in each year for the past three years;

(e) who the persons concerned are; to which department each has been transferred; what the qualifications and service put up by and the community of each are and whether they are the juniormost hands then in service of the Revenue department;

[9th November 1935]

(f) how many persons have been drafted into the Revenue department from the Settlement department in that district in each year for the past three years;

(g) who the persons concerned are, what the qualifications, and the service, if any, in the Revenue department and the community of each are; and

(h) what the reasons are for such drafting when men originally entertained in this (Revenue) department are shunted out?

4.—(a) They may be transferred to posts in other departments included in the Madras Ministerial Service, subject to the provisions of Fundamental Rule 15, and provided that the appointing authorities concerned agree.

(b) Transfers may be made at the request of individual clerks, or in the interests of administrative convenience.

(c) The attention of the hon. Member is invited to rule 15 of the General Rules for Subordinate Services governing transfers which is printed in the Madras Services Manual, Volume II, a copy of which is available in the Secretariat Library.

(d), (e), (f), (g) & (h) The Government have not the information.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether the information required in clauses (d) to (h) would be called for and made available to the House?"

The Hon. Mr. C. A. SOUTER:—"I do not think it is necessary, Sir."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask, Sir, whether on account of the abolition of the group system, they are not able to get on well with the revenue establishments of the various districts?"

The Hon. Mr. C. A. SOUTER:—"We do not think so, Sir."

Public Service

Number of gazetted appointments held by the members of the 'Scheduled classes' as on 31st March 1935.

* 516 Q.—**Mr. P. V. RAJAGOPALA PILLAI:** Will the Hon. the Member for Revenue be pleased to state—

(a) the number of gazetted appointments held by members of 'Scheduled classes' on the 31st March 1935;

(b) the designation of such appointments; and

(c) the particular caste of the holders of such appointments?

A.—A statement * is laid on the table.

[9th November 1935]

Mr. P. V. RAJAGOPALA PILLAI:—" Out of the sanctioned strength of 1,805 gazetted appointments, 656 are held by Brahmans, 361 by Non-Brahman Hindus, 101 by Muhammadans, 392 by Non-Asiatics and Anglo-Indians, 14 by Indian Christians and 10 by others. As only 4 appointments are held by members belonging to the scheduled classes, will Government be pleased to appoint more members of the scheduled classes to these posts? "

The Hon. Mr. C. A. SOUTER:—" We shall try, Sir."

Reasons for the decrease in the number of gazetted appointments held by the scheduled classes.

* 517 Q.—Mr. P. V. RAJAGOPALA PILLAI: Will the Hon. the Member for Revenue be pleased to state the cause of the decrease in the number of gazetted appointments held by scheduled classes as shown below:—

	1st April 1934.	1st April 1935.	Decrease
Temporary, acting or probationary appointments.	7	4	3
Permanent appointments	12	6	6

A.—Temporary, acting or probationary appointments.—The figures were made up as follows:—

	1934.	1935.	Difference.
Revenue department	3	2	— 1
Excise department	..	1	+ 1
Police department	3	..	— 3
Veterinary department	..	1	+ 1
District Board Engineering department.	1	..	— 1

I regret the figures against the Police department were wrong. The figures ought to be 2 in 1934 and 2 in 1935. There was thus no reduction in strength in this department. The reduction of one each in the Revenue and the District Board Engineering departments is due to the confirmation of the officers in question and to their consequent inclusion in the return of permanent officers.

Permanent.—The figures were made up as follows:—

	1934.	1935.	Difference.
Revenue department	1	3	+ 2
High Court	10	..	— 10
Registration department	..	1	+ 1
Co-operative department	1	1	..
District Board Engineering department.	..	1	+ 1

I regret again that the figures shown in the statement against the High Court were wrong. The figures ought to be 'nil' in 1934 and 'nil' in 1935. There is thus no reduction in strength at all.

9th November 1935]

Local Self-Government

Objections of the South Indian Railway Company to the construction of two road bridges in Malabar.

* 518 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether there was any objection from the South Indian Railway Company regarding the construction of two road bridges in Malabar where there are only ferries now; and

(b) what the orders are of the Government with respect to the objection of the South Indian Railway?

A.—The Government of India have been addressed in the matter and their orders are awaited.

Mrs. A. RUKMANI LAKSHMIPATHI:—" May I know, Sir, what objections the South Indian Railway have raised in the matter of construction of road bridges and what the opinion of the Local Government is? "

The Hon. the RAJA OF BOBBILI:—" The South Indian Railway have sent in their views in the matter of construction of bridges and they have been forwarded to the Government of India with the recommendations of the Provincial Board of Communications. This Government and the Provincial Board of Communications are in favour of the construction and I see no reason to believe that the recommendations of the Provincial Board of Communications would be turned down by the Government of India."

Mr. W. K. M. LANGLEY:—" May I know, Sir, if the Government are aware that the general opinion of all commercial bodies of Malabar and South Kanara is that the proposed bridges would not damage railway interests to the slightest extent? "

The Hon. the RAJA OF BOBBILI:—" I cannot give a straight answer to that question; but in the opinion of the Government these bridges are necessary in the public interest."

Mr. W. K. M. LANGLEY:—" Is the Government aware that the public of Malabar is greatly inconvenienced through the absence of these bridges? "

The Hon. the RAJA OF BOBBILI:—" I am aware and I have also a personal knowledge of these parts."

Protests against G.O. No. 4619, L. & M., dated the 20th October 1934, in re the revision of salaries of teachers employed under local boards.

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

(a) whether he had received any representations from the local bodies and teachers' unions requesting him to revise the scale of pay of teachers in the service of local bodies before he issued G.O. No. 4619, L. & M., dated 20th October 1934;

[9th November 1935]

- (b) if not, whether he had consulted these abovenamed bodies and the Director of Public Instruction before revising the scales of pay;
 (c) if the answer to the above is in the affirmative, whether their opinion was in favour of the revision;
 (d) since the introduction of G.O. No. 4619, L. & M., dated 20th October 1934, how many local bodies and teachers' unions have protested against this Government Order;
 (e) since the introduction of this G.O. No. 4619, L. & M., dated 20th October 1934, how many bodies have interviewed the Minister and how many have sought interviews with him asking him to rescind this Government Order; what replies were given to each of them;
 (f) why was the recognized principle of the Public Service to exclude old incumbents from the operation of the new scales of pay when they adversely affect them, not applied in the case of teachers in the service of the local bodies; and
 (g) how many representations have been received by the Government requesting them to give the old incumbents the old scale of pay?

A.—(a) No.

(b) The Director of Public Instruction was consulted.

(c) The Director of Public Instruction was in favour of the revision.

(d) & (e) A large number of representations were received. No useful purpose is likely to be served by giving further details.

(f) The Government were agreeable to the grant of personal pay in all cases of real hardship and so they did not consider it necessary to exclude existing teachers from the operation of the Government Order. Attention of the hon. Member is also invited to the reply of the Hon. the Chief Minister to the adjournment motion on the subject on the 26th January 1935.

(g) The Government do not consider it necessary to collect the information.

Mr. V. T. ARASU:—“ Will the Hon. Minister be pleased to state whether it is a fact that as a result of the introduction of revised scales of pay, a larger percentage of the people employed under the local boards are drawing higher pay than they used to get, and that it is only a small percentage that are drawing less than what they used to do? ”

The Hon. the RAJA OF BOBBILI:—“ I am not aware of any such thing.”

Preference to Graduates in filling the posts of Assistant Panchayat Officers.

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

(a) in how many District Boards Assistant Panchayat Officers have been appointed as ordered in G.O. No. 2216, L. & M., dated 11th June 1935;

9th November 1935]

(b) what the names and addresses of persons appointed under each of the district boards for such posts are;

(c) whether the graduate clerks of the ex-taluk boards and of the district board have been given preference as ordered in the said Government Order for such appointment in each district;

(d) in how many districts such preference was not given and what the names of the districts and those of the individuals are whose claims have been overlooked; and

(e) whether representations have been received by the Inspector of Local Boards from such disappointed employees, and if so, from whom and what action has been taken thereon?

A.—(a) & (b) The attention of the hon. Member is invited to the answer to clause (b) of question No. 348 delivered on the 31st October 1935.

(c), (d) & (e) Government have no information.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask, Sir, whether it is a fact that the appointments are made in consultation with and with due approval of the Inspector of Local Boards? ”

The Hon. the RAJA OF BOBBILI:—“ The appointments are subject to the approval of the Inspector of Local Boards.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ If it is so, may I ask, Sir, if it is not possible for the Government to get the information easily? ”

The Hon. the RAJA OF BOBBILI:—“ It is not impossible. But they cannot undertake to obtain the information from all the district boards in the presidency.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ If the Hon. Minister can obtain the information, it will show how far the Government Orders have been followed. Will not the Minister under these circumstances, be pleased to obtain the information? ”

The Hon. the RAJA OF BOBBILI:—“ So far the Government have not received any complaints from graduate clerks and so they presume that, in making these appointments, the claims of graduates have been taken into consideration.”

Mr. G. R. PREMAYYA:—“ Arising out of the answer given by the Hon. Minister, may I ask, who on earth can get the information, if he is not able to obtain it? ”

The Hon. the RAJA OF BOBBILI:—“ I have not stated that I cannot get the information. All I stated was that the information is not available with the Government. It will take a great deal of time to get the information. If the hon. Member will mention any particular case, I shall be glad to obtain the information.”

Mr. K. KOTI REDDI:—“ May I know if any qualifications have been prescribed for appointment as Assistant Panchayat Officers? ”

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

[9th November 1935]

Mr. K. KOTI REDDI:—" May I know, Sir, if these rules were followed in the case of the Assistant Panchayat Officer appointed in Anantapur district recently? "

The Hon. the RAJA OF BOBBILI:—" I can say that the rules have been followed."

Mr. MAHBOOB ALI BAIG:—" Will the Hon. the Chief Minister call for information as to whether any Muhammadan was appointed to the post? "

The Hon. the RAJA OF BOBBILI:—" It is not possible in all cases to apply the communal principle to these appointments as in a great majority of cases persons doing similar duties in the district boards are appointed and in other cases appointments are made from district board and ex-taluk board employees."

Mr. MAHBOOB ALI BAIG:—" Is it a fact that no Muhammadan has been appointed to the post? "

The Hon. the RAJA OF BOBBILI:—" I am not in a position to answer the question."

Mr. MAHBOOB ALI BAIG:—" Will the Hon. the Minister suggest to the local bodies that some Muhammadans are appointed to the posts? "

The Hon. the RAJA OF BOBBILI:—" The difficulty is that the appointing authority is the president of the district board. The Government can only see that the rules are observed."

Mr. MAHBOOB ALI BAIG:—" Will not the principle of communal representation be made applicable to these posts? "

The Hon. the RAJA OF BOBBILI:—" It has been applied to certain cases. But in the case of these appointments it is not possible to make it effective for the reason already stated."

Appointment of Muslims as Assistant Panchayat Officers.

* 521 Q.—Mr. MAHBOOB ALI BAIG: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the number of Assistant Panchayat Officers appointed till now;

(b) the number of Muslims appointed to the said posts; and

(c) whether the proportion of the Muslim appointees is in accordance with the communal Government Order; if not, why not?

A.—The attention of the hon. Member is invited to the answer to question No. 350 delivered on the 31st October 1935.

9th November 1935]

Police

Alleged assault by soldiers on pedestrians near the Munro Statue, Madras.

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

(a) whether it is a fact that T. N. Sundararaman, a clerk of the Burmah Shell Company and five others were assaulted by eleven soldiers near the Munro Statue on their way back from the Gaiety Theatre to Georgetown on the night of 2nd November 1935; and

(b) whether it is a fact that the police of the Law College Police Station refused to take action saying that such things have become common and that they were helpless?

A.—(a) A complaint of assault on himself and some others by British soldiers was made by T. M. Sundararaman at the Law College Police Station at 1-15 a.m. on 3rd November 1935.

(b) No; a full investigation of the complaint is in progress.

Mr. K. A. NACHIYAPPA GOUNDER:—" In view of the fact that such occurrences happen every now and then, will the Hon. Member take stringent action and see that such things are not repeated."

The Hon. Rao Bahadur A. T. PANNIRSELVAM: " May I know what the hon. Member means by ' such things.' "

Mr. K. A. NACHIYAPPA GOUNDER:—" Assaults and not taking action at the proper time."

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" These ordinary assaults are not cognizable offences."

Mr. V. M. RAMASWAMI MUDALIYAR:—" Will the Hon. Member make arrangements for more patrolling and bundobast in that part of the road because that is the one part in the City where such things have occurred before? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" I do not know that such incidents are very frequent. It will not be safe to make a generalization out of a single incident."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, whether the Government have called for information and will see that prompt steps are taken in the matter? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" It is stated in the answer that the investigation is going on."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know if the Government are aware that such incidents have occurred in this particular portion of the main road, namely, between the Willingdon Bridge and the Wallajah Road and if the Government will be pleased to make the necessary arrangements for the prevention of such assaults? "

[9th November 1935]

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I cannot say that such things have never happened in that part of the City; but I have no reason to believe that they are more frequent there than in any other part of the City."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know if Government have received definite information as to why the police refused to take action?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"It is not correct to say that the police refused to take action. They have recorded a complaint and the case is being investigated into."

UNSTARRED QUESTION

Inland Waterways

Licence fee on boats plying in the Buckingham Canal.

522 Q.—Mr. V. T. ARASU: Will the Hon. the Member for Revenue be pleased to state—

(a) the rate of licence fee that is levied on boats using the Buckingham Canal;

(b) whether in case during any part of the year the canal is unfit for traffic either on account of low level of water or on account of floods, any refund is made of the licence fees collected from the owners of boats; and

(c) if no such refund is made, why it is not done?

A.—(a) The rate of licence fees is as follows:—

	Annual.	Six weeks.
	RS. A. P.	RS. A. P.
Steamers or motor vessels per ton of registered tonnage	25 8 0	* 7 8 0
Open cargo boats per ton of registered tonnage	4 8 0	0 15 0
Passenger boats and decked cargo boat per ton of registered tonnage ..	6 0 0	1 3 6

* For the first six weeks' licence and Rs. 4-8-0 for each of the subsequent licences in any one year.

(b) & (c) Under the Navigation rules licences are granted subject to the condition that claims for compensation in consequence of the closure of all or any of the canals for repairs, insufficiency of water or any other impediment to navigation shall not be recognized, but the Executive Engineer may extend the period of a six weeks' licence, without payment of an additional fee, in the event of a boat being stranded through an unforeseen insufficiency of water. The period of extension so granted shall not exceed the time required for the boat to reach its destination after the canal has again become navigable.

9th November 1935]

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

II.—MOTION UNDER STANDING ORDER No. 4 RE ANSWER TO QUESTION No. 513.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, under Standing Order No. 4, I propose to raise a debate for half an hour after 5 p.m. to-day in view of the incomplete nature of the answers given on question No. 513."

* The Hon. the PRESIDENT:—"I do not see the importance of it and I therefore disallow the motion."

NON-OFFICIAL BUSINESS.

III.—A BILL TO AMEND THE MADRAS ESTATES LAND ACT, 1908 (BILL No. 2 OF 1935).

Sriman M. G. PATNAIK Mahasayo:—"Mr. President, Sir, I beg to move, under Standing Order No. 33 that item No. 1* may be postponed till after item No. 2 is disposed of. It will take only two minutes. Item No. 2 is: 11-15 a.m.

'To present the report of the Select Committee on the Bill to amend the Madras Estates Land Act, 1908 (Bill No. 2 of 1935), and move that the Bill be taken into consideration.'

'If the motion is carried and the Bill is considered I will move that the Bill be passed into law.'

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I beg to second the motion."

The Hon. Mr. C. A. SOUTER:—"I have no objection, Sir. So far as this Bill is concerned it will take five seconds."

Mr. C. BASU DEV:—"Sir, I beg to move that items 4, 6 . . ."

* The Hon. the PRESIDENT:—"The Hon. member can move it as a separate motion after Mr. Patnaik's motion is disposed of."

The question is that item No. 1 may be postponed till after item No. 2 is disposed of.

The motion was carried.

Sriman M. G. PATNAIK Mahasayo:—"Mr. President, Sir, I beg to present the report of the Select Committee on the Bill to amend the Madras Estates Land Act, 1908 (Bill No. 2 of 1935), and move that the Bill be taken into consideration."

The motion was duly seconded.

* Madras Debt Conciliation Bill (Bill No. 9 of 1934).

[9th November 1935]

The Hon. Mr. C. A. SOUTER:—"Sir, I beg to move—
'that the Bill be recommitted to the Select Committee with an instruction that the Select Committee do consider the provisions contained in the following annexure:—

Annexure.

1. Notwithstanding anything contained in this Act and without prejudice to the rights or liabilities of the landholders or ryots under this Act, where the rent of any land has been commuted under section 40 or has been settled under Chapter XI of the Act, a ryot may file an application before the Collector for the remission of the rent payable by him during any particular fasli on the ground that the average local prices of staple food crops in the taluk or zamindari division are lower by not less than 18½ per cent than the average figures of prices on which rent in regard to such land was partly or wholly based.
2. The remission shall bear to the rent lawfully payable for the time being the same proportion as the average prices during the fasli, for which the application referred to in sub-section (1) is made, bear to the average prices on the basis of which the rent had been previously fixed.
3. The application referred to in sub-section (1) shall be made during the fasli or within six months after the fasli for which the rent sought to be remitted is due or payable provided that the said application shall not be barred by the fact that the rent payable was previously or subsequently paid or realized.
Provided that no application to the Collector under this section shall be maintainable;
Unless notice in writing has previously been given to the landholder or to one of them if there are more than one within the fasli in respect of which the reduction of rent is claimed by registered post specifying
 - (a) the names and the addresses of the applicants;
 - (b) the extent and description of holding or holdings in respect of which the reduction is claimed if such application does not relate to an entire village;
 - (c) the cause of action for the relief claimed; and
 - (d) the relief claimed.
4. The pendency of an application under sub-section (1) shall not by itself debar a landlord from recovering the lawful rent payable for the time being from the ryot, but it shall be open to the Collector to stay proceedings for the recovery of such portion of such rent on such terms as he shall deem fit. In doing so, the

9th November 1935]

[Mr. C. A. Souter]

Collector may direct the payment of the rest of the rent to the landholder or his authorized agent in the presence of the Collector or any officer authorized by him and within such time as the Collector may fix.

5. *On the making of such an application, the Collector shall, after such enquiry as may be prescribed, determine the amount of the remission to be granted to the ryot.*
6. *The order of the Collector under this section shall be final subject to the result of an appeal to the District Collector to be preferred within thirty days of the date of the Collector's order and shall not be questioned by any court.*
7. *The Local Government may frame rules for giving effect to the provisions of this section and in particular for*
 - (a) *any notice by the ryot to the landholder claiming a remission before an application under this section is made;*
 - (b) *the ryot or ryots who may join in an application under this section; and*
 - (c) *the enforcement of the order of the Collector or District Collector remitting the rent or varying such order in appeal, or the refund of any rents in consequence of such orders.*

"Sir, the annexure consists of a new draft Bill which proceeds on the principles which the hon. Mover of this motion has referred to in his Bill. The Government consider that this amending Bill will be less open to objection on the score of impracticability than the Bill which has been considered by the Select Committee which advised that it should be dropped. But the Government are not willing to drop the matter altogether and instead propose an alternative Bill which Government are prepared to bring forward before this House and I think therefore, Sir, that this Bill should be recommitted to the Select Committee to consider these provisions."

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I beg to second it, Sir."

Rao Bahadur Sir A. P. PATRO:—"Sir, I beg to support that the Bill be recommitted to the Select Committee. I think the main principles of the Bill introduced by Mr. Patnaik and the provisions contained in the annexure are practically the same and meet the difficulties of both the landlord and the tenant. With a few corrections here and there the Bill as it is will meet the necessities and purposes of both the parties. It is true that owing to the present depressed condition the ryots urgently require concession and it must be given to them. This depressed condition is due to the fall in prices and inability of the ryots to make both ends meet. So I support the suggestion of the Hon. the Revenue Member."

[9th November 1935]

Sriman M. G. PATNAIK Mahasayo:—"Sir, I move that an instruction be given to the Select Committee that it should present its report by the 12th instant."

The motion was duly seconded.

The Hon. Mr. C. A. SOUTER:—"I object to it, Sir. I am afraid that it is impossible for me to accept the suggestion of my hon. Friend, for we have experienced much difficulty on a former occasion when this Bill was referred to Select Committee with such an instruction."

The motion was by leave withdrawn.

* The Hon. the PRESIDENT:—"The question is that the Bill be recommitted to the Select Committee."

The motion was put and carried.

* Mr. C. BASU DEV:—"I beg to move that item 1 may be taken up after items * 4, 6, 8 and 9 on the agenda are disposed of. These items, Sir, will not take more than two minutes of the House. I beg the leave of the House to allow this formal motion."

The motion was duly seconded.

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I am sorry, Sir, that I am not in a position to agree to my Friend Mr. Basu Dev's motion for we will not have time to go through the Debt Conciliation Bill to-day if we go on postponing the consideration of it."

The motion was put and lost.

IV.—THE MADRAS DEBT CONCILIATION BILL (BILL No. 9 OF 1934)—cont. Clause 3.

* The Hon. the PRESIDENT:—"Hon. Members might remember that the other day we were discussing item No. 14-A^b and we dispersed so that we might come to an understanding about that item. So I call upon Mr. T. C. Srinivasa Ayyangar to move his amendment to clause 3."

* Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, in deference to the wish expressed for an amendment embodying an agreed view, we consulted and came to the understanding the following amendment would be better. I move that—

'for the second sentence in sub-clause (1) substitute the following:—

"Such board shall consist of a Chairman and two members appointed by the Government. The Chairman shall be a person who holds or has held an office not lower in rank than that of a Sub-Judge or a Deputy Collector. One at least of the members shall be a non-official."

^a The Madras Employees' Protection Bill and the Madras Local Boards Bills of Messrs. G. Rameswara Rao, G. Simbachalam and P. C. Moses.

^b Mr. P. C. MUTHU CHETTIYAR:—"For the second sentence in sub-clause (1) substitute the following:—

"Such Board shall consist of a Chairman appointed by the Local Government from among the distinguished retired judicial officers who had held a post not lower than sub-judge's, and two members of whom one shall be a non-official."

9th November 1935] [Mr. T. C. Srinivasa Ayyangar]

"I hope the amendment will commend itself to the House." 11-30

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second the amendment as it carries out our object to a very great extent. This may be accepted by the Hon. the Leader of the House."

The amendment was put and carried.

The amendment of Mr. Muthu Chettiyar was, by leave, withdrawn.

Mr. P. V. KRISHNAYYA CHOUDARI:—"I move—

'In sub-clause (5), last line, after the word "powers" insert the words "of a board".'

"It is only a very formal amendment, Sir."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

The Hon. Sir K. V. REDDI NAYUDU:—"It is unnecessary because there is the word 'board' immediately above it. It only makes it redundant if you use 'board' twice over."

The amendment was, by leave, withdrawn.

Clause 3 as amended was put and carried.

Clause 4.

The Hon. Sir K. V. REDDI NAYUDU:—"I move—

'In line 6 of sub-clause (1), after the words "~~immovable property~~" insert the words "if any".'

"It is merely a formal alteration."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I have no objection, Sir."

The amendment was put and carried.

Clause 4 as amended and clause 5 were put and carried.

Clause 6.

The Hon. Sir K. V. REDDI NAYUDU:—"I beg to move—

'For sub-clause (1) (d) substitute the following:—

"(d) Particulars of the debtors' property, both movable and immovable (including claims due to him), a specification of the value thereof and of the places where the same may be found, and details of any mortgage, lien or charge subsisting thereon."

"This is purely a verbal alteration. The language in the original Bill is believed to require some improvement and it has been redrafted."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

The amendment was put and carried.

Clause 6 as amended was put and carried.

[9th November 1935]

New clause 6-A.

The Hon. Sir K. V. REDDI NAYUDU:—"I beg to move—

'After clause 6, insert the following clause:—

"6-A. The application shall be rejected if it does not comply with any of the requirements mentioned in sections 5 and 6.

The rejection of an application under this section shall not preclude the applicant from presenting a fresh application."

"Again, Sir, this is a matter of drafting."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

Mr. M. A. MUTHIAH CHETTIYAR:—"I welcome the amendment. I only want to state to the Leader of the House if it will not be better to put a time-limit within which fresh application shall be put in. If a time-limit of two or three months is put in, I have no objection."

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, the amendment proposed by the Hon. the Law Member gives no option to the authority to whom an application is presented but to accept or reject it for want of any one of the conditions. I want to know if the authority should be precluded from accepting an application after having it amended if necessary instead of absolutely rejecting the application. I may say that when a document is presented before a District Registrar or a Sub-Registrar he does not refuse the registration of the document, but he advises the party to fill up the information required. In the same manner can you not do something?"

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"In the civil courts the plaint is not rejected if it does not comply with any requirements. The plaint is returned for compliance with the conditions. It is only if ultimately the conditions are not satisfied that the plaint is rejected. I expect the same procedure as in the civil courts will be followed here also. If there is want of some information, the application will be returned for giving it. There is also the second saving clause."

The Hon. Sir K. V. REDDI NAYUDU:—"As regards the point raised by Mr. M. A. Muthiah Chettiyar, I may point out that this is not a case in which any time-limit should be fixed. We did not fix any time-limit for the first application. Settlement of affairs by amicable settlement can be made at any time. If so, to prevent a person simply because he has put in a first application will be a hardship on the creditor himself. So the matter is not in the least affected by it."

Mr. M. A. MUTHIAH CHETTIYAR:—"May I say a word by way of reply. We have fixed a time-limit that within one year the whole application should be disposed of to see that the creditor is not put to difficulty. I do not see why the time-limit should not be given here also."

9th November 1935]

Mr. P. V. KRISHNAYYA CHOUDARI:—"One year will apply from the date on which the application is taken up. Once the application is not taken up I cannot see the force of argument of the Kumara Raja Sahib."

The amendment was put and carried and the new clause 6-A was inserted.

Clause 7.

The Hon. Sir K. V. REDDI NAYUDU:—"I beg to move—

'In sub-clause (1), line 2, after the words "the board shall" insert the words, figure and letter "unless it rejects the application under section 6-A."'

"Again, Sir, it is matter of mere drafting."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

The amendment was put and carried.

Clause 7 as amended was put and carried.

Clause 8.

* Mr. M. DEVADASAN:—"I beg to move the following amendment standing in my name:—

'In sub-clause (1), line 11, for the words "two months" substitute the words "fifteen days."'

"Most of the members of the Select Committee have been lawyers and have imported their experience and knowledge in drafting as well as in considering Bills. I do not understand why two months should be given for the preparation of statements by the creditors. If such a long time is given, it may cause harm. It is stated in the Bill that Civil Procedure Code should be followed as far as possible in carrying out the provisions of the Bill. That being the case, I do not understand why two months should be given. It is in contravention of the Rules of the Civil Procedure Code. If the amendment is not accepted it will help the creditors or bogus creditors to make statements of their own by which they can bring in bogus claims or imaginary claims. This will help some people to commit fraud upon the real creditors, to amass money. It is stated in the clause that if two months were to be found not enough the time could be extended. There is already a provision to extend the time for the statements if they were not submitted by the creditors in time. The Bill aims at effective relief to the people concerned. Such a long period should not be given but it should be limited to fifteen days. In that case it will enable parties to come to amicable settlements as expeditiously as possible. With these words I propose this amendment."

[9th November 1935]

Mr. C. BASU DEV:—"I second it, particularly on the ground of expeditious disposal."

11-45
p.m.

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I think this point was discussed at length in the Select Committee and it was felt that the period should be two months and no less for the reason that if the period was less many people would be debarred from preferring their claims."

* Mr. T. C. SRINIVASA AYYANGAR:—"By virtue of the general law, debtors as well as creditors can go to court for appropriate reliefs towards satisfaction. Then there is the bankruptcy law. In addition to these two we propose a new law; under this, claims must be made within two months; otherwise, it shall be presumed that the claim was satisfied—a new presumption of law. In these circumstances to curtail the time from two months to fifteen days would work hardship and make the Act, instead of being a beneficial measure, an oppressive one."

The amendment was, by leave, withdrawn.

The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I move—

'For sub-clause (2), substitute the following sub-clauses, namely:—

"(2) Subject to the provisions of sub-section (3), every debt of which a statement is not submitted to the board in compliance with the provisions of sub-section (1) shall be deemed for all purposes and all occasions to have been duly discharged;

"(3) If a creditor proves to the satisfaction of the board or a civil court that the notice was not served on him and that he had no knowledge of the publication thereof, the board or court may revive the debt, if the creditor files an application in that behalf within two months after he becomes aware of the proceedings taken under this section:

Provided that a creditor shall not be entitled to apply under this sub-section to the Board and to a civil court simultaneously or to apply to either the Board or a civil court after having applied to the other."

"Hon. Members will observe, Sir, that this is only a redraft of the existing sub-clause though no doubt the proviso is marked as sub-clause (3)."

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

Mr. P. V. KRISHNAYYA CHAUDARI:—"Sir, with your permission I move my amendment to new sub-clause (3) in a slightly modified form as an amendment to the one moved by the Hon. the Law Member. It runs thus:

'In line 3 of sub-clause (3) of the amendment of the Hon. the Law Member for the word "and" substitute the word "or"; and

9th November 1935] [Mr. P. V. Krishnayya Choudari]

'In line 4 after the word "thereof", add the words "or that for some other sufficient reason he was unable to submit the statement".'

"I move this amendment so that the Board or court may revive the debt. I request the Hon. Member to accept it."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

* Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, the spirit of the amendment is commendable but it should be worded better. The only reason given in the clause in the Bill as well as in the amendment of the Hon. the Law Member is that no notice was served upon the creditor and that he had also no knowledge. Under the Civil Procedure Code it would be a good ground that either a notice was not served or that the party had no knowledge. These are two distinct reasons, but here in the Bill both must co-exist. If the word 'or' is put in, instead of the word 'and', it would be better. Further there may be other reasons also as to why a man could not come within two months. Provision must be made for that also."

The Hon. Sir K. V. REDDI NAYUDU:—"I accept the amendment subject to redrafting."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I have no objection to the amendment of Mr. Krishnayya Choudari, because the only provision that has been made in the section has as amended by the Select Committee reference to publication and knowledge. It may be that a man is not well or has gone outside India. To cover such cases it is necessary that a provision like the one proposed should be added. But if any proviso is introduced, there ought to be provision for going both to the Board and to the court. It was at the instance of the hon. Member that that provision was introduced."

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, I have a difficulty in regard to the proviso included in the amendment moved by the Hon. the Law Member. He says that a creditor shall not be entitled to go to a civil court and the arbitration Board simultaneously. With that I agree. But he goes on further to say: 'nor shall he be entitled to apply to either the Board or a civil court after having applied to the other'."

"The purpose of this Bill is to assist the debtor to have his case disposed of as soon as possible and probably as advantageously as possible. It is a well known fact that resort to civil court means delay, cost and all that. We want to avoid all that. Suppose a man goes to a civil court and then withdraws his case, is he precluded from applying to the Board for relief?"

* Mr. M. DEVADASAN:—"Sir, I move—

'In sub-clause (3) of the amendment moved by Hon. Law Member for the words "two months" substitute the words "thirty days".'

[Mr. M. Devadasan] [9th November 1935]

"In this case I find that one has been allowed too much time for presenting an application for setting aside an order already passed against him. An aggrieved man cannot be sitting idle for two months after he becomes aware of the order passed ex parte against him. In similar cases only thirty days are allowed in civil courts. I consider that two months' time is unnecessary and that thirty days would be enough. Further, we do not know how the two months' time will be calculated. In some months we have thirty-one days and in one month of February we have only twenty-eight days. So instead of saying so many months, it is better that we limit the time to so many days."

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

The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, as regards the number of days, it is a question of opinion. In the Select Committee it was thought that a longer period than thirty days should be given and so the period was extended to two months."

"As regards the other point raised by the hon. Mover, I believe there is a provision in the General Clauses Act explaining what a 'month' means. There will be no difficulty. There are many Acts in which the word 'month' is used. There is the Limitation Act in which also the word 'month' has been used a number of times and the courts have had no difficulty in finding out what the last date on which a suit or claim becomes time-barred. I therefore see no reason for accepting the amendment of Mr. Devadasan."

"Sir, I think it would be convenient if you put sub-clause (2) separately to vote."

* The Hon. the PRESIDENT:—"The question before the House is—
For sub-clause (2) of clause 8 substitute the following clauses, namely:—

"(2) Subject to the provisions of sub section (3), every debt of which a statement is not submitted to the board in compliance with the provisions of sub-section (1) shall be deemed for all purposes and all occasions to have been duly discharged;

(3) If a creditor proves to the satisfaction of the board or a civil court that the notice was not served on him and that he had no knowledge of the publication thereof, the board or court may revive the debt, if the creditor files an application in that behalf within two months after he becomes aware of the proceedings taken under this section:

Provided that a creditor shall not be entitled to apply under this sub-section to the board and to a civil court simultaneously or to apply to either the board or a civil court after having applied to the other."

9th November 1935] [The President]

"I shall now put only the proposed sub-clause (2) to the vote."

Proposed sub-clause (2) was put and carried.

* The Hon. the PRESIDENT:—"I shall now take up proposed sub-clause (3). The question is—

'that in line 3 in the proposed sub-clause (3) for the word "and" the word "or" be substituted.'

The amendment was put and carried.

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

'that in line 4 of proposed sub-clause (3) after the word "thereof" the following words be inserted:—

"or that for some other sufficient reason, he was unable to submit the statement".'

The amendment was put and carried.

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

'that for the words "two months" in the proposed sub-clause (3) the words "thirty days" be substituted.'

The amendment was put and lost.

Mr. M. A. MUTHIAH CHETTIYAR:—"I think it is quite enough if you prevent simultaneous application by the creditor both to the civil court and to the board. So, I think it would not be fair to prevent a creditor from applying to the court after he has applied to the board or vice versa. The hon. the Mover of the Bill has also agreed with me in this respect. So I move—

'that the words "or to apply to either the board or a civil court after having applied to the other" be omitted in the last two lines of the proposed proviso to sub-clause (3).'

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I second it."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I beg to move the following amendment:—

'Add the following as a second proviso to sub-clause (3):—

"Provided further that no debt shall be revived after the expiry of one year from the date of service or publication of notice, as the case may be."

"Sir, some people try to avoid all sorts of notices and publications and any matter may be reopened even after two years if the proviso I have proposed is not added. Even if a person goes to England, he will not forget to take care of his estates and leave instructions to those who act on his behalf here. We do not safeguard his interests. I feel that this amendment will certainly safeguard the interests of the debtor as well as the creditor. As a matter of fact, in the Civil Procedure Code, provision is made only for publication, and finally when a Istihar is issued the court will not wait any more and after that nothing can be reopened. Similarly, if we have this proviso to safeguard the interests of the debtor as well as the creditor, it will once

[Mr. P. V. Krishnayya Choudari] [9th November 1935]

and for all dispose of a matter without giving an opportunity to the creditors to open the subject again."

The amendment was duly seconded.

* Mr. T. C. SRINIVASA AYYANGAR:—"I am afraid the tendency of our legislation seems to make it more and more difficult for those who own property or money and desire to lend their money to those who are in need of it. We are all aware that the Limitation Act is a most comprehensive Act expressly limiting the time for suits. Even there the principle is that only the remedy by a suit or application is barred and a debt will not be extinguished because it is barred by time. There is a special provision in the Contract Act by which even a barred debt is saved by expressly providing that if there is a promise in writing, it is enforceable. Such being the case, a new penal provision of a statutory character is sought to be introduced here by which any debts for which claims were not made within a particular date would become extinguished. I feel that in these experiments in legislation the provisions must be wholesome and people must be trusted. People must feel that such a provision is reasonable. Whatever may be in the mind of the hon. Member, Mr. Krishnayya Choudari, I am afraid that the amendment he seeks to introduce is a drastic step and I feel I must oppose it. The proviso reads:—

'Provided that no debt shall be revived after the expiry of one year, etc.'

"In the case of debts under promissory notes, etc., the period of limitation is three years and in the case of registered documents the period of limitation is six years. So, while a creditor has three years or six years under the general law, here if a creditor comes in the second year and applies to the board but one year after the date of service or publication of notice, he will not be allowed to make out his claim and the debt due to him will become extinguished. So all sorts of difficulties may crop up. This is a most drastic provision that I have ever come across."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I am not able to understand the arguments of my hon. Friend, Mr. T. C. Srinivasa Ayyangar. I have provided for a period of twelve months from the date of publication of notice within which the creditor can reopen his case. Certainly if a creditor is so careless even during all that period he is not entitled to collect his money. I have not brought in a drastic amendment or anything of that sort. The very idea of this legislation is to dispose of the matter as quickly as possible, instead of taking up these matters to law courts. Even in the case of promissory notes the period of limitation is only three years. Here no time-bar is fixed. If a particular man has gone away to England or some other place and returns from such a place after six years and says that his case should be reopened, I think it would be absurd to reopen such cases. I therefore appeal to the Hon. the Leader of the House and the Mover of the Bill to accept my amendment. I think if necessary I should press my amendment to a division."

9th November 1935]

Rao Bahadur P. C. MUTHU CHETTIYAR:—"ஆனரில் மெம்பர் சென்டிரி சொல்வதை நான் ஆதரிக்கிறேன். ஒவ்வொருவருடைய பாததியங்களையும் கம்ப பார்த்துவதற்கு வேறு சட்டங்கள் இருக்கின்றன."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I am also inclined to think that if this amendment is accepted it would lead to a great deal of trouble. Even in cases of ex parte decrees they are reopened on the representation of parties. It is only the date of the knowledge of the dismissal of a suit or the giving of a decree that is taken into consideration and limitation is computed from that date. So to say that from the date of this publication one year should be taken as the limit is going against the principles of law which are being administered in courts. I also feel that the penalty, viz., the extinguishment of the debt for not making the application before the board within the time prescribed will be a great hardship if these facilities provided to meet difficulties were taken away. I therefore oppose the amendment."

The amendment of Mr. Krishnayya Choudari was put and lost.

* The Hon. the PRESIDENT:—"I will put sub-clause (3) without the proviso to the vote of the House. The question is—

'(3) If a creditor proves to the satisfaction of the board or a civil court that the notice was not served on him or that he had no knowledge of the publication thereof or that for some other sufficient reason, he was unable to submit the statement, the board or court may revive the debt, if the creditor files an application in that behalf within two months after he becomes aware of the proceedings taken under this section.'

The amendment was put and carried.

The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I regret I am unable to accept the amendment to the proviso. Hon. Members will remember that this does not apply to the ordinary procedure, but only to the revival proceedings. Failure in revival proceedings would mean the destruction of the debt and the arguments which have been advanced a little while ago to the proviso moved by Mr. Krishnayya Choudari, will apply word for word to this also. Let us take the words sought to be removed:

'or to apply to either the board or a civil court after having applied to the other.'

It simply says that when once an application is made before the board and it is lost, you cannot go before a court and similarly when once an application is made before a civil court and it is lost, you cannot go before the board. The ordinary principle of *res judicata* will apply. I think, Sir, such a thing is in the interests of the creditors."

Mr. M. A. MUTHIAH CHETTIYAR:—"I do not press the amendment."

[9th November 1935]

The amendment was by leave withdrawn.

The proviso which reads as follows was put and carried:

'Provided that a creditor shall not be entitled to apply under this sub-section to the board and to a civil court simultaneously or to apply to either the board or a civil court after having applied to the other.'

Clause 8 as amended was put and carried.

Clause 9.

* Mr. G. RAMESWARA RAO:—"Mr. President, Sir, I move—
'that in line 1 of the proviso to sub-clause (3), after the word "board" the words "or the civil court" be inserted.'

"Sir, sub-clause (3) says that if a creditor does not produce a document before the board, it shall not be produced by him at any time thereafter in any litigation and it will not be admissible in evidence against the debtor in any suit brought by the creditor or by any person claiming under him. Then the proviso says:

'Provided the board shall have power to excuse for valid reasons any default or delay in producing the document and to grant reasonable time for producing the same.'

The proviso covers cases which come within the cognizance of the board itself. But if a suit is filed by the creditor later on in a civil court, this section will oust the jurisdiction of the civil court in deciding the admissibility of the document as evidence. When we are enunciating an important rule in the Law of Evidence, we must make matters clear. We must show beyond doubt that the provisions of the Civil Procedure Code giving discretion to civil courts and the law of evidence are not interfered with. That is why I have proposed my amendment. If the amendment is carried, the discretionary powers of the civil court to excuse delay and so on will be left intact."

Mr. K. KOTI REDDI:—"I second it."

The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I beg leave to oppose the amendment. The proposed addition is with a view to enable the board and the civil court to excuse default or delay on the part of the creditor in producing a document under sub-section (1) of section 9. The question whether the Debt Conciliation Board alone or both the board and the civil court should be empowered to excuse delay was discussed in the select committee. It was decided to vest the power in the board. It does not seem therefore that the proposal would fit in with the scheme of the Act. It will be observed that clause 16 ousts the jurisdiction of civil courts in respect of matters pending before the Debt Conciliation Board. It is thus desirable that the board alone should have the power given in the proviso to clause 9."

Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, I am afraid my hon. Friend, Mr. Rameswara Rao's object will be stultified by his own amendment. Sir, this Bill can undoubtedly legislate so far as the boards which it creates and erects as judicial authority are concerned. Can it alter the general law regarding evidence? The Evidence Act applies to civil courts. It is not stated here that if the

9th November 1935] [Mr. T. C. Srinivasa Ayyangar]

document is not produced, the penalty will apply not only to the proceedings before the board but also to the proceedings everywhere. The clause in the Bill can primarily deal with proceedings before the board. I do not know whether by any provisions contained in this Bill the law relating to procedure and evidence in civil courts is sought to be interfered with with regard to matters pending there."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Mr. President, Sir, I also oppose the amendment but not for the reason mentioned by Mr. T. C. Srinivasa Ayyangar, because he will find if he reads sub-clause (3) that it refers to suits brought in civil courts. The sub-clause takes away the right of the person to produce the document in a civil court. The point is this. In order to enable the board to decide what debts are due by a debtor, all the documents in the possession of creditors must be produced. If a creditor produces some documents and reserves other documents for being produced in civil courts, there will be no chance of arriving at a finality in these matters. So, power cannot be given to the civil courts to go into the matter again. What the civil court is asked to do is to find out whether the person who failed to produce a document had sufficient reason or not. On the other hand if the civil court is to sit in judgment over these matters probably after five, six or ten years, there will be no end to litigation. Therefore the board alone should have the power to decide after hearing the creditor whether he was justified in his failure to produce the document or not."

* Mr. G. RAMESWARA RAO:—"Mr. President, I should like to explain my position for the benefit of Mr. Srinivasa Ayyangar. There is the contingency of a petition filed before the board being completely rejected. Then the creditor will go before a civil court with a view to proving the debt and obtaining a decree thereupon. In such a contingency, this section, as has been rightly interpreted by Mr. Ramalingam Chettiyar, will prevent him from producing all his documents. This section will deprive the civil court of the jurisdiction of deciding whether according to the Evidence Act and the Civil Procedure Code, the documents are admissible in evidence or not. If the document is completely shut out the man goes without a remedy. The board rejects the main application filed before it and the civil court cannot look into the documents and do substantial justice in a later litigation. It is only to meet this contingency that this amendment is intended. If this explanation has not satisfied either the hon. Mover or the Hon. the Law Member, the creditors must thank themselves."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"My hon. Friend, Mr. Rameswara Rao, has not given sufficient weight to sub-section (1) of section 9 where sufficient time is given to each creditor to state his case and produce his documents. If further time is wanted, the board is empowered to give it also. It is only in cases where he had to prove his debt by filing documents, if he does not produce all the documents before the board, he cannot produce them in a civil court."

[9th November 1935]

* Mr. T. C. SRINIVASA AYYANGAR:—"In view of what was mentioned by the previous speakers, may I seek information on this point either from the Hon. the Leader of the House or the learned author of the Bill? I want to know whether 'any suit' contemplated in sub-clause (3) refers to any suit for the recovery of the debt or any suit in which the question relating to the debt may be a collateral issue. Secondly, I want to know whether 'any document' means the document which vouches the debt or any other document which may along with other pieces of evidence prove the debt. As this clause will affect the fundamental principles of the provisions of the Evidence Act by creating a penalty it is much better that the matter is cleared both in sub-clause (3) and in the proviso."

The Hon. Sir K. V. REDDI NAYUDU:—"I think there is a great deal of force in the argument of Mr. T. C. Srinivasa Ayyangar. 'Any suit' might mean any other suit which has nothing to do with the debt at all. It may be an inheritance suit and this document may be a collateral evidence in that suit. I think that the addition of the words 'for the recovery of the debt' might make the meaning clear."

Mr. T. C. SRINIVASA AYYANGAR:—"I think we may postpone the consideration of this matter till after lunch."

The Hon. Sir K. V. REDDI NAYUDU:—"I think it will be better."

* The Hon. the PRESIDENT:—"I think the House is agreed upon taking this amendment after lunch."

The House signified its assent and the amendment was accordingly postponed.

Clause 10.

The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I beg to move the following amendment:—

'In sub-clause (2)—

"(a) In line 2, for the word 'quantum,' substitute the words 'the amount';

(b) In line 4, for the words 'as is adduced,' substitute the words 'as may be adduced'."

"It is purely a matter of drafting."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

The amendment was put and carried.

The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I beg to move—

'that in sub-clause (3) before the words "the assets and liabilities" the word "of" be inserted'."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

The amendment was put and carried.

9th November 1935]

Clause 10 as amended was put and carried.

Clause 11 was put and carried.

Clause 12.

Mr. K. KOTI REDDI:—"I beg to move that for clause 12 the following clause be substituted:—

'12. If the creditors to whom not less than 70 per cent of the total amount of the debtor's debts are owing come to an amicable agreement with the debtor, the Board shall pass such order as it thinks fit, regarding the terms on which the remaining debts of the debtor shall be settled; such agreement and order shall be reduced to writing in the form of a settlement recording the amounts payable to such creditors, and the manner in which and the assets on which and the times at which they are to be paid; provided that when a secured creditor does not agree to the settlement, such shall not affect his rights to proceed against the secured property provided the Court is at liberty to disallow the plaintiff any costs in such suit, and the interest on the secured debt accruing after the date of such settlement where the Court considers the offer made by the debtor is fair'."

"Sir, I may just explain the scope of the amendment, that I have moved. I feel Sir, that the provision contained in the original Bill moved. I feel Sir, that the provision contained in the original Bill p.m. and in the Bill as amended by the Select Committee is not satisfactory and it does not serve the purpose for which it is intended. The Special Officer to whom this question of indebtedness was referred has produced a fairly good report, after devoting sufficient time and energy; only the remedies suggested by him, do not seem to be very satisfactory. I am not going to deal with the report on any elaborate scale. But I would like to point out one or two things to which reference has been made. At page 49 he says: '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.' It is a pity that ryots have to pay to the creditors to the extent of nearly Rs. 200 crores. It is pointed out by the Special Officer that only 18 per cent of the middle class ryots are free from debt. It means that the majority of the ryots in this Presidency are indebted. If the Government is really serious and sincere about its declarations that it wants to relieve the ryots of their heavy burden, the provisions that are embodied in the Bill are not satisfactory. With that end in view, I have moved this amendment which I hope the House will accept; it would certainly be useful in relieving indebtedness in the Presidency. What I have stated is this; if a certain percentage of debtors—I have put the percentage fairly high—70 per cent—come to an amicable settlement, the rest of the 30 per cent have to be compelled to follow the suggestions that are made by the Board for the discharge of their dues. I have made sufficient provision to secure the rights of secured debtors. I have stated

[Mr. K. Koti Reddi] [9th November 1935]

that in case the offer made by the debtor to the secured creditor is fair, when the matter goes to the court, the creditor will not get the cost of the suit and interest on the debt accruing after the date when the offer was made. When 70 per cent of the creditors come to a sort of agreement, if any of the other creditors does not agree and if the matter goes to the court, the Board is empowered with certain powers for discharging the debts. I have laid down certain rules for the guidance of the board in coming to a settlement of the debts. If these rules are followed, I think there would not be any hardship at all either to the creditor or debtor. On account of the extraordinary heavy fall in the price of agricultural products, I want to make it possible for the debtor and the creditor to come to settlement according to definite lines. I have stated that the board should take into account the economic value of the rupee. The Special Officer himself says that the value of the rupee has been doubled. I have laid down the guiding principle that ought to be taken into account when coming to an agreement on the amount of debt due to the creditor. This point is explained in amendment No. 40 which I have given notice of. Since there has been heavy fall in the price of foodstuffs, if the present economic value of the rupee is taken into account, there will be no reason for the creditor to feel aggrieved, because he will get his real value according to the present conditions. If a person had lent Rs. 100, four or five years ago, there will be no hardship to him now if he is paid Rs. 70 or Rs. 80. The value of Rs. 120 lent four years ago, will be equivalent to Rs. 60 at the present moment. In amendment No. 42 I have stated how the whole matter is to be settled. If a large percentage of creditors agree to a settlement and if some others do not agree, I have stated how the matter should be decided. If some of them are willing to agree, I have stated the debt can be discharged to them in instalments and at the rate of 6 per cent per annum. I am of the opinion that the Madras Government should take steps similar to those taken by some Indian States, like that of Bawnagar. Of course the Special Officer has stated that land mortgage banks and co-operative societies should take up this work. If either of them is unable to do so, I think it is the bounden duty of the Government to see that the heavy indebtedness of the ryot is relieved, in order to set him free and to enable him to start afresh to cultivate his land without any fear that the income he will get from the land will be taken away by the creditor. It is absolutely necessary that the indebtedness of the ryot should be relieved and he must be made to feel that he is no longer under the clutches of the sowcar; the Government alone can do this and set him right.

"With regard to compulsion, what I say is this; if 70 per cent of the creditors come to an agreement with regard to the instalments, to the amount that is due, with regard to the manner in which the payment is to be made, then the rest of 30 per cent should be compelled to accept the proposals made by the majority of the creditors. With regard to the secured debtor, I have exempted him. If he does not

9th November 1935] [Mr. K. Koti Reddi]

agree to this settlement, because he has got security. I am of opinion that he may go to court, but he should not be given the cost of the suit or the interest due from the date of the settlement."

Mr. A. RANGANATHA MUDALIYAR:—"I second the amendment."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I am sorry to say that this amendment takes away the real object of the measure itself and that in two ways. The idea is if the creditors and the debtors come together and if a sufficient number of them come to an agreement, at least to that extent, the debts can be settled. I provided that if 50 per cent of the creditors come to an agreement, the order may be passed. The opinion of the Select Committee was that 50 per cent was too high a figure and that it ought to be reduced to 40 per cent. What my hon. Friend wants to do is to increase it to 70 per cent. It will be an impossible task. The very object of the Bill will be frustrated by increasing the percentage.

"My second objection is this; the whole basis of the Bill is to arrive at some amicable settlement among the parties. No doubt, philosophically speaking, agreement between two people will be reached either in a friendly way or owing to some sort of pressure that may invisibly be exercised on people to make them to come to some arrangement. Apart from that, there is no sort of compulsion. The idea is both the creditor and the debtor should agree; the Board itself gives its services for bringing the creditor and the debtor together and persuading them to come to an arrangement. Now, my hon. Friend, Mr. Koti Reddi, wants not only that the arrangement that is come to should be recorded but also there should be an order by the Board so far as the people not agreeing are concerned. In this way the Board is converted into a court. That is not the object of the Bill. There is already a place in which the procedure suggested by my hon. Friend is followed, namely, the Provincial Insolvency Court. They have already got jurisdiction in such a matter. The procedure suggested by my hon. Friend is more or less the same as is followed in the Insolvency Court. If persons to whom three-fourths of the amount is due come to a settlement, the forum in such a case will be the Provincial Insolvency Court, which has got jurisdiction in such a case. It is therefore not necessary to prescribe the same procedure in this Bill also. The House will have to recognize that section 12 is the operative section of the Bill. The Bill stands or falls with section 12. If we substitute the amendment that is moved, in place of the present provision in the Bill, we will be merely enacting a Provincial Insolvency Act which would probably be administered in a worse way than at present, because we have paid officers of the Government of the rank of Sub-Judges to do this duty now. It is unnecessary to bring into existence this kind of duplicate machinery. For these reasons I oppose the amendment."

* The Hon. the PRESIDENT:—"Mr. Krishnayya Choudari may move his amendment also." 12-45 p.m.

[9th November 1935]

Mr. P. V. KRISHNAYYA CHAUDARI:—"Sir, I move the following amendment: . . ."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I think, Sir, this amendment may perhaps be disposed of first. This is substituting a new clause for the whole clause 12, whereas Mr. Choudari's amendment introduces a supplementary sub-clause. The two amendments are quite different."

Mr. P. V. KRISHNAYYA CHAUDARI:—"I feel, Sir, there is not much difference between the clause as proposed in Mr. Koti Reddi's amendment and the one introduced by my amendment."

The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I also must oppose this amendment, and that strenuously. The reasons have been given by my Friend, Mr. Ramalingam Chettiyar. The main objections are two; one is that the amendment is directly contradictory of the very basis on which this Bill has proceeded; and secondly by increasing the number of those that come to an agreement, an element of compulsion is introduced. You will notice, Sir, from the wording of the clause, that if 70 per cent of the people agree, the agreement automatically becomes binding, not only so far as the agreeing parties are concerned but also as regards the remaining 30 per cent of the creditors who do not agree; they too are roped in. That is an impossibility because the element of compulsion is there."

"Then again, how does it protect people against frauds? It is very easy for any creditor to bring into existence promissory notes of a value of even Rs. 70,000, whereas an honest man who has parted with his money which is not 30 per cent—but comes to, say about 10 per cent of the debts—his promissory note will be on the same footing as the promissory notes forming the 70 per cent, many of which may be bogus and brought into existence only for the purpose of making up the 70 per cent. This will lead to any amount of fraud. This point has therefore to be taken into account."

"As regards the mortgagee, I do not mind if the mortgagee does or does not agree to a compromise which is fair—it is another matter, which is not important for this purpose. There may perhaps be a sort of relief shown to the mortgagees, but that question will be considered separately under the clauses that have been left over to be considered afterwards. But the main objection, as I said, is that the amendment is entirely antagonistic to the spirit with which this Bill has been brought forward and the basis on which it has been drafted. I oppose the amendment."

Mr. K. KOTI REDDI:—"Mr. President, I remain unconvinced by the arguments either of the Hon. Law Member or of the mover of the Bill. If, as I believe, it is the intention of this Bill to relieve indebtedness in this province, where 82 per cent of the people are heavily indebted—that is the statement of the special officer—unless some amount of compulsion is introduced, this Bill will be a dead letter and I do not think any good will come out of it. In order to

9th November 1935] [Mr. K. Koti Reddi]

bring in this element of compulsion, I have specially put in that as many as 70 per cent of the creditors should come to an agreement. If 70 per cent come to an agreement, I do not see why the other 30 per cent of the people should not be compelled to follow almost the same procedure or settlement that may be come to.

"With regard to the question of frauds, I do not know if the Hon. Law Member has forgotten the whole law about these things. Such frauds happen even to-day, in the insolvency courts; they may also happen in regard to the boards to be constituted under this Bill. Whether the percentage is going to be 30, 40, 50 or 60, under one or other of these amendments, the question is still there, and I don't think frauds can come in only if you fix 70 per cent."

"As regards the observation that this amendment goes entirely antagonistic to the spirit of the Bill, no doubt in the preamble it is stated that the Bill aims at an amicable settlement between the creditor and the debtor, but quite a fair amount of compulsion is already there. For instance, what is the difference between the original Bill and that as amended by the Select Committee? The one says 50 per cent, while the other says 40 per cent. The Law Member's amendment is for 60 per cent, and when that is carried—I hope it will be carried—this element of compulsion will still be there, because under the provisions of the Bill now, unless all the 60 per cent of the creditors are satisfied out of the assets, the other people cannot go against them. I do not think, Sir, even you can rule me out of order on this ground, because even now there is the element of compulsion in the Bill, and I only seek to raise the percentage by my amendment."

"As I said, Sir, my purpose in moving this amendment and also the other amendments which I have given notice of, is to have a comprehensive scheme of settlement of all indebtedness in this province. If a large number of people come to some sort of settlement, you can accept it because it is voluntary; but if anybody does not agree to such agreement, then my amendment comes in. If my amendment is carried, this board will be given powers to settle debts, not arbitrarily, but on certain well-known principles which this Council considers fair and proper. Having regard to the fact that the price of land and of agricultural products has gone down heavily, I don't think there can be any injustice here. The Government must, in such extraordinary situations, come to the relief of the poor people. Other Governments in other countries have done it; why not this Government do the same? Other Governments have tried to give some relief, whenever such situations arose, on account of inflation of currency or some such thing, by seeing to it that the prices were kept at a certain level. This is the only possible way of meeting such a situation; and this Government have not done anything so far in that respect. So, Sir, if the Government cannot come forward now and show their sympathy by relieving the indebtedness of the ryot, I do not know what else they are going to do. My amendment is quite fair and just, and I hope the House will carry it."

[9th November 1935]

* The Hon. the PRESIDENT:—"I think the House is ready for a vote. The question is:

'For clause 12, substitute the following:—

"12. If the creditors to whom not less than 70 per cent of the total amount of the debtor's debts are owing come to an amicable agreement with the debtor, the Board shall pass such order as it thinks fit, regarding the terms on which the remaining debts of the debtor shall be settled; such agreement and order shall be reduced to writing in the form of a settlement recording the amounts payable to such creditors, and the manner in which and the assets on which and the times at which they are to be paid; provided that when a secured creditor does not agree to the settlement, such shall not affect his rights to proceed against the secured property provided the Court is at liberty to disallow the plaintiff any costs in such suit, and the interest on the secured debt accruing after the date of such settlement where the Court considers the offer made by the debtor is fair."

The amendment was put and lost.

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

'Insert the following as new sub-clause 12 (1) and re-number the remaining sub-clauses:—

"(1) If the creditors to whom not less than 60 per cent of the total amount of the debtor's debts are owing come to an amicable settlement with the debtor, such settlement shall be forthwith reduced to writing in the form of an agreement, recording the amounts payable to such creditors and the manner in which and the assets from which and the times at which they are to be paid. Such agreement shall be binding on all the creditors of the debtor, inclusive of those who have not joined in the agreement, and the amounts due to such creditors shall be calculated on the same principles as those which were applied to the creditors who did join in the agreement."

"Mr. President, this amendment is entirely different from the one which we have just thrown out; it only seeks to introduce a new sub-clause under clause 12, as amended by the Select Committee. This provision is already contained in the Bengal Act. When once 60 per cent of the creditors accept a settlement of their debts, the remaining 40 per cent also must accept the arrangement, so that the debtor may be relieved as quickly as possible. I have no objection to its being enforced in cases in which the Board considers such compulsion equitable.

9th November 1935] [Mr. P. V. Krishnayya Choudari]

"This Bill will come into operation only in cases where the debtor goes to the Board saying that he is unable to discharge his debts. If, however, in the normal course he thinks he can discharge the debts, he need not go before the Conciliation Board at all. Although such a debtor may not exactly come under the Insolvency Act, yet, it is only when he reaches the stage of insolvency and says that he is not able to discharge his debts that he comes before the Board. Therefore, although we do not call him an insolvent, the fact is there that he is more or less an insolvent. Even under the Insolvency Act, I think if 75 per cent of the creditors accept a settlement, the rest should agree to abide by it. Only, in that case, the matter is settled by one individual called the Official Receiver; while, under this Bill, the Board which consists of three members, may exercise their influence in making them accept a settlement. The Official Receiver is generally an autocrat and may decide favourably in regard to particular loans and invalidate others. So, much benefit is not derived by the creditors if they go and make representations to the Official Receiver. That is why, Sir, I say people may choose to go to this Board. My amendment is a very reasonable one and I hope it will be accepted."

* Mr. G. R. PREMAYYA:—"Mr. President, Sir, I second this amendment. In doing so, I want to say a few words. The hon. the Mover of the amendment called this amendment a reasonable amendment, but I would call it a wise amendment. My hon. Friend, Mr. Krishnayya Choudari, usually does not leave anything for the seconder to say but threshes out questions very well. Now, Sir, in the Select Committee the figure 40 was accepted. But that figure is now found to be too low, and my hon. Friend, Mr. Koti Reddi, suggested 70 per cent and it was voted down just now; now my hon. Friend, Mr. Krishnayya Choudari, suggests that 60 per cent should be the figure. This being a reasonable figure, I hope that neither the Mover of the Bill nor the Member in charge would have any difficulty in accepting this amendment. With these few words, I second the amendment."

* Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, it is worth noting that there is a fundamental difference between the amendment which we have just now disposed of and the amendment which is now before the House. The amendment moved by my hon. Friend, Mr. Koti Reddi, wanted to substitute a clause in the place of clause 12 which is a substantial provision in the Bill, by introducing an element of compulsion. That was making the provisions of the Bankruptcy Act. Bankruptcy Bill minus some of the provisions of the Bankruptcy Act. This amendment, on the other hand, seeks to add to the provisions contained in clause 12. The existing sub-clause (1) proceeds on the basis of a voluntary agreement between the debtor and the creditors having a certain percentage of the total amount of the debts which agreement, when considered equitable by the Board, shall be reduced to writing and after going through the procedure which is mentioned in the other clauses, be binding upon those who are parties to that agreement. Now, Mr. Krishnayya Choudari's amendment creates two new points. One is, it creates compulsion. That is, if the creditors having

[Mr. T. C. Srinivasa Ayyangar] [9th November 1935]

60 per cent of the debts agree to a settlement, then the creditors having the other 40 per cent of the debts who do not agree, shall be compellable to accept the settlement. In addition, it also does away with the provision that the Conciliation Board must agree to it and consider it equitable. So, whether the Conciliation Board considers it equitable or not and whether the other creditors owning the 40 per cent of the debts agree or not, when the 60 per cent agree, it shall *eo instente* be reduced to the form of an agreement and all the creditors owning the 100 per cent of the debts shall be bound thereby. Now, two questions arise, namely, whether by the introduction of such a principle of compulsion the main principle of the Bill would not be so radically altered and whether we are not passing another parallel Act to the Provincial Insolvency Act. That will be one question. Assuming that an element of compulsion is necessary, under what circumstances we are to introduce it? Are we to do away with the jurisdiction of this Conciliation Board, and their consideration whether this agreement between the creditors owning the 60 per cent of the debts and the debtor shall, by the very force of that agreement and without an addition of a judgment by the Conciliation Board, be binding upon other persons who do not agree with it. Can you agree to that? When the element of compulsion is sought to be introduced, the intervention of a judicial body will always be necessary so that the interests of the other people who have objections thereto may be considered by a disinterested body, and the settlement may be forced on the unwilling party. If Mr. Krishnayya Choudari would be willing to allow the safeguard of judicial consideration by the Conciliation Board, one difficulty will disappear. Then there is the other item, namely, whether there is not a compulsion, even though after a judgment, and whether the Bill can be called a Conciliation Bill? A civil court or other judicial bodies by virtue of the powers which Government have given them are able to pronounce a binding judgment—whether people are agreeable to it or not. This Bill creates boards for conciliation. These are all very important circumstances to be taken into consideration.

“Then, Sir, there is another matter. Even in respect of the existing sub-clause, the other amendments which follow are not satisfied with 40 per cent, but they want 60 per cent, while there is no element of compulsion and while the need for the judgment of the board about the equitable character of the arrangement exists. I desire very much that the House is enlightened upon this aspect of the question, or rather I should say, upon this very material aspect of the matter, by the Hon. the Law Member and the hon. the Mover of the Bill.”

Mr. G. RAMESWARA RAO:—“Sir, in the light of the observations made by my hon. and learned Friend, Mr. Srinivasa Ayyangar, I move that—

‘In Mr. Krishnayya Choudari’s amendment, before the second sentence the following words be inserted:—

“If the Board considers the agreement reasonable and equitable.”’

9th November 1935] [Mr. G. Rameswara Rao]

As amended, the sentence will run thus:

‘If the Board considers the agreement reasonable and equitable, such agreement shall be binding on all the creditors of the debtor, inclusive of those who have not joined in the agreement . . . in the agreement.’”

The amendment was duly seconded.

Mr. P. V. KRISHNAYYA CHOUDARI:—“Sir, I have no objection to the inclusion of the words at the beginning of the second sentence of my amendment, as suggested by my hon. Friend, Mr. Rameswara Rao.”

* Rao Bahadur Sir A. P. PATRO:—“Sir, I hope the hon. Member, Mr. Krishnayya Choudari, who is so enthusiastic in supporting the principles of this Bill, would not press this amendment for this reason that it cuts across the fundamental principles of this Conciliation Bill. If he understands that it is a Bill for the purpose of bringing the debtor and the creditor together, conciliating between them so that a compromise might be effected between them; and if they do not accept the compromise to introduce a system of compulsion by which a certain people should be compelled is a principle not conceived of in this Bill. Sir, if the principle of compulsion was first introduced in the Bill, we would not have allowed this Bill to go to a Select Committee. Therefore, I think, on this ground, the hon. Member will reconsider his position. I think that this being opposed to the fundamental principles of the Bill, his amendment cannot be accepted.

“Then, Sir, there is another point which my hon. Friend said, namely, when so many people agree and some cantankerous people do not come to terms, what is the provision made in the Bill in order to bring such people round. But, he forgets in his enthusiasm to consider what happens in an insolvency case. It is easy for an influential debtor to create so many debts in order to make it up to 50 or 60 per cent; and are the real creditors to suffer for the sake of a bogus transaction which the debtor is able to bring about? It is the experience of lawyers in insolvency courts, how a debtor is able to manipulate and bring about a large number of creditors which practically swallows the bulk of his property so that only very little will be left to the real creditor. On this ground also, I oppose this amendment.

“My third objection is that in other provinces also, this Conciliation Board is intended to be made a sort of arbitration court. There, the Board has not got all the powers of a court under the Civil Procedure Code, but for certain purposes powers are vested in the Board, but nevertheless they are considered to be courts according to the Civil Procedure Code. Then, Sir, these summary boards are intended for the purpose of disposing of in a summary manner cases of this sort and it is better that the creditor and the debtor are brought together and the decision that is come to by the Board is given effect to. Otherwise it will mean the taking away of the real principle of arbitration. Even according to section 12 of the Central Provinces Act, there is a provision to the effect that where you find 40 per cent of the people

[Sir A. P. Patro] [9th November 1935]

agree, it is possible for the Board to intervene. Section 12 of the Central Provinces Act says:

'If the creditors to whom not less than 40 per cent of the total amount of the debtor's debts are owing come to an amicable settlement with the debtor, such settlement shall forthwith be reduced to writing in the form of an agreement recording the amounts payable to such creditors and the manner in which and the times at which they are to be paid'

Therefore, what is proposed in this Bill or what is intended in the matter of legislation for conciliation is an amicable settlement between the debtor and the creditor. Of course, it is true that the creditor knows that he will not be able to realize his full amount from the debtor. So, the best thing that can be done in order that both the creditor and debtor might come to some understanding is to create a Conciliation Board and not to create it for the purpose of introducing compulsion which could be enforced. After all, what is the sanction behind this enforcement. Are these decisions of the Board to be treated as decrees of civil courts and execution proceedings taken in accordance with the Civil Procedure Code? That is a point which the hon. the Mover of the amendment has altogether omitted. There is also this further complication in the case of secured creditors if compulsion is introduced. Therefore, it will be opposed to the principle of the Bill, wherein it is stated if secured creditors do not agree to the proposal, they will have their own remedies in civil courts. If they think there is any unreasonableness in accepting the decision of the Board, it will be open to them to charge 6 per cent interest. It therefore seems to me to be wrong in principle to introduce this principle of compulsion. Similarly in the Punjab Act, no provision for compulsion is found. The Board should be free to act as an arbitrator between both the creditor and the debtor in order to come to a reasonable understanding in the matter. Nowhere is there any legislation which provides for compulsion, as it would mean cutting across the principle of the Bill. On this ground also I think it would be wrong to accept the amendment. I therefore oppose this amendment."

1-15 p.m. * Mr. C. BASU DEV:—"I am unable to give my support to the amendment moved by my hon. Friend, Mr. P. V. Krishnayya Choudari. The clause as it stands serves the purpose. I feel sure that in the existing clause itself there is the necessary amount of compulsion. If hon. Members refer to clause 15, sub-clause (3), they will find this element of compulsion though in an indirect way convinced. With your permission, Sir, I will read it:

'Where after the registration of an agreement under sub-section (2) of section 12, any unsecured creditor sues for the recovery of a debt, other than a debt incurred subsequent to such agreement in respect of which a certificate has been granted under sub-section (1) or any creditor sues for the recovery of a debt incurred after the date of such agreement any decree passed in such suit shall, notwithstanding anything contained in the Code of Civil Procedure, 1908, not be executed until all amounts recorded as payable under such agreement have been paid.'

This provision restrains a unsecured dissenting creditor from executing the decree he may obtain against the debtor after the registration of an agreement until all amounts recorded as payable under such

[9th November 1935] [Mr. C. Basu Dev]

agreement have been paid. This is pure and simple compulsion though expressed indirectly and is as binding upon the dissenting creditor as upon the consenting creditor. In increasing the percentage of creditors from 40 to 60 per cent for settlement, Sir, my hon. Friend, Mr. P. V. Krishnayya Choudari, is only suggesting a more reactionary amendment and certainly not an improvement on the provision contained in the Bill."

The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I feel bound to oppose this amendment. I shall briefly examine my hon. Friend Mr. P. V. Krishnayya Choudari's arguments and the arguments advanced on both sides of the House. In the first place here is a direct element of compulsion which is inconsistent with the principles of the Bill. Moreover conciliation and compulsion cannot go hand in hand especially in a statute. That is my chief objection. Now, Sir, my hon. Friend, Mr. Krishnayya Choudari, referred to a similar provision in the Bengal Bill. In the first place, Sir, I think it is very unreasonable to cite as an authority the Bengal Bill for various reasons. It is only a Bill. We do not know what amendments will be forthcoming in the Bengal Council or in the Select Committee and it is doubtful whether Bengal Council will accept it or not. Therefore it is incorrect to quote the provisions of the Bengal Bill. Moreover, the scheme of the Bengal Bill is quite different from that of the present Bill. For instance, the Bengal Bill creates a board and a commissioner. The commission has to permit this board to take action under the sections of the Bill. For instance, the provision which is referred to by my hon. Friend, Mr. P. V. Krishnayya Choudari, is clause 19 of the Bill. Under that clause the Board is authorized to have jurisdiction over that matter. If the commissioner refuses that sanction, the Board will have no power to act under clause 19 of that Act. We have no commissioner here. To rely upon that provision which is liable to change and to cite it as an authority for us passes my comprehension. Then, Sir, my hon. Friend, Mr. P. V. Krishnayya Choudari, in the amendment before us has included debts incurred under mortgages. It is bound to lead to complications. Section 15 of our Bill does effectuate some sort of compulsion. When the principle under that section is accepted, where is the fear about compulsion? It is only a compulsion of a voluntary nature. When this new provision under discussion came up before the Select Committee the Chairman of the Committee had ruled that the sort of compulsion intended by my hon. Friend, Mr. P. V. Krishnayya Choudari, was naturally different from that which was contemplated in the Bill. This is what the Chairman said:

'He drew the attention of the Select Committee to the relevant portions of Mr. Ramalingam Chettiar's speech at the second reading stage wherein he had stated that the Bill was of a voluntary nature. He stated that though there might be a certain element of indirect compulsion in the Bill, it did not contemplate any direct compulsion. He further stated that the Bill, the principles of which were approved by the Legislative Council, was mainly voluntary in nature and held that the amendment which sought to introduce direct compulsion was beyond the scope of the Bill and hence ruled it out of order.'

[9th November 1935]

Mr. P. V. KRISHNAYYA CHOUDARI:—" Mr. President, Sir, I rise to a point of order. It is the Chairman of the Select Committee that has ruled it out of order. As long as the Hon. the President is pleased to permit me, I do not see any reason why that ruling should be cited here."

* The Hon. the PRESIDENT:—" There is no point of order."

The Hon. Sir K. V. REDDI NAYUDU:—" I may point it to the House that there is a difference between the so-called indirect compulsion in clause 15 and the direct compulsion contemplated under this amendment. The clause before the House which is moved by my hon. Friend, Mr. P. V. Krishnayya Choudari, goes far beyond the scope of the Bill. It makes the settlement compulsory in all respects. There is a world of difference between the two. I therefore feel that it is impossible to accept it."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Mr. President, Sir, the first question the Hon. Member has said is that it is only a Bengal Bill and so you cannot give any value. My answer to that objection is this. The Bengal Bill was not introduced by a non-official member like our hon. Friend Diwan Bahadur T. A. Ramalingam Chettiyar, but on the other hand it is introduced by the Executive Councillor. But nevertheless this Government has taken the privilege to pass this measure in spite of certain objectionable features in the Bill. So, I leave it to the House and I am not anxious to press my amendment."

1-30 P.M. "The creditors need not go to the court and pay the amounts as court-fees for the realization of their money. Thereby, there will be a loss in the revenue we get from that source. If a certain amount of compulsion is not introduced in this Bill, I am afraid, Sir, this Bill will not confer any benefit on the debtor but on the other hand will help the creditor. I am not anxious to support any measure like this which supports the creditors especially when you are to lose some revenue under stamps and court-fees. I therefore press my amendment."

The amendment was put and carried.

The amendment of Mr. Krishnayya Choudari, as amended, was put and declared lost. A poll being demanded, the House divided thus:

Ayes.

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| 1 Sriman M. G. Patnaik Mahasayo. | 7 Rai Sahib C. Kolanda Reddi. |
| 2 Mr. K. Pattabhiramayya. | 8 Mr. K. Koti Reddi. |
| 3 " C. Indrayya. | 9 " P. V. Krishnayya Choudari. |
| 4 " G. Sriramulu. | 10 Diwan Bahadur M. Gopalaswami Mudaliyar. |
| 5 " M. B. Rangaswami Reddi. | 11 Mr. Mahboob Ali Baig. |
| 6 " G. R. Premayya. | |

Noes.

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|-------------------------------------|---|
| 1 The Hon. Sir K. V. Reddi Nayudu. | 4 The Hon. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 2 " Rao Bahadur A. T. Pannirselvam. | 5 " Mr. P. T. Rajan. |
| 3 " Mr. C. A. Souter. | |

9th November 1935]

Noes—cont.

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| 6 Diwan Bahadur C. Natesa Mudaliyar. | 31 Rao Sahib C. Jayaram Nayudu. |
| 7 Mrs. K. Alamelumangathayaramma. | 32 " D. V. Narasimhaswami. |
| 8 Mr. W. Scott Brown. | 33 " Pandit Ganala Ramamurti. |
| 9 " H. R. Uzieli. | 34 Mr. K. Kesavaramamurti Nayudu. |
| 10 " C. E. Jones. | 35 Diwan Bahadur T. A. Ramalingam Chettiyar. |
| 11 " G. T. Boag. | 36 Mr. T. C. Srinivasa Ayyangar. |
| 12 " R. Madanagopal Nayudu. | 37 " Abdul Hameed Khan. |
| 13 " T. B. Russell. | 38 " V. T. Arasu. |
| 14 " T. Sundara Rao Nayudu. | 39 B. Pocker Sahib Bahadur. |
| 15 Khan Sahib Syed Tajuddin Sahib Bahadur. | 40 Rao Bahadur P. C. Muthu Chettiyar. |
| 16 Mr. R. M. Palat. | 41 Mr. Ahmed Meeran. |
| 17 " I. C. Iswaran Pillai. | 42 " K. A. Nachiyappa Gounder. |
| 18 Rao Bahadur R. Srinivasan. | 43 " M. A. Muthiah Chettiyar. |
| 19 Mr. W. K. M. Langley. | 44 " M. S. Sreshta. |
| 20 The Raja of Parlakimedi. | 45 " K. M. Duraiswami Reddiyar. |
| 21 The Zamindar of Kirlampudi. | 46 " J. A. Davis. |
| 22 Mr. P. C. Moses. | 47 Rao Sahib V. I. Muniswami Pillai. |
| 23 " P. V. Rajagopal Pillai. | 48 Mr. T. Narasa Reddi. |
| 24 " V. G. Vasudeva Pillai. | 49 " H. M. Jagannatham. |
| 25 Rao Sahib V. Dharmalingam Pillai. | 50 Subadar-Major S. A. Nanjappa Bahadur. |
| 26 Rao Bahadur D. Krishnamurti. | 51 Mr. V. P. Narayanan Nambiyar. |
| 27 Sir A. P. Patro. | 52 " C. Basu Dev. |
| 28 The Zamindar of Bodinayakanur. | 53 " K. P. Raman Menon. |
| 29 Khan Bahadur T. M. Moidoo Sahib Bahadur. | 54 " P. M. Thangal. |
| 30 Mr. M. Vedachala Mudaliyar. | |

Neutral.

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| 1 Mr. M. Devadasan. | 5 Mr. Basheer Ahmed Sayeed. |
| 2 " P. K. Ramachandra Padayachi. | 6 " M. A. Manikkavelu Nayakar. |
| 3 " G. Simhachalam Pantulu. | 7 " G. Rameswara Rao. |
| 4 " Yakub Hasan. | 8 Mrs. A. Rukmani Lakshminpathi. |

Ayes 11. Noes 54. Neutral 8.

The motion was lost.

The House adjourned for lunch.

After Lunch (2-30 p.m.)

The discussion on clause 9 which had been adjourned was resumed.

Clause 9.

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—" So far as clause 9 is concerned, this is all the amendment that will be necessary, Sir—
"In sub-clause (3), add at the end the following words: "for the recovery of the debt"; and in the proviso after the word "board," insert the words "or the court," and at the end of the proviso, add the following words: "in any proceeding pending before it"."

Mr. G. RAMESWARA RAO:—" I second it."

The amendment was put and carried.

[9th November 1935]

Mr. G. Rameswara Rao's amendment was by leave withdrawn.
 Clause 9, as amended, was put and carried.

Clause 12.

* Mr. M. DEVADASAN:—"I beg to move—

'In sub-clause (1), add the words "majority of" after "if" in line 1. Delete the words beginning from "to whom" and ending with "owing".'

"I do not want to make a long speech considering the fact that two amendments which were taken up have failed. I am not sure whether my amendment would receive the same fate. In this case, Sir, it seems the adoption of forty per cent of the debt as the amount which is accepted by the creditors should be the principle on which the agreement should be based. It is an arbitrary principle. Mr. Ramalingam Chettiyar stated that he was in favour of fixing fifty per cent of debt on which an agreement should be made. In the Select Committee it was reduced to forty per cent. The members of this House are not unanimous on the subject of the principle of adopting any condition in coming to an agreement. In the amendment that follows mine, the Hon. Sir K. V. Reddi has given an amendment to have sixty per cent instead of forty. So, the House has not come to any definite principle on the quantum of debt. There is no reason why my amendment should not be accepted. I find, Sir, even among the creditors there are secured and unsecured ones. If they come to any understanding there is no reason why that understanding should not be proceeded upon by the conciliation board. Some of the speakers who preceded me said in the course of their speeches that this Bill seeks to introduce compulsion and such a thing should not be encouraged at all. In a legislation, Sir, certain amount of compulsion is necessary; otherwise any law will not have any effect. In this Bill we do not make any provision for compelling the other creditors to come to a term. The creditors would not come to any terms. If more than fifty per cent would come to an agreement, others would follow them. Again, Sir, my experience in boards and councils tells me that when a majority agreed to a settlement the minority has also to fall in line with them. The majority might have been actuated by considerations of their own. It is not necessary that all should have common interest. So, I ask the House, Sir, to consider this amendment and give their acceptance to the amendment. I do not want to say further. My Friend, Mr. Ramalingam Chettiyar, already stated that the whole Bill rests on clause 12. If clause 12 is altered in one way or the other it would defeat the object of his Bill. My amendment does not alter the Bill; and would not be injurious either to the creditor or the debtor. It might meet the views of all the Members of this House, since the majority of the creditors might own 40, 50, 60 or 70 per cent of the estate of the petitioner. So, I submit that this amendment should be accepted by the House."

Mr. M. B. RANGASWAMI REDDI:—"I second it."

[9th November 1935]

Mr. P. V. KRISHNAYYA CHOUDARI:—"I am sorry I have to oppose the amendment. He wanted to know the reason why we changed from fifty to forty. In the Select Committee I moved the amendment for a reduction to forty. I shall explain why I reduced it. It does not depend upon majority for acceptance because there is no element of compulsion in it. If forty per cent of the creditors are going to have an amicable settlement and the Board feels that it is a reasonable one they can allot forty per cent of the properties of the debtor to the forty per cent and discharge them and they will be eliminated from the operation of the other creditors. So there is no majority needed for this settlement. If forty per cent are reasonable and want to give release to the debtor and get out of the muddle why should we prevent them. There is no necessity for us to say that the majority should be there for even the settlement."

"Suppose one creditor comes and says: 'Please settle my accounts. I am prepared to take even 2 annas or 3 annas in the rupee.' So long as that settlement is not forced upon the rest of the creditors, I see no force in the argument of my hon. Friend, that the majority of the creditors should agree. This is exactly what we discussed in the Select Committee and came to the conclusion that forty per cent is sufficient. I appeal to the Hon. the Law Member to drop his amendment coming up later on to raise the figure to sixty per cent and to accept the Select Committee's decision."

The Hon. Sir K. V. REDDI NAYUDU:—"I move—

'In sub-clause (1)—

- (a) *In line 2, for the words "forty per cent," substitute the words "sixty per cent."*
- (b) *In line 3, for the words "are owing," substitute the words "is owing."*
- (c) *In line 7, omit the word "and" occurring before the words "the assets from which".'*

"Sir, Mr. Devadasan's amendment is a logical one and I am only putting a definite figure. Mr. P. V. Krishnayya Choudari suggested: 'What is there in this, so long as it is not binding upon the others?' The point is this: Even though it is not binding in the strict sense of the word, there are still certain consequences which follow this percentage. Under section 15, as pointed out by Mr. Krishnayya Choudari, the distribution of the assets will follow a certain course, if forty people agree. Now what is the point in putting only forty except that the Central Provinces Bill contains forty? If my hon. Friend's argument is correct, it will come to this? Even twenty per cent would be enough. (Messrs. Krishnayya Choudari and Ramalingam Chettiyar: 'Certainly. "Any creditor" is the expression used in the Bengal Bill.')

"Sir, I submit that my amendment is a reasonable one."

[9th November 1935]

Rao Bahadur Mr. P. C. MUTHU CHETTIYAR:—

“ஆனரபிள் லா மெம்பருடைய அமென்டுமென்ட்ஸ். ஆதரவுகள்.”

“மெஜாரிட்டியினுடைய இஷ்டத்துக்கு மைனாரிட்டி உள்பட்டிருக்க வேண்டுமென்று எல்லாருக்கும் சரியே. உலகம் தெரிந்த விஷயம். அப்படியிருக்க மெஜாரிட்டியை மைனாரிட்டியினுடைய அபிப்பிராயத்துக்கு உட்பட்டிருக்க வேண்டுமென்பது கூடாதகாரியம். 100-க்கு 40 பெர்செண்டு என்று சொல்பது மெஜாரிட்டியை மைனாரிட்டிக்கு உட்படுத்தியதாக ஆகிறது. நான் இதைத் தவிர்த்தேன். அது சரியல்ல. லா மெம்பரவர்கள் சொல்லுகிறபடி. 100-க்கு 60 அப்படி வைப்பது யாவருக்கும் ஆசைப்படுகிற யிராது.”

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—“Sir, the Select Committee considered this question at great length and arrived at this figure. It may be remembered that in the Bill as introduced, I had put 50 per cent even though in the Central Provinces Act the figure was 40 per cent. There is no use going into the rights and wrongs of all these things again at the present moment. I would move, Sir, that, as the Hon. the Law Member only wanted that the figure should be more than 50 per cent—

‘for the words “not less than forty per cent” in lines 1 and 2 of sub-clause (1) the words “more than fifty per cent” be substituted.’”

The amendment was duly seconded.

Mr. K. KOTI REDDI:—“Mr. President, I feel that there is a lot of difficulty in this. Whatever percentage you may fix, it seems to me that this is a very dangerous and difficult provision to work. I shall give a specific example where this would work a great hardship. Supposing a debtor's property is valued at Rs. 5,000 and he has debts to the extent of Rs. 10,000. Sixty per cent of the creditors agree to the settlement and the rest do not agree. The Board steps in and settles their claim leaving property worth Rs. 1,000 to the other creditors. This means that the creditors who agree get double in proportion to those that do not agree. If this is not compulsion, I do not know what it is. If the Board wants they can compel every creditor to come to a settlement by saying: Well, if you do not agree we are not going to allot any specific assets for you. We will give so much only and nothing more. What is there in this Bill to prevent the Board doing that? Is it not compulsion? Well, Sir, I do not object to that, provided you follow certain definite principles giving no discretion whatsoever to this Board. That is my point. I wanted to put matters right, but the Council was against it. Now, as it is, we have entirely to rely on this Board, and, from my experience of some officers, I do not know what all influences will be brought to bear upon them. Therefore I would be very reluctant to make a provision like this. If at least 60 or 70 per cent of the creditors agree to settlement, there is some justification in compelling the rest. But as it is, this is absolute compulsion and nothing more and nothing less. Under this provision every creditor can be compelled to come to an agreement. I hope the Hon. the Law Member will make some provisions by which this hardship can be mitigated.”

[9th November 1935]

The Hon. Sir K. V. REDDI NAYUDU:—“Mr. President, after hearing the remarks of my hon. Friend, Mr. Ramalingam Chettiyar, I am inclined to accept his amendment and withdraw item (a) in my amendment.”

Item (a) of the amendment of the Hon. the Law Member was, by leave, withdrawn.

Mr. Devadasan, with the leave of the House, withdrew his amendment.

The amendment of Mr. Ramalingam Chettiyar to substitute for the words ‘not less than forty per cent’ in lines 1 and 2 of sub-clause (1), the words, ‘more than fifty per cent,’ was put and carried.

Items (b) and (c) of the amendment of the Hon. the Law Member were then put and carried.

Mr. G. RAMESWARA RAO:—“I move—

*‘At the end of paragraph 1 of sub-clause (1), add the following:—
“who have agreed to the amicable settlement.”’*

“The last sentence says:

‘Such agreement if considered equitable by the Board shall be read out and explained to the parties concerned, and shall be signed or otherwise authenticated by the Board and the parties.’

“I only make the meaning clearer by adding the words ‘who have agreed to the amicable settlement.’”

The amendment was duly seconded.

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—“I accept the amendment.”

The amendment was put and carried.

* Rai Sahib C. KOLANDA REDDI:—“Sir, I beg to move—

‘Delete the second proviso to sub-clause (1).’

Along with it, I must also move for the deletion of the definition of ‘Secured Debt’ in sub-clause (i) of clause 2. Then again I must move for the addition of the words ‘or any lien or charge created by deed, statute or otherwise’ to the definition of ‘debt’ after the word ‘limitation.’

“There is also another amendment which I wish to move and which 3 p.m. reads as follows:—

‘For the second proviso substitute the following:—

“Provided further that when a secured creditor does not agree to the settlement he shall be entitled to proceed against the secured property only to the extent calculated on the basis of the value of the said property on the date of the issue of loan.”

[Mr. C. Kolanda Reddi] [9th November 1935]

Explanation.—The value of the property referred to above may be determined by rules framed by the Local Government under this Act.”

“Now, Sir, I shall explain how all these amendments go together. The hon. the Mover of the Bill did not make any distinction between a secured debt and unsecured debt when the Bill was introduced but when the Bill was passing through the Select Committee stage the Hon. the Law Member sought to make a distinction between secured and unsecured debts. Having done so, he has introduced the definition of ‘secured debts’ in sub-clause (i) of clause 2. As though it were not enough, he has introduced a proviso in clause 12 in which he has given a certain privilege to the secured creditor. I may submit that this Bill is useless as it has already been admitted by everybody. It is more or less an innocuous measure. As though it was not sufficient the Hon. the Law Member has rung the death-knell by making this distinction between a creditor and a creditor and between secured and unsecured debts. I say this distinction made by the Hon. the Law Member has rendered the Bill useless in this way: the Special Officer Mr. Sathianathan says that about 40 per cent of the debts are secured. That is with regard to the number. With regard to the amount in fact, every debt worth the name is secured or mortgage debt. If this Bill becomes an Act, it does not affect the interests of the secured creditor. Then what is the good of this Bill at all? It will not afford relief to the ryot in whose interest it has been introduced. Now a similar Bill was introduced in the Central Provinces and it has been passed into an Act and in that Act they seem to be more sympathetic than our enlightened Presidency in this way, viz., that they make no distinction between secured and an unsecured debt. But still the sky has not come down there. But the Hon. the Law Member is ultra particular about making a differentiation between secured and unsecured debts in this Bill and God knows where it will lead to. The Hon. the Law Member’s difficulty is that if we do not consider the secured debts as sacred, then we shall be transgressing the provisions of the Transfer of Property Act. In the Central Provinces they have transgressed that Act and what harm has been caused there? The Central Provinces is still going on as usual. Of course when we introduce a new measure, there cannot but be some clash between the provisions of the new measure and some of the old measures and that is why we always obtain the sanction of the Governor-General for introducing any new measure. Even without this distinction and even according to the original Bill there is some clash. I just ask hon. Members of this House whether the provisions of this Bill do not clash with the provisions of the Civil Procedure Code and with those of the Limitation Act. Now, Sir, according to the Bill, if any case is pending before the Conciliation Board, the ordinary Civil Court should not take cognizance of it; at least it must allow the thing to lie over. Again if any application is pending before the Conciliation Board, any Civil Court should not take into account the period of pendency before the Board for the purpose of limitation concerning that suit,

9th November 1935] [Mr. C. Kolanda Reddi]

and if the Conciliation Board gives any certificate and then if the creditor proceeds against the debtor in a Civil Court, he will not be allowed any costs even if he wins. I want to show by all these instances that this Bill, even without making any differentiation between secured and unsecured debts, does clash with the provisions of the previous Acts. So the reasons adduced by the Hon. the Law Member cannot be said to be tenable.

“I say, Sir, that this Bill is not only useless by the introduction of this distinction, but it is also dangerous and frustrates the very objects with which the Bill has been introduced. Do you not think that if the secured creditors are placed on a higher pedestal than the ordinary creditors, the latter will not come to any agreement for the fear that the secured creditors will carry away the major portion of the assets of the debtor? So I think the distinction made by the Hon. the Law Member is invidious and will not be of no good to the ordinary debtors. Hence I propose that the definition and also the proviso be dropped.

“Now, with regard to the proviso that I want to introduce in place of the second proviso, introduced by the Hon. the Law Member, if my amendment is not accepted, the other unsecured creditors may have no property to fall back upon. Of course if the other unsecured creditors do not come to an agreement with the secured creditors, the latter can proceed against the secured property only to the extent calculated on the basis of the value of the said property on the date of the issue of loan.”

Mr. C. BASU DEV:—“I rise to a point of order, Sir. May I ask whether the amendments which the hon. Member is moving are not inconsistent with each other. He wants to safeguard the position of secured creditors in his second amendment and by his first amendment he does not want that their rights should be safeguarded. Are not the two amendments inconsistent with each other.”

* The Hon. the PRESIDENT:—“For the sake of convenience I thought that both the amendments might be moved and discussed together.”

* Rai Sahib C. KOLANDA REDDI:—“Sir, the value of the land has fallen by 50 per cent or thereabout. When a property was mortgaged, while it was worth Rs. 1,000 then, now it is worth only Rs. 500, but at the same time the debt on that land has grown larger by the accumulation of interest. So the secured creditor must be entitled only to that portion of the property the value of which will be calculated on the basis of the value on the date of the issue of loan. With regard to the distinction made between ‘secured’ and ‘unsecured’ debts, although my Hon. Friend the Law Member is a ryot himself partially, he has not realized the deplorable position of the ryot at present and in fact when this Bill was introduced by common consent it was thought that it would afford some kind of relief to the ryot. But my Hon. Friend says that there will be a certain amount of compulsion if there is no agreement.

[Mr. C. Kolanda Reddi] [9th November 1935]

And compulsion and agreement cannot go together. But I ask whether 'repression' and 'Reforms' can go together. But are they not? If Government want they will swallow a camel and if they do not want they strain at a gnat. If the Hon. the Law Member wants he can do away with the distinction that he wants to make between a secured debt and insecure debt. If he insists upon such a distinction being made it will serve no useful purpose, because my experience is confined to Kistna district—only every debt worth the name there, is a mortgage debt excluding of course hand-loans, chit-loans and other small loans of that sort. Excluding these classes of loans which are but small, 90 per cent of the loans there are secured loans and the provisions of this Bill are not going to cover them. Of course such a provision may serve one person the Hon. the Law Member, and the usurer. The Bill is a capitalistic measure, and does not serve the poorer class of people. The mover of this Bill is a Chettiyar and as the name indicates generally the people think that he is a Komati sowcar and brought forward such a measure to help his castemen. But they do not know that he is as good a man as anybody else. They think that he has introduced this Bill in order to help his own caste men, because it seems to help more the creditor than debtor.

3-15
p.m.

"Of course we can have under clause 14 this application pending for twelve months. And then what becomes of it? It is dismissed. My hon. Friend will say there should not be any compulsion at all in these days of democracy, in the 20th century. But did not compulsion prevail in those days of grain famine and grain control? The ryots would not give up their grain at ordinary prices, but what did the Government do? They commandeered all the granaries of the ryots, practically broke open the granaries and distributed the grain as though it was all their own, to people who were not ryots, at nominal prices. Of course the ryot did not resist it then for the reason that he thought then and rightly so, that the Government as Government had every right to protect the people from famine. Now the ryot says, 'I (the ryot) am in the same position as other people were in 1918 to 1922, the control days when the Government came to the rescue of other people than I at my expense. I ask: what is the Government doing for me too? Is it not their bounden duty to help me now that I am crushed by the monster of economic depression and I am down and out?' The Government sleeps complacently, or dozing like lotus-eaters. It has been repeated times without number that in this agricultural country the ryot alone is the foundation, the basis and the backbone of the whole society as well as the Government. It is admitted on all hands that he is being crushed. If the foundation crashes and goes, the Government and the whole society depending upon it must collapse. Therefore I ask: do you really attach that consideration to the matter which it really deserves? Certainly not.

"Sir, this economic depression has been oppressing the whole world. All other Governments in the world have been taking steps to ameliorate the condition of the ryots. President Roosevelt has done wonders in

9th November 1935] [Mr. C. Kolanda Reddi]

the United States in order to put the ryot on his foot again. We are talking that dictatorship is bad and that democracy is a heavenly blessing. But see in Italy what Mussolini has done and in Germany what Hitler has done. Dictatorship, democracy or autocracy, whatever may be the form of Government, if it does not help the people what is the good? What is there in a name? A rose will smell as sweet by whatever name you call it. The Government should not sleep like lotus-eaters. In our own country other provinces have gone ahead. You talk of the Madras Presidency as being enlightened and everybody here being cultured while the Central Provinces is backward. The Central Provinces is not backward in human sympathy. It is the first in the whole of India to beard the lion in its den and save the ryot from distress and give him relief in respect of debts. Then came the United Provinces and the Punjab. I do not think they are all backward; I think they are all very forward as I said in human sympathy. What are our Government doing? They have done absolutely nothing up to date as I say it and as everybody would know it. Poor Chettiyar introduced this bill. He wanted to introduce it two years ago. What was it that the Government did? They simply kept it under foot. They adopted the dog in the manger policy. They would not bring forward any comprehensive measure of their own accord to relieve the condition of the poor. Poor Mr. Chettiyar brought in an apology for a bill. Even that, this beautiful Government would not allow to be placed on the anvil of the legislature. After two years and odd they have released it for introduction."

* The Hon. the PRESIDENT:—"I think the hon. Member is discussing the whole bill and the state of depression in the country. I think he has said too much about that. I wish the hon. Member confines his remarks to the amendment before the House. If he has nothing more to say, I would request him to sit down."

Rai Sahib C. KOLANDA REDDI:—"I have shown that the Government or the Hon. the Law Member have intended to put in a spoke even in this innocuous measure and made it a nullity. The Government have done nothing except perhaps appointing a Deputy Collector in Chingleput and another in Rajahmundry to try experiments. The people are dying and what is being done is like Nero fiddling while Rome was burning."

* The Hon. the PRESIDENT:—"I must deprecate the attitude of the hon. Member in trying to persist in saying what he ought not to say."

* The Hon. the PRESIDENT:—"Mr. Mahboob Ali Baig . . ."

Rai Sahib C. KOLANDA REDDI:—"Shall I wind up, Sir."

* The Hon. the PRESIDENT:—"The hon. Member has already wound it too long."

Mr. MAHBOOB ALI BAIG:—"Mr. President, I second the amendment moved by the hon. Member and in doing so I shall show how this amendment to the proviso to clause 12 is more logical than any

[Mr. Mahboob Ali Baig] [9th November 1935]

other amendment that has been moved. It is neither revolutionary nor socialistic; it only seeks to maintain the economic equilibrium if we can understand that term. Hon. Members of this Council and the Government showed much sympathy to the ryot because the prices of the agricultural produce have fallen and he is not able to maintain himself and pay his dues to the Government and to his other creditors. The trouble is this. When the ryot borrowed his money and when the Government fixed the resettlement rates, the prices of agricultural produce were high. But now owing to the economic depression, the prices have fallen considerably low and the produce of the ryot is not fetching him the same amount of money that it fetched before. What is the remedy? Now for the last two years, the Government have been making or making a pretence of making an attempt to know the facts. My own view is that it is not necessary to appoint a special officer to know the condition of the ryots. Even a casual observer will find that the ryot is suffering seriously on account of the fall in prices. But the Government appointed a special officer and he has found out the facts which are there. These dues either to the Government or to other creditors, the ryot is unable to pay. What is the economic significance of this? Students of economics will tell us that in the years 1928 and 1929 when the prices of agricultural produce were high the purchasing power of the rupee was low. Therefore, if a person borrowed a few rupees in those days, he could have repaid it then by selling one bag of rice. Suppose he did not repay it then, what was a loan of one rupee then would have become two rupees now in value. Since the purchasing power of the rupee has increased, the ryot will have to sell about five bags of rice or agricultural produce and even then he will not be able to discharge his debts. The natural and irresistible conclusion is, whereas the creditor gets double or three times the value of his rupee, the debtor is not able to discharge his debt even if he sells two or three times his produce, which would have been sufficient to satisfy the debt sometime back when prices were high and when the debt was contracted. Therefore, any real relief that you want to give to the agricultural debtors must be based on this difference in price of agricultural produce. If the agricultural debtor contracted certain debts in the year when the level of prices of agricultural produce was high, and when the level of prices of land was high, now that the prices of agricultural produce and land have gone down considerably, and the purchasing power of rupee has gone up, the only way to give relief to the debtor is to ask the creditor to take that much of the property of the debtor which, calculated at the prices which prevailed at the time when the loan was contracted, would be sufficient to discharge his debt. That is the irresistible conclusion to which every one must come if really his intention is to give relief to the agricultural debtors. Therefore, as I have said, this amendment of Mr. C. K. Reddi is the most logical amendment. If I understand the object of the mover of the Bill and also the object of the Government aright, it is to give some real relief to agricultural debtors, for

9th November 1935] [Mr. Mahboob Ali Baig]

otherwise the Government would not have consented to the inclusion of secured debts also among the debts to be conciliated. Their sympathy should result in giving real relief to the debtors. The question is whether, after all the processes described in the Bill have been gone through, you will be leaving anything to the debtor. Is not the ryot entitled to a certain relief on account of the disturbances in the economic world for which he is not responsible?

"When he took money, it had a certain purchasing power; now he is asked to pay back his debt. You are not making even that provision which the Bengal Government have made for the sustenance of the debtor. The Bill seeks to make some changes here and there. What is the net result? Much fuss was made by ordering an investigation into the economic condition, into the agricultural distress of the agriculturist. Are you doing anything useful, as a result of the investigation? If this amendment is accepted, some relief will be given to the ryot. Some people think that this amendment makes revolutionary changes. It is not so. All over the world, even mortgage debts have been taken into consideration when they enacted legislation. I shall quote two or three instances. This legislation has been adopted in different countries in the Empire. In South Australia it is laid down: 'No step shall be taken by any mortgage grantee of any bill of sale, holder of a lien or any other grantee or any other form of security over any property of the said farmer, to realize his security.' So also in New South Wales. When the Farmer's Relief Act of 1932 was passed, the same point was taken into consideration. In New Zealand, the Act empowers the court to postpone action by the mortgagee for a period up to two years, to postpone the payment of interest on principal, reduce the rate of interest, remit the whole or any part of arrears of interest or principal or postpone the right to sue for interest or principal."

"So also is the case in Germany. There a measure was introduced for the purpose of 'the gradual extension of the protection of farmers and tenants against foreclosure and distraint, so that the carrying out of forced sales was made practically impossible.'

"In New Zealand, it becomes unlawful for a mortgagee to exercise any power of sale or entry into possession or to issue any process of execution on any judgment obtained for moneys due under a mortgage debt without first giving the mortgagor notice. In South Africa, all bond-holders and creditors are asked to accept interest at the rate of 5 per cent per annum on farm mortgages so long as subsidy assistance is necessary. To provide for cases in which bond-holders are unwilling to reduce the interest rate to 5 per cent, the Government have taken power to levy a tax on every creditor of a farm mortgage equal to the sum by which any payment received by him as interest on such mortgage after 31st March 1933 shall exceed 5 per cent per annum."

3-30
p.m.

[Mr. Mahboob Ali Baig] [9th November 1935]

"So, in all these countries, even mortgaged property has formed the subject of legislation. This is not a novel thing; this is the inevitable consequence of the disturbance in the economic world. What this amendment seeks to do is to restore the economic equilibrium between the debtor and the creditor. My submission to this Hon. House is this: if you have got any sympathy for the ryot, let us ask him and let us ask ourselves this question, whether this Bill is going to leave the debtor any property at all. You must make some provision in that direction as the Bengal Act does, by reducing interest or doing something of the kind. You are not doing any such thing at all. What is the use of this Bill? As I said, the inevitable consequence of this economic disturbance in India as in other countries is to adjust the value of the rupee now and that at the time when the loan was taken. If that is not the purpose of this Bill, all our labours will be wasted. The Hon. the Law Member has all along been saying that compulsion is antagonistic to what is called conciliation. May I ask, is there any difference between indirect compulsion and direct compulsion? Does it mean, that you can make it in a hidden way and not in an open way. If there is compulsion, why not take it to its logical conclusion? Without doing any harm or injustice to the creditor, you adjust the equilibrium of the money market. You can do so, only if you accept this amendment.

"I think a small amendment is necessary. I think it is necessary that 'all other charges' must be added on here. The reason is this: for instance, there is the maintenance charges. I commend this amendment to the acceptance of the House; I hope the well-wishers of the ryots will show to the world and to the people that there are still some people in this House who feel for them."

Mr. K. P. RAMAN MENON:—"Mr. President, as I understand the amendment, the point seems to be this. Suppose on the date of loan, the property was worth Rs. 100 and Rs. 50 were lent on it by the creditor. If now the property has deteriorated to the extent of 25 per cent of its value, then the creditor must also, *pro rata*, reduce his claim against the debtor. That, in short, is the substance of the amendment. With all the sympathy that my hon. Friends, Messrs. C. K. Reddi and Mahboob Ali Baig, have bestowed upon the poor debtor, will they look to the side of the creditor as well? Instead of the property of Rs. 100 deteriorating to the extent of 25 per cent and becoming worth now only 75 per cent, if it had risen by 25 per cent, are they prepared to allow the creditor proportionate rise in the amount of money he is entitled to claim? Will they subscribe to such a proposition? The answer will immediately be 'no.' The same rule should apply both to the creditor and the debtor. There are two sides to the issue; both sides of the issue must be considered. Otherwise we will land ourselves in difficulties. No doubt, some countries like New Zealand, Australia, etc., have passed such a provision. But I am rather diffident about the completeness of the knowledge that my hon. Friends possess of the

9th November 1935] [Mr. K. P. Raman Menon]

economic conditions in those places and the conditions that induced the other Governments to pass laws as have been heard by us. I may also be pardoned if I am not quite certain if they know exactly how those laws are working in those places. Without any experience, without knowing exactly the position as to why they passed such a law and how they are working them, it will not be advisable in this country to declare a moratorium, because other countries have done so. I do not think it is logical, and one cannot commend that line of argument. The question is; are the Government and the author of the Bill prepared to say that the condition of the country is such that the values of properties have deteriorated to such an extent that persons who have advanced money in the hope that they will be able to realize their monies to the fullest extent, should be asked to give up a portion of their claim? This is a legislation of fresh confiscation and I submit that this House should not lend its support to that confiscation."

The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, the two gentlemen who spoke in favour of this amendment are, I regret to say, actuated mainly by enthusiasm and sympathy. Sentiments and enthusiasm are very good things and they should have their share not at the expense of others. It is easy enough to suggest that you can rob Peter to pay Paul. My hon. Friends from Berwada, Messrs. Mahboob Ali Baig and C. K. Reddi said that the Government were heartless. What did they do? They controlled all their grain and fixed a certain price and the people yielded to that. It is most unfair to tell us that the Government have not done their share. Does he forget that during the last three years, remission to the extent of more than one crore of rupees has been given to the ryots? (A voice: Whose money?) It is the money of the State, of the nation. What other money can the Government have? (Rai Sahib C. K. Reddi: The Hon. Member is as relevant or irrelevant as myself.) I shall leave aside these points."

MAHBOOB ALI BAIG SAHIB Bahadur:—"On a point of personal explanation, Sir. I did not say that Government did not do anything. I based my argument on the fact that the Government gave remissions."

The Hon. Sir K. V. REDDI NAYUDU:—"Leaving aside those points, let us get to the hard facts of the case. One argument which was advanced by my hon. Friend, Mr. C. K. Reddi is that this Bill is based upon the Central Provinces Bill; and that Bill does not touch mortgages. There he is entirely mistaken. If he refers to clause 13 of the Central Provinces Bill which is more or less a copy of our own Bill, he will find that under sub-clause 3 of clause 15 mortgaged debts are to be excluded.

"He will find there that when the settlement had been made under section 12, the consequences are stated in section 15 of the Central Provinces Bill which is also clause 15 of our Bill. If the hon. Member will only read that clause—which I shall read to him presently—he will

3-45
p.m.

[Sir K. V. Reddi] [9th November 1935]

find that mortgages are excluded from the operation of the Act. Clause 3 of the Central Provinces Act says:

'Where, after the registration of an agreement under sub-section (2) of section 12 . . . , etc., and then—

'or any creditor sues for the recovery of a debt incurred after the date of such registration, any decree passed in such suit shall, notwithstanding anything contained in the Code of Civil Procedure, 1908, not be executed until all amounts, recorded as payable under such agreement, have been paid or such agreement has ceased to exist.'

"What does it mean? It means that only an unsecured creditor is prohibited from suing, and once the agreement is entered into only the secured creditor can sue. Therefore, the basic principle on which my friend started falls to the ground, and everywhere this is recognized that mortgagees should not be compelled to lose any portion of their money.

"Now, Sir, there are still higher grounds on which I base my objection to these amendments, all of which go together. The basic point is: shall mortgagees be compelled to part with the whole or part of their money? In one of the proposed amendments, it is stated that the value of the property should be taken as the value at the time when the loan was given. That point, however, has been explained by my hon. Friend, Mr. Raman Menon, and I think I need not repeat the arguments. But I wish to place before the House certain facts which will conclusively show that this is a proposition which cannot be accepted by any Government. It has been urged in this Council—and hon. Members have practically accepted that position—that this is a sort of quasi-insolvency proceeding. Under the Insolvency Act itself, when a creditor or debtor applies for the debtor's insolvency, a receiver is appointed and the property is all vested in him; and yet insolvency law is quite clear on the point—and I am sure my hon. Friend will admit—that apart from fraud mortgages are not affected in proceedings like this—which is intended purely as a matter of conciliation between the creditor and the debtor, and as an attempt to see that some arrangement is made which is beneficial to both of them—that we should go further than the Insolvency Act itself and say that the mortgages also should be brought in? I really fail to see the idea underlying the amendments.

"As regards the other Acts, they only need a passing mention. The Bengal Bill is still in the form of a Bill, and it cannot be taken as an authority, and we do not know what the Legislative Council of that province will do in regard to that Bill. Again, the Bengal scheme is entirely different from our scheme. The Bengal Bill starts with the assumption of appointing a Commissioner whose permission will be necessary to the Board for taking action under clause 19 of that Bill. We have no such machinery here. If in this province a Bill is framed on the basis, say that a member of the Board of Revenue should be the

[Sir K. V. Reddi] 9th November 1935]

Commissioner within the meaning of this Act, and that he should permit these Boards to operate even in regard to mortgages, then I can understand it. That security has been provided for in the Bengal Bill which does not find a place in our Bill.

"Then again, in that Bengal Bill, a clause similar to our clause 15 (3) is found. It is clause 23 which clearly enables the secured creditor to obtain a decree even after the date of the agreement. In our Bill also you find that provision. If mortgages coming into existence after the agreement are affected, then I can understand; but here that is not the position; even mortgages of ten, fifteen and twenty years are sought to be affected.

"There is another point which I should like to mention. My hon. Friend, Mr. Raman Menon, has already stated clearly that this will be a kind of expropriation. Section 299 of the new Government of India Act which has, of course, not yet come into force, contains the principle that expropriations ought not to be allowed in this country. What else is this but expropriation?

"Another important fact on which the whole Bill turns, without any reference to all the arguments that have been advanced, is the provision in the Transfer of Property Act. In the Transfer of Property Act you have sections 58, 67, 68 and 70-A. Section 58 gives the definition and creates an interest in the mortgagee so far as the land mortgaged is concerned. Sections 67 and 68 give the power of bringing this property to sale. That Act is a Central Act. Now by these amendments, we are asked to overlook the provisions of that Act. It would only mean that after the agreement has been entered into or at least after the certificate is given, the right of the mortgagee to sell the property would come to an end. That, in other words, means that we are interfering with, amending and altering a Central Act, which we have no right to do. Section 80-A of the present Government of India Act in sub-section (3) (e) says:

'The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law—

(e) regulating any central subjects; . . . '

"And in Schedule I to the Devolution Rules, you have item No. 16, which runs:

'Civil law, including laws regarding status, property, civil rights and liabilities and civil procedure.'

"This is a law affecting the rights of property, and without the previous sanction of the Governor-General we cannot introduce a provision like that under discussion. But the matter does not stop there. In item (h) of the same sub-section (3) of section 80-A, you find this:

'altering or repealing the provisions of any law which, having been made before the commencement of the Government of India Act, 1919, by any authority in British India other than that local legislature, is declared by rules under this Act to be a law which cannot be repealed or altered by the local legislature without previous sanction;'

[Sir K. V. Reddi] [9th November 1935]

"We find at page 222 of the book, under rule 2 of the rules framed under section 80-A (3) (h) of the Government of India Act, that the Transfer of Property Act of 1882 has been included as one of those laws which a local legislature may not repeal or alter without the previous sanction of the Governor-General. That is the reason why my friend has taken particular care in drafting the Bill, to see that mortgages are excluded from the scope of the Bill. He has stated in section 15 (3) that only unsecured creditors cannot sue, which means that secured creditors can sue.

"Here is an Act under which it is not merely the Government of Madras—of course the Government can be abused, and you are always at liberty to abuse them—but the Government of India have, under a solemn statute, promised to the money-lenders that if they lent money on a mortgage, that money would be perfectly safe so long as the property remained in existence, unless it is washed out . . ."

Rai Sahib C. KOLANDA REDDI:—"On a point of order, Sir. It is for the Government to find ways and means; we simply ventilate our grievances."

The Hon. Sir K. V. REDDI NAYUDU:—"I want to point out, Sir, that it will be a breach of faith on the part of the Government of the day and the sacredness of the statute will be lost if, by a measure like this, we go out and say to these money-lenders: 'No doubt we have promised under the Transfer of Property Act that your money is safe and that certain rights accrue to you so far as that property is concerned, but because prices have fallen or for some other reason, we scrap it.' I do not think any Government can consent to a proposition like that. It is all very well and easy to say that the ryots are down and that something must be done. Now, I ask, will these hon. Gentlemen agree to another proposition of a similar kind—I do not know how many present here would agree to it and how many outside? If the ryot is down, by all means protect him; only, it should not be a compulsory protection. If it is so, I would ask: how many depressed class people are there who have got the food to eat at present; how many of them have got lands or property; and how many of you have brought or will bring bills to divide your property and give it to them? You talk of sympathy: it is because the man has got the right to vote that you all say: 'we will protect him.' It is not due to sympathy or mercy for humanity or towards the depressed classes. It is only to the voter, because that man's name is already on the list; he is very influential; he has had money at one time and he has people to support you; he could get half a dozen votes for you. The creditor is only one man in the village and all the other villagers are his debtors; therefore let us be down with this creditor. That is the logic so far as he is concerned. Sir, I do not think many more words are required from me. I take two objections; one on the ground of incapacity to proceed

9th November 1935] [Sir K. V. Reddi]

with this Bill if this amendment is to be accepted because this legislature is not competent to do anything which is contradictory to the Transfer of Property Act; secondly on the ground of moral principles. I oppose the amendment."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I am sorry I have also to oppose this amendment, but at the same time I should thank both the mover and seconder for the sympathy lavished on me. Sir, in the original draft of the Bill, as pointed out by the Hon. the Law Member, the secured creditor has definitely been omitted in clause 15 (3); and even now, if the second proviso of clause 12 (1) is deleted—and it was not there in the original Bill—it does not make much difference, because clause 15 (3) secures to the mortgagee his rights. So, Sir, there was absolutely no question of my trying to avoid such a provision in my Bill and the Law Member forcing it on me later on. All that the Law Member wanted, and some other members wanted, was that we should make our intention very clear; therefore, there was no question of any new provision being introduced. Secondly, Sir, absolutely no difference is made between the secured and unsecured creditor here. The penalty is the same for both. Both of them, if they do not agree to a reasonable settlement, lose costs and both of them will have to be satisfied with 6 per cent interest from the date of the certificate and both the unsecured and the secured creditor are not otherwise deprived of any portion of their debts. My friends seem to forget that with reference to unsecured creditors also we are not making any provision that any portion of the debts due to them should be reduced. So, Sir, there is absolutely no reason for saying that the secured creditor alone should be penalized and a portion of his debts alone should be reduced without his agreement. That would be the result of the amendment, Sir, if it is accepted.

"Sir, I am sorry that both the gentlemen who proposed and seconded the amendment have not understood this aspect of the question, namely, that penalty clauses apply to both the secured and unsecured creditors in the same manner. Apart from that, the rights of the secured and unsecured creditors are left as they are with this difference that right of the secured creditor which is got under the mortgage is preserved and the amount due to the unsecured creditor is also preserved but it has to be postponed as provided in clause 15 (3). That being the case, I do not see how any case arises for this present proposal. I am asked, if everybody is going to have whatever he is entitled to what will be the fate of the debtors? There again, as I stated, when I moved the motion that the report of the Select Committee be taken into consideration, unfortunately the scope of the Bill is limited and we are only providing for voluntary settlement of debts. Unless there is agreement between the debtor and the creditor there is no good out of this Bill. All that it provides is, the application of the regular law will take its course otherwise. I have been saying over and over again that the scope of this Bill is very much limited. It provides only for voluntary settlement

9th November 1935] [Mr. C. Kolanda Reddi]

Absolutely none. I expected that Government would do something constructive but they have failed to do and still they are arguing me out. My hon. Friend has been more or less expatiating upon the fact that the subject, 'property' belongs to the Government of India. Who does not know it? I wonder why he should waste half-an-hour in dilating over it when we know it very well. That is why we seek the approval of the Government of India, the Governor-General in Council. Of course, when we get provincial autonomy we would not care for the Government of India at all, but now we are only the daughter-in-law and there is the Hindu mother-in-law, the Government of India. That is why we have to go to the Government of India to get the approval of all the Acts that are passed here. So, I have never laboured under the delusion that 'property' is one of the provincial subjects. I wonder, Sir, where there is confiscation, except in the brain of the Hon. the Law Member. I (the ryot) am down and out, crushed by that monster of economic depression. I seek your help and it is your duty to help me and to extend your helping hand and when I say all these things, you smile. (The Hon. Sir K. V. Reddi Nayudu: 'What about the Agricultural Loans Act?') Oh, it is but a flee-bite, it is a drop in the ocean and I think you will be ashamed of that grand achievement. What was the effect of that Agricultural Loans Act amendment? You have appointed two Deputy Collectors, one in one corner in Chingleput and another in another corner in Rajahmundry; one Jagannatha Rao here and another Hanumantha Rao there and you are satisfied with it. All glory to you. I am dying, Sir, and you are experimenting now. (The Hon. Sir K. V. Reddi Nayudu: 'Yes, yes.') You may say 'Yes, yes.' When you are on the Treasury Bench . . .

* The Hon. the PRESIDENT:—Order, order. The hon. Member may address the Chair."

Rai Sahib C. KOLANDA REDDI:—"I know he was simply mocking at me, Sir."

The Hon. Sir K. V. REDDI NAYUDU:—"I am not mocking at him, Sir."

* The Hon. the PRESIDENT:—"I am advising the hon. Member to address the Chair."

Rai Sahib C. KOLANDA REDDI :—“ But he was addressing me and so I addressed him. Now, Sir, with regard to the Agricultural Loans Act amendment, the special officer in his very valuable report—a report on which we must all congratulate that young Indian Civil Service officer—we wish there were more such officers in the service of the Madras Government—boldly pointed out that the total amount of indebtedness in this Presidency is about 204 crores of rupees and that 93 per cent of the agriculturists are indebted. Now, my hon. Friend takes credit for having amended this beautiful Agricultural Loans Act; and what is the result? They are going to shell out a few lakhs of rupees only . . . ”

Rai Sahib C. KOLANDA REDDI:—“ Even now, I say, Sir, the reason is not known to me. My point is people are suffering badly; I know all debts are covered by mortgages in my district; and for that matter I know of a case in which Rs. 11,000 was taken under a mortgage some years back and Rs. 36,000 was paid and still Rs. 26,000 is due. There are thousands of such cases in my district. If really this Bill does not cover all those cases, what is the good of this wretched Bill? And that is why I am crying forth. I did not impute any motive to my hon. Friend. (The Hon. Sir K. V. Reddi Nayudu: ‘ Yes, yes.’) What does the Hon. Member mean? I really never attributed any motive to the Hon. Law Member. (The Hon. Sir K. V. Reddi Nayudu: ‘ Then, I will accept it, Sir.’) Sir, my Hon. Friend is known for his eloquence and for his siren voice and he has used it all to the best advantage in trying to destroy the points of argument raised by me. But, has he contributed anything towards constructive criticism?”

[9th November 1935]

The Hon. Mr. C. A. SOUTER:—"On a point of order, Mr. President, does the hon. Member desire that Government should withdraw that Act?"

Rai Sahib C. KOLANDA REDDI:—"No, no. I only humbly ask the Treasury Bench, is it a thing to gloat upon and is it a thing to congratulate yourselves upon? Is it in any way proportionate to the distress that we see around us? Do not be merely sitting up there hoping against hope like Micawbar, but do something good; that is our prayer. For that your Agricultural Loans Act is absolutely useless; it is neither fish nor flesh nor herring. My Hon. Friend the Law Member said that this year only one or two lakhs was going to be given to these Deputy Collectors to be distributed in their areas. We have the Land Mortgage Banks which also have distributed a few lakhs of rupees and my friend, Sir Mocherla Ramachandra Rao will also take credit for this."

Mr. C. BASU DEV:—"On a point of order, Mr. President, we are very much hard-pressed for time and I would very much like my hon. Friend . . ."

* The Hon. the PRESIDENT:—"Order, order."

Rai Sahib C. KOLANDA REDDI:—"So, Sir, my submission is and I make it in all earnestness possible, that the ryot is suffering untold hardship. I want the Hon. the Revenue Member to go over to Kistna district over which he presided, see the state of affairs for himself and compare the present most deplorable and heart-rending condition with the condition that obtained in his days when he was there as Collector, when I think it was flowing with milk and honey and when Kistna was the garden of the whole Presidency. Now, Sir, is it not the duty of the Government to do something to the ryot who is prostrated and to put him upon his legs? After all, what is he for? Simply to give you as much milk as possible, or rather you depend upon him and therefore you should feed him like a good shepherd and draw as much milk as possible from him and do not cut off the udder. What will become of you when the ryot collapses? That is my submission. My Hon. Friend, the Law Member, can talk logic and plead very eloquently and do all that. All that I want him to do is to face facts as they are; he is in a responsible position and he is not a school-boy debating in a debating society, but he holds a responsible position under Government. He knows the people very well and if at all any member knows anything about the ryot, it is he, because he is a ryot of ryots and he is one of us. Let him do something tangible for alleviating the sufferings of the millions of ryots. If the ryot goes and if the yeomanry is lost, what will become of this Government? They must collapse. My prayer, therefore, is do not put in spokes like this. I appeal to the whole House, both aristocrats, labourites and all other members to accept the amendment. If secured debts are not included, if they are separated from other debts and if they are treated differentially, certainly there will be no good coming out of this Bill at all. That is

9th November 1935] [Mr. C. Kolanda Reddi]

why I say this Bill is useless without such a provision. Let this amendment be passed by this House, and let an appeal go to the Governor-General and if he refuses, then it is all right. But let us be doing our duty, because we are nearer the Madras ryot than the Viceroy. That is my prayer. Is it enough, or shall I continue if you are not satisfied. (Laughter)."

* The Hon. the PRESIDENT:—"Personally I am not satisfied, but I think the House has a surfeit of it. I will now put the amendment to the vote of the House. The question is—

Delete the second proviso and substitute the following:—

"Provided further that when a secured creditor does not agree to the settlement, he shall be entitled to proceed against the secured property only to the extent calculated on the basis of the value of the said property on the date of the issue of loan."

Explanation.—The value of the property referred to above may be determined by rules framed by the Local Government under this Act."

The amendment was declared lost.

Rai Sahib C. KOLANDA REDDI demanded a poll and the House divided thus:

Ayes.

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|---|--|
| 1 Khan Bahadur Yahya Ali Sahib Bahadur. | 11 Mrs. A. Rukmani Lakshmiopathi. |
| 2 Sriman M. G. Patnaik Mahasayo. | 12 Mr. H. B. Ari Gowder. |
| 3 Mr. C. Indrayya. | 13 " G. R. Premayya. |
| 4 " K. Pattabhiramayya. | 14 " P. M. Thangal. |
| 5 " M. B. Rangaswami Reddi. | 15 Rai Sahib C. Kolanda Reddi. |
| 6 " M. A. Manikkavelu Nayakar. | 16 Rao Bahadur R. K. Venugopal Nayudu. |
| 7 Ahmed Meeran Sahib Bahadur. | 17 Mr. K. Koti Reddi. |
| 8 Mr. K. M. Duraiswami Reddiyar. | 18 " P. V. Krishnayya Choudari. |
| 9 " T. Narasa Reddi. | 19 Mahboob Ali Baig Sahib Bahadur. |
| 10 " U. C. Subrahmanya Bhatt. | |

Noes.

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| 1 The Hon. Sir K. V. Reddi Nayudu. | 17 Rao Bahadur R. Srinivasan. |
| 2 " Rao Bahadur A. T. Pan-nirselvam. | 18 Rao Sahib N. Siva Raj. |
| 3 " Mr. C. A. Souter. | 19 Mr. W. K. M. Langley. |
| 4 " Diwan Bahadur S. Kuma-raswami Reddiyar. | 20 The Zamindar of Kirlampudi. |
| 5 " Mr. P. T. Rajan. | 21 Rao Bahadur B. P. Sessa Reddi. |
| 6 " the Raja of Bobbili. | 22 Mr. P. V. Rajagopal Pillai. |
| 7 Diwan Bahadur C. Natesa Mudali-yar. | 23 " V. G. Vasudeva Pillai. |
| 8 Mrs. K. Alamelumangathayaramma. | 24 Mr. G. F. F. Foulkes. |
| 9 Mr. W. Scott Brown. | 25 " G. Simbachalam Pantulu. |
| 10 " H. R. Uzielli. | 26 Rao Sahib V. Dharmalingam Pillai. |
| 11 " C. E. Jones. | 27 Rao Bahadur D. Krishnamurthi. |
| 12 " G. T. Boag. | 28 Diwan Bahadur A. M. M. Muru-gappa Chettiyar. |
| 13 " T. B. Russell. | 29 The Zamindar of Bodinayakanur. |
| 14 " T. Sundara Rao Nayudu. | 30 Mr. G. Sriramulu. |
| 15 Khan Sahib Syed Tajuddin Sahib Bahadur. | 31 " S. A. A. Annamalai Chettiyar. |
| 16 Mr. R. M. Palat. | 32 Rao Sahib D. V. Narasimhaswami. |
| | 33 " Pandit Ganala Rama-murthi. |
| | 34 Mr. K. Kesavaramamurthi Nayudu. |

[9th November 1935]

Noes—cont.

35 Diwan Bahadur T. A. Ramalingam Chettiyar.	45 Subadar-Major S. A. Nanjappa Bahadur.
36 Mr. T. C. Srinivasa Ayyangar.	46 Mr. V. P. Narayanan Nambiyar.
37 " V. T. Arasu.	47 " C. Basu Dev.
38 " A. B. Shetty.	48 " G. Rameswara Rao.
39 Rao Bahadur P. C. Muthu Chettiyar.	49 " K. P. Raman Menon.
40 Mr. M. A. Muthiah Chettiyar.	50 Diwan Bahadur C. S. Ratna-sabhapati Mudaliyar.
41 " M. S. Sreshta.	51 Mr. I. C. Iswaran Pillai.
42 " J. A. Davis.	52 Diwan Bahadur M. Gopalaswami Mudaliyar.
43 Rao Sahib V. I. Muniswami Pillai.	
44 Mr. H. M. Jagannatham.	

Neutral.

1 Rao Bahadur Sir A. P. Patro.	4 Mr. T. S. Ramaswami Ayyar.
2 The Zamindar of Mirzapuram.	5 " K. A. Nachiyappa Goundar.
3 Mr. Basheer Ahmed Sayeed.	

Ayes 19. Noes 52. Neutral 5.

The motion was lost.

4-15 p.m. Mr. P. V. KRISHNAYYA CHOUDARI:—" Mr. President, Sir, I beg to move:—

"Insert the following as a third proviso to sub-clause (1):—
"Provided further that an attachment of property in execution of a decree shall not give the decree-holder any priority in respect of his decree debt".

"Sir, the object of my moving this amendment is that after this Act comes into force, many people will file suits and then obtain attachments. I feel, Sir, that these attachments should not give the decree-holder any priority in respect of his decree debt. With this object, Sir, I move this amendment."

The amendment was duly seconded.

The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I think I have no objection against this amendment."

Mr. T. SRINIVASA AYYANGAR:—"Is there any priority in every court decree?"

Mr. BASHEER AHMED SAYEED:—"Sir, I appeal to the Hon. Mover that this amendment may be withdrawn because there is no effect in the amendment even if it is passed. Mere attachment results in the property not being alienated by the debtor but it does not give any priority to any person. To that extent it gives nothing to anybody."

The amendment was put and lost.

The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I move the amendment which stands in my name, viz.,—

"In sub-clause (2), line 2, for the words "date of its making," substitute the words "date of the making thereof".

"Sir, this alteration is of a verbal nature."

The amendment was duly seconded.

9th November 1935]

The amendment was put and carried.

The Hon. Sir K. V. REDDI NAYUDU:—"I move the amendment which stands in my name, viz.,—

"Insert the following as sub-clause (4):—

"(4) If, after the making of an agreement under sub-section (1), any debt is revived by the board or a civil court under sub-section (3) of section 8, the agreement and all proceedings taken in pursuance thereof shall stand cancelled; the application under section 4 shall be deemed to have been received in the office of the board on the date of such revival, and all the provisions of this Act shall apply in respect of the application accordingly".

"Sir, it is only a consequential amendment."

The motion was duly seconded.

The amendment was put and carried.

Clause 12, as amended, was put and carried.

Clause 12-A.

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

"After the words and figures "Code of Civil Procedure, 1908," in line 3, insert the following words:—

"as well as 2 acres of wet land where a debtor possesses wet lands, and 4 acres of dry land where a debtor does not possess wet land but possesses only dry lands".

"Sir, I feel that something should be left to the debtor. So I move this amendment."

The motion was duly seconded.

The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I can very well understand the position of the hon. Member that something should be left to these people. It is a very laudable object in itself but the trouble is this: what will happen if the debtor has only 2 acres? It means that all the 2 acres will have to be left to him and the creditor will have to go with nothing. So, Sir, I am not able to accept this amendment."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I oppose the amendment for the reason that both the debtor and the creditor must come to a settlement of their own accord. As has been said, Sir, there will be heaps of cases in which the debtors will not have 2 acres of wet land or 4 acres of dry land. The statistics supplied by the Government show that the indebtedness of ryots who are paying kist up to Rs. 10 will amount to several crores. Such being the case, to impose a condition that the 2 acres should be left to the debtor means leaving nothing at all to the creditors. I do not think, Sir, that is,

[Mr. T. A. Ramalingam Chettiyar] [9th November 1935]

what the mover of this amendment means. Sir, in a matter of voluntary settlement between parties, I think, it is very difficult to impose conditions like this."

4-30
p.m.

The amendment was put and lost.

Clause 12-A was put and carried.

New Clause 12-B.

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

'Insert the following as new clause 12-B:—

"12-B. (1) In any scheme of debt conciliation under this Act, no creditor shall be allowed a greater amount in satisfaction of both principal and interest than twice the amount of the principal.

(2) In any suit brought after the commencement of this Act against the debtor for the recovery of a loan borrowed before the commencement of the Act, no court shall pass a decree in satisfaction of both principal and interest for a larger sum than twice the amount of the principal."

"My object in moving this amendment is to enforce the law of Damdupet. We have already passed legislation restricting the rate of interest and the amendment seeks to impose a maximum up to which a creditor may collect amounts for interest from the debtor. This system is observed in Bombay and is not unknown to us. In all equity, this system may be enforced. My hon. Friend, Mr. C. K. Reddi, referred to a case where Rs. 11,000 was taken as a loan, and after paying a sum of Rs. 25,000 the debtor has yet to pay an equal sum to liquidate the debt. It is to prevent such cases that I have proposed this amendment; and I hope the House will accept it."

The motion was duly seconded.

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—" Mr. President, so far as the first amendment is concerned, I have no objection. It will be instructions given for guidance to the Board towards coming to an arrangement and the arrangement seems to be fair. The provision proposed is not also foreign to the Hindu Law.

"As for the second clause, though I do not object to the principle, I fear that it cannot find a place here for the reason that we are dealing with regulating the procedure of the Board and we cannot lawfully regulate the procedure of law courts in suits in this Bill. So it seems to me that it is entirely out of the scope of the Bill. I think that if the Mover will confine himself to the principle contained in clause (1) it may be accepted."

Mr. T. C. SRINIVASA AYYANGAR:—" Mr. President, I am substantially in agreement with my hon. Friend that so far as clause (2) is

[Mr. T. C. Srinivasa Ayyangar]

concerned, we are called upon to assume jurisdiction over a matter to which this Bill does not relate at all and further it puts a brake on the powers and jurisdiction of the Courts of Law. I wonder how such provision can be effectively made. Fixed deposits for short periods in banks, thavanai loans among native bankers and similar loan transactions wherein, the interest and the principal would together be the amount of deposit for the next period will give the go-bye to the provision. The ancient Manu's laws known as the law of Damdupat is obtaining in the Hindu state of Pudukottah. I very much doubt whether thavanai transactions are controlled by it. The amendment will create complications which will be a hindrance to the normal course of trading and banking operations.

"As regards item 1, I wonder why we should bring it in, if the property of the debtor is worth more than the total amount of the principal and interest, where will be the necessity for conciliation and bringing in all these provisions in such cases. Whatever may be said with regard to item 1—I leave it to the Hon. the Law Member to accept it or not—I consider that item 2 is highly objectionable. I oppose it."

Mr. K. KOTI REDDI:—" My hon. Friend seems to think by introducing such a provision he can reduce the rate of interest. I do not know if the Government have realized the consequence of accepting the amendment. The Government is not in favour of compulsion and so also are my hon. Friends. Apart from that, there is one aspect of the question that has not till now been touched upon by hon. Members. There are a number of minors who are creditors and who have not renewed their pro-notes for ten or fifteen years, their guardians taking advantage of the rule and have allowed the interest to be accumulated. If they had known that such a rule would be introduced they would have collected all their debts. In such cases the interest accumulated may be more than the principal. Are you going to deprive of them of the money on account of this rule? I leave it to the Government to answer. I would only submit that this is a kind of compulsion or confiscation. If they are going to accept the amendment let them do it. Such things are quite usual in banking and such an amendment would operate as a hindrance to banking. I am in favour of sliding down of interest on certain principles. But such an amendment I cannot accept. It is not at all proper and it is even dangerous. One can understand the making of such a rule to be applicable for all loans granted in the future. I do not know if the Hon. Law Member is going to accept the amendment. I shall be glad if he does not for the reasons I have already stated."

Rao Bahadur P. C. MUTHU CHETTIYAR:—" ஆனரபின் மெம்பர், சி. கே. ரெட்டியார், பில்லின் எண்ணத்தை நிறைவேற்றது, என்று சொன்னார். ஆனால், மிஸ்டர் ஸ்பீக்கர் செட்டியாரவர்கள் வெகு நாளாய் கவுன்சிலிலிருந்து வரவில்லை. அவர்கள் கொண்டுவந்த பில்லாக இருக்கிறது. அதனால் அதை ஆதரிக்க வேண்டியதாயிருக்கிறது. ஒரு தரம் பில் கௌன்சில் முன் வந்து விட்டபடியால்

[Mr. P. C. Muthu Chettiyar] [9th November 1935]

அது நடக்கும்படியாக பார்க்கவேண்டியது. இது சிரமமானதே. இந்தமாதிரியாக கடினமான சட்டங்கள் ஏற்படுத்தினால் இது பாங்கிக்கு ஒரு இடஞ்சலாக ஏற்படும். இது நடக்காது. மிஸ்டர் கோடி ரெட்டியார் சொன்னதை விடெவ்வாக கவனிக்க வேண்டும். ஆகையால் இந்த மோஷனை ஒப்புக்கொள்ளுதல் வேண்டும்.”

* Sir A. P. PATRO:—“ Mr. President, Sir, I would begin by saying that this is a very drastic amendment. I would just in this connexion draw the attention of the House to certain portions of the Report on Agricultural Indebtedness to show how money-lending has been in progress in our Presidency, especially where poor agriculturists have been concerned. I shall refer to pages 15 to 18 of the Report. The first case noted is: ‘He pays a land revenue assessment of about Rs. 1,000 and the owner of a shrotriyam village pays quit-rent of Rs. 300. His money transactions cover over a lakh of rupees. He generally lends at 12 per cent simple interest; but writes down 24 per cent in pro-notes to put fear into his clients. He says he always charges simple interest, yet seems to have experienced great difficulty in collecting his dues in the last three or four years owing to the depression.’

4-45 p.m. “ That case is from the point of view of the money-lender. Then again he says he is not at all in favour of debt conciliation. If such legislation will burden him he does not want it. He wants cash and he is quite prepared to come to a reasonable proportion in cash. That exactly sums up the position of rural indebtedness. If you place such a great hardship or handicap as it is proposed in this amendment, hon. Members must realize that it will be very difficult for the rural people to obtain credit. No doubt, hereafter nobody will be willing to lend money to the very needy ryot. Ryots want help from time to time not only for cultivation expenses but for other ceremonies and marriages and for these necessary purposes they have to go to the money-lender in the village. This kind of facility which is going on in the rural areas you are going to cut off and you would not save them. They will only say, save me from such friends. The amount usually charged is 12 per cent. That is the usual rate. This creditor has said that though it is 24 per cent he has collected only as 12 per cent. Take for instance the loan of Rs. 3,500 on 5th March 1931. The interest is 18 per cent. Three payments were made on this promissory note, viz., Rs. 492, Rs. 600 and Rs. 700, and the balance remains. Naturally, according to law, when payments are made they have to be credited towards the interest unless it is the desire of the hon. Member that they should change the law of interest, that it should go to the discharge of capital and interest and then bear interest again. Unless we have the whole law changed in the matter the creditor is entitled to credit towards the payment of interest. At that rate, if regular payment is not made, if there is default, the amount goes up. I do not see any reason why there should be any such restriction placed on rural credit. It must be remembered however much we are anxious to conciliate between the debtor and the creditor we must not make ourselves liable to set one against the other. That is the practical point of view from which we have to view

[9th November 1935] [Sir A. P. Patro]

during these times, and not to look at what is the ideal. I would ask my friends to place themselves in the position of the ryots in the villages. They cannot help going to the creditor and if there is no credit what is to be done? So, instead of leaving something to rely upon, why do you cut him off? I will place this point of view before the House. I quite appreciate the sympathy of the hon. Mover. He is no doubt very earnest in saying that there should not be any burden on the ryot. All those are very excellent ideas that one should cultivate in his own affairs. But the defect comes in practical application. When we look at the rural condition and when the condition of the ryot is such that he cannot but go to the creditor in times of necessity to have a few rupees or paddy or to meet absolute necessities, I say, this amendment places difficulties in his way. Then again, Sir, Mr. Sathianathan's report refers to another creditor advancing a loan of Rs. 3,000 on 22nd April 1931 at 12 per cent. There after giving the payments the debt remains as it was before. If we take all these cases into consideration the only conclusion is that it is not a practical proposition to say that twice the amount should not be continued. Take for instance the condition of an agricultural debtor in the Kistna district. He started with four lakhs capital and now has sixty lakhs. He charges interest at Re. 1-4-0 per hundred. He is not keen on getting back his capital, but wants only interest. He always has hundreds of suppliant debtors in his compound, crying out ‘help me.’ He says Government must come to the rescue. When money is lent out he will not accept land at once in payment but wait till the debt swells and take all the land. All lands are now with him. The Kistna and Godavari ryots are bound hand and foot. There is a net work of cross-sureties taken for pro-notes. The money-lender is eager for settlement of debts, for he has learnt a bitter lesson. As you see from this account which the report gives the ryots of Kistna and Godavari districts are in debts. Their lands are mortgaged. They have borrowed now so far and exceeded credit that they could not get any more money to pledge their credit. Therefore money-lenders are putting much pressure on their clients in the last few months through fear of Government interference. From the point of view of the objections that were placed before this House here is the position of the money-lender and debtor described in this paragraph by Mr. Sathianathan which goes to prove that the amendment given by the hon. Member is not at all to the benefit of the debtor. Then again, with an agriculturist money-lender in the Ramnad district with regard to conversion with two prominent Nattukottai Chetti bankers of Karaikudi in the Ramnad district:—

‘These are large landholders under the Sivaganga zamindari. They lend out in India only to cultivating tenants. They find no difficulty in collecting payments. They take principal and interest from the thrashing floor. They go to court only in two out of ten cases. They lend ordinarily at 9 to 12 per cent compound interest with one yearly and six-monthly rests.’

“ Now what happens is this. This practice is prevailing throughout the province. I am pleading this with a view to convince the House

[Sir A. P. Patro]

[9th November 1935]

that the system of agriculturists borrowing money from the big ryot in the village is the custom or mamul in the village which you cannot avoid and payments are made in kinds in times when the ryot can spare money and they are given credit and accounts maintained according to the report of Mr. Sathianathan. Therefore I say when money is paid they are credited towards interest and when unfortunately the amount doubles, why should you place difficulty on the money-lender? Why should he be penalized for the fault of the debtor, when the debtor knows that he is running into debt, when the debtor knows that he is going down and when the debtor goes on conscious of all difficulties. Then, Sir, it is not fair, it is not equity that we should penalize the creditor. There is another point of view also I would place before the House. It is this: I sympathize with their position and he sympathizes with their position. But the remedy that is sought to be applied is not the remedy to help them. However earnest we may be, that goes against them. Therefore if they think in this Bill they seek to obtain some redress they are very much mistaken. It was my view from the beginning that this Bill is only intended as merely a conciliatory measure for purposes of arbitration. It is on the agreement of parties that the matter has to be settled. In such matter, if you want to introduce regular compulsory or penal provision you cannot succeed. This is not the place where such measures are introduced. So far as this Bill is concerned, so far as the provisions accepted by the Select Committee are concerned, the only thing that I have to submit to this House from this paragraph in this report of Mr. Sathianathan—which is an excellent report and which I read to the House—is that it is better that the hon. Mover reconsiders the position and does not press his amendment.”

* **MR. M. A. MUTHIAH CHETTIYAR:**—“ Sir, after the elaborate arguments advanced by Sir Patro against the amendment, I do not want to speak elaborately except to point out one other defect in the amendment of Mr. Krishnayya Choudari. It is said that in the scheme of debt conciliation no amount should be allowed which is more than twice the amount of the capital. I have a difficulty, Sir. When the creditor puts his application before the debt conciliation board or sends in his statement, if he has lent Rs. 100 and if the interest should come to Rs. 125 his total claim is Rs. 225. I have a doubt whether the conciliation board will disallow the extra 25 at the initial stage itself or take into consideration the whole amount till the award is made. If the principle is accepted that the total debt to be paid should not be more than twice the principal amount, it should made clear how it will be worked out in practice. I would suggest to the Hon. the Law Member that it should be made clear in this amendment because the word ‘allowed’ leads to some doubtful interpretation. It must be clarified. In the final award to be made by the debt conciliation board the award may not exceed twice the amount of the capital. If this amendment is going to be accepted I would request the Hon. the Law Member to amend it to this extent.”

9th November 1935]

V.—ANNOUNCEMENT RE SELECT COMMITTEE ON AMENDMENT TO
STANDING ORDER No. 5 (b) (5).

* The Hon. the PRESIDENT:—“ I have to inform the House that the following nine candidates were nominated for election to the Select Committee to consider the amendment to Standing Order No. 5 (b) (5):—

- (1) Mr. U. C. Subrahmanya Bhatt.
- (2) The Hon. the Raja of Bobbili.
- (3) Dr. P. Subbarayan.
- (4) Mr. C. Ramalinga Reddi.
- (5) Sir William Wright.
- (6) Mr. M. A. Muthiah Chettiyar.
- (7) „ K. P. Raman Menon.
- (8) „ G. Simbachalam Pantulu.
- (9) Rao Sahib Pandit Ganala Ramamurti.

Of these Messrs. Subrahmanya Bhatt, Simbachalam and Ganala Ramamurti have since withdrawn their candidature. As the number of the remaining candidates is equal to the number of vacancies to be filled, namely, six, I hereby declare them duly elected under Regulation II (4) of the Regulations for holding of elections by means of the single transferable vote.

“ From the panel of Chairman, I appoint Khan Bahadur Yahya Ali Sahib Bahadur as one of the members of the Select Committee.”

The House then adjourned to meet again at 11 a.m. on Monday, the 11th November 1935.

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

[4th November 1935]

APPENDIX.

[Vide answer to question No. 516 asked by Mr. P. V. Rajagopal Pillai at the meeting of the Legislative Council held on the 9th November 1935, page 957 supra.]

Statement showing the number of gazetted posts held by members of Scheduled Classes on 31st March 1935, the designation of those posts and the caste of the holders of such posts.

Number of gazetted appointments held by members of Scheduled Classes on 31st March 1935.	Designation of appointments.	Caste of holders of such appointments.
Permanent.		
1	Deputy Registrar of Co-operative Societies.	Adi-Andhra.
1	Personal Assistant to the Commissioner of Labour.	Adi-Dravida.
1	District Board Engineer	Samagara.
1	Deputy Collector	Pallan.
4		
Temporary including acting and probationary.		
1	District Veterinary Officer	Adi-Dravida.
1	Deputy Collector	Valluvan.
1	Do.	Devendrakilathan.
3		

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Monday, the 11th November 1935.

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

PRESENT:

Reddi Nayudu, Kt., The Hon. Rai Bahadur Sir K. V.
Pannirselvam, The Hon. Rao Bahadur A. T.
Souter, C.S.I., I.C.S., The Hon. Mr. C. A.
Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.
Raja of Bobbili, K.C.I.E., The Hon. the Rajan, The Hon. Mr. P. T.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur, A. M.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Boag, C.I.E., I.C.S., Mr. G. T.
Dalavoi, Mr. R.
Davis, Mr. J. A.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Fotikes, Mr. G. F. F.
Gopalaswami Mudaliyar, Diwan Bahadur M.
Indrayya, Mr. C.
Jagannatham, Mr. H. M.
Javad Hussain Khan Sahib Bahadur, Khan Bahadur.
Jayaram Nayudu, Rao Sahib C.
Jones, I.C.S., Mr. C. E.
Kesavaramamurti Nayudu, Mr. K.
Koti Reddi, Mr. K.
Krishnayya Choudari, Mr. P. V.
Krishnamurti, Rao Bahadur D.
Kumararaja of Venkatagiri, The.
Madanagopal Nayudu, Mr. R.
Manikkavelu Nayakar, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur T. M.
Moses, Mr. P. C.
Muniswami Pillai, Rao Sahib V. I.
Murugappa Chettiyar, Diwan Bahadur A. M. M.
Muthu Chettiyar, Rao Bahadur P. C.
Nachiyappa Gounder, Mr. K. A.
Nanjappa Bahadur, Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Rao Sahib D. V.
Narayanan Nambiyar, Mr. V. P.
Natesa Mudaliyar, Diwan Bahadur C. Palat, Mr. R. M.
Patnaik Mahasaya, Sriman M. G.
Patro, Kt., Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Raja of Parlakimedi, The.
Ramachandra Padayachi, Mr. P. K.
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Diwan Bahadur T. A.
Ramamurti, Rao Sahib Pandit Ganala.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Rameswara Rao, Mr. G.
Ranganatha Mudaliyar, Mr. G.
Rangaswami Reddi, Mr. M. B.
Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Reid, Mr. D. M.
Rukmani Lakshminipathi, Mrs. A.
Russell, I.C.S., Mr. T. B.
Scott Brown, I.C.S., Mr. W.
Simbachalam Pantulu, Mr. G.
Siva Raj, Rao Sahib N.
Smith, Mr. J. M.
Sreshta, Mr. M. S.
Srinivasan, Rao Bahadur R.
Sriramulu, Mr. G.
Subrahmanya Bhatt, Mr. U. C.
Sundara Rao Nayudu, Mr. T.
Syed Tajuddin Sahib Bahadur, Khan Sahib.
Thangal, Mr. P. M.
Uzielli, C.I.E., I.C.S., Mr. H. R.
Vasudeva Pillai, Mr. V. G.
Venugopal Nayudu, Rao Bahadur R. K.
Wright, Sir William.
Yakub Hasan Sahib Bahadur.
Zamindar of Bodinayakkanur, The.
Zamindar of Kirlampudi, The.
Zamindar of Mirzapuram, The.

[11th November 1935]

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Excise

Supersession of the claims of seniors in the Excise department in Nellore.

* 523 Q.—Rao Sahib V. DHARMALINGAM PILLAI: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) the number of junior service men and probationers placed over their seniors in the Excise department in the Nellore subdivision for the past three years;

(b) whether complaints regarding such irregular promotions have been brought to the notice of the Deputy Commissioner of Excise or of the Government; and

(c) if so, what action has been taken in this matter?

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

(b) & (c) No such complaints have been brought to the notice of the Government. The Government have no information whether any such complaints have been brought to the notice of the Deputy Commissioner of Excise.

Rao Sahib V. DHARMALINGAM PILLAI:—“ May I ask whether the Hon. Minister will please call for the information? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ No complaints have been received and there is no reason to think that there is any irregularity.”

Public Health

Employment of women vaccinators.

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

(a) whether there are any proposals for employing women vaccinators for conducting vaccination for women since re-vaccination has been made compulsory now; and

(b) if so, what they are and at what stage they are now?

A.—The Government have impressed upon local boards and municipal councils the need for employing women vaccinators at an early date in order to encourage and facilitate vaccination and re-vaccination work in communities and castes in which women are very conservative or observe purdah. Since the Government took powers to fix the scales of pay, allowances and strength of the establishments under district boards and municipal councils, they have sanctioned the employment of women vaccinators whenever proposals for the same were submitted to them provided that the local bodies concerned were financially in a position to meet the cost involved.

11th November 1935]

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask, Sir, whether the Hon. Minister has made enquiries and verified as to whether the instructions have been followed and lady vaccinators appointed? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ As the answer says, in some cases sanction of the Government to employ women vaccinators was applied for and the same was given.”

Mr. V. T. ARASU:—“ Sir, the answer says: ‘ provided that the local bodies concerned were financially in a position to meet the cost involved.’ May I know how additional cost would be involved by appointing a certain number of women vaccinators in the place of the men vaccinators? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I think some additional vaccinators will be required. That is the reason for the additional expenditure.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ In order to see if the instructions of Government are followed, will the Hon. Minister be pleased to get information regarding the number of women vaccinators employed in each of the local authorities and take steps to push through this scheme? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I do not think it is necessary. If we wait for some time, we can see how the local bodies themselves act.”

Co-operation

Functions of the Registrar and the Joint Registrar of Co-operative Societies respectively.

* 525 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Public Works be pleased to state the functions of the Registrar and the Joint Registrar of Co-operative Societies respectively?

A.—The Registrar controls the whole department. The Joint Registrar assists the Registrar in all or any of his functions and, at present, is in charge of liquidation, arbitration, execution and non-credit societies. There is no definite division of functions.

Publication of the balance sheets of Co-operative Societies in the Gazette.

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

(a) whether in the earlier stages of the co-operative movement the balance sheets of societies were being published in the Gazette;

(b) whether this practice has been discontinued, and if so, for what reasons; and

[11th November 1935]

(c) whether the desirability of insisting upon societies, at least the bigger ones, to publish their balance sheets either in the Gazette or on the notice board of the society's office in the interests of members and depositors has at any time been considered by the Government?

A.—(a) Yes.

(b) Yes, for the reason that the movement, having since grown considerably, did not need that kind of propaganda.

(c) The Government do not consider that any useful purpose will be served by publishing balance sheets of societies in the Gazette. The other mode of publication suggested will, however, be considered.

Mr. K. A. NACHIYAPPA GOUNDER:—"The answer to clause (a) is in the affirmative. May I know, Sir, whether the publication was made free of cost or at the cost of the societies?"

The Hon. Mr. P. T. RAJAN:—"I have no information. I presume it was done free of cost."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask the Hon. Minister, Sir, whether it is not better for the popularity of these societies that the public should be made aware of their working with facts and figures?"

The Hon. Mr. P. T. RAJAN:—"If the societies want it, publication will be made, provided they pay the cost."

Working of the Co-operative Unions.

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

(a) how many unions are functioning well;

(b) in how many unions the collection of principal to demand was 50 per cent or more during the last three years; and

(c) in how many unions societies cleared off interest to the banks by 30th June during the last three years?

A.—(a) It is difficult to give any definite number. Approximately one-third of the unions (of which there are just over 300) may be said to be working well.

(b)—

	Year.					Number of unions.
1932-33	..	..	..	..	..	60
1933-34	..	..	..	..	..	62
1934-35	..	..	..	..	..	59

(c)—

	Year.					Number of unions.
1932-33	..	..	..	..	..	82
1933-34	..	..	..	..	..	90
1934-35	..	..	..	..	..	74

[11th November 1935]

Decrease in the transactions of Co-operative Banks and Societies.

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

(a) whether there has been a fall in the amounts of loans given by co-operative banks to societies and by societies to members, and if so, by what per cent during the last six years;

(b) whether banks have idle money which they are obliged to invest at small rates of interest; and

(c) whether there is any proposal to fix the maximum rates of interest on loans given by banks to societies and by societies to members?

A.—(a) The following statement gives the information:—

Year.	Loans advanced by	
	Central banks to societies.	Societies (Agricultural and non-agricultural) to members.
	RS. (In lakhs.)	RS. (In lakhs.)
1929-30	297.71	476.29
1930-31	203.90	369.05
1931-32	141.60	286.98
1932-33	73.92	297.23
1933-34	67.33	315.01
1934-35	87.10	365.32

In the case of loans advanced by central banks to societies, the figures relating to the years 1929-30 to 1931-32 represent both loan transactions and transactions in the overdraft accounts granted by the banks to societies, and the figures for the subsequent years represent loan transactions only. No separate figures for regular loan transactions are available for the years 1929-30 to 1931-32 and the percentage of fall in the year 1934-35 as compared with the year 1929-30 cannot therefore be worked out on an uniform basis. The percentage of fall in the loans given by societies (agricultural and non-agricultural) to members during the last six years is 23.3.

(b) No.

(c) The attention of the hon. Member is invited to the answer to clause (b) of question No. 259 given at the meeting of the Legislative Council held on 29th October 1935. No maximum rates of interest have been prescribed in respect of fresh loans advanced by central banks and societies. The rates on new loans do not, however, exceed the maximum for old loans. The maximum rates suggested in respect of all outstanding loans are given below:—

Central banks	6½ per cent per annum.
Societies	7½ do. do.

[11th November 1935]

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask the Hon. Minister whether the Government are prepared to advise the central banks to reduce the rate of interest? "

The Hon. Mr. P. T. RAJAN:—" The rates have been reduced to the extent it is possible."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Will the Hon. Minister permit the local bodies to deposit their moneys as before? "

The Hon. Mr. P. T. RAJAN:—" That is a matter for the local boards concerned to decide."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know if the central banks advancing loans to the other banks are charging the maximum rate of interest? "

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

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, whether the restrictions placed on the local bodies in the matter of placing their moneys in the district banks as deposits, are not conducive to the interests of these banks, and if so, whether the Hon. Minister will reintroduce the old system? "

The Hon. Mr. P. T. RAJAN:—" I do not think the restriction affects the bank's interests adversely; but there is no objection to local bodies investing their funds elsewhere."

Mr. K. A. NACHIYAPPA GOUNDER:—" Will the Hon. Minister see, Sir, that the existing restrictions are taken away in the interests of the banks? "

The Hon. Mr. P. T. RAJAN:—" If by taking deposits from the local bodies the central banks do not stand to lose, there can be no objection."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask the Hon. Minister whether there is not a Government Order which says that the local bodies should not deposit more than a particular amount in the central banks? "

The Hon. Mr. P. T. RAJAN:—" I am aware of it."

Registration

Extension of the photo-stat system of copying documents.

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

(a) in how many districts the photo-taking system instead of copying the documents, has been put into operation till now in the Registration Department;

(b) whether the introduction of the above system of registering documents is less expensive than the present system of copying; if so, what the percentage is of saving in the districts where the system is in operation;

[11th November 1935]

(c) if it is profitable, whether the Government intend extending the same to other districts; if so, when and in what districts; and

* (d) whether the Government have taken the advice of experts as to which documents, whether the manuscript copies or the photo copies, stand better the test of time?

A.—(a) The system of photo-copying of documents by the cine-camera method has been introduced in the Madras-Chingleput district and in the District Registrars' offices of East Godavari, Guntur, Salem and Coimbatore. The photo-stat method has been introduced in the South Malabar registration district.

(b) A statement* showing the savings effected under the cine-camera method is appended. The photo-stat system was introduced in South Malabar from 1st April 1934. The full staff to be disbanded has not been sent away. A report received from the Inspector-General says that during 1936-37 there is likely to be a saving of Rs. 7,208.

(c) There is no such proposal now under consideration. The scheme is yet in an experimental stage.

(d) The new system was introduced on the experience gained in Bombay. The photo copy is a permanent record not liable to fade with the lapse of time according to the quality of the ink used.

Land Revenue Administration

Functions of the Special Officer appointed to the Board of Revenue.

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

(a) why a special officer has been appointed to serve under the Revenue Board; and

(b) what his functions are?

A.—No special officer has been appointed to serve under the Board of Revenue.

Proposals of the Collector of Madras-Chingleput to assign on patta lands in the Valliyur village.

* 531 Q.—Rao Sahib V. DHARMALINGAM PILLAI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Collector of Chingleput has recently called for proposals for issue of patta to blocks of lands submerged under water (Nos. 230, 231 and 232), though the people of the Valliyur village had objected to the issue of patta and the Collector of the district had upheld their objection in 1934; and

[11th November 1935]

(b) if so, what the reasons of the Collector are in now ordering that the lands should be brought under No. 7 account and not under 6?

A.—The Government have no information but have called for a report.

Administration of Justice

Representation of Jains in the cadre of District Munsifs.

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

(a) whether there have been applications from any Jain members of the Bar for selection of Munsifs by the High Court within the last six years; if so, how many applied and how many were selected; and

(b) what action the Government propose to take or have taken in the matter of giving adequate representation to the Jain community?

A.—(a) The Government have no information, but have called for it.

(b) Under section 7 of the Madras Civil Courts Act, 1873, the appointment of District Munsifs vests in the High Court. The principle of communal representation does not apply to these appointments.

Permanent vacancies in the cadre of District Judges, Sub-Judges and District Munsifs remaining unfilled.

* 533 Q.—Mr. MAHBOOB ALI BAIG: Will the Hon. the Law Member be pleased to state—

(a) how many permanent vacancies there are at present of District Judges, Sub-Judges and District Munsifs;

(b) for how long a time the said vacancies have remained without being filled up; and

(c) what the reasons are for not filling up the said vacancies?

A.—(a) *District Judges.*—Two in the posts to be held by officers of the Indian Civil Service and six in those to be filled by the promotion of members of the Provincial Civil Service (Judicial Branch) and by appointment from the Bar and other sources.

Sub-Judges and District Munsifs.—Eighteen vacancies in the posts of Sub-Judges and ten in the posts of District Munsifs.

(b) *District Judges.*—The dates of the eight vacancies are—
Indian Civil Service vacancies.—4th July 1932 and 13th May 1933.

Other vacancies.—16th December 1934, 16th January 1935, 20th April 1935, 1st July 1935, 18th September 1935 and 24th September 1935.

Sub-Judges.—16th August 1933, 27th September 1933, 4th October 1933, 15th October 1933, 24th October 1933, 16th November 1933, 16th January 1934, 16th

[11th November 1935]

January 1934, 16th February 1934, 6th May 1934, 1st September 1934, 2nd October 1934, 16th December 1934, 29th December 1934, 31st January 1935, 16th April 1935, 16th July 1935 and 9th August 1935.
District Munsifs.—27th November 1933, 16th December 1933, 17th January 1934, 26th November 1934, 3rd December 1934, 25th December 1934, 5th February 1935, 16th June 1935, 8th August 1935 and 15th September 1935.

(c) *District Judges.*—The two vacancies to be filled by officers of the Indian Civil Service have been kept unfilled for administrative reasons. As regards the remaining six the Public Service Commission (India) has to be consulted before permanent appointments are made in such vacancies. This inevitably takes time.

Sub-Judges and District Munsifs.—Orders regarding the confirmation of Sub-Judges had to be kept pending the issue of orders filling up the vacancy in the cadre of District and Sessions Judges.

The High Court has to issue orders regarding the confirmation of District Munsifs. These orders have apparently been held up pending the issue of orders regarding the confirmation of Sub-Judges.

Mr. P. V. KRISHNAYYA CHOUDARI:—"In view of the fact that by delaying the filling up of these district judges' posts, etc., the subordinate judges and munsifs are foregoing their increments and promotions, may I ask what steps the Government propose to take to avoid these difficulties to the subordinate officers?"

The Hon. Sir K. V. REDDI NAYUDU:—"These delays are not intentional; they are inevitable under the system now existing."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Out of the six posts of district judges to be filled by the promotion of the Provincial Civil Service and by appointment from the Bar and other sources, how many were filled by promotion?"

The Hon. Sir K. V. REDDI NAYUDU:—"I want notice, Sir."

Applications from the Depressed Classes for appointments in the Civil Courts in Tinnevely district.

* 534 Q.—Mr. M. DEVADASAN: Will the Hon. the Law Member be pleased to state—

(a) whether applications were received from the members of both the Depressed Class Hindus and the Depressed Class Christians for the posts of clerks, amins or attenders in the Civil Courts of Tinnevely district from 1930 to 1935;

(b) if so, how many; and

(c) how they were disposed of?

A.—The Government have no information.

[11th November 1935]

Mr. C. BASU DEV:—"Will the Hon. the Law Member be pleased to call for the information to know how far the judiciary, especially in Tinnevely are encouraging the depressed classes?"

The Hon. Sir K. V. REDDI NAYUDU:—"The question will be considered, Sir."

Agriculture

Notifications Nos. 370 and 371, published in the Fort St. George Gazette, dated 25th October 1935 in re sugar industry.

* 534-A Q.—Sir WILLIAM WRIGHT: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether, prior to the publication, in the *Fort St. George Gazette* of October 25th, 1935, of drafts of notifications Nos. 370 and 371, Government consulted any of the commercial interests in Madras engaged in the sugar industry;

(b) if so, whom; and

(c) if not, why not?

A.—(a) & (b) No.

(c) The Government received their information from the Director of Agriculture, and it was assumed that he had consulted the interests concerned. The notifications have now been published with a view to inviting criticism of the figures so arrived at.

Sir WILLIAM WRIGHT:—"May I ask the Hon. Minister for Public Works whether representations have been made by various commercial interests to reduce the rates in view of the fact that the present rates will cause damage to the local sugar industry as the rates in other provinces are so much lower?"

The Hon. Mr. P. T. RAJAN:—"Sir, it has since been brought to my notice by some hon. Members of this House that the rates tentatively suggested in the notification are far in excess of those fixed in other provinces and that they will further facilitate the already existing competition the sugar industry in the south has to face from the northern provinces. Also they might irretrievably damage the local sugar industry recently started in some districts at considerable capital expenditure by promoters who have not as yet received any return on their capital. I can give this assurance to hon. Members that these and other relevant matters will have the fullest consideration of Government before they finally fix the minimum prices."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I ask whether the Government realize that the minimum rate fixed under the notification is higher than the cost at which cane is sold in the market?"

The Hon. Mr. P. T. RAJAN:—"I cannot say that off-hand."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Will the Government be pleased to remove this minimum rate at least in places where there are small sugar factories whose outturn is about 50 tons?"

[11th November 1935]

The Hon. Mr. P. T. RAJAN:—"We have given opportunities to all interests concerned to represent their case to Government before the 5th of the next month. As I have already said, we will take all these factors into consideration when fixing the rate finally."

Mr. V. T. ARASU:—"May I know what is the principle or basis on which these rates are fixed? I see that in Kistna it is Rs. 10 whereas in the neighbouring district of Godavari it is Rs. 13?"

The Hon. Mr. P. T. RAJAN:—"The cost of cultivation and the varieties of cane grown are all taken into consideration. The rates tentatively fixed were based on the facts then known to the Government."

Mr. V. T. ARASU:—"Is the Hon. Minister aware of the fact that the variety grown in Kistna does not materially differ from that grown in Godavari?"

The Hon. Mr. P. T. RAJAN:—"There might be other factors. Here I may repeat the assurance that those factors which were not taken into consideration in the first instance will hereafter be taken into consideration in fixing the rates finally."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Is it not advisable in the interests of the agriculturists to provide a minimum rate in the notification?"

The Hon. Mr. P. T. RAJAN:—"That is what we are exactly proposing to do."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"After these objections have been received, will the Government take into consideration the fact that in the same area the quality of sugarcane grown may be different and may vary with seasonal conditions and the nature of the soil?"

The Hon. Mr. P. T. RAJAN:—"I have already given the assurance that any new fact placed before them will receive their careful consideration before the Government finally fix the minimum rates after consulting the commercial, industrial and agricultural interests."

Local Self-Government

Recognition of the B.E. and Lower Subordinate qualifications of the Mysore University for employment under Local Boards.

* 534-B Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Local Self-Government be pleased to state—
(a) whether holders of B.E. qualification and Lower Subordinate qualification of the Mysore University are eligible for appointment as Engineers or Overseers in District Boards or Municipalities; and
(b) if not, why the bar has not been removed?

A.—The holders of the B.E. degree of the Mysore University are eligible for appointment as Assistant Engineers under District Boards and as Engineers under Municipal Councils.

[11th November 1935]

The lower subordinate certificate of the Bangalore Engineering School has not been prescribed as a qualification for appointment as overseers under District Boards and Municipal Councils in this Presidency. The question of recognizing this qualification will be considered.

Mr. U. C. SUBRAHMANYA BHATT:—"In view of the fact that the Government are not giving exemptions, will they consider the question of holders of Lower Subordinate qualifications of the Mysore University?"

The Hon. the RAJA OF BOBBILI:—"The answer clearly says that as far as graduates are concerned, this qualification will be recognized. As for Lower Subordinates, I shall certainly consider the suggestion of the Hon. Member."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"In view of the fact that candidates possessing degrees of the Mysore University are quite as good as the candidates who pass out of the Madras Engineering College, will Government be pleased to recognize the former as suitable for these posts?"

The Hon. the RAJA OF BOBBILI:—"They have got definite rules and they must proceed on that basis."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether it is not a fact that holders of lower subordinate qualification of the Mysore University are not holding temporary appointments carrying a salary of Rs. 40 to Rs. 50 under local boards now?"

The Hon. the RAJA OF BOBBILI:—"Some people might have been entertained in the past, but I cannot give figures and any orders now passed are not to affect people already in service."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether there was any complaint in the past regarding the efficiency of the Mysore Upper Subordinate?"

The Hon. the RAJA OF BOBBILI:—"I am afraid I cannot say anything off-hand."

Mr. G. RAMESWARA RAO:—"May I know, when once they are appointed, whether they are entitled to become District Board Engineers?"

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

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

II.—ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

* The Hon. the PRESIDENT:—"I have to announce that the Madras Betting Tax Act received the assent of His Excellency the Governor on the 6th November 1935."

[11th November 1935]

III.—A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR CERTAIN PURPOSES (BILL No. 11 OF 1934)—cont.

Clause 74.

Section 124.

* The Hon. the PRESIDENT:—"The House will resume discussion of the City Municipal Bill. When the House rose on the last day (8th November 1935) the following amendment moved by the Hon. the Raja of Bobbili was under discussion:—

At the end of sub-section (1) of section 124, insert the following proviso:—

"Provided that in the case of single bullock-carts the tax shall not exceed four rupees half-yearly."

"I take it that the House is ready for a vote."

The motion was put and carried.

* Sir WILLIAM WRIGHT:—"I beg to move the amendment that stands in my name as follows:—

Add a further proviso after the proviso to sub-section (1) of section 124 as follows:—

"Provided further that in the case of any cart fitted with rubber tyres on all wheels, the Commissioner shall levy the said tax at one-half of the rate provided in this sub-section."

"I think, Sir, that this amendment will appeal to all sides of the House. I would maintain that if it is accepted by the Hon. the Chief Minister it will affect very favourably the economic working of the Corporation. I do not think it is always realized the extent to which the iron tyres damage the roads. From tests which were recently applied at Delhi it was discovered that a ten-ton steam-roller exerts a maximum pressure of only 550 lb. per inch, whereas an iron-tyred cart exerts a maximum pressure between 800 and 1,800 lb. in accordance with the width of the tyre. In this trial which was held at Delhi it was discovered that a rubber-tyred cart does not damage the roads at all, but the damage done by the iron-tyred cart costs the Corporation, Rs. 228 per year for every cart, while the rubber-tyred cart costs the Corporation nothing at all. It may be said that to purchase these rubber-tyred carts involves the user in a very large initial capital sum. That, Sir, is not correct. The original cost of equipping a cart with the necessary steel axle and tyres is only Rs. 200 and these tyres should last at least four years when there will be a recurring expenditure of Rs. 100. There is also a very great advantage to the users of rubber tyres, because tests have shown that bullock-carts equipped with rubber-tyred wheels will do three trips, where the iron-tyred cart will do only two trips. Further, the bullocks can very easily pull $1\frac{1}{4}$ tons loaded on a rubber-tyred cart, whereas they can only pull one-third to half of a ton in an iron-tyred cart. Again I recommend this amendment in the interests of humanity. It is very

[Sir William Wright] [11th November 1935]

much easier for bullocks to pull rubber-tyred carts than it is for them to pull iron-tyred carts. This is proved by the fact that without extra exertion they travel 25 per cent quicker when pulling rubber-tyred carts than when they are pulling iron-tyred carts. Again I would point out that in these days of speed, anything which will assist to speed up slow going traffic in towns will assist traffic control and assist all users of the road. In this connexion, if we use rubber-tyred carts we shall be making speed of much of our slow moving traffic 25 per cent quicker than at present.

"I would also bring to the notice of this House that the amendment which I am proposing is by no means an original idea. I would like to quote the following public bodies in support of my statement:—

"In the Bombay Presidency rubber-tyred carts are totally exempt from tolls and municipal taxes. In the Cochin State all tolls are reduced by 50 per cent for rubber-tyred carts. In Bandra, Allahabad and Sholapur Municipalities wheel-tax has been reduced for rubber-tyred carts by 50 per cent. In Delhi Municipality the rubber-tyred carts are totally exempt from wheel-tax. So also in the case of Larkana Municipality. In the Rangoon Municipality wheel-tax has been reduced from Rs. 12 to Rs. 8. I therefore appeal to the Hon. the Chief Minister to accept my amendment as an economy to the Corporation, as an economy to the user of bullock-carts, in the name of humanity and also in order to speed up traffic in our City."

Mr. C. BASU DEV:—"I second it."

Rao Bahadur P. C. MUTHU CHETTIYAR: "பாண்டிச்சேரி சர்க்கார் வண்டிகளுக்கு வரியைப் பரிசீலிக்க வேண்டும். அல்லது குறைக்கவேண்டாம். ஆவாயின் மெட்ராஸ் சர்வீஸிலும் ரைட் கொண்டு வந்திருக்கும் அமெரிக்காவை நான் ஆதரிக்கிறேன்."

ஒரு வண்டிக்கு சக்கரம் 2, அதற்குரிய அச்சு யர் பாஸ்டெரிஷ் வலகயற்ற சாமான்கள் சகிதம் ரூபா 200 விலையாகும். 4-வருஷத்துக்கு டிரைவர்க்கு என் கிரூட்கள்.

மற்ற வண்டி சக்கரம் ரூபா 50-தான் ஆகும். அங்கம் ரூபா 150 க்கு வாகும். இதற்கு வாகைத்திற்கு சுமார் வண்டி ரூபா 18 ஆகும். வரியை தள்ளுவது எவ்வளவாய்விடுகிறது. ரோட்டுக்கு சாதகமாக இருக்கவேண்டிய சந்தேக மில்லை. முனிசிபல் வரி இல்லை என்று ஏற்பட்டால் அதை ஓர் அர்வர்டைஸ் மெண்டு விளம்பரத்துக்கு ஓர் ஆஸ்பதம் ஆகும்போல்.

அதினால் பாதகரமென்ன? தொழிலைப் பார்த்தும் இங்ஙனம் செய்தியை யட்டும் வரியை எடுத்துவிடலாம்."

Mr. G. R. PREMAYYA:—"I rise to oppose the amendment. I want to show to you and to the country that indirectly the hon. Mover of the amendment wants to help those who are dealing in tyres. That is the idea. We should not compare Travancore or Cochin with our Presidency. If this tax on rubber tyred carts is lowered it will be a welcome measure to the rickshaw wallahs. But the other bandy

11th November 1935] [Mr. G. R. Premayya]

wallahs will lose their income considerably. So I most vehemently protest against this amendment and I wish hon. Members who have sympathy for India should oppose this motion."

* The Hon. the RAJA OF BOBBILI:—"Sir, I quite agree with the object the hon. the Mover of the amendment has in view, namely that we should encourage the use of rubber tyres for bullock-carts as it will be not only in the interests of the cart-owners but also in the interests of the animals which pull these carts. I have noticed that recently considerable importance has been given to this problem of providing carts with rubber tyres and ball-bearings which would enable the transport of double the quantity of goods which ordinary bullock-carts can now carry. As far as my information goes, trials have already been made of this type of vehicles and they have proved very successful. I also understand that a number of municipalities have been experimenting with this new type of vehicles. I do not agree with my hon. Friend who has preceded me when he says that no one who loves his country should support this amendment. From that it follows that we should not purchase anything that is not manufactured in this country. It is a different thing to say that Indian industries should be encouraged, but it does not follow from that that we should prohibit the import or consumption of foreign goods. It may be that, if there is a general adoption of this type of vehicle, it would create a sufficiently large market for tyres in this country that it would be worth while starting tyre manufacturing factories in our own country. I have stated my views on the desirability of encouraging the latest methods of transport and I am sure Sir William Wright has a similar object in view in moving this amendment. I believe even under the existing Act it is open to the Corporation to impose differential rates on different kinds of vehicles. I would therefore submit that it would be better to leave the discretion to the Corporation and if there is any doubt whether the Corporation can assess carts with reference to the amount of damage they do to the roads, I would move the following amendment in place of the amendment now before the House:—

"Add the following further proviso to sub-section (1) of section 124:—

"Provided that in fixing the said rates, the Council shall have regard to the extent of damage caused by different classes of carts to the road."

"I hope and trust that this amendment will meet with the approval of the House."

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

Sir WILLIAM WRIGHT:—"I am prepared to accept the amendment."

The Hon. the PRESIDENT:—"The hon. Member will withdraw his amendment and then I will put the new amendment to the House."

Sir William Wright's amendment was, by leave, withdrawn.

[11th November 1935]

The Hon. the PRESIDENT:—" I will put the Hon. the Chief Minister's amendment to the vote of the House. The question is:—

'Add the following further proviso to sub-section (1) of section 124:—

"Provided that in fixing the said rates, the Council shall have regard to the extent of damage caused by different classes of carts to the road " "

The amendment was put and carried.

Clause 74 as amended and clause 75 were put and carried.

Clause 76.

Section 129.

Mr. T. SUNDARA RAO NAYUDU:—" Mr. President, Sir, I beg to move the following amendment:—

'In sub-section (1) for the words, "The tax on timber brought into the city," the following words shall be substituted, namely: "If the Council by a resolution determines that a tax shall be levied on timber brought into the city, such tax " '

"Sir, it will be noted that the opening words of sections 99 (1), 111 (1), 116 (1) and 124 (1) which deal with the levy of property tax, companies tax, profession tax, tax on carriages and animals and tax on carts are: If the Council by a resolution determines that such and such a tax shall be levied. But the same wording is not adopted in section 129 (1). This amendment is intended to make the language of this section correspond with the language of the other sections referred to."

Mr. R. MADANAGOPAL NAYUDU:—" I second it."

The amendment was put and carried.

Clause 76 as amended was put and carried.

Clause 77.

Section 129-A.

Mr. T. SUNDARA RAO NAYUDU:—" Mr. President, Sir, I beg to move the following amendment:—

'In the second proviso for the words "advertisement of a notice" the words "advertisement or a notice" shall be substituted.'

"The word 'of' is evidently a mistake for 'or' and 'advertisement of a notice' is quite unhappy and meaningless."

Mr. R. MADANAGOPAL NAYUDU:—" I second it."

The amendment was put and carried.

11th November 1935]

* Sir WILLIAM WRIGHT:—" Mr. President, Sir, I move the following amendment:—

'In the last proviso, clause (d) as relettered by the Select Committee shall be relettered as (e) and the following clause inserted as clause (d)—

"(d) relates to the business of any railway company; or " '

"I do not want to take up the time of the House with a long speech about a very short amendment. My idea in putting it forward is that it is in the general interests of the public that railway posters which are mostly to give information to the travelling public should have as much publicity as possible and on that ground the Corporation will be well advised to allow such posters to be displayed free."

The amendment was duly seconded.

* The Hon. the RAJA OF BOBBILI:—" Sir, I accept this amendment so as to bring this Act into line with the Bombay Municipal Act. The effect of this amendment is that only such advertisements relating to the business of the company will be exempted from the advertisement tax. It does not exempt business advertisements of other companies which are displayed on the railway premises and platforms."

Mr. P. V. KRISHNAYYA CHODURI:—" Sir, I do not want to object to this amendment, but I only want to know whether similar concession will be given to private companies also to put up advertisements in their own premises. The railway company also is more or less a commercial body though it is doing some public work. Similarly buses and trams also are doing some public work and if they put up advertisements in their respective areas will they be allowed to do so free? "

* The Hon. the RAJA OF BOBBILI:—" This concession is confined only to the business of the railway company, such as the exhibition of the time-tables and other notices. A railway company stands on a different footing from private companies. I am sure that by this House accepting this amendment, they would not be committing themselves to extending the same concession to others."

* Mr. V. T. ARASU:—" Mr. President, I would request the mover of the amendment to explain what he means by 'relates to the business of any railway company.' If I understood the Hon. the Chief Minister aright, the intention of the Government is to exempt only advertisements relating to time-tables and tariffs while other advertisements such as 'Visit Rameswaram,' 'See such and such a festival at such and such a place' and so on, will not be exempted from tax. I want to know from the hon. Mover whether in moving his amendment he wanted only the time and tariff tables to be exempted and not the other kind of advertisements inviting people to visit certain places."

* Sir WILLIAM WRIGHT:—" Sir, I have taken the wording of my 11-45 amendment from the original Bill that was worded by the Government a.m. Drafting department. I cannot improve upon it."

1040 A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR
CERTAIN PURPOSES (BILL NO. 11 OF 1934)

[11th November 1935]

* The Hon. the RAJA OF BOBBILI:—"I may bring to the notice of this House the provision in the original Bill—sub-clause (b) of clause 77. It runs as follows:—

'Provided further that no such tax shall be levied on any advertisement which . . . relates to the trade or business carried on within the land or building upon or over which such advertisement is exhibited, or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in the same.'

"My opinion is that this amendment covers that of Sir William Wright; it answers also the points raised by my hon. Friend, Mr. Krishnayya Choudari. Sir William Wright's amendment follows the Bombay City Municipal Act where it is definitely stated that such advertisements are exempt."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, the point raised by my hon. Friend has not been explained. As the railway company is a public utility service and since the advertisements regarding tariffs and timings will be helpful to the public also, it is but right that such advertisements should be exempt from taxation. But the point raised by Mr. Arasu is this; in a public road away from the railway station, big posters are put up saying, visit such and such places or patronize railways. These things will not come within the spirit of the principle enunciated by the hon. Mover of the amendment; but perhaps they will come within the strict letter of the law. The hon. Mover of the amendment may not mean to include such advertisements; but I am afraid that the wording of the amendment as it is, will include such advertisements. I would like to know whether the Government think that even such advertisements also should be exempt."

* The Hon. the RAJA OF BOBBILI:—"The amendment relates to advertisements that relate purely to the business of the railway company."

The amendment was put and carried.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I beg to move the amendment standing in my name:—

'Add a new sub-section as follows:—

'If the advertiser or the advertising agent is not determinable or available or if the tax is not recoverable from him, the tax shall be leviable from the owner of the property on which the advertisement appears.'

"The object of my amendment is this: an advertiser who wants to escape from the tax may fix the notice or advertisement on any house wall and may go away quietly. Thereby the Corporation may not be in a position to realize the tax. The object of the advertiser is to advertise; therefore he fixes the advertisement on any wall without his address and he escapes payment of the tax. In such cases, we can ask the owner of the House to pay the tax; then, he will be more careful to see that the notice 'stick no bills' is put up on the wall. If the Corporation is anxious to realize the tax, I think it is necessary that this amendment should be accepted."

Mr. P. M. THANGAL:—"I second it."

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR 1041
CERTAIN PURPOSES (BILL NO. 11 OF 1934)

11th November 1935]

Rao Bahadur P. C. MUTHU CHETTIYAR:—"நோடஸ் விளம்பரம் ஒட்டியவரை பிடிக்கவில்லை என்ற இடத்தில் விளம்பரம் செய்து ஒட்டியிருக்கிறதே. அந்த இடத்தின் சொந்தக்காரரிடமிருந்து வரி வசூலிக்கவேண்டுமென்று Mr. கிருஷ்ணய்யா சவுத்திரி அவர்களுடைய பிரேரேபனை நன்றியிருக்கிறது! இது ஒரு வேடிக்கை. அத்துடன் போகுது அடிஷனலாக இலதயும் சேர்க்கவேண்டும்."

"கிரிமினல் புரேசுஜர் கோடில் ஒரு செக்ஷன் இருக்கிறது. அது ஒரு குற்றம் செய்தவனோடு பார்த்தவன் இடம் கொடுத்தவன் எல்லாறையும் பிடிக்கிறது. போலீஸ்தார்களுக்கும் இந்த அதிகாரத்தை ஒப்பிப்பது சிலாக்யமாயிருக்கும்."

"ஆனதால் நோடஸ் விளம்பரத்தை படித்தவர் அந்த நோடஸை நோக்கி பார்த்து நின்றவர்கள் வரிக்கு பாத்தியமுள்ளவர்களாக சேர்ப்பது திருப்தியாயிருக்குமே."

Mr. ABDUL HAMEED KHAN:—"Sir, I am sorry that Mr. Krishnayya Choudari, without realizing the consequences of this amendment, has moved it. If he wants to improve the finances of the Corporation, he can help it in other ways, without affecting the ratepayers or owners of properties. The advertiser's name will naturally be on the poster. It will not be an unknown name. It will be easy for the Corporation to get at the person who advertised. There will be no need to get at the owner of the property when the name and address of the advertiser is available. I therefore hope that my hon. Friend will withdraw this amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"In view of the remarks made by the Mayor of Madras, I withdraw my amendment."

The amendment was, by leave, withdrawn.

New section 129-B.

Diwan Bahadur A. APPADURAI PILLAI:—"Sir, I beg to move the amendment standing in my name:—

'Add the following as item (iii) to sub-section (2) of new section 129-B:—

'(iii) the advertisement consists of indecent pictures or posters which offend or are likely to offend the ordinary principles of moral code''

"New section 129-B (2) gives power to the Commissioner not to grant permission to fix any advertisement if it contravenes any by-law made by the Council under clause (28) of section 349 or if the tax due in respect of the advertisement has not been paid. My amendment is to the effect that the Commissioner may be given power to refuse to grant permission to put up an advertisement if it consists of indecent pictures which offend the principles of moral code. I have brought forward this amendment in view of the nuisance that is committed of late by these posters and advertisements. You know very well, Sir, how indecent some of these pictures are which are advertised. It would be nuisance to such an extent as to call for the formation of a League of Public Decency as they have done in America and Great Britain."

[Mr. A. Appadurai Pillai] [11th November 1935]

That was started with a view to see that the cinema show is as clean and as pure as possible without allowing them to have recourse to indecent pictures, that pander only to the sensual instincts of misguided youths. It is with that object that I have moved this amendment.

"The House knows that this tax on advertisement is a novelty. The Corporation considers that if advertisements are charged, it will be a very good source of income. I dare say it may be. But at the same time it should see that the advertisements do not offend the principles of ordinary moral code. It may be asked whether I have considered the point whether it will be the proper duty of the Corporation to interfere in a matter of this kind. Clause 29 of section 349 gives power to the Corporation to frame by-laws for securing cleanliness, safety and order and the good government and well-being of the city and for carrying out all the purposes of the Act. The Corporation is authorized to deal with many other matters in the interest of the city. The Act interferes with the discretion of a person to keep an animal or a bird. No person can keep any animal or bird in his premises which causes nuisance or is dangerous. There are many sections by which the ordinary conduct of citizens is interfered with by the Corporation.

12
noon.

"Sir, I appeal to the hon. House to consider whether the prohibition of indecent pictures will not be in the direction of securing the good order and well-being of the citizens. No doubt it may be pointed out to me that this is a matter outside the scope of the Corporation, especially because the police have got adequate powers to get hold of these indecent films or pictures and prosecute the persons responsible for exhibiting them. Apart from the police, there is also a Board of Film Censors, whose duty it is to censor such objectionable pictures and stories that come to the Board. I do admit all this; but I ask whether it is not up to the Corporation to take some action, so far as it may be possible for it to do so, under this section, to prohibit the publication or the exhibition of indecent pictures. If the Corporation takes action, it will be effective. Generally, under the Indian Penal Code, if a man is in a position to prevent crime and if he does not do so, he is charged with what is called culpable negligence. If the Corporation is in a position to prohibit advertisements of a certain type and if it has got the power but does not use it, will it not be chargeable with culpable negligence and endangering public morals? I appeal, Sir, to the sentiments of the hon. Members of this House.

"Regarding censoring, even now, we find that in several newspapers indecent pictures are being printed. I have often talked to the members of the Film Board as to how such pictures have not been objected to and how they are allowed to be exhibited, giving them also specific instances. Once or twice, I even went to the length of taking some cuttings of such pictures to the Film Board. But that was all of no avail, because it is no one man's business; and if I send it to a particular member of the Board, he considers it is not his duty to bother

11th November 1935] [Mr. A. Appadurai Pillai]

himself very much about these things. What is considered decent by one particular individual may not be considered so by another; what is food for one may be poison for another. Sir, it is revolting to me to see these indecent pictures and I do not let slip any opportunity, whenever I get one, to impress upon the public the necessity of avoiding all possible chances of such pictures misdirecting our youth. It is only on these considerations, Sir, that I venture to move the amendment which runs as follows:—

'Add the following as item (iii) to sub-section (2) of new section 129-B:—

"(iii) the advertisement consists of indecent pictures or posters which offend or are likely to offend the ordinary principles of moral code".

* Mrs. K. ALAMELUMANGATHAYARAMMA spoke in Tamil and the following is an English summary of the speech:—

"Sir, I second the amendment. Mr. Appadurai Pillai has already explained the position clearly. I may say that according to the Indian standard of morality, some films and pictures exhibited are certainly objectionable. The youth of the country are likely to be misled by the exhibition of such films. No doubt, the Police Commissioner is responsible for the prevention of such exhibition, and it is also the duty of the members of the Film Board to bring to his notice the exhibition of such indecent films. But it must be conceded that our moral codes are different from what they are in the West. And so, when a particular member of the Board raises an objection, the other members are also to be satisfied with the objection.

"In the month of September, I sent to the Commissioner a copy of the 'Puzzle' a journal published in Georgetown, which has an indecent frontispiece. I am glad to hear that the editor of that journal was sent for and warned against a repetition of such things.

"I feel that in addition to the Commissioner of Police, the Commissioner of the Corporation should be allowed to have this power of prohibiting the exhibition of indecent films."

* Mr. R. MADANAGOPAL NAYUDU:—"Mr. President, Sir, I am entirely in agreement with the sentiments expressed by the mover and seconder of the amendment. But if I rise to speak on this amendment, it is only with a view to point out that it is absolutely unnecessary. My friend has himself spoken of culpable negligence on the part of the Corporation if it allows such pictures to be exhibited. I will go a step further and say that it will be not only culpable negligence but participation in the commission of the offence, if the Commissioner gives previous permission for their exhibition—he will be a party to it. The mover himself stated that such exhibition is an offence under some other Act in force in the Madras City. Therefore, I do not think that the Commissioner of the Corporation would be a party to the exhibition of

[Mr. R. Madanagopal Nayudu] [11th November 1935]

such advertisements. Clause (28) of section 349 referred to by my hon. Friend says that by-laws have to be made 'for the prohibition and regulation of advertisements in public streets or parks.' One of the first things that the Corporation will do under this sub-section is to see that the exhibition of these films is prohibited to the utmost possible extent. My Friend, Mr. Arasu, will probably say that what is poison to Mr. Appadurai Pillai is food for himself—I am not going to pursue that argument. I am a bit conservative in this respect, and I think that many of the posters which are exhibited are really objectionable. It will certainly be good in the interests of the youth of this City if they are not allowed to be published. There is power enough for the Corporation under the Act as it stands, and there is absolutely no necessity for the amendment which has been moved."

* Mr. V. T. ARASU:—"Sir, I oppose the amendment moved by my Friend, Mr. Appadurai Pillai. As regards the question whether the advertisements published by many of the cinema and talkie houses is the result of the demand on the part of the public or whether the pictures themselves create a taste in the people is a moot question. My hon. Friend, Mr. Hameed Khan suggests it is a vicious circle. It may be argued by some that the producers of these posters and films are only catering to the debased—if I may say so—taste of the public; while on the other hand it may also be argued by men of the type of my hon. Friend, Mr. Appadurai Pillai that as a result of the production and publication of the so-called indecent pictures by the cinema houses, the taste of the general public is being lowered. As I said, it is a moot question and I do not propose to go into that now. I, however, look at this amendment from this point of view, viz., that it will be in the hands of the executive of the Corporation an instrument of harassment. The amendment suggests that the power should vest in the Commissioner of the Corporation to judge whether a picture is likely to offend the ordinary principles of moral cere or not. As was rightly pointed out by the hon. Mover himself, what may be decent to one may not be so to another, and what may be indecent to one may appear to be quite all right for a third. Therefore I say that the Commissioner of the Corporation will be placed in an awkward position. For instance, if in the case of one film producer he says a picture is indecent or offends public taste and therefore should not be exhibited, and in the case of the advertisement of another film producer he says it is quite decent, there will be any amount of litigation and heart-burning, and it will be suggested that the Commissioner is partial or biassed in his judgment of these pictures. I think we should avoid placing the Commissioner in such an awkward position."

"Again, as was stated by the hon. Mover himself, there are other Acts under which the exhibition of very indecent pictures can be prevented. The Police Act gives power to the police to prevent their exhibition if they find that they offend the good taste of persons of the type of my hon. Friend, Mr. Appadurai Pillai. There is also the

11th November 1935] [Mr. V. T. Arasu]

Board of Film Censors which censors the films and advertisements before they are exhibited to the public. From that point of view also, I think, it is unnecessary that this amendment should go into the Act."

"On a higher principle also I am opposed to any restriction being imposed on the exhibition of any advertisement, even though it may be indecent for vulgar eyes. I ask the hon. Mover of this amendment whether he is aware of the fact that there are many publications in the Continent of Europe, in countries like France and England, which are flooded into this country? Has he ever seen a magazine called the *London Life* or the *Open Life* or the *Picture Goer*, or the *Cinema Fan*? There are hosts of such magazines published in France and other continental countries which are being sold here and displayed in railway platforms and windows of bookstalls. Has he ever seen any of these magazines?"

"Sir, when no such prohibition is sought to be imposed on the sale of such magazines or on the exhibition of those magazines in railway station platforms and book-shop windows, I am unable to understand why the exhibition of the picture of a lady or some such thing at the gates of a cinema house should be prohibited. If only my hon. Friends would go there and see some of these magazines, I am sure they will come to the conclusion that I have come to—or rather every one ought to come to—namely, that these pictures exhibited by cinema houses do not at all offend public taste, but on the other hand are a natural outcome of what the public wants." 12-15 p.m.

"Even on the so-called high moral principles, I think this amendment ought to be opposed. I do not know if my hon. Friend visited the show called 'Tropical Express' which was put on boards to packed houses at the Elphinstone. I am told that my hon. Friend, Mr. Appadurai Pillai, did visit it . . ."

* Diwan Bahadur A. APPADURAI PILLAI:—"On a point of personal explanation, Sir. I have not had the misfortune to visit it, Sir."

* The Hon. the PRESIDENT:—"At any rate the House need not advertise it here."

* Mr. V. T. ARASU:—"I think, Sir, if hon. Members of the House had visited some of these shows, they cannot but come to the conclusion that the advertisements exhibited at the gates of cinema houses are nothing compared to the shows in which real human beings are actually seen on the stage in an attire and pose—I do not know what my Friend would call it."

"I think, Sir, the Government would oppose this amendment and not accept it. If the hon. Mover had enumerated the principles of the moral code mentioned in the amendment he would have done a great service, and those principles would serve as a guide to the Commissioner of the Corporation in judging whether a picture offends against the moral principles or not. Otherwise lot of difficulties would

[Mr. V. T. Arasu] [11th November 1935]

crop up. What is considered moral by the Commissioner may be immoral to my hon. Friend, Mr. Appadurai Pillai. For these reasons, Sir, I strongly oppose the amendment."

Mr. T. S. RAMASWAMI AYYAR:—" Mr. President, Sir, though I have been following the bright speech of my hon. Friend, Mr. Arasu, yet I am unable to appreciate his arguments. The point raised by my hon. Friend, Mr. Appadurai Pillai, in the amendment is that the Corporation should be entrusted with powers to refuse advertisements which are indecent. I do not think any hon. Member of this House will say that the statement by itself is wrong. As a matter of fact, my hon. Friend, Mr. Madanagopal Nayudu, tried to explain the position. He said that the power is already there in the Act, because there is the rule-making power vested in the Corporation and that under the rules and regulations, the Corporation could certainly say that permission to exhibit certain advertisements cannot be given. But the point raised by my hon. Friend, Mr. Appadurai Pillai, is that a specific provision should be made in the Act itself that permission should not be given for such and such advertisements. Sir, it is common knowledge that many of the advertisements during recent years have contravened the principles of decency and if action had not been taken in some cases, it is because it has been felt that enough power has not been vested in the agencies to control these advertisements. My hon. Friend, Mr. Arasu, said that on the stage or in a cinema show things that are really not good, are exhibited. But that, Sir, is a different question. There the person pays for attending the cinema show or the theatre and if he goes there it is a question of his going there himself and he takes the consequences of the act and it is for him to judge whether he could go to a certain cinema or theatre. If people of the type of my hon. Friend, Mr. Appadurai Pillai, think that it is a misfortune to attend such shows, they may not care to pay for attending them. But my hon. Friend, Mr. Arasu, might gladly attend such shows. But these are matters in which one can pick and choose. The reference here is to posters or advertisements in the public streets. Whether a person who walks along the streets is attracted by an advertisement and especially in the case of immature people or children whether it is good for their morals or not—all these are questions to be considered.

" Now, the proposition is, that the Commissioner shall have the power to prevent such advertisements from being exhibited. My hon. Friend, Mr. Arasu, says, why should we entrust the Commissioner with a power which when exercised will be called into question. But, Sir, the whole Act entrusts the Commissioner with any amount of power and with regard to his action under every section, some member of the public or other can always question. Certainly, if power is entrusted to a public officer, others will question. As a matter of fact, if even an Hon. Member on the Treasury Bench does an act, at once hon. Members of this Council raise up questions either by means

11th November 1935] [Mr. T. S. Ramaswami Ayyar]

of interpellations or adjournment motions; and you cannot prevent the action of a public officer being questioned. So, there is no point in my hon. Friend, Mr. Arasu, saying, do not entrust the Commissioner with powers because it is likely that his action might be called in question. A reference to the other sections of this amending Bill will also show that powers with regard to certain other matters are going to be entrusted to the Commissioner, for example, the power to prevent unnecessary noise in the streets and so on. It is not as if this is a new idea, but if the House recognizes that the Commissioner should have the power to refuse the granting of licences for certain kinds of advertisements which he considers obscene, I think the Act should make provision for such a power. I therefore feel that there should be a specific provision in the section itself apart from the rules and regulations. If no specific provision is made, then it might be asked whether it is within the competence of the Corporation itself later to frame regulations to prevent the exhibition of obscene posters or advertisements, and it may also be said that powers are given only with regard to the levy of a tax on advertisements. If it is not within the purview of the Corporation to frame a regulation which would prevent advertisements being made, then any member of the public might come forward and say it is *ultra vires* of the Corporation to frame a regulation which prevents the exhibition of obscene or indecent advertisements, that the Corporation can only collect its taxes and for that purpose alone regulations may be framed. In order that such questions may not be raised, it is proper at this stage that the House should give its verdict and say that the Corporation should have such a power. I therefore have great pleasure in supporting the amendment moved by my hon. Friend, Mr. Appadurai Pillai."

Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—" Mr. President, Sir, the amendment says, 'the advertisement consists of indecent pictures or posters which offend or are likely to offend the ordinary principles of moral code.' What the ordinary principles of moral code are, it is rather very difficult to define; for instance, as already stated by my hon. Friend, Diwan Bahadur Appadurai Pillai, what he may not like, I might, and conversely, what I may not like, he might. So, to entrust the Commissioner with powers so vague as that, I think, is rather unfair. Besides, Sir, there are a number of purity leagues in Madras and if this power is entrusted to the Commissioner, the Commissioner will, I think, have nothing else to do than to be engaged in correspondence with these purity leagues. After all morality is judged by one's own standard. I see no harm in seeing some of those advertisements put upon the posters; Mr. Appadurai Pillai does not like them, but still a majority of the public see nothing indecent in such things. Such being the case, it is not right to tie down the hands of the Commissioner with a very vague provision like this. I therefore think that the power which now vests with the Commissioner of Police is sufficient for the purpose, unless of course a

1934 A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR
CERTAIN PURPOSES (BILL NO. 11 OF 1934)

[Mr. Javad Hussain Khan] [11th November 1935]

Board of Advertisement Censors is constituted consisting of gentlemen like Diwan Bahadur Appadurai Pillai who might render useful service to the public. I therefore beg to oppose the amendment, Sir."

Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, I am sorry I have to differ from my hon. Friend, the Commissioner, over this amendment. There is no doubt that there will be practical difficulty in working this amendment if it becomes part of the Statute, but all the same, that provision must be there and I am sure, the very fact of the existence of such a provision will keep out persons from deliberately making use of these advertisements for purposes which are certainly not desirable. It is not only the pictures which are likely to be objectionable, but to even the manner in which these advertisements are written objection can be taken. I am sure that if the Commissioner makes up his mind he can certainly prevent undesirable pictures from being shown and undesirable advertisements from being put on shows. There is no doubt, I agree, there may be practical difficulties, but as I have already stated, such wholesome provision should be there in order to keep off advertisers from advertising indecent pictures and indecent advertisements. I do not go to the extent of supporting my hon. Friend, Mr. Appadurai Pillai, that every picture that is advertised or put on boards in front of picture palaces or talkies is objectionable. No doubt we may differ on that score, but certainly I should say there is the possibility of something very objectionable being put up as an advertisement or there is bound to be something which is very objectionable from the point of view of a certain class of people. I do not know why the Corporation should not protect the sentiments of such a class of people by prohibiting such advertisements being placed on the walls or in the streets or in any other place. I therefore hope that some provision will be made to that effect. It may not be necessary that we should accept the amendment of my hon. Friend, Mr. Appadurai Pillai, as it is, but some provision should be made either in the form of the amendment as suggested by him or in the regulations themselves by which an advertisement which is undesirable or objectionable could be prohibited."

* The Hon. the RAJA OF BOBBILI:—"Sir, I think this amendment has been sufficiently discussed. I have not the slightest objection to empower the Corporation to frame by laws to regulate the exhibition of pictures. But according to the amendment as it stands, it is not right that we should impose a statutory duty on the Commissioner whose opinion will not be final and whose action will be liable to be taken to a court of law. As it is, it is very vague and general, for it says: 'posters which offend or are likely to offend the ordinary principles of moral code'; and there is likely to be the possibility of difference of opinion as to whether it will offend or is likely to offend the ordinary principles of moral code. There might be suits filed for damages by companies which they think they suffer by the prohibition of certain

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR 1040
CERTAIN PURPOSES (BILL NO. 11 OF 1934)

11th November 1935] [The Raja of Bobbili]

advertisements. I do not think we can lay down a general obligation like this in such vague terms on the Commissioner of the Corporation. I will, therefore, have to oppose this amendment."

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, 12-30 p.m.
I feel very much gratified to find large support in favour of my amendment. As far as I am concerned, I do not see any justification of the reasons given by hon. Friend, the expert Member. He said that if the Commissioner of Corporation is entrusted with the duties of prohibiting or setting aside of indecent pictures or posters it will hinder his legitimate duties. I am very sorry to hear that sort of statement from the Commissioner of Corporation who as a District Magistrate and Collector is supposed to work for 18 hours a day. He also stated that it would be unnecessary work for the Commissioner of Corporation to have correspondence with the purity league and other organizations if this proviso is added in the Bill. He need not do all these things himself. He can appoint some standing committees consisting of persons young and old who can very easily do this sort of work. The responsibility of finding out whether an advertisement is decent or indecent will fall on the committee. As for the correspondence work which the expert Member said will fall on him, he need not fear because the work can very easily be distributed among the establishment of the Corporation. He also said that the wording of my amendment is vague. I do not see anything vague in my amendment. I put it as broadly as possible. I do not know how more elaborately I can put it. I do not think it is possible for me to improve it further. So, I would like to press my amendment."

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

'Add the following item (iii) to sub-section (2) of new section 129-B:—

"(iii) the advertisement consists of indecent pictures or posters which offend or are likely to offend the ordinary principles of moral code." "

The motion was put and lost.

* Sir WILLIAM WRIGHT:—"Mr. President Sir, I beg to move the amendment which stands in my name, viz.—

'At the end of section 129-B, the following proviso shall be added:—

"Provided that the provisions of this section shall not apply to any advertisement erected, exhibited, fixed or retained on the premises of a railway company relating to the business of a railway company."

Sir, there are two points I wish to emphasize at once in moving this amendment. One is that I am not pleading for any reduction of taxation to the railway company, but I am only suggesting that advertisements concerning railway business need not be submitted to the Corporation Commissioner before they are put up on railway premises.

[Sir Wililam Wright] [11th November 1935]

Secondly, I would like to point out that I am not suggesting that business advertisements and trade advertisements put up on the railway premises should not be submitted to the Commissioner. They will still have to be submitted to the Corporation Commissioner for approval if my amendment is passed. In support of the amendment I would like to point out that under the Railway Company's Act, 1890, no permission is necessary from a local authority for any work done by a railway in their own premises. Section 7 of the Act reads thus:

'Notwithstanding anything in any other enactment for the time being in force the railway company may make or construct in, upon, across, under or over any lands, or any streets, hills, valleys, roads, railway or tramways, or any rivers, canals, brooks, streams or other waters, or any drains, water-pipes, gas-pipes or telegraph lines, such temporary or permanent inclined planes, arches, tunnels, culverts, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, pipes, cuttings and fences as it may think proper.'

It certainly seems logical if the railway can do all these works within their own premises it should be allowed to put up advertisements dealing with their business without ascertaining the approval of the Corporation Commissioner. This amendment is moved to remove very practical and very obvious difficulties. One can imagine that if a part of the railway line is washed away it is necessary for the railway company to put up immediately advertisements in their own premises explaining what steps the railway has taken to re-arrange traffic in various directions. That ought not to be subjected to any delay which will occur if permission must first be sought from the Corporation Commissioner. I think this amendment is a very simple one. It merely affects the advertisements of railway companies. With these few words I commend my amendment to the House."

Mr. G. F. F. FOULKES:—"Sir, I beg to second the motion."

* The Hon. the RAJA OF BOBBILI:—"Sir, I accept the amendment. As the House has already accepted the previous amendment, I think it is necessary to accept this amendment."

The amendment was put and carried.

New section 129-D.

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, I beg to move the amendment standing in my name, viz.—

'In new section 129-D, for the words "unless he proves that" in lines 12 and 13, substitute the words "except in cases where".'

My object in moving this amendment is to remove the obligation which is now placed upon the owner or occupier. The clause states that the owner or occupier of land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in contravention of the orders of Corporation unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance. It seems unfair to hold the owner or occupier

11th November 1935] [Mr. A. Appadurai Pillai]

of land or building to be the person who has erected such advertisement for the simple reason that in most cases he is not aware of the advertisement or poster being fixed on his wall or land. If my amendment is carried it will shift this burden. When amended the clause will read thus:

'Where any advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of section 129-A or section 129-B or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in such contravention except in cases where such contravention was committed by a person not in his employment or under his control or was committed without his connivance.'

"The substitution of the words 'except in cases where' for the words 'unless he proves that' would considerably modify his position. Otherwise, he will have to prove in every case that the contravention was not committed by his connivance or by his employees; and a very powerful weapon would thus be placed in the hands of the Corporation. Whenever an advertisement offending this provision appears on a building, the Corporation will certainly haul up its owner and ask him to prove that that was not committed by a person in his employment or under his control or with his connivance. It is only to avoid such a difficulty that I have suggested the amendment; and I hope the House will accept it."

Rao Bahadur P. C. MUTHU CHETTIYAR:—"ஆபாசமான விளம்பரம் சுவற்றில் ஒட்டியிருந்தால் அந்த வீட்டு சொந்தக்காரர், தான் ஒட்டவில்லை என்று குஜாப்பித்தாலொழிய அவரோ ஒட்டியதாக கருதப்படவேண்டும் என்று புதிய பிரிவில் கண்டிப்பாக எடுத்துவிட Mr. அப்பாதுரை பிள்ளை அவர்கள் திருத்தத்தை ஆமோதிக்கிறேன்."

"ஒரு நபருக்கு பல கட்டிடங்கள் இருக்கலாம். அநேக கட்டிடங்கள் வாடகைக்கு விட்டிருக்கலாம். அந்த வாடகைதாரர் (sub-tenant ஆக) உள்வாடகைதாரர்கள் பலருக்கு விட்டிருக்கலாம்."

"நிதிமுத்திரியில் ஒட்டலாம். அப்படி ஒட்டியபோது ஒட்டினவன் இன்னொருவரும் தான் ஒட்டவில்லை என்றும் எப்படி குஜாப்பிக்க முடியும். ஒட்டும் போது பார்த்திருந்தவர்களை அறிந்து எப்படி பிடிப்பது. அல்லது பொய்யாக ஒரு நபரை குறிப்பிட்டு சொல்வதா?"

"கவான்மெண்டு, காப்பெஷன், கட்டிடங்கள், பப்ளிப் லேவெரி, இதுகளில் இவ்வில் ஒட்டினால் அதற்கு யாரை பொறுப்பாக்குவது. மேயர் அவர்கள் அல்லது அதற்குள் பிரவேசித்தவர்களை பிடிப்பதா?"

"பலான நபர் குற்றம் செய்தார் என்று சந்தேகமில்லாத சாக்ஷியம் இருந்தாலன்றி சந்தேகத்தின் பிரயோஜனத்தை யாருக்கு கொடுப்பது என்பது இதுவரை இருக்கும் சட்டத்தின் தன்மையையும் அனுஷ்டானத்தையும் மாற்றுவதாகும். அச்ச அடித்தவர், அதன் சங்கதிகளுக்கு சம்பந்தப்பட்டவர்களை காட்டிலும் கண்டு பிடிக்க சாத்தியமில்லாததாக பாவித்து சுலபமாக சொந்தக்காரர் என்பது சோம்பலான தன்மை."

"எப்படியாவது காசு வரவேண்டுமென்பதற்காக ஒர்பலாத்காரமான அதிகாரம் வேண்டியிருக்கிறதா?"

* Mr. R. MADANAGOPAL NAYUDU:—"Mr. President, Sir, I think that the purpose of Mr. Appadurai Pillai's amendment is to protect

12-45
p.m.

[Mr. R. Madanagopal Nayudu] [11th November 1935]

the house-owner and to safeguard his interests in the matter of these advertisements which may perhaps be put up without his knowledge or permission. I do not think that the amendment which my hon. friend moved is likely to achieve that object. The section says that unless the house-owner proves that the contravention was not committed by a person in his employment, he shall be deemed to be the person who has exhibited or retained such advertisement. This has to be proved by the house-owner and he thinks by changing the wording as suggested he has shifted the burden of proof on to the Corporation. Is it to the interest of the Corporation to prove that the owner is not responsible for the advertisement and exempt him from penalties? I do not think that it is the object with which my hon. friend has moved the amendment; and I feel that his object is not to the least extent served by the amendment he has proposed."

Mr. C. BASU DEV:—"Mr. President, I think the words 'except in cases where' are not suitable and I would suggest instead therefore 'until it is proved.' I think the object of my hon. friend is to protect the interests of the house-owner and that will not be served by the amendment he has proposed. If the words I have suggested are accepted I shall be glad to support his motion. Just a little while ago, when my hon. Friend Mr. Krishnayya Choudari moved that the owner of the premises shall be held responsible if for any reason the persons responsible for the advertisement could not be found, the whole House voted against him. I hope the House will be consistent and will accept my amendment and exonerate the house-owner who, in any case, is unable to find out that there has been any advertisement put up without his permission or knowledge. I ask, Sir, why the Corporation should not proceed against the person originally responsible for the advertisements. If the words I have suggested are accepted I shall be glad to give my support to it. As it stands, I do not think the amendment of my hon. friend can achieve the object he has in view."

* The Hon. the RAJA OF BOBBILI:—"Mr. President, it is difficult for me to follow the exact effect of the amendment. I am afraid it will lead to further confusion. There may be many cases where the Corporation may not be able to find out who has fixed the advertisement and therefore responsibility must lie with the owner. It is open to the owner to prove that such advertisements were not put up by a person in his employment or with his connivance. Unless there is some such provision, I think that it will be very easy to evade payment of this tax to the Corporation. An opportunity has been given to the owner to prove that he is not responsible for the putting up of the advertisement and as such I think the section as it is should stand. I oppose the amendment."

* Mr. V. T. ARASU:—"Mr. President, Sir, as regards the objection raised by the Hon. the Chief Minister that it will be impossible for the Corporation to trace out who put up an advertisement, I should

11th November 1935] [Mr. V. T. Arasu]

like to draw the attention of the Hon. Minister to the provision under the Press Act by which every printed matter will have to bear the name of the press in which it was printed. When the name of the press is known it ought to be very easy for the Corporation to find out who were the persons that were responsible for putting up the advertisements. It seems to be unreasonable that the house-owners should be asked to prove that such advertisements were not put by any one of their employees or with their connivance. The arguments put forward by the Hon. the Chief Minister are not convincing."

* The Hon. the RAJA OF BOBBILI:—"I do not follow the hon. Member. He seems to suggest that the liability must be placed on the Press. I do not see how the press could be made responsible for the advertisements. They are only concerned with the printing and they do it on behalf of certain individuals and I do not see how the press is to be penalized. There may be many advertisements on which the names of the advertisers will not be found. In such cases, of course, the primary duty would be to tax the person who had actually fixed the advertisement. But there may be cases where it will not be possible to trace such persons and the ultimate liability must rest with the house-owners."

Mr. BASHEER AHMED SAYEED:—"Mr. President, Sir, the entire scheme of this Act and also the amending Bill is that the Corporation as a statutory body must hold either the house-owner or the occupier responsible for the taxes or fees or licences that are payable to the Corporation. Unless the owner or occupier is held responsible, the Corporation will have to go in search of the person who has pasted or put up the advertisement. As the Hon. the Chief Minister pointed out, the press has only to do the printing and receive payment therefor. It is not concerned with its being pasted, put up or erected. It is the person who permits the walls and premises to be used for purposes of advertisement that should be held responsible. It will not be possible for the Corporation to go after the persons who go on pasting the notices and advertisements. They are the agents of certain individuals. The only practical thing to do in the circumstances is that we should hold the occupier or owner of the premises responsible for the advertisement."

"Mr. Appadurai Pillai's attitude was that the burden of proof should be shifted to the Corporation. I do not think that it is the scheme of any Act when it concerns any local body or Government. The primary responsibility should be on the person who allowed the advertisement to be put up. It cannot be that the Corporation should prove that it was not done by so and so. We ought to look to the person on whose land or building the advertisement is put up for the collection of the tax but it is also open to him to say that he was not responsible for it. All that is laid down in this section is that he has to prove what he says. It is not a sound principle of jurisprudence to make a local body responsible to prove that this thing

[Mr. Basheer Ahmed Sayeed] [11th November 1935]

was done by some body else and not by the person who was primarily responsible for it. I do not think that the amendment of Mr. Appadurai Pillai could be accepted by the House in so far as it wants to shift the onus of proof on to the Corporation and not the person who has to prove that he has not contravened this section."

* Rao Bahadur R. SRINIVASAN:—"Mr. President, Sir, the main difficulty is that there is no separate place kept apart for purposes of advertisements. In other countries a separate board about fifty feet in length and some ten feet broad is placed in various centres of the town and advertisements are displayed there. Thus town walls are kept clean. Advertisements can only be put up on these boards and nowhere else. Advertisers are charged for extension of space and number of days taken. Then if anybody goes and pastes on walls the advertisers should be held responsible. In the absence of any provision of that sort, to charge the owners of the walls, I think, is a bit unfair."

1 p.m. * Diwan Bahadur A. APPADURAI PILLAI:—"The principle of the owner or occupier who is unaware of the exhibition of the objectionable advertisement should not be penalized seems to be acceptable to most of the hon. Members. I beg the Hon. the Chief Minister to consider what amendment would best secure that object in view. If this can be held over for consideration after lunch it would be possible to grant my request that the owner or the occupier should not be penalized for any advertisement that might be pasted."

* The Hon. the PRESIDENT:—"The principle has not been accepted."

Diwan Bahadur A. APPADURAI PILLAI:—"The principle has been accepted from what Mr. Madanagopal Nayudu stated."

* The Hon. the RAJA OF BOBBILI:—"Of course I cannot undertake to accept the amendment in any modified form. But I have no objection to the matter being postponed."

* The Hon. the PRESIDENT:—"I take it that the House is in favour of postponement."

The consideration of the amendment was accordingly postponed.

Clause 78.

Section 135.

Mr. P. V. KRISHNAYYA CHoudari:—"I move—

'Add a new proviso to section 135 of the Act, as follows:—

"Provided that this section shall not apply to the transactions of any co-operative society registered under the Madras Co-operative Societies Act, 1932."

"I move only that part. The Land Mortgage Banks are also registered under the Co-operative Societies Act. That is why I omit the latter part of the amendment. In Madras City they charge 2 per

11th November 1935] [Mr. P. V. Krishnayya Choudari]

cent on every registered document or mortgage deed. The Act provides a 2 per cent maximum. Already the societies are given some sort of concession where the sale value is below 50,000. So I wish the Minister may give such concession to the societies in the city which are registered to be exempted under this provision. Government also are not taking full registration fee as they charge only half the registration fee throughout the Presidency. I feel it, Sir, that it is unjust on the part of the Corporation to charge the full amount. As it does not require much argument I appeal to the House to accept in full or at least make it a half concession as the Government are allowing throughout the Province."

The motion was duly seconded.

Mr. BASHEER AHMED SAYEED:—"I rise to oppose the amendment, Sir. For one thing, the amendment is vague. I do not understand what he means by the transactions of the co-operative societies. Transactions might mean those documents executed by the co-operative society in favour of individuals or it might mean documents executed in favour of co-operative societies by individuals. I do not know what exactly is meant by transactions. I should say that transactions executed in favour of individuals by co-operative societies will be very few so that it cannot be said that the societies are paying any large amount by way of duty. In other cases, i.e., documents executed by persons in favour of co-operative societies I do not see why they should not be what they are at present. After all I have to remind the House that the Corporation has not got expanding sources of income. The resources are unexpanding and there are only three or four items, property, companies, income and other minor items of licence fees. We have made a great change in respect of companies. With regard to tax on income they have asked for a reduction and to a certain extent they have succeeded. If you are going to reduce the tax on transfers I do not see how the administration is to be carried out. The benefit that my friend wants will be negligible to the co-operative society. The co-operative society is not going to pay any tax at all. If the persons who are going to execute documents in favour of the societies are to be relieved I think the considerations of the Corporation ought to weigh more. I do not see why the co-operative societies should not pay tax. I want the hon. Members to bear in mind the interests of the Corporation and the interests of the City. We cannot curtail its powers and still want the Corporation to run efficiently."

Sriman M. G. PATNAIK Mahasayo:—"This tax seems to be levied purely on fiscal grounds. The Corporation does not seem to be rendering any kind of service to demand this tax. The policy should be to see and encourage the co-operative movement by exempting certain documents from the registration tax. Is it not consistent with the general policy that the co-operative movement should be encouraged. That is the whole question. This is purely a fiscal measure. Taking that into consideration I think it is but right that in conformity with

[Sriman M. G. Patnaik Mahasayo] [11th November 1935]

the policy of the Government no tax should be levied on documents executed in respect of co-operative societies. I think this tax should be altogether abolished. (Mr. Basheer Ahmed Sayeed: 'Why not abolish the Corporation?') If it stands on such slender basis it should be abolished. Certainly, what is the tax you get? Practically nothing. Therefore I say the amendment ought to be supported."

Rao Bahadur P. C. MUTHU CHETTIYAR:—"சொத்துக்களை விற்பதும் போதும் அல்லது எந்தவிதமான பராதீன மார்க்கெட் செய்யும்போதும் ரூ. 100-க்கு 2-வீதம் கார்ப்பரேஷனுக்கு கட்டவேண்டியிருப்பது எடுத்துவிட தெரிவிக்கிறேன். ஒருவன் சொத்தை விற்பதில் எந்த விதத்தில் கார்ப்பரேஷனுக்கு சம்பந்தமிருக்கிறது—புரோக்கரா, பங்காஸிகளா?"

"பத்திரத்துக்கு ஸ்டாம்பு டீட்டி ஏற்படுத்திவருவது நினைக்கப்படாதா?"
"ஆதியில் 100-க்கு 8 அணு வீதம் இருந்தது. அப்பால் பணிபுரண்டது ஆயிற்று. பிறகு ஒரு ரூபாயாயிற்று. அதற்குமேல் எக்ஸஸ் விவாதத்தில் வரி குறைந்துவிடுமா என்று யோசித்து ஜனங்களுக்கு டெம்பரவரியாக போடுவதாக நினைக்க செய்து கொஞ்சமும் யோசியாது ஸ்டாம்பு ஆக்ட்டுப்படி உரிய எல்லாவற்றிற்கும் 100-க்கு 50 பர்செண்டு உயர்த்தியும் அதை ஒவ்வொரு வருஷமும் திட்டத்தில் எடுத்துவிட கதறிவரும் விபரத்தை கவனிக்காமலிருக்கும் போது திருத்த மசோதா வந்திருக்கும்போது இந்த சமயம் அந்த செக்ஷனை எடுத்துவிடப்படாது. கோவாபரேடிவஸ்களுக்குமட்டும் இந்த ஏற்பாடு கட்டப்படுமா என்பதைச் சொல்கிறீர் அவர்கள் சொல்வதை ஆகேபிக்கிறேன். அப்ப சமயத்தில் உலகம் உஜ்ஜிவித்துவிடவில்லை. அதினாலே ரொம்ப நன்மை இருக்கிறதாக இல்லை. அதற்குமட்டும் ஸ்டாம்பு ரிஜிஸ்டரேஷன் முதலிய மற்ற எந்த வரியையும் தள்ள வேண்டுமென்று விரும்புவது பொருத்தமல்ல."

"ஒரு சொத்தை பற்றி யோசிப்போம். பெரும்பாகம் சொத்துக்கள் சம்பந்தமாய் பத்திரங்கள் மாறி மாறி ஏற்பட்டிருக்கிறதை அறிந்திருக்கிறேன். சொத்து மதிப்பைப்போல் ஸ்டாம்பு வகையறு தொகை அதிகம் செலுத்தியிருக்கிறதாயிருக்கிறது. சொத்தை விற்கவேண்டிய அவசியம் பெரும்பாலும் ஜனங்கள் முடியாத தன்மையில் விற்கிறார்களென்று அறியவேண்டும். கோர்ட்டு ஈரலங்களுக்கு ஸ்டாம்பை தவிர மவுண்டு, பவுண்டிஷ் போத ஏற்பட்டிருக்கிறது. திடீரென 100-க்கு ரூ. 2 வீதம் கார்ப்பரேஷனுக்கு கவனிக்கக் கொடுக்க வேண்டுமென்பது நடு நடுங்கதக்கது."

1-15 P.M. * The Hon. the RAJA OF BOBBILI:—"Sir, there is no need to say much on this subject. This is not a new tax sought to be imposed for the first time. The Corporation has been levying this tax for the last 20 or 25 years. Without any figures to show what the effect of this motion will be on the finances of the Corporation, I do not think I could readily accept it. If it is a new tax imposed for the first time, I can understand the argument that the co-operative movement should be given special consideration. But this tax, as I said, has been in existence for the last fifteen years and the hon. Mover has not given any figures to show what the loss to the Corporation finances would be. The total income to the Corporation under this head would be something like Rs. 1,25,000; but I am not in a position to state what the financial effect of accepting this amendment would be. I therefore oppose it."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, I know I need not answer my hon. Friend Mr. Muthu Chettiyar who is a

11th November 1935] [Mr. P. V. Krishnayya Choudari]

money-lender and a banker, and naturally he is opposed to the co-operative movement. We therefore need not take his arguments seriously.

"Sir, we have considerably increased the taxes on the co-operative movement in the City of Madras by subjecting them to the companies' tax. As such we should not throw this additional burden on that movement. The Hon. Minister asked me to show by figures the financial effect of my amendment. I am unable to give them. The Corporation executive officer would be a better person to tell us what the result of accepting this amendment would be. As far as I know purchases and sales by the co-operative banks are very few though the Hon. Minister said the other day that some 3,000 such cases were brought to his notice. The co-operative banks grant loans on the security of houses and, in these days of depression when repayments are few, they are perhaps obliged to purchase those houses. The position may be different after the depression has passed away. I think the amendment is necessary and should be accepted."

* Mr. R. MADANAGOPAL NAYUDU:—"Sir, I want to remove one misapprehension from the minds of hon. Members. This tax applies to sales as well as to mortgages with possession. The co-operative banks advance monies on such mortgages on a large scale. Therefore if this amendment is accepted, the income of the Corporation is likely to be seriously affected."

The amendment was put and lost.

Clauses 78 and 79 were then put and carried.

Clause 80.

Section 137-A.

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

'In clause 80, delete section 137-A.'

"This clause provides that with the sanction of the Local Government the Council may exempt any person or class of persons wholly or in part from the payment of any tax. I do not know the reason why the Government are anxious to have this provision. It was not in the old Act. I want to know which class of people the Government have in mind for exempting from the payment of tax. I am afraid that if this section is retained it will give room to a lot of complications in the Corporation. Of course, simply because a person is an alderman, the Corporation may not ask for Government sanction for exempting him, but they may ask for sanction for exempting ex-Mayors from taxation as a sort of doing honours to them. I want to know if such sort of people are going to be exempted. I do not know what class of persons the Government have in view for this honour.

[Mr. P. V. Krishnayya Choudari] [11th November 1935]

Whatever it is, a good lot of revenues of the Corporation will be lost by this method of showing honour to individuals. If the Government would explain their view point I shall be satisfied."

Mrs. A. RUKMANI LAKSHMIPATHI:—"Sir, I rise to second the amendment moved by my hon. Friend, Mr. Krishnayya Choudari, to delete section 137-A. Generally, Sir, in very big cities, like the City of London, it is customary for the City Council to confer on distinguished persons what is known as the Freedom of the City. I suppose this new section which has been added to the amending Bill has been put in with that object in view. But this granting of exemption from payment of taxes, if it is to be done with the previous sanction of the Local Government, will lead to invidious distinction, particularly when the Government is a party Government. We do not know where the line of distinction will be drawn. In the view of the Government one may be a distinguished person and another may not be a distinguished person. As such this section will give rise to invidious distinction, and therefore I support the motion asking for its omission."

* Mr. V. T. ARASU:—"Mr. President, I also rise to support my hon. Friend, Mr. Krishnayya Choudari, that section 137-A should be deleted. Because this section—to borrow an American phrase—would lead to considerable log-rolling. Persons with a canvassing capacity will canvass the Corporation members and get exemption. I feel that this power, though it is subject to the sanction of the Local Government, should not be given to the Corporation. Every person who lives in the City of Madras should be compelled to pay the taxes due from him, and no sort of exemption should be given to any individual however high-placed he may be."

Mr. T. S. RAMASWAMI AYYAR:—"I am also, Sir, anxious that unless a specific case is made out for having this section, the Corporation finances should not be whittled down. We have seen how, in previous sections, many inroads have been made on the finances of the Corporation. Government have claimed exemption in certain cases. If we go on at this rate we will be crippling the finances of the Corporation. I do realize that on occasions it may be necessary that the Corporation should be able to present the Freedom of the City to some great individuals, but those occasions should be very rare. I believe those great personages while respecting the sentiments of the Corporation, will not claim exemption from the payment of tax. It would be enough if we follow the present procedure in the matter of presenting civic addresses to great persons. We have not reached the stage when the Corporation can afford to follow the procedure followed by other countries of presenting the Freedom of the City and also exempting such honoured men from the payment of taxes."

The House then adjourned for lunch.

11th November 1935]

After Lunch (2-30 p.m.)

* The Hon. the PRESIDENT:—"Is the Hon. Minister going to reply."

Mr. T. SUNDARA RAO NAYUDU:—"Is there no other speaker to speak on this motion, Sir?"

* The Hon. the PRESIDENT:—"I regret I cannot canvass for any speaker."

* Mr. T. B. RUSSELL:—"Mr. President, Sir, regarding the possible objections to giving powers to the Corporation to exempt certain persons or classes of persons from taxation, I quite agree that this is a power which should be sparingly used. I think that sanction of the Local Government which is provided for is a sufficient guarantee that it will not be abused and although it is not very easy to specify off hand cases in which it may be necessary to apply this section, supposing there was a fire in a poor neighbourhood, it may be desirable for the Corporation to exempt the persons residing in the neighbourhood from taxation for a certain period. A similar provision does exist in the District Municipalities Act. I do not suggest that because such a provision exists in the District Municipalities Act, it must exist here also, but it seems to me that it is a reasonable and useful provision. If sanction is provided for from the Local Government, it is hardly likely that the power vested in the Corporation would be abused. I think we may clearly rule out such possibilities. I oppose the amendment to delete the section."

Mr. P. V. KRISHNAYYA CHOUDARI:—"As the Secretary for Local Self-Government has been pleased to state that the section will be applied only in cases where a fire has broken out or things of that sort, I have no objection to withdraw my amendment provided the Government are prepared to give a guarantee that the provision will be made applicable only to such cases. The clause, if allowed to go as it stands, may be construed in different ways to suit different people. Therefore if the Government are going to modify the clause, I have no objection to withdraw my amendment."

* Mr. T. B. RUSSELL:—"With your permission, Sir, I may say that it is hardly possible to legally provide for a guarantee which the hon. Member seeks."

* The Hon. the PRESIDENT:—"The question is that in clause 80, section 137-A be deleted."

The amendment was put and lost.

Clauses 80, 81 and 82 were put and carried.

[11th November 1935]

Clause 83.

Section 142.

* Mr. T. B. RUSSELL:—"I beg to move the amendment that stands in my name as follows:—

'Clause 83 shall be renumbered as sub-clause (1) of clause 83 and the following shall be added as sub-clause (2):—

"(2) In clause (b) of sub-section (2) of the same section for the words, figure, letter and brackets 'no portion of any sum of money borrowed under sub-section (1), clause (a),' the words, letters, figure and brackets 'no portion of any sum of money borrowed under clause (a) or clause (c) of sub-section (1)' shall be substituted."

"Sir, this verbal amendment is necessitated by the introduction of the new clause (c)."

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

The amendment was put and carried.

2-45 p.m. Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I move the following amendment:—

'In section 142 of the Act, after the word "debenture" in line 3 of sub-section (1), insert the words "or from the accumulation of the provident fund account".'

"Sir, the accumulations in the provident fund account carry only a very small percentage of interest, whereas, if the Corporation takes a loan from the Government it has to pay a high rate of interest—five or six per cent. What I suggest is, if the Corporation is permitted to borrow from the provident fund accumulations at the same rate of interest which it pays to the Government for its loans, the provident fund-holders will be benefited. There is this advantage that the Corporation instead of paying interest to the Government, will be paying interest to its own employees. This is also in the interests of the Corporation and I hope the Government will accept it."

The amendment was duly seconded.

* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"Sir, I want to know where is the provident fund to which the hon. Member from Guntur is referring and where are the accumulations in the provident fund. The Corporation has no provident fund."

* Mr. R. MADANAGOPAL NAYUDU:—"Mr. President, Sir, I think the words 'borrow by way of debentures or otherwise' will probably achieve the object which my hon. Friend has in mind. There is no provident fund at all at present and even if a provident fund is instituted later on, the word 'otherwise' will do. At present we are investing the sinking fund in the purchase of debentures. We are

11th November 1935] [Mr. R. Madanagopal Nayudu]

using it for the purpose of loans whenever we require it. The wording of the section as it is is quite enough and there is no necessity to alter it."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I moved the amendment with my experience of local boards. Unfortunately I am not a member of the Madras Corporation. In our district board we have 4 to 5 lakhs of rupees accumulated in the provident fund account, but we cannot take loans from it. If we want money we have to borrow at the rate of 7 per cent from the Government. Our accumulations in the provident fund account carry interest of only 1 or 2 per cent, whereas we have to borrow at the rate of 7 per cent. There is a difference of 5 or 6 per cent and I think it is reasonable for the Government to permit us to take loans from the provident fund accumulations. At present it is prohibited under the Local Boards Act. I thought it best to provide for this borrowing from the provident fund account under this section. But if the members of Corporation are not anxious . . ."

Mr. R. MADANAGOPAL NAYUDU:—"There is no provident fund at all."

Mr. P. V. KRISHNAYYA CHOUDARI:—"What about the sinking fund?"

Mr. R. MADANAGOPAL NAYUDU:—"We are doing it at present with regard to the sinking fund."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I beg leave to withdraw the amendment."

The amendment was, by leave, withdrawn.

Clause 83 as amended and clauses 84, 85, 86, 87 and 88 were put and carried.

Clause 89.

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, I move that clause 89 be omitted, that is to say, that section 160 of the Act be retained. Sir, suppose a certain amount of money is budgeted for for a certain work in a particular year. If the work is partially completed and only a portion of the budgeted amount is spent within the year, section 160 says that with the sanction of the standing committee the unspent portion of the budgeted amount can be utilized next year for completing the work. Now, if that section is omitted as is proposed by clause 89, there will be difficulty. It is said that the unspent portion should be budgeted for in the next year's budget. Suppose Rs. 1,000 is allotted for a particular piece of work and by the time the budget for the next year is prepared only Rs. 500 is spent. But at the end of the year Rs. 750 may be spent. In that case, which amount is to be budgeted for for the next year: Rs. 500 or Rs. 250? There is a difficulty, especially in the case of allotments for divisional improvements. These allotments are made only when there is money available at the rate of Rs. 1,000 to Rs. 3,000 for each

[Mr. C. Natesa Mudaliyar] [11th November 1935]

division. These amounts are utilized for the improvement of the divisions. Suppose an improvement for which a divisional allotment is to be utilized is the widening of a street or the opening of a blind lane. Then we will have to apply to the Government for acquiring the necessary portions of the lands and buildings. This process will take one year. Suppose the Collector estimates the lands and buildings and completes the process for acquisition. By that time, one year will have elapsed and if we turn round and look for the money to pay compensation for the land and building, there will be no money and money would have lapsed. We will have to budget for the necessary amount in the next year's budget. But this being a divisional allotment, it will be made only if money is available. There may be no money available next year and divisional allotments may not be given, with the result that all the trouble that the Collector took to acquire the land and make the whole thing ready for execution would have been in vain. So, Sir, I submit that section 160 is a very useful section and should not be deleted. It will save many a divisional councillor a lot of trouble. I request the Government to accept my amendment and see that divisional councillors are not put to much trouble and divisional improvements do not suffer."

Mrs. K. ALAMELUMANGATHAYARAMMA:—"I second it."

* Mr. T. B. RUSSELL:—"Mr. President, Sir, this is a matter of considerable importance. I think that everybody who is conversant with canons of financial propriety will agree that this section is contrary to all those canons. The Government feel very strongly that it is essential that it should be omitted. As there is not a very full House at present and as the Hon. Minister is absent, perhaps with the consent of the House, the matter might be postponed for the present."

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

* The Hon. the PRESIDENT:—"I take it that the House agrees to the postponement of the matter under discussion."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I object to the postponement. We have already postponed one or two things and if we go on like this, we will be confused when we take up these matters all of a sudden to-morrow."

* The Hon. the PRESIDENT:—"I may tell the hon. Member that we are not meeting to-morrow. If it is a small adjustment, we can well agree to that. Evidently the Hon. the Chief Minister is stuck somewhere and he will be coming presently. In the meanwhile we can transact such business as we can without him but with the aid of the Secretaries and other Members. I take it that the House is agreed upon postponing the clause for the present."

Clause 89 was postponed.

Clause 90 and 91 were put and carried.

11th November 1935]

Clause 92.

Section 164.

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, I beg to move the following amendment:—

'Add at the end of new sub-section (2), the following words:—
'and may construct new tank or tanks to meet the increasing demand of water-supply to the City'."

"Sir, the volume of the Red Hills tank is only 2,100 million cubic feet. In addition to that, the Cholavaram tank supplies 500 million cubic feet. The inflow of water is 450 million cubic feet. Altogether we have a supply of about 3,000 million cubic feet available for the city. Of this supply, 500 million cubic feet go to irrigate the lands of people who have mamul rights over the water of the tank. About 1,200 million cubic feet may go away in evaporation and percolation. What remains for the Corporation is only a supply of 1,300 million cubic feet. At present only 25 gallons per head is the daily consumption. But that is not enough; we should have 35 to 40 gallons. Even at the rate of 25 gallons per head, it comes to 3½ million cubic feet of water every day. In a year 1,276 million cubic feet of water might be consumed. We have only 1,300 million cubic feet available. That is enough for the present population. Most probably in 1940, this water will not be enough. If we apportion 35 gallons per head as we ought to do, we will require 1,800 million cubic feet of water. On the other hand we have only 1,300 million cubic feet available. So, Sir, there is immediate necessity."

Mr. T. B. RUSSELL:—"May I rise to a point of order? The provision which is sought to be introduced by this amendment is already there in the Act and the discussion of the needs of water-supply is irrelevant. Section 164 (1) clearly gives the Corporation ample powers to construct reservoirs, tanks and the like. The extra section that is introduced is merely to make it clear that the Corporation has power to deal with the existing works. But I submit that the powers which this amendment purports to confer are already conferred by section 164 (1)."

* The Hon. the PRESIDENT:—"I should like to hear the hon. Mover a little more fully before I decide the point."

* Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, I was very mindful of section 164 (1). Only after seeing that section I tabled this motion. The section says: 'and may provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limits for the use of the inhabitants.' I want to say that the Corporation may do all these things within or without the city limits. It is not possible to have reservoirs and tanks in the city at present. We will have to tackle some source in the south beyond the Adyar. Within the city, where are you going to have reservoirs? Where is the place? My amendment is whether within the city or outside the city, we want tanks, we want reservoirs."

[11th November 1935]

Mr. T. B. RUSSELL:—"There is already provision to this effect in the clause."

Diwan Bahadur C. NATESA MUDALIYAR:—"If the Government or the Corporation assures me that they are going to have another reservoir outside the city limits, then I shall withdraw my amendment. I think they are referring to tanks, reservoirs, etc., which are already there within the city limits. I think they do not mean that they are going to have new reservoirs. There is a reservoir now in Kilpauk; they mean that reservoir. If they refer to a new reservoir outside the city and if they propose to meet the increasing demands of the city, I have no objection to withdraw my amendment."

* The Hon. the PRESIDENT:—"Section 164 (1) reads thus:—

'The Corporation may, with the sanction of the Local Government, construct, lay or erect filtering tanks, reservoirs, engines, conduits, pipes, or other works without the limits of the city for supplying it with water, and may provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limits for the use of the inhabitants.'

"If the hon. Member proposes to cover some more ground, then I shall decide whether the hon. Member's amendment may go through."

Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, I want an assurance from the Government that they do not refer to the reservoirs in Kilpauk or in the city. If they say that there is provision for having another tank or reservoir outside the city for meeting the increasing demands of the city, I have no objection to withdraw my amendment."

Mr. T. B. RUSSELL:—"Sir, on behalf of the Government, I cannot assure the hon. Member that Government will provide them but I can and do assure him that they have powers to do so."

* Mr. R. MADANAGOPAL NAYUDU:—"Sir, Dr. Natesa Mudaliyar says that the reservoir in Kilpauk is referred to in the clause. The clause refers also to reservoirs without the limits of the city. Therefore the clause will cover new tanks which he contemplates for supplying water to the city from outside the city limits, in addition to the Red Hills tank. I therefore say that the amendment is superfluous; the necessary provision is already there. The clause does not refer to places which are located only within the city. It provides for having reservoirs, tanks and many other such things outside the city to supply water to the city."

* Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, what I have definitely stated in the amendment is 'to meet the increasing demand of water-supply in the city.' In 1940 we should have $1\frac{1}{4}$ times the quantity of water we are having to-day. After the assurance given, I withdraw my amendment."

The amendment was, by leave, withdrawn.

Clause 92 was put and carried.

11th November 1935]

Clause 93.

Mr. C. BASU DEV:—"Sir, I beg to move the amendment standing in my name. The section which I propose to amend reads thus:—

'(5) For all water supplied under this section, in excess of a maximum determined by regulations of the standing committee, payment shall be made at such times and under such conditions as may be laid down in such regulations and shall be recoverable in the same manner as the water and drainage tax.'

"The present method of charging for excess water, works great injustice. My amendment is a modest and reasonable one; it runs thus:—

'In sub-section (5) of section 169 of the Act, after the words "shall be made at such times and under such conditions as may be laid down in such regulations," the words "shall be made every three months calculated from the total consumption during that period" shall be inserted.'

"During some months persons may consume considerably less than what is allowed free of charge; in some other months, they may consume something more than what is allowable to them. If a person is charged for consumption over and above the water allowed during a period of three months at a time, it will be more just and it will relieve distress. I hope the Special Member will advise the Government to accept this amendment."

Mr. G. R. PREMAYYA:—"I second it."

* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"Sir, even when we issue bills for the collection of water-tax once a month, there is no dearth of people who try to avoid payment or to delay them as far and as much as possible. After the bill has been sent once, when a reminder is sent a second time, they write and say that the demand should have been sent in time. If further demand is made, they say they cannot afford to pay, because the amount has accumulated and that it is the Corporation's duty to come and collect it in time. Such being the case, the acceptance of the amendment of the hon. Member will only lead to injuring the interests of the Corporation. For these reasons, I oppose the amendment."

* Mr. R. MADANAGOPAL NAYUDU:—"Sir, there are difficulties in the way of accepting this amendment; people occupy a house and vacate it in a month or two. If you are going to collect the tax only once in three months, there will be great difficulty in the matter of collecting the tax. As it is, the Commissioner finds it difficult to collect the tax. There are numbers of cases where the tenants have to pay this tax and they go away leaving the whole burden on the owner of the house; so, the tax is not collected in several cases. If we are to wait for three months every time, it will be much more difficult. Even in the interests of the house-owners, it will not be advantageous if water-tax is collected once in three months."

[11th November 1935]

Mr. C. BASU DEV:—"Sir, I do not agree with Mr. Madanagopal Nayudu. As regards the arguments of the Commissioner, I must say that his observations are not supported by facts and figures. He has not given us any facts. What is the amount of money collected for consumption of excess water? From my experience I can say that, if the tax for excess water is collected once in three months, it will considerably lessen the work of the Corporation; I think that will be a more equitable arrangement and persons will not be asked to pay more. If the quantity of water consumed within a period of three months is taken into account, people may not have to pay as much tax as they are paying now for excess water. I once again request the Government to accept my amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, I do not think I need answer this point. I feel that this is a matter which has to be regulated by rules framed by the Corporation."

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

The amendment was, by leave, withdrawn.

Clauses 93 and 94 were put and carried.

Clause 89—cont.

* The Hon. the PRESIDENT:—"We will go back now to clause 89 which has not been disposed of. Mr. Natesa Mudaliyar's amendment to omit clause 89 is for the discussion of the House."

* The Hon. the RAJA OF BOBBILI:—"Sir, I think this is a very important matter and it has to be put in line with other enactments; we have to follow the same procedure as is followed in such cases by the Government and other bodies. In the interests of both the Government and of the Corporation I have to oppose the amendment."

* Mr. R. MADANAGOPAL NAYUDU:—"Sir, I wish to point out that the apprehensions of my hon. Friend, Mr. Natesa Mudaliyar, are not really so serious as he wants to make them out. It is only a question of difference in procedure. Hitherto, these amounts when they lapsed were not brought over to the next year's budget, but were available for expenditure during the next year. What the Government propose to do is to carry these amounts to the next year and make them available for the same purpose for which they were intended. It is merely a matter of procedure. We have been told by the Secretary of the Local Self-Government Department that this is the proper way of proceeding in the matter. We may accept this procedure. Nothing will be lost if this amendment is not accepted. If several councillors have taken up several works which have been referred to by Mr. Natesa Mudaliyar, I may inform him that the moneys which were once allotted will be available to them for the very same purpose for which they were allotted during the next year."

11th November 1935]

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, my only fear is this: there is divisional allotment given to every councillor for the improvement of his division, but that depends on the money that can be spared every year after apportioning a lakh and fifty thousand or so, to the reserve fund. One year it may be Rs. 2,000; another year it may be Rs. 1,000 or in a third year there may be nothing at all available. So, if we ask the Collector to acquire the land and afterwards find that there is no money available, there will be great difficulty. In the division I represent on the Corporation, steps; the Commissioner did so and Collector has made arrangements, I believe, to acquire the lands and buildings. Everything is ready. Thank God, there is a chance of the work being carried out this year; but supposing it is after passing this Bill, Commissioner may not have money to pay the compensation. If, however, Mr. Madanagopal Nayudu and others think that although there is no money available for the division, they can somehow get the money, I have no objection. My point is that in the Corporation of Madras, the divisional councillors will be put to great difficulty; but, as I said, if the Government assure us, if the Commissioner assures us and if Mr. Madanagopal Nayudu assures me that it will be easy to arrange for the money in the following year, I have no objection to withdraw the motion. I do not want to press the amendment, Sir."

The amendment was, by leave, withdrawn.
Clause 89 was put and carried.

Clause 77—cont.

The Hon. the PRESIDENT:—"Mr. Appadurai Pillai's amendment which was postponed is for discussion."

Diwan Bahadur A. APPADURAI PILLAI:—"I withdraw the amendment."

The amendment was, by leave, withdrawn.
Clause 77, as amended, was put and carried.

Clause 96.

Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, this amendment of mine is not to be withdrawn. I request the Government to accept it. The amendment is—

'Delete section 171-A.'

"Sir, stinting water for domestic purposes is most unhygienic. It will lead to dirt, disease and most probably death. Already water is being stinted for the citizens of Madras. They want 35 gallons at least per head per day; but in our city, even in hot days, water is being supplied at 25 gallons per head. In most of the months, the Commissioner is rationing water to the city; he gives water only from 5 a.m. to 11 a.m. and again from 3 p.m. to 10 p.m. Between the

[Mr. C. Natesa Mudaliyar] [11th November 1935]

hours 11 a.m. to 3 p.m. and 10 p.m. to 5 a.m. no water is allowed. Apart from this, owing to difference in levels in certain parts of the city, and also on account of distance from the pumping station, although the Commissioner gives water between 5 a.m. and 11 a.m., absolutely no water is coming in the taps from 6 a.m. to 8 a.m.

"Another important point is: the distribution pipes were laid some twenty or thirty years ago. Mr. Madanagopal Nayudu corrects me by saying 50 years ago. In one place, when we dug out the distributing pipe it was so choked up that there was only a small hole left in which we cannot even introduce our finger. If the supply is metered, a parsimonious owner of a house in which there are in some cases 70 persons living, may lock the taps, and thus practically no water will be available for these 70 persons. There may be only two taps in the house, and two flush-out latrines. Where is the water for all this? Wash away, wash away, wash away—is the glory of hygiene, but where is the water? Sir, between the rationing of water by the Commissioner and the levels in the various parts of the City, with the parsimonious house-owner and the accretion in the pipes, do you expect that we will have any water at all?

"Again, Sir, as an anti-malarial measure, most of the wells in the city are closed, and we are not having well-water. So, that source also is gone.

"Then there are the coffee-hotels. Coffee-hotels ought not be metered. After all, people run coffee-hotels without much profit. Some of them in a few years have become insolvents and run away from the city. In a way they are obliging our residents; whenever people are thirsty or hungry, they go into these coffee-hotels and get relief. The hotel man is a charitable man and he feeds them and gives them water. Our Commissioner does not allow even the coffee-hotel man to use well-water for fear of sub-soil contamination. So, if the meter is introduced, who suffers in the end? It is naturally the man who goes there to drink water or to eat anything when he is hungry. Another important point is: as soon as anybody sips coffee or any drink from a cup, it is to be washed well and put into hot water and then to be used. Where is the water for all these things? Our Commissioner will not allow them sufficient water even in the hot months. Therefore, the hotels should not be metered. It is an undesirable action to meter coffee-hotels. If a house is metered and if there is only a little water allowed, only a few people will suffer; but if hotels are metered, there will be hardship for a great many people. Apart from that, suppose a syphilitic man sips from a cup and the cup is not washed well for want of water, hotels will be centres of disseminating that disease. So with other contagious diseases. I therefore appeal to the authorities that hotels should not be metered.

"It was stated that the cost of metering would come to about Rs. 10 lakhs and the meters may or may not work well. Sometimes the meter shows nothing and sometimes it shows too much. It is not certain

11th November 1935] [Mr. C. Natesa Mudaliyar]

whether the Corporation will lose or gain on account of this metering. The need is for more and more water, not a restriction of the available quantity. Use this Rs. 10 lakhs on buying the ayacut lands round about the lake, so that 500 million cubic feet of water may be made available to Madras City. We have been struggling and we have been approaching Government. They will not come down and help us to buy the ayacut lands around the Red Hills lake. The proprietors of those lands have earned a right to have their lands irrigated from the Red Hills lake water. Buy off those rights. Or, if there is much more money available, why not the Government form tanks near about the city at a cost of at least Rs. 20 or Rs. 30 lakhs? We will all be very thankful if the Government of Madras will do it. With these words, Sir, I request the Government not to oppose this amendment, give more water to the city and to make our citizens healthy."

* MR. C. BASU DEV:—"Sir, I second the amendment. In doing so, I desire to state that this question of metering water consumption has been responsible for an excitement of the public of Madras to an extent not yet heard of. (An hon. Member: 'What is your age?') I am 40 years now, and I think I am sufficiently old.

"Mr. President, Sir, even at the Select Committee stage, some of us fought hard against this provision but were not successful. I think the Hon. the Chief Minister told the House some time back that very soon we were going to have a Public Health Act which would impose fresh and severe obligations upon the people to keep the city in a sanitary and hygienic condition. If that is so, we are bound to have and we must have an adequate supply of water to carry out these obligations of a civilized society. My hon. Friend, Dr. Natesa Mudaliyar, as an experienced medical man, told the House that if we are to live in a civilized condition, we want about 35 gallons of water per head on an average every day. I think I am right in saying that we are now having in Madras not more than 20 or 25 gallons per head, and that is the maximum quantity we can dream of either now or in the future. It is not contended by anybody in this House that this city is not developing. The new Mambalam scheme over which several lakhs are expended will bring in an increased population which is bound to make the water problem a very acute and serious one in the near future. How will the Corporation find the additional water if they do not think of new tanks or extension of the present one? I am no doubt aware that there is considerable waste of water in the city by ignorant and indifferent persons who do not realize their responsibilities. But it is one thing to check the waste and another to introduce metering. It would be far better to appoint a number of sergeants to be in charge of the various divisions to check the wasting of water. To meter every house with more than two taps involves an expenditure of about Rs. 20 lakhs. As has been already suggested by Dr. Natesa Mudaliyar, if this amount is utilized in extending the bed of the Red Hills tank or in investigating the possibilities of another tank in the southern part of Madras, I think

[Mr. C. Basu Dev] [11th November 1935]

it will be a more constructive and useful method of spending the money of the Corporation or the Government. Further, I understand that wherever meters were installed in mufassal municipalities, there have been considerable complaints that these meters have not been properly recording the consumption of water. This is a matter for experts to enlighten the House on, and I am sure when the hon. the Special Member speaks on this important amendment, he will doubtless place at the disposal of this House not only facts regarding the possible increase in the finances of the Corporation but also the way in which these meters are working. I also understand that the Government were approached by some municipalities for permission to substitute the meters by a flat-rate system. I think that is the system which is now becoming more and more popular. If that is so, and if the Government have accepted the proposal of the Sanitary Engineer and of the various municipalities to substitute a flat-rate system for the metering scheme, I do not see why in this city we should be asked to spend an enormous amount in buying meters which after all may not record correctly or at least the reading of which cannot be also wholly correct. The general impression is that these meters are not properly recording the flow of water. I therefore second this amendment, Sir, in the hope that it will be finally accepted by the Government."

* Mr. T. SUNDARA RAO NAYUDU:—"Mr. President, Sir, let me place certain salient facts before this Hon. House for their consideration before they come to any final decision on this matter. There has been of late a mischievous propaganda set up against the Government by the opponents sitting on the other side without knowing anything on this subject. Sir, if you carefully follow the arguments which I propose to place before this House you will be convinced."

2.30 p.m. Mr. V. T. ARASU:—"You have just begun and we have not heard your arguments."

* The Hon. the PRESIDENT:—"The hon. Member may go on. Probably he will take a long time and so he may go on uninterrupted."

Mr. T. SUNDARA RAO NAYUDU:—"Sir, you will be convinced that the attitude taken by the Government in this connexion is not after all very unreasonable. The Madras Government have given up to-day to the Madras Corporation a free grant of about 40 lakhs of rupees and a loan of about 45 lakhs of rupees at a very low rate of interest for the capital works to be executed by the Corporation of Madras. The Red Hills tank which had a capacity of a very few million gallons of water has been improved by the Madras Government to hold about three thousand million cubic feet of water at a cost of about 18 lakhs of rupees several years ago. The Madras Corporation has not contributed anything towards that amount. The construction of the Tamarampakkam anicut, the bridge, the sluices therein, the channel that connects the anicut to the Sholavaram tank and from there to the Red Hills tank, the Maoneill channel and the two tributaries, namely, Usikal and Kattangal,

[11th November 1935] [Mr. T. Sundara Rao Nayudu]

have all been constructed and dug at the cost of the Government. Originally, the storage of water both at the Red Hills tank and also at the Sholavaram tank was not intended only for the City of Madras, but it was equally intended for the use of the riparian owners of lands round about the two tanks. Sir, the ryots round about the two lakes are as much entitled to the use of this water as the City of Madras. As it is, Sir, the Government have been showing a rather step-motherly affection towards these poor cultivators. (Mr. V. P. Narayanan Nambiyar: 'Hear, hear.') In case of drought, they are not given the water to which they are entitled; and the City's demand is always given preference. I know in several cases crops which were two months old had withered away on account of the restriction put by the Government. We, perhaps, may not have any right to ask the Government why they should not stop all water to the riparian owners under the two lakes; but where is the justification for the Government to have these restrictions imposed, till they acquire the whole of the ayacut area and convert the wet lands into dry ones once for all? If that is done, the ayacut owners will have no right to ask the Government to give them the water; but until then, they should be allowed the use of the water to which they are entitled. By an arbitrary Government Order issued by the Government, the supply of water to these ryots have been further reduced and they are not now allowed to take the water after the level of the water in the lake reaches plus 38 mean level.

"I may now take you to the capacity of the tank and the amount that is utilized for the various purposes. The capacity of the Red Hills tank and the two lakes, I should say, is 2,513 million cubic feet of water, and the average inflow in the off-season is about 500 million cubic feet of water, amounting in all to about 3,000 million cubic feet of water.

"Sir, as regards consumption, let me also place before you certain figures. The city consumption comes to 1,236 million cubic feet of water per year; the water that is used for irrigation purposes is 500 million cubic feet of water, and the water that is taken away either by evaporation or by percolation comes to 1,264 million cubic feet of water. (Mr. V. M. Ramaswami Mudaliyar: 'Is it per day?') No, Sir, it is for the whole year, because it is not possible to calculate the quantity of water taken away by evaporation in a day.

"Mr. Madeley who is the author of this scheme anticipated that only in 1961 there will be a population in the City of Madras of about 6½ lakhs and the daily consumption would then come to 16½ million gallons of water; but to-day, Sir, we have got about 6½ lakhs of people and the consumption of water has exceeded beyond all expectations and it is now about 22 million gallons per day. The consumption of water in 1918 was only 10 million gallons per day; in 1923 it was 15 million gallons per day; and to-day the daily consumption is about 22 million gallons of water; that means to say there has been an increase of 7 million gallons in the course of 12 years' time. This, Mr. President, is due to various causes, namely, the introduction of the flush-out latrine system in several divisions of the City, the Royal Swimming Bath in the

[Mr. T. Sundara Rao Nayudu] [11th November 1935]

People's Park, the increased consumption of water by the two mills—the Buckingham and Carnatic and the Choolai mills, the Port Trust authorities, the Railway companies, the use of water for industrial purposes, soda-water factories, coffee-hotels, Government hospitals and for other non-domestic purposes, the increase in the number of public fountains, the introduction of extra taps in the various cheris, the use of water by the several way-side parks which have been recently started and the water used by the fire-engines when they combat fires which have become a very frequent and common phenomenon in the City of Madras of late, water used for the construction of new buildings in the city which works out on an average of 1,000 buildings in a year, the wastage due to the frequent cleaning of the pipes in the distributory system, water used for watering roads and streets on festive occasions, for making new roads, for reforming old roads and streets of the length of about 430 miles and for other municipal purposes, the leakages in the distributory system and to several other causes which I am unable to mention at present.

“ Sir, the City is growing by leaps and bounds. It will not be surprising to note that after the introduction of the compulsory flush-out system in the whole of the City, the consumption will rise to about 28 million gallons of water per day and if the consumption should rise to that height, how is the Corporation to cope with that demand? This is the question now before us. We shall have either to raise the full tank level of the lake or not to allow any water to the riparian owners of lands round about the two lakes, Sholavaram and Red Hills. The first thing is not possible since the bund has been already raised to the maximum level and any further rise will mean the re-building of the bund of the lake from its very foundations at an enormous cost. There again, the troubles with the riparian owners of lands round about the two lakes will not cease. The second thing is possible at a cost of about 20 or 25 lakhs of rupees, that is the purchasing the whole of the ayacut area and re-selling the same as dry lands. This is under the consideration of the Government.

“ When the Government find that the Corporation is going head-long and that it may not be possible for it to cope up with the demand, should they not point out to the Corporation that it should devise some ways and means for the restriction and control of the use of the water? It has been brought to the notice of the Government that much water is being wasted by the people unknowingly, since the civic conscience of the people is still not very much developed. You know, Mr. President, that we are having screw-down taps in the City of Madras. When the people open the taps during the nights and when they find that no water is coming out of it, they do not take care to see that it is screwed down again, but they leave it as it is, with the result that water begins to flow during the early hours of the morning without the knowledge and notice of the people that are residing in the house. Moreover, Sir, much water is being wasted by people bathing underneath the taps and misused in several other ways which I shall mention later.

11th November 1935] [Mr. T. Sundara Rao Nayudu]

“ You must remember, Sir, unfortunately we have not got a duplicate system of water-supply, one for the use of non-domestic purposes and the other for drinking purposes. The water that is supplied by the Corporation is filtered and sterilized with a very small dose of chlorine. This process costs the Corporation a very huge sum, and people do not understand it and waste water rather indiscriminately. In Bombay and Calcutta on the other hand, Mr. President, they have got the duplicate system of water-supply. But in those places, the water used for drinking purposes is not wasted at all, because as a result of the regulations framed by the Bombay and Calcutta Acts, water intended for drinking purposes cannot be used for non-domestic purposes at all, unless they pay very heavily for that. Even in those places, they have the metering system. In no municipality where there is a protected water-supply we are not having the metering system. Sir, one advantage we have got in Calcutta and Bombay is this; in Calcutta, they give a free allowance of 26·7 gallons of filtered water per head and 20 gallons of unfiltered water per head. That means, they are getting on an average of 46·7 gallons of water per head. Whereas, in Madras according to the Madeley scheme, we are allowed only about 25 gallons per head per day. By the tests made by the Corporation in the streets and several other places in the City during nights between 12 midnight and 4 a.m., it has been found that several taps have been kept open during night and water is allowed to run waste. Do you want that such precious and valuable water should be wasted like this and the person responsible for it should not be asked to pay for his carelessness? The supposed loss of water in this direction according to the statistics supplied by the Corporation is about 2 million gallons of water per day. I want my hon. Colleagues and yourself, Sir, to suggest a method by which we can check such a wastage and charge such consumers.

“ Then, again, Sir, if the wastage is detected and charged, we will get some income; and if such wastage is stopped, 2 million gallons of water need not be pumped out by the Drainage department. Mr. President, Sir, you must take two things into consideration; by having restriction, you need not pump in at the Kilpauk pumping station 2 million gallons of water, and you need not pump out 2 million gallons of water by the Drainage department.

“ The cost of pumping in and pumping out is the amount gained which will be about 2 lakhs of rupees. If the Corporation wants the Government to purchase the whole of the ayacut area at a cost of Rs. 20 to Rs. 25 lakhs, I do not know how the Corporation is going to repay even if half the said amount is to be contributed by Government by way of grant? What is the present position of the Corporation? I am not here to betray the Corporation. The finances of the Corporation are not very good. We are not in affluent circumstances. We are also experiencing the same difficulty as the Government and are not in a position to make both ends meet. Recently the Government asked the Corporation to revise its estimates and balance its budget this year. The Commissioner of the Corporation is explaining to the Government how he

3.45
p.m.

[Mr. T. Sundara Rao Nayudu] [11th November 1935]

has balanced the budget. Sir, we are going to remove the cycle-tax next year. That means a loss of income of nearly half a lakh of rupees. On account of the recent amendments made with regard to the collection of the companies-tax and exemption given to the co-operative societies whose share capital is less than Rs. 50,000, the loss of income to the Corporation will be about one-fourth of a lakh. (Mr. P. V. Krishnaswamy Choudari: 'Is it not a new tax?') On account of the rivalry in the Corporation about ten years ago between the Justice and Congress groups in the Council when each party wanted to have to its credit the resolution reducing the property-tax, the Justice party, the party then in power in the Corporation, reduced the taxes by about 3½ per cent and balanced the budget. The Corporation then had a large opening balance. That year and the subsequent year everything went off very well."

Mr. V. P. NARAYANAN NAMBIYAR:—"Sir, is the gentleman in order in reading his speech?"

* The Hon. the PRESIDENT:—"The hon. Member is making an important statement. If hon. Members do not want the facts and figures I shall stop him from reading his speech."

Mr. T. SUNDARA RAO NAYUDU:—"But later on, when the wants of the City grew, the Corporation was not able to balance the budget. No doubt the tax has also gradually increased on account of the education cess, etc., but the old rate of taxation has not yet been reached."

"In these days of economic depression even the existing tax is rather high. I shall not be a party to any increase in the taxation. My rate-payers cannot bear any further taxation. We cannot therefore increase the taxes. The amendments so far passed have reduced the income. The Government of India would not allow the Corporation to levy the terminal tax. There are no other sources of income to the Corporation. If the Corporation borrows again another 15 lakhs of rupees for acquiring the ayacut area, it has to set apart about Rs. 1,20,000 every year both for the interest and sinking fund. The Corporation has applied recently for another loan of 11 lakhs of rupees for cheri improvements. It has to set apart another lakh of rupees for interest and sinking fund. I do not know where the Corporation will get the money from."

"It is not the intention of the Government to put meters to every house and tease the people to pay for the water consumed. The Government have suggested to the Corporation that by metering all houses which have more than two taps, the Corporation may get an income of over Rs. 3 lakhs."

"By restricting the supply by meters as I have already remarked there will not be much wastage due to negligence or carelessness of the consumer during the day or night. The quantity of water pumped out by the sewage drains and pumped in at the Kilpauk pumping station will be lessened by about 7 to 8 millions of gallons per day and there will be a gain of about 2 lakhs of rupees per year on that score."

11th November 1935] [Mr. T. Sundara Rao Nayudu]

"The Government are prepared to allow the necessary amount of free allowance for all domestic consumption either on the basis of the annual valuation of the property or at so many gallons per head which may be fixed by the rules that may be framed hereafter."

"The Government are even prepared to accept a flat rate of eight annas per month per each tap over and above one tap in each house. This may also yield an income of nearly 3 lakhs of rupees."

"I now want to take you, Sir, to the two different methods of getting an income from the water consumed in the City."

"There are at present 44,000 services and of these 2,500 services are metered. The present income from metered services is Rs. 6,75,000. Of this amount the Buckingham and Carnatic Mills pay Rs. 1,75,000; the Port Trust Rs. 1,00,000 and Railways Rs. 1,00,000 totalling Rs. 3,75,000 and the balance of Rs. 3 lakhs is derived from other metered services. The average income from each garden bungalow is about Rs. 100 per annum."

"Sir, I take the other aspect of it. There are at present 22,000 services with more than two taps. 2,500 services have already been metered. The remaining services that will have to be metered are 19,500. The capital expenditure for purchasing and fixing 19,500 meters at a cost of Rs. 60 per meter is Rs. 11.7 lakhs; recurring expenditure for interest, sinking fund, repairs to meters, etc., at Rs. 22-8-0 per meter per annum is Rs. 4.38 lakhs, the income from meter rent and excess water charges at Rs. 42 a year is Rs. 8.19 lakhs and the net profit is Rs. 3.81 lakhs or say Rs. 20 a meter per annum."

"There are at present 12,000 taps in houses having a valuation of Rs. 100 and above and 68,000 taps in houses where the valuation is less than Rs. 100, totalling 80,000 taps. If out of these one tap is allowed free and the rest to be taxed at 8 annas per tap per month, there will be 36,000 taps to be taxed. The income from this will be Rs. 2.16 lakhs per annum. If no tap is allowed free, the income will be nearly Rs. 4 lakhs, leaving out the metered services."

"If houses above Rs. 50 valuation are to pay for all taps and those below Rs. 50 are allowed one tap free the income will be as follows:—

	RS.
Those above Rs. 50—15,000 taps at Rs. 6 each ...	90,000
Those below Rs. 50—35,000 taps at Rs. 6 each ...	2,10,000
Total ...	3,00,000

"Sir, I may first mention here the advantages and disadvantages of these two systems."

"The advantages of levying tap-rent charges are as follow:—
(1) No additional staff is necessary for collection of rents. The excess can be included either in the property-tax bill or collected monthly whichever is convenient."

1076 A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR
CERTAIN PURPOSES (BILL NO. 11 OF 1934)

[Mr. T. Sundara Rao Nayudu] [11th November 1935]

- (2) There is no initial capital expenditure as in the case of fixing meters which will come to nearly Rs. 12 lakhs, and also the recurring expenditure of Rs. 4.3 lakhs.

“The disadvantages are—

- (1) Tap-rent will not reduce the consumption of water.
- (2) Unequal distribution of water will increase resulting in an intermittent supply.

“Sir, I should mention here the advantages and disadvantages of metering.

“The advantages are—

- (1) Meters will be a check on the consumer and will tend to prevent waste and reduce the consumption.
- (2) Due to such reduction, water will be more evenly distributed.
- (3) There will be a saving on the cost of reduction of water pumped into the City and sewage pumped out of the City to the extent of 7 to 8 million gallons a day. This is estimated to be over Rs. 2 lakhs, an indirect benefit to be derived from metering. This advantage cannot be derived from the tap-rent system.

“The disadvantages of metering are—

- (1) The capital cost of purchasing and fixed meters, etc.
- (2) Additional staff for meter reading, billing and collection and repairs to meters.
- (3) Difficulty of the landlord in apportioning the water charges among various tenants.
- (4) The income from partial metering will not be steady. Many house-owners will reduce the number of taps to two and avoid metering.

“These are the things to be considered, Sir, before we come to any final decision on this matter.

“Having explained so far about the metering and the tap-rent, let me bring to your notice, Sir, the other side of the picture, the rate-payer's point of view. The Corporation is collecting from the rate-payers a fixed rate of taxation, viz., $1\frac{1}{4}$ per cent, and is getting an income of Rs. 2 lakhs and odd. The income derived from meter and other sources is about Rs. 7 lakhs. The expenditure incurred by the Corporation for filtration and for paying for the loans so far raised by the Corporation from the Government and for the staff is Rs. 6.95 lakhs. If the Corporation raised a further loan of Rs. 15 lakhs for purchasing the ayacut area round about the two lakes, it could easily set apart a sum of about Rs. 1,20,000 which is available in the amount derived from water-tax, etc. Why should we not get a free supply of water? Another argument raised by the rate-payer is that the Corporation purchases water from the Government at the rate of one-tenth of an anna and

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR 1077
CERTAIN PURPOSES (BILL NO. 11 OF 1934)

11th November 1935] [Mr. T. Sundara Rao Nayudu]

charges the public at the rate of Rs. 1-4-0 for 1,000 gallons in excess of the free supply. But the rate-payers do fail to understand that the Corporation is one body politic and we cannot divide one section from the other. Take for instance the road and lighting section of the Corporation. We spend Rs. 6 lakhs for tarring and maintenance, etc., of roads and nearly Rs. 3 lakhs for the electric energy used for lighting the City. Do we get any return? No. We should not look at it from that aspect of the question at all. 4 p.m.

“My strong objection for metering is based on other grounds. By putting up a meter to the dwelling houses the health and sanitation of the City will be seriously jeopardised. The people will neither bathe, nor wash their clothes and houses in the way in which they have been accustomed to do. The landlord will screw down the main service connection in such a way that the consumption of water is kept up to the free allowance he is entitled to. In a house where there are many tenants they would not have sufficient water for their ablutions even though the tap is kept open the whole day and night and the water is stored. I may invite your attention, Sir, to the deplorable state of affairs in every private market in the City of Madras. There is a meter in every market. The market-owner is bound under the conditions of the licence issued to him to wash the market twice and to keep a tap open to the public before a latrine attached to the market. Sir, you can take it from me that no owner of a market ever keeps the tap opened. It is kept always under lock and key and opened whenever he sees the sanitary inspector at a distance. The result of this metering is that the private markets of the City are to a great extent responsible for the breeding of every disease in the City. The same history will be repeated by every landlord when he is unable to recover the water charges from his tenant. You must remember, Sir, the water charge is also recoverable as arrears of property tax, not to make mention of the drastic and coercive powers which the Commissioner has, to cut off any service connection from the mains if he chooses to do so.

“By reducing the number of taps to two, every landlord of a house will avoid a meter and the consequent payment of charges and other penalties. The Corporation will not get the anticipated income of Rs. 3 lakhs in any case. You will be only worrying the poor rate-payers.

“With the recent improvements made in the Tamarampakkam anicut by increasing the number of vents by five and raising the embankment and widening the channel that connects the Kolaliyar river with the Red Hills lake *via* Sholavaram, the two lakes are now filled up within three weeks when there are good rains in the catchment area of the river. There will be no dearth of water in the lakes at any time hereafter. When once they are filled to full tank level, if the water is not used for irrigation purposes, there will be a storage of two years' supply of water to Madras in the two lakes. It cannot be that there will not be any rain during the course of two years consecutively. We can always

[Mr. T. Sundara Rao Nayudu] [11th November 1935]

be certain of a sufficient quantity of water in the two lakes for the City use alone. There is no use storing such a great quantity of water in the lake. The Sun God will not keep quiet. He will consume it by evaporation. This will only lead to an adoption of a dog in the manger policy. You will not allow water to needy cultivators, you will not give a free supply of water to the citizens of the City, but allow it to be evaporated and go in vain. This will be the logical consequence of your metering the dwelling houses.

“My friends in the mufassal should not be jealous of the special treatment to the City. Go to any capital of the native State and find out the colossal wastage of money by the Rajas and Maharajas. The Taj at Agra, one of the wonders of the world, the Mumtaz Mahal, the Shahjahan Palace at Delhi, the whispering galleries at Bijapur, the ruins of Visianagar at Hampi, are some of the standing monuments of the glory of the ancient kings and emperors. How many crores of rupees are spent for the developments made at New Delhi, the Capital of India? The Viceregal Palace at New Delhi has recently been built at a cost of a crore of rupees. My mufassal friends should not grudge if the Government gave more grants to the Corporation than to the mufassal towns and villages. I would earnestly beg of the Hon. the Chief Minister not to stint in the matter of giving grants to the City.

“ During the regime of the Hon. the Chief Minister not only in the coming year, but after the new reforms are inaugurated, we all earnestly hope to see that the whole of the ayacut areas round about the two lakes are acquired and converted into dry lands, the City is given a free supply of water for domestic purposes, the distributory system is completely overhauled, the whole City is provided with the flush-out system, the underground drainage system is completed, the compulsory education scheme is rigidly enforced and illiteracy wiped out; that he will fight out with the Government of India and get us the right to levy terminal tax and thus improve our finances without burdening the poor tax-payers any more and earn the eternal gratitude of one and all the citizens of Madras.

" In conclusion, I submit that metering of dwelling houses where water is used for domestic purposes will be injurious to the health and sanitation of the City. The Corporation will never be able to realize the income it anticipates. The very purpose for which the meters are fixed will be frustrated.

"I suggest that a duplicate system be introduced at a very early date for non-domestic purposes, that a wastage-detection staff be appointed to meter all places where there is wastage and use for non-domestic purposes. The other sources of water-supply should be tapped, viz., the spring area round about the Seven Wells Division, the bed of the Adyar river, nay even the Coityar river. I have made all these and several other suggestions in the scheme sent by me through the Corporation when I was a Chairman of the Standing Committee, Works, in the Corporation. By these methods we can remedy the

11th November 1945] [Mr. T. Sundara Rao Nayudu]

svils and get a more copious supply of water for domestic purposes. I place all these suggestions before the House and I would request the House to give its deep consideration to these proposals."

Rao Bahadur P. C. MUTHU CHETTIYAR :—“மதகுண்டியிலுள்ள எல்லா வித சரின்சுகங்களுக்கும் கீடுகளுக்கும் தண்ணீர் சப்ளை செய்யும் விஷயமாய் மீட்டர் வைக்கவேண்டுமென்று பில் வந்திருப்பதை எடுத்துவிட ஹானரபிள் மேம்பர் பாக்டர் நடுச முகலியாரவர்கள் அமெண்டுமெண்டை நான் ஆதரிக்கிறேன். இப்போது பாக்டேவ் எதோ ஒன்றை மாம்பலம் எக்ஸ்டென்ஷன் கீண் சிலவு போல சொல்லுகிறார்.”

Mr. C. BASU DEV:—“ I never spoke anything against the Government. The Member has been answer-

* The Hon. the PRESIDENT:— "The Hon. Member has been speaking to the extent to which he was able to understand."

[illegible][illegible][illegible]

“ துணைப் தண்ணீர் வீணாகப்போகிறதென்றிருரே, ஒருக்கால் அவர்கள் போகிறாள் என்ன? நாம் தந்த சுத்தி செய்யக்கூடாது; புருஷினால் துடைத்து கொள்ளவேண்டும்? ஸ்நானம் எதற்கு, வீடு சுத்தம் ஏன் செய்ய, சமயம் பாத்நிதத்தை கழுவி கீழே விடுவது ஏன்! ரொட்டி விற்கும்போது சமயம் வேண்டாமே! புரோமோ பேயர் இருக்கும்போது துடைச்ச துடைச்சப் போடாமல் சொசம் எதற்கு செய்யவேண்டும்! துணிகளை கசக்காதே என்று சொல்ல

[Mr. P. C. Muthu Chettiyar] [11th November 1935]

மல் கியாலன் கணக்குகளை பிகர் பிகராக நண்பர் வாங்கித்தான். இனி விருத்தினர்கள் வந்தால் அவர்களுக்கு ஜாக்கிரதையாக வீட்டுக்காரர்கள் பற்றிய அபராதமுறை வந்தாலும் வந்தது அப்பா உடம்பை நனைக்காதே இதோ புரோமோ பேப்பர் இருக்கிறது. இதுவும் ஹோ அண்டு கோவில் கிராக்கியாய்விட்டது. துட்டு கொடுத்தாலும் பிரியம். ஹாரிசனில் வாங்கிய பொடிபை சாப்பிடு. ரசம் வைக்கக்கூட முடியவில்லை என்று சொல்லவேண்டும் போலிருக்கிறது.

"நண்பர் வாட்டர் லீனாக போகிறது என்கிறாரே மனிதர் உபயோகித்தாலும் வெளியேதான் வரவேண்டும் ஆடு மாடு நாய் கழுதைக்கி எல்லாம் வரி வாடும் போடலாம். அதுக்கு தண்ணீரே தேவையில்லை. கேட்டால் வானத்திலிருந்து வரும்போது உண்ணவேண்டும்.

"டினரயினேஜில் சேர்கிற தண்ணீரும் அதை சுத்தம்செய்து ஒரு சாக்ரடிக்கு பிரயோசனமாகிறதாக எண்ணப்படாதா. பூர்வாசரணை கிணற்று ஜலம்தான் சுத்தம் என உபயோகித்து வந்திருக்கிறார்கள். அதை சிந்திக்க வேண்டியதுதான்.

"இப்ப வாட்டர் வருவதில் சிறிய பூச்சிகளைத் தவிர ஒரு சமயம் சிறிய மீன் களும் வருகின்றன.

"ஜனங்கள் அதிகமாய்விட்டதென்கிறார். அதிகம் ஆகப்படாதா? அதற்கு தகுந்த வரும்படி வரவில்லையா.

"முன்னொரு பேச்சாய் வந்தது பர்த்து கண்டிபோல் எதற்கோ.

"நமது சபையில் மெம்பர்களும் அதிகமாகிறதான் சபையும் ஒன்றுக்கு இரண்டாக போகிறதே.

"ரெடிஸ்ஸில்சில் அதிகப்படுத்தவோ அதை சுத்தம் செய்யவோ வேண்டியது அவசியந்தான். தண்ணீர் எவாப்ரேட்டாய் போகிறதென்றால் காற்று குடுத்து விடுகிறது அல்லது கவர் செய்து வைக்கிறதா. பாம்பை வகைறு மாதிரு பில்டர் செய்து வருகிறதா.

"உங்கள் வாட்டர்தான் குஜாக்கள் விஸ்ஸு அம்சமே. இருந்தாலும் குடித் தண்ணீரில் ஜனங்களுக்கு விரோதமாக உபயோகிக்கப்படாது.

"இருந்தாலும் 40 லக்ஷம் இனமாகவும் 40 லக்ஷம் கடனாக கொடுத்ததும் பற்றி சொல்கிறார். தண்ணீரை அளந்து விற்க வேண்டுமென்ற உத்தேசத்திற்கு அப்படி எண்ணினால் அதிக ஆசை.

"வேலை நீரோன்றே. ஆரு கால் குளம் கூவல் என்ப பெர் மாறி பாறில் வரன் பயிரெலாம் வளர்க்கும், என ஆன்றோர் மொழி.

"குடி தண்ணீருக்கு இம்மாதிரி வருவதை யறிந்தே வானமும் 3, 4 வருஷங் களாக பின்னடைந்து விட்டது.

4-15 p.m. "உலகத்தில் பரிசுத்தமான தர்மம் தண்ணீர் பந்தல் என்று நமது காட்டிய படி குளம் கேணிகளை ஜனங்களுக்கு உற்பத்தி செய்து கொடுத்ததும் தண்ணீர் பந்தலை நடத்துவதும் அறிகிறோம்.

"நண்பர்வர்களிடம் சில தினத்துக்கு முந்தி பெய்ய்போது வீட்டர் வைப்பது சரியல்ல வென்றும் சொன்னார்கள்.

"ஆனால் அவர்களுக்கு கிடைத்த காயித்ததை வாங்கித்தான் வேண்டும். முதலில் ஒரு அபிப்பிராயத்தை கொடுத்தார்கள். மத்தியில் தன் அபிப்பிராயத் தை காட்டினார்கள் கடசியில் மத்தியஸ்தமாக சொல்கிறார்கள். இது வெல்லம் சரியல்ல. பொதுவாக மதிராசில் நாலு லக்ஷம் ஜனங்கள் இருக்கலாம். மிஸ்டர் ஆனரபில் மெம்பர் மதனகோபால் நாயுடுகாரு 6½ லக்ஷம் என்கிறார் சரி நபர்கள் யெட்டை ஒரு அணு யென்று பயன் போடப்படுதா.

"இந்த தொந்தரவு இந்த டவுனல்லாது இதர ஜிஸையையும் பிடிக்காதிருக்க தகுந்த யோசனை செய்யவேண்டும்.

[11th November 1935] [Mr. P. C. Muthu Chettiyar]

"இப்போது ஹாலில் போருமானபடி ஆனாபின் மெம்பர்களில்லாததால் புது மெம்பர்களும் கூடிய சபையில் யெல்லாம் இம்மாதிரி வா இணங்க மாப்பார்க னென நினைக்கிறேன்.

"ஆதலால் அடுத்த ஜெனவரிக்கு தள்ளிவைக்க வேண்டும். அல்லது இந்த செக்ஷனை தயவு செய்து எடுத்துவிட வேண்டியது நியாயமாயிருக்கிறது."

* Mr. K. A. NACHIYAPPA GOUNDAR:—"Mr. President, Sir, at the very outset I beg to state that I heartily support the motion that is now before the House. I do not want to wade through the old history of the City water-supply as was done by the hon. Member representing the City. He went on in his own way giving out a good lot of figures bearing on the City water-supply, as to how much had been spent, how much is in store and so on and so forth. I was not able to understand from his long and wearying note what his ultimate view is on the matter. In conclusion he said that the matter was left before us for consideration. For this he need not have so elaborately discussed the question. I presume he had reduced to writing the whole Secretariat and Corporation files on this City water-supply question from the very beginning. I think the whole House will be thankful to him for his laborious task. But, in all this I cannot find much to prove that the system of metering is essential. Beyond saying that there must be some check to avoid wastage, he did not give sufficient arguments to support the case for metering as against the numerous difficulties this system will entail. Surely, restrictions on the supply of water will bring in all sorts of complaints in the matter of public health and hygiene of the City. If this is the attitude of the hon. Member he could have straightway declared that he was against metering. I cannot understand why he should struggle to explain both sides of the question and then allow others to decide. He should be much more interested in the welfare of the City than we people coming from the mufassal. We mufassal people come into contact with the City only occasionally and hence he should view this question with more sympathy than we. He simply went on saying that Government had given large amounts by way of loans and grants."

* The Hon. the PRESIDENT:—"The hon. Member need not commit the same mistake by repeating the arguments advanced by the other hon. Member whom he is accusing." (Laughter.)

Mr. K. A. NACHIYAPPA GOUNDAR:—"Though we are always fighting for more grants to the mufassal municipalities we do not grudge any grants to the City of Madras. With regard to the ayacut, as pointed out by Mr. Natesa Mudaliyar, the ryots need not be put to difficulties when you once pay them the compensation. If that is done we will have more water in the tank and it will be to the convenience of the City. As far as purposes other than domestic are concerned, the hon. Member told us that already 2,500 houses are metered, and this shows that there is already a check on the supply of water in all ways except for domestic purposes. He further said that 19,500 houses

[Mr. K. A. Nachiyappa Goundar] [11th November 1935]

having more than two taps were likely to be metered according to this scheme. At the rate of Rs. 60 per meter as he said, it comes to about Rs. 12 lakhs. If you add to this the cost of fixing and various other incidental charges, the total cost will be several lakhs more. Yet another aspect of the matter should also be considered. I have to issue a warning that they will have to allot several lakhs more to meet the public health demands of the City if water is to be restricted. By this sort of stringent restriction on the free use of water, there will be epidemics and to combat the same you will have to spend lakhs and lakhs. After all, the people will also have their responsibility and they won't waste water if propaganda is carried on and thereby they are made to understand their responsibility in this affair and the difficulty which they will have to meet if wastage is continued. Instead of this, if we are to restrict the supply by introducing the spare use of water it will bring in all sorts of complications and complaints in regard to the health of the City. The other day, when we were dealing with the question of franchise to tenants and sub-tenants, we heard a good deal about the number of people living in each house and so on and so forth. We were told that five to ten or even more families lived in each house on account of the high rents for houses. If now we decide that houses which have more than two taps should be metered, it will mean that no landlord will have more than that number of taps in his house to escape the meter charges and the result will be that these five to ten families that live in each house will have to depend upon these two taps only for all the water that they require for their domestic purposes. They will have to undergo all sorts of difficulties for water. With a view to see that water scarcity is not felt and that no wastage occurs, the system of metering proposed is neither sound nor wholesome. If people waste water, they should be made to feel their responsibility by means of propaganda and they may be plainly told that such practices would result in their suffering for want of water. If the matter is explained to them, they will realize their responsibility and will be careful and thus the wastage can be checked to a considerable extent.

"My. hon. Friend, Mr. Muthu Chettiyar, has elaborately dealt with the importance of a copious water-supply, and it is not necessary for me to cover the same ground over again. I hope hon. Members will view this question with sympathy. After this clause was noticed in the Bill, we hear a great agitation from the citizens of Madras protesting against it and it is our duty by our action on this matter to see that the public mind which is now much perturbed is set at rest. This proposal will affect the poor people very much and, as all sections of the House are in sympathy with them, I hope they will translate their sympathy into action. The motion to delete section 171-A which has been proposed by my hon. Friend, Mr. C. Natesa Mudaliyar, who is a stalwart member of our Council representing the City of Madras and also a veteran Corporation councillor, shows what the feeling in the City is and what should be done in the matter. He would not, I trust, withdraw his

11th November 1935] [Mr. K. A. Nachiyappa Goundar]

motion as he said at the outset. I hope the Hon. the Raja Sahib would have realized the state of the public mind in the City on this matter and understood the complications that will set in if metering is adopted.

"Furthermore, Sir, it must be remembered that we have constructed for the City an underground drainage system at a considerable cost. If water-supply is to be restricted, I am afraid, this underground drainage system will fail and the health of the City will be very much affected. That is another point to be borne in mind.

"My. hon. Friend, Mr. Sundara Rao Nayudu, said that a large sum of money is wasted on pumping out and pumping in water. That is inevitable and there is no use grudging it and saving a few rupees. The question should be considered from the humanitarian point of view and not from the point of view of saving a few rupees here or a few rupees there. With these few words, I heartily support the motion."

* Mr. R. MADANAGOPAL NAYUDU:—"Sir, my hon. Friends, Diwan Bahadur C. Natesa Mudaliyar and Mr. Sundara Rao Nayudu, have already said a good deal on this matter and not much remains unsaid. On one point, however, Mr. Sundara Rao Nayudu was not clear to some extent and that is on the question of having meters. Some thought he was favouring it, while others thought he was against. I suppose I am correct in saying that his idea is that this provision in section 171-A is certainly disadvantageous to the citizens of Madras."

Mr. V. M. RAMASWAMI MUDALIYAR:—"I would like to hear the original Master's voice."

* The Hon. the PRESIDENT:—"I think the Hon. Member already heard that voice."

Mr. V. M. RAMASWAMI MUDALIYAR:—"That was not the original."

* The Hon. the PRESIDENT:—"If the Hon. Member had followed the last paragraph, the position would have been clear."

* Mr. R. MADANAGOPAL NAYUDU:—"As pointed out by Mr. Natesa Mudaliyar, the introduction of meters will cost the Government lakhs of rupees and make the Corporation suffer enormously in the income which it is already getting. It has been getting Rs. 2 lakhs and odd by way of water-tax which it will always get. The 6 lakhs of rupees which it gets from water-charges will be considerably reduced if we adopt meters. My hon. Friend read out figures to show that each meter will bring in about Rs. 20 roughly. When once meter is introduced, the landlords will be very careful and will see that they do not use more water than what they will be entitled to as free allowance. Therefore the amount of money that you are now getting will be considerably reduced, and that would result in insanitary conditions in the city. As has been pointed out by Mr. Nachiyappa Goundar, the underground drainage system requires a lot of water, and moreover the Corporation is now introducing in a number of divisions the system of flush-out. Further, as Mr. Natesa Mudaliyar said, all the

[Mr. R. Madanagopal Nayudu] [11th November 1935]

wells have been closed on account of anti-malarial operations. In view of these things, if we now adopt the system of metering, what will be the position in the City? It is going to cost the Government a lot and it is going to reduce the income of the Corporation permanently. It will put the people to untold suffering by being deprived of that quantity of water which they are accustomed to have.

"My hon. Friends are wrong in saying that we in Madras are getting about 22 gallons per head per day. If we take into consideration the quantity of water pumped into the city, it works out to 36 gallons per head. But, as Mr. Natesa Mudaliyar said, there is a lot of leakage in the pipe system. It should be removed as soon as possible. That is why the Corporation has taken on hand what is called the Waste Detection Scheme. The Government have made a grant for this, and more money is necessary for the purpose. They will have to give us more money for this purpose in addition to what they have promised for the drainage scheme. The Government should help the Corporation in seeing that the Waste Detection Scheme is pushed ahead. For the reasons I have given, I think it would be to the advantage of the citizens if section 171-A is not retained."

* The Hon. the RAJA OF BOBBILI:—"Sir, this question has been discussed at such length as its importance deserves. I may say at the outset that the real question is not whether we should have meters or not. What I wish hon. Members to realize is that unlike in Bombay and Calcutta, unfortunately we have not got an unlimited supply of water. It will be clear to any thinking man that the stage has been reached when we should in advance consider the question of providing adequate supply of water to the increasing population of the City and the increasing needs of the City. Many hon. Members spoke in this House and other public men spoke outside the House in the belief that when once we acquire the water-rights round the Red Hills tank, the problem will be automatically solved for ever and we need not bestow a second thought on the question of husbanding our resources for water-supply. It must be remembered that as far as water-supply from the Red Hills is concerned, the Government have been consistently giving preference to the requirements of the City and the real question is about the supply of water to the second crop. Water for the second crop is being given only in years when there is water to spare. As regards supply to the first crop, there is no difficulty in a year of normal rainfall. The whole problem is to tide over the dry period of the year when the capacity of the reservoir is just sufficient to meet the future requirements of the City.

4-45 p.m. "And this provision has been put in by Mr. Conran Smith, who, all of us are aware, has had considerable experience of the Corporation. I have no doubt that there will be unanimity of opinion that some measures to prevent wastage are necessary.

"Of course some hon. Members have suggested that we should go back to the tap-rate system. I believe, even now, it is open to the

[11th November 1935] [The Raja of Bobbili]

Corporation to have the tap-rate system, but that is not going to solve the main problem of conserving a limited supply of water. It has also been held that taxing the people on the tap-rate system is not a fair and equitable method, because the volume of water discharged by a pipe of a given size depends upon the pressure which, every one is aware, varies considerably in different places of the city. If we want to have a scientific method of assessing the tax to be levied in accordance with the volume of water, I suppose the only instrument we should have is meter. I agree that meters are not always accurate, but human ingenuity has not yet been able to devise a meter which is perfect and on that account we should not condemn the existing meter. We should not assume that all other countries and other cities in India where they have adopted the system of metering are all wrong. I do realize that there are special difficulties in the case of houses where there are a large number of sub-tenants and if we are to enforce a system of compulsory metering, no doubt it will lead to restricting the free supply of water and consequently it will be a great hardship to the tenants living there. But I feel that it is not impossible to devise a system whereby the poor people will not be affected. Now, the main question comes to this: are we to say that the supply of water should be free to all tax-payers? Unfortunately if we cannot have a free supply of water without paying for it, the cost of it must come from somewhere. Of course, if we are not to have meters for the great majority of house connections in this City and if we are not to adopt any measure for the economical use of water, it ultimately means that the tax-payer in Madras is not going to pay for it; or indirectly, if we take into consideration the large grants which the Local Government are giving to the Corporation, it means that the general tax-payer will have to foot the bill. I only wished to place all these facts before the House. It has also been stated that the Corporation has to invest a sum of 30 or 40 lakhs of rupees in putting meters. In some of the public meetings which have been held, it has been stated that Government are compelling the Corporation to invest this sum of Rs. 30 lakhs without any corresponding return. I have got a few figures to show that if, according to the amendment which has been approved by the Select Committee, the system of having meter is enforced, the cost of the same will be 8 lakhs of rupees, and the Corporation will be making an annual profit of Rs. 2,40,000 or Rs. 2,38,000. Therefore on the question of cost, this will be a remunerative enterprise as far as the Corporation is concerned. Some people—I do not mean to say in this House, but outside—have even gone to the length of saying that the object of this amendment is to help certain firms who would be supplying meters to the Corporation. I may state that the main purpose of this Bill is none of these things, but that, in the interests of the Corporation and in the interests of the residents of the City of Madras, it is necessary, by husbanding our resources and by devising methods, to make provision for the increase of population in the future. It is with that object that this proposal has been brought forward. I was rather disappointed to find from the speeches made on this

November 1935]

1086 A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR CERTAIN PURPOSES (BILL NO. 11 OF 1934)

[The Raja of Bobbili] [11th November 1935]

amendment that no workable alternative has been put forward. Of course if it is the general desire of the House that we should leave things as they are and maintain the *status quo ante* and leave the future to its fate, I for one would not like to go against the wishes of the House. But I would only state that Government in putting forward this proposal in the Bill did not have any ulterior motive but had only the best interests of the Corporation at heart. It is not a question of supporting what is contained in the Bill, nor is it a party measure. If the House is unanimous that we should maintain the *status quo ante*, I for one would not raise any objection."

The amendment was put and carried.

* The Hon. the PRESIDENT:—"Consequent on the deletion of this particular section, some amendments may have to be brought forward to other clauses of the Bill."

* The Hon. the RAJA OF BOBBILI:—"Yes, I will have to move them only at the next meeting."

* The Hon. the PRESIDENT:—"The Council is adjourned to 11 a.m. on the 27th January 1936, subject to any unavoidable alteration of which due notice will be given."

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

APPENDIX.

Side answer to question No. 529 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 11th November 1935, page 1029 supra.]

Statement showing the savings effected by the introduction of the cine camera method during 1934.

District or Registrar's office.	Pay of permanent clerks reduced on account of the scheme.	Stationary.
	RS.	RS. A. P.
Madras-Chingleput district	23,440	3,236 12 0
Chingleput	1,130	390 11 0
Salem	2,260	840 5 0
East Godavari	1,130	282 1 0
Guntur	1,695	221 0 0
Total ..	29,655	+ 4,470 13 0
		34,125 13 0
Expenditure under the scheme ..		31,567 10 3
Savings ..		2,558 2 9

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P13.5.22

