

PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

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

Vol. LXXIX (Nos. 1 to 8)

TABLE OF CONTENTS

Monday, the 27th January 1936.

	PAGES
Personnel of the Government of Madras	1-15
Members present	17-18
Resolution of condolence <i>re</i> the death of His Majesty King George V ..	19-23

Wednesday, the 29th January 1936.

Members present	25-26
I Questions and Answers	26-27, 118-124

Non-official Business.

II Amendments to Standing Order No. 5 (b) (5)	67-68, 125-126
III The Madras Debt Conciliation Bill (Bill No. 9 of 1934)	68-117

Thursday, the 30th January 1936.

Members present	127-128
I Questions and Answers	128-166, 223-230
II Acts assented to by His Excellency the Governor	166
III Amendments to Standing Orders	166-167
IV Demands for excess grants for 1933-34	167-169, 231-232
V Demands for supplementary grants for 1935-36—	
(1) Grant XI—Ministers, Civil Secretariats and Miscellaneous—	
Transferred	170-176, 233-234
(2) Grant XVI—Electricity—Reserved	176-182, 234-235
(3) Grant XX—Public Health—Transferred	182-183, 234-235
(4) Grant XIX—Medical—Reserved and Transferred	183-207, 236-238
(5) Grant XXIX—Civil Works—Works—Reserved and Transferred ..	207-217, 238-242
(6) Grant XXXI—Civil Works—Grants-in-aid—Transferred. ..	217-222, 243-245
VI Papers laid on the table of the House	222, 245-248

Friday, the 31st January 1936.

Members present	249-250
I Questions and Answers	250-277, 317-325
II Motion under Standing Order No. 4 <i>re</i> postponement of election of the President of the South Kanara District Board	277
III Select Committee on amendments to Standing Orders—Election of members	277-278
IV Bill, amend the Madras City Municipal Act, 1919, for certain purposes (Bill No. 11 of 1934)	278-316

Saturday, the 1st February 1936.

Members present	327-328
I Questions and Answers	328-342, 368-370
II Bill to amend the Madras City Municipal Act, 1919, for certain purposes (Bill No. 11 of 1934)— <i>cont.</i>	343-367

CONTENTS

Monday, the 3rd February 1936.

	PAGES
Members present	
I Questions and Answers	371-372
II Adjournment motion <i>re</i> postponement of the election of President of the South Kanara District Board	372-382, 439
III Bill to amend the Madras City Municipal Act, 1919, for certain purposes (Bill No. 11 of 1934)— <i>cont.</i>	382-383
IV Bill for the imposition and levy of licence fees on the sale of tobacco in the Presidency of Madras (Bill No. 17 of 1935)	383-415
V Motion <i>re</i> amendment to sub-rule (1) of rule 51 of Schedule IV of the District Municipalities Act, 1920	415
VI Motion <i>re</i> investment and utilization of the Famine Relief Fund	415-416
VII Report of the Public Accounts Committee	416-419
	420-438

Tuesday, the 4th February 1936.

	PAGES
Members present	
I Questions and Answers	441-442
II Adjournment motion <i>re</i> inadequate relief afforded through Government Press Communique, dated 12th December 1935	442-452, 516-522
III Election of two members to the Advisory Committee of the Madras and Southern Mahratta Railway Company	454-455
IV Report of the Public Accounts Committee— <i>cont.</i>	455
V Statement <i>re</i> duration of sitting	455-496
VI The Madras Revenue (Miscellaneous Amendments) Bill (Bill No. 1 of 1936)	496-497
VII A Bill to amend the Madras Betting Tax Act, 1935, for certain purposes (Bill No. 4 of 1936)	497-498
VIII A Bill to amend the Madras Commercial Crops Markets Act, 1933, for certain purposes (Bill No. 3 of 1936)	499
IX A Bill further to amend the Madras Forest Act, 1882, for certain purposes (Bill No. 22 of 1935)	499-504
X The Madras Public Service Commission Bill (Bill No. 19 of 1935)	505-506, 522, 525
	507-514, 525-533
XI Papers laid on the table of the House	515, 534-540

Wednesday, the 5th February 1936.

	PAGES
Members present	
I Questions and Answers	541-542
II The Madras Debt Conciliation Bill (Bill No. 9 of 1934)	542-561, 616-620
III A Bill further to amend the Madras Estates Land Act, 1908, for certain purposes (Bill No. 2 of 1935)	561-576
IV Statement <i>re</i> land revenue remissions	577-589, 589-607
V A Bill for the Protection of Village Officers in the Madras Presidency	589
VI The Madras Employees' Protection Bill	607
VII Motion under Standing Order No. 33	607-609
VIII Resolution <i>re</i> establishment of Homœopathic School of Medicine and dispensaries	607-609
IX Paper laid on the table of the House	609-615
	615



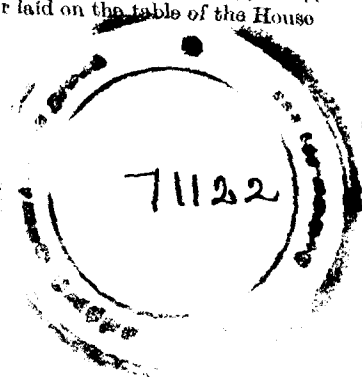
INDEX TO THE PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

SIXTH SESSION OF THE FOURTH LEGISLATIVE COUNCIL

27th, 29th to 31st January, 1st, 3rd to 5th
February 1936.

Volume LXXIX (Nos. 1 to 8).

	PAGES
A	
Abdul Hameed Khan, Mr.—	
Bill—	
City Municipal Act, Bill to amend the Madras	307, 347-348, 412
Acts—	
Question <i>re</i> sale price of — published by Government	32-34
Acts assented to by His Excellency the Governor—	
Co-operative Societies (Amendment) Act, 1935	166
Estates Land (Amendment) Act, 1935	166
Indian Registration (Madras Amendment) Act, 1935	166
Irrigation Cess and Land Encroachment (Amendment) Act	166
Adjournment motion <i>re</i> —	
Resettlement in certain districts, press communiqué <i>re</i> —	454-455
South Kanara District Board, postponement of the election of President of the —	382-383
Admissions—	
<i>See</i> Teachers' College.	
Advocates—	
Question <i>re</i> fee for enrolment of —, recommendation for reduction of —	26-27
Affiliation—	
<i>See</i> Veterinary College.	
Age-limit—	
Question <i>re</i> students in schools and colleges, orders <i>re</i> — of	128-129
Agricultural demonstrators—	
Question <i>re</i> recruitment of — since 1930	63-64
Agricultural department—	
Question <i>re</i> superfluous staff in the —	51-53
Aided school—	
Question <i>re</i> grants to — in South Kanara, proposal to cut down—	63-64
Alamelumangathayaramma, Mrs. K.—	
Bill—	
City Municipal Bill, Bill to amend the Madras—	355, 365, 405-406
<i>See</i> Questions and Answers.	
Anamalais—	
Question <i>re</i> Deputy Director of Agriculture, supervision of — since 1933-34.	155
Ananda Vikatan—	
Question <i>re</i> offending article in the —, action <i>re</i> —	31



A—cont.

	PAGES
Appadurai Pillai, Diwan Bahadur A.— Bill— City Municipal Act, Bill to amend the Madras—	278-279, 280, 281 291-292, 295-296, 314-315, 343-346, 352, 355, 361-362, 414
Arasu, Mr. V. T.— See Questions and Answers.	
Arrack shops— Question re —	557-558
" default in payment of rent for —	67
" opening of new —	272-273, 274
Assault— Question re — by soldiers on pedestrians near Munro statue	375-376
Assignment— Question re irregular — of communal lands in Udipi taluk	38
Assistant Directors of Public Health— Question re functions and qualifications of —	134-135
Assistant Engineers— Question re recruitment of — since 1930	139-140
Attayampatti— Question re punitive police at —, removal of	341

B

Bar Council, Madras— Question re fee for enrolment of advocates, reduction of —	26-27
Basheer Ahmed Sayeed, Mr.— Bill— City Municipal Act, Bill to amend the Madras—	280-281, 286-287, 290, 299-300, 301 302, 303-305, 307, 308- 310, 358-359, 410-411, 413
Demand for supplementary grant re Vizagapatam Medical College	192-198
Motion re Public Accounts Committee Report	426-428
Motion under Standing Order No. 33	608-609
Resolution re Homoeopathic school of medicine and dispensaries	614-615
See Questions and Answers.	
Basu Dev, Mr. C.— Bills— City Municipal Bill, Bill to amend the Madras—	286, 287, 293-294, 295, 302-303, 353-355, 356, 409, 410, 415
Debt Conciliation Bill, the Madras	105
Employees Protection Bill, the Madras	607
Demand for supplementary grant re Electricity	179-180
Demand for supplementary grant re Public Health	183
See Questions and Answers.	
Betting Tax (Amendment) Bill— See Bills.	
Beyabani Sahib, Bahadur, S. M. K.— See Questions and Answers.	
Bhanoji Rao, Mr. A. V.— Demand for supplementary grant re Vizagapatam Medical College	188-190
Bifurcation of district boards— Question re consultation with District Collector and Finance Department prior to —	39-40
Bills— Betting Tax (Amendment) Bill taken into consideration and passed into law	499
City Municipal Act, 1919, Bill to amend the Madras—(No. 11 of 1934) considered	278-316, 343-367, 382-415

B—cont.

PAGES

Bills—cont.	
Commercial Crops Markets (Amendment) Bill— Taken into consideration	499-504
Passed into law	504
Debt Conciliation Bill, the Madras (No. 9 of 1934)— Further considered	68-117, 561-567
Passed into law	567-576
Employees Protection Bill, the Madras— Introduced	607
Estates Land Act, 1908, Bill further to amend the Madras (No. 2 of 1935) Select Committee report presented and Bill considered—Passed into law.	577-604, 604-607
Estates Land (Amendment) Act, 1935— Governor's assent to —	166
Forest Act (Amendment) Bill— Taken into consideration and passed into law	505-506
Public Service Commission Bill— Taken into consideration	507-514
Passed into law	514
Revenue (Miscellaneous Amendments) Bill— Taken into consideration	497
Passed into law	498
Tobacco, Bill for the imposition and levy of licence fees on the sale of (No. 17 of 1935)— Motion for presentation of Select Committee report not made	415
Village officers in the Madras Presidency, Bill for the protection of — Introduced	607
Board High School, Tiruturaipundi— Question re site for —, purchase of —	51
Board High schools— Question re G.O. No. 2341, L. & M., dated 20th June 1935, on promotions of secondary school teachers as headmasters of —	145
Bracken, The Hon'ble Mr. G. T. H.— Demand for excess grants re Secretariat, etc., and pensions	167-168
Motion re Famine Relief Fund, investment and utilization of the —	416-417, 419
" Madras and Southern Mahratta Railway Advisory Committee, election of two members to the	455
" Public Accounts Committee Report	420, 429-430, 431
Buckingham Canal— Question re water level in the — minimum required for purposes of navigation	67
Bus traffic— Question re regulation of —	545-547

C

Calendars Cable and Construction Company, Limited, Messrs.— Question re contracts given to — during the past five years, amounts involved in the	157-158
Cattle mortality— Question re — in North Arcot	449, 552
Cauvery channels— Question re failure of freshes in the — of Namakkal taluk	376-377
Central electric generating scheme— Question re proposal for the establishment of a —	382
Chathu, Mr.— Question re expulsion of — of Kottayam from Training School, for participation in civil disobedience movement	60-62
Chemical Examiner— Question re examination of samples and stomach contents during 1934-35 by —	* 133

C—cont.	PAGES
Chepad channel—	
Question re water in the —, failure of —	334-335
Chigrala Kutwa—	
Question re Wuppuvagu river, diversion into —	37
Chingleput Municipality—	
Question re supervisor, lack of qualifications on the part of —	260
City Municipal Act, 1919—	
Bill to amend the Madras (No. 11 of 1934)—	
<i>See Bills.</i>	
Civil disobedience movement—	
Question re Mr. Chathu of Kottayam expelled from training school for participation in the —	60-62
Civil Works—Grants-in-aid—	
Demand for supplementary grant re —	217-222
Civil Works—Works—	
Demand for supplementary grant re —	207-217
Clerks—	
Question re confirmation of acting — in the Registration department ..	330
Cocanada conspiracy case—	
Question re expenditure on account of —	29
„ judgment of High Court re —	30
Coimbatore Municipality—	
Question re surcharge on the — for closure of schools during Mahatma Gandhi's visit	59-60
Colleges—	
Question re age-limit of students studying in —	128-129
Commercial Crops Markets (Amendment) Bill—	
<i>See Bills.</i>	
Commissioner—	
Question re disobedience of Government Orders by the — of Narasaraopet Municipality	143-144
Commissioners of municipalities—	
Question re vote of censure on —	257-258
Communal lands—	
Question re assignment of — in South Kanara	448-449
„ assignment of — in Udipi taluk	38
Communal representation—	
<i>See Local Boards.</i>	
<i>See Municipalities.</i>	
Communal rotation—	
Question re depressed classes, appointments reserved according to Government Order re —	154-155
Commutation rate—	
Question re — of the price of paddy vis-a-vis its present price	447
Condolence motion re—	
George V, His Majesty the late King	19-23
Constituencies—	
Question re reshuffling of — in South Arcot District Board	42-43
Co-operative societies—	
Question re property statements of —	551-551
Co-operative Societies (Amendment) Act, 1935—	
Governor's assent to —	166
Cumbum tank—	
<i>See Chigrala Kutwa.</i>	
<i>See Wuppuvagu river.</i>	
Cyclone—	
Question re damage to Tanjore district by —	548-549

D	PAGES
Daniel Thomas, Mr.—	
Demand for supplementary grant re Vizagapatam Medical College ..	190-192
Davis, Mr. J. A.—	
Demand for supplementary grant re Electricity	179
Debt Conciliation Bill, the Madras—	
<i>See Bills.</i>	
Demand for excess grant re—	
Secretariat, etc., and Pensions	167-168
Demand for supplementary grant re —	
Civil Works—Grants-in-aid	217-222
Civil Works—Works	207-217
Ministers and Civil Secretariats	170-176
Public Health	182-183
Vizagapatam Medical College	183-207
Depressed classes—	
Question re appointments reserved for the — according to Government Order re communal rotation	154-155
„ needs of —, expenditure of Government of India grant for rural development for the —	149
Deputy Collectors—	
Question re transfer; communication of the order of — to —	255
„ transfers of previous intimation about	336-337
Deputy Director of Agriculture—	
Question re Anamalais and Dodabetta and Naduvattum plantations, supervision by — since 1933-34	155
Deputy Tahsildar's Office—	
Question re — at Sompeta, Ganjam	560-561
Devadasan, Mr. M.—	
Bills—	
City Municipal Act, Bill to amend the Madras —	362, 410
Debt Conciliation Bill, the Madras—	84-85
97-99, 110-112	
<i>See Questions and Answers.</i>	
Devakottai Panchayat Board—	
Question re irregularities in the elections to the —	445-446
Dharmalingam Pillai, Rao Sahib V.—	
<i>See Questions and Answers.</i>	
Disease Investigation Officer—	
Question re work turned out by the —	442-443
District boards—	
Question re Labour schools in Malabar, transferred to —	339-340
„ ministerial staff of —, fixing the strength of —	331-332
„ nominations to — of Tanjore, East and West	50
„ programme of bifurcation of — during 1936	261-262
„ proposals for the bifurcation of the — in the Ceded districts ..	263
„ strength of staff sanctioned for each	264-265
<i>See Guntur District Board.</i>	
<i>See Ongole District Board.</i>	
District Court, Salem—	
Question re accommodation for —	28-29
District Munsifs—	
Question re selection of—by High Court	372-373
District urban banks—	
Question re local bodies and municipalities, deposit of funds into — ..	146
Dodabetta—	
Question re Deputy Director of Agriculture, supervision of—plantation since 1933-34	155
Dusi-Mamandur tank—	
Question re water-supply to the —, augmentation of —	37

	PAGES
E	
Education-tax—	
Question <i>re</i> levy and collection of —	64-65
Elections—	
Question <i>re</i> date of — to the district boards of Guntur and Ongole, post- ponement of —	331
„ polling arrangements for — to the Tinnevely District Board ..	49
„ programme of — to the local legislature under the Reforms ..	332
Electoral circles—	
Question <i>re</i> re-shuffling of — in South Arcot	41-42
„ re-shuffling of — in the South Kanara District Board ..	44-45
„ variation in number of villages in the —, of South Arcot, reasons for —	2
„	42
Electoral rolls—	
Question <i>re</i> claims and objections <i>re</i> preliminary — of South Kanara District Board	45
„ preliminary — in South Kanara, number of claims filed and admitted to the —	46-47
Electric energy—	
Question <i>re</i> demand for — in the Mettur Hydro-Electric area	163-164
Electric pumps—	
Question <i>re</i> capacity of — used for agriculture	158
Electrical Engineers Service—	
Constitution of an — for local bodies	176-182
Electricity—	
Question <i>re</i> agricultural pumping, progress of private licensees for electricity <i>re</i> —	160-161
„ development of — by private licensees in rural areas	161-162
„ distribution of — in Wallajah taluk	250-251
„ generation and distribution of — in North Arcot, issue of licences to private bodies for —	342
„ Palar Basin, reservation of the — for development of	158-160
Electrification—	
Question <i>re</i> — of Rasipuram, Salem district	542-543
„ re-examination of the scheme for the — of Kodumudi ..	374
Elementary education—	
Question <i>re</i> grant under —	555
„ Legislative Council resolution <i>re</i> effective curriculum for —, action taken on the —	64
Elementary Teachers' Conference—	
Question <i>re</i> resolutions of — <i>re</i> medical leave and personal pay	149-150
Employees Protection Bill, the Madras—	
<i>See</i> Bills.	
Estates—	
Question <i>re</i> settlement of rent in —, principles governing the	150
Estates Land Act, 1908, Bill further to amend the Madras (No. 2 of 1935)—	
<i>See</i> Bills.	
Excise department—	
Question <i>re</i> scheduled classes, appointment in the — since January 1935.	66
„ Thiyyas, representation in the —	66
Excise duty—	
Question <i>re</i> levy of—on homœopathic medicines imported from Bengal.	329-330
Ex-taluk board clerks—	
Question <i>re</i> pension and provident fund accounts of the—, settlement of —	265
F	
Famine zones—	
Question <i>re</i> seeds for —, special varieties of —	54-55
Fisheries department—	
Question <i>re</i> Sub-Inspectors discharged from service in the—, re-employ- ment of —	55-57

	PAGES
F—cont.	
Forest (Amendment) Bill—	
<i>See</i> Bills.	
Forest grievances—	
Question <i>re</i> — in South Kanara	453
Foreign scholarships—	
Question <i>re</i> reservation of — for Muslim ladies	442
G	
Gandhi, Mahatma—	
Question <i>re</i> Coimbatore Municipality surcharged for closure of schools during the visit of —	59-60
Ganjam District Board—	
Question <i>re</i> bifurcation of the —	261
George V—	
Condolence motion <i>re</i> His Majesty the late King	19-23
Gopalaswami Mudaliyar, Diwan Bahadur M.—	
Motion <i>re</i> Famine Relief Fund, investment and utilization of the — ..	418-419
„ Public Accounts Committee Report	437-438, 470-471
<i>See</i> Questions and Answers.	
Government aid—	
<i>See</i> Orphanages.	
Government of India grant—	
Question <i>re</i> committee appointed to distribute the —, personnel of — ..	147
„ expenditure of the — for rural development	147
<i>See</i> Rural development.	
<i>See</i> Rural reconstruction.	
<i>See</i> Rural uplift.	
Government Training School—	
Question <i>re</i> shifting of — from Salem to Mettur	129-130
Grant(s)—	
Question <i>re</i> allotment of — for secondary school buildings	552-553
„ Government of India —, scheme for the utilization of — ..	146-147
<i>See</i> Aided schools.	
Guntur District Board—	
Question <i>re</i> elections to —, postponement of the date of —	331
H	
Handloom weavers—	
Question <i>re</i> Provincial Weavers' Co-operative Society, help rendered to the — by the —	138-139
Health Officer—	
Question <i>re</i> employment of a first class — for research work during 1934-35.	136
Hebbolla diversion scheme—	
Question <i>re</i> investigation of the —	36
Hebbolla reservoir scheme—	
Question <i>re</i> investigation of the —	36
Homœopathic medicines—	
Question <i>re</i> excise duty, levy on — imported from Bengal	329-330
Homœopathic School of Medicine—	
Resolution <i>re</i> establishment of — and dispensaries	609-615
I	
Indian Registration (Madras Amendment) Act, 1935—	
Governor's assent to —	166
Industrial Engineering Workshop—	
Audit report of the accounts of the —	534-540
Insolvents—	
Question <i>re</i> fixing upset price on the immovable properties of —	452

	PAGES
I—cont.	
Interest—	
<i>See</i> Provincial loans.	
Irrigation—	
Question <i>re</i> scheme for improving — in Kollegal taluk	35
Irrigation Cess and Land Encroachment (Amendment) Act—	
Governor's assent to —	166
Irrigation works—	
Question <i>re</i> repairs and improvements to —, contribution by ryots for —	152-153
J	
Jagannatham, Mr. H. M.—	
<i>See</i> Questions and Answers.	
Javad Hussain Khan Sahib Bahadur, Khan Bahadur—	
Bill—	
City Municipal Act, Bill to amend the Madras	291, 292, 346, 347, 410
Judicial department—	
Question <i>re</i> examination for recruitment to the —	27-28
K	
Karpanathaswami temple—	
Question <i>re</i> management of —, representation <i>re</i> —	51
Kasaragod Circle—	
Question <i>re</i> resolution of the South Kanara District Board <i>re</i> non-acceptance of	43-44
Kaveripauk tank—	
Question <i>re</i> silting up of —	335-336
Kodumudi—	
Question <i>re</i> constitution of a panchayat for —	267
Kolanda Reddi, Rai Sahib C.—	
Adjournment motion <i>re</i> —	
Resettlement in certain districts, Press Communiqué <i>re</i> —	454-455
Bill—	
Debt Conciliation Bill, the Madras	76
<i>See</i> Questions and Answers.	
Kollegal taluk—	
Question <i>re</i> irrigation in —, scheme for improving —	35
Komarapalayam—	
Question <i>re</i> rural dispensary, opening at —	134
Koti Reddi, Mr. K.—	
Bills—	
City Municipal Act, Bill to amend the Madras	310-311
Debt Conciliation Bill, the Madras	72-74, 76-77, 79-80
Demand for supplementary grant <i>re</i> electricity	178
Motion <i>re</i> Famine Relief Fund, investment and utilization of the	418, 419
Krishnamurti, Rao Bahadur D.—	
Motion <i>re</i> Public Accounts Committee Report, consideration of —	455-460
Krishnayya Choudari, Mr. P. V.—	
Bill—	
Debt Conciliation Bill, the Madras	68, 76, 90-91, 103-104, 110
Demand for supplementary grant <i>re</i> Vizagapatam Medical College	202-204
Standing Order No. 5 (b) (5), amendments to —	67, 68
<i>See</i> Questions and Answers.	
Kudiraimoli forest—	
Question <i>re</i> disafforestation of a belt of the —, rescission of the order of —	164-165

K—cont.	
Kumararaja of Venkatagiri—	
Bill—	
Estates Land Act, Bill further to amend the Madras	596-597
Kumaraswami Reddiyar, the Hon. Diwan Bahadur S.—	
Demand for supplementary grant <i>re</i> Vizagapatam Medical College	183-185, 204-207
L	
Labour schools—	
Question <i>re</i> transfer of — in Malabar to the district board	339-340
Land Improvement Act—	
Question <i>re</i> restrictions on the sale of property mortgaged under the —	377-378
Land revenue remission—	
Question <i>re</i> — for current fasli, proposal for —	337-338
<i>„</i> report of Salem Collector <i>re</i> —	338
Statement <i>re</i> —	589
Langley, Mr. W. K. M.—	
Bills—	
City Municipal Act, Bill to amend the Madras	298-299
Debt Conciliation Bill, the Madras	105-106
Demand for supplementary grant <i>re</i> Civil Works	218-220
Law College, Madras—	
Question <i>re</i> tuition fees in —	555-557
Law Member, Hon. the—	
Question <i>re</i> tour of the — in South Kanara	453
Legislative Council—	
Question <i>re</i> resolution of the — <i>re</i> effective curriculum for elementary education, action taken on the —	64
Statement <i>re</i> duration of sitting of —	496-497
Legislature—	
Question <i>re</i> elections to the local — under the Reforms, programme of—	332
Liquor shops—	
Question <i>re</i> in City of Madras	558-560
Local Authorities Electrical Engineers Service—	
Question <i>re</i> constitution of a —	176-182
Local boards—	
Question <i>re</i> communal representation in the services of the —	144
Local bodies—	
Question <i>re</i> district urban banks, deposit of funds of — into	146
Lower Bhavani Project—	
Question <i>re</i> propaganda among ryots <i>re</i> —	
M	
Madras and Southern Mahratta Railway Advisory Committee—	
Motion <i>re</i> election of two members to the —	455
M.R.C.V.S. officers—	
Question <i>re</i> research work done by the — of Veterinary department	443-444
Madanagopal Nayudu, Mr. R.—	
Bill—	
City Municipal Act, Bill to amend the Madras	283, 287, 293, 356-357, 359, 362-363
Madras City—	
Question <i>re</i> liquor shops in	558-5
Madras Conspiracy Case—	
Question <i>re</i> Narayana Nambiyar, prisoner —	543-544
<i>„</i> Ramananda Choudari, refusal of permission to sit for Inter mediate Examination	30-31

	M—cont.	PAGES
Madras Service Commission—		
Question re ministerial service, employment in the mufassal of candidates selected by the —		153-154
Mahboob Ali Baig Sahib Bahadur—		
See Questions and Answers.		
Mahmud Schamnad Sahib Bahadur, Khan Bahadur—		
Demand for supplementary grant re Vizagapatam Medical College ..		188
Mamandur tank—		
Question re failure of freshes in the —		254-255
Manikkavelu Nayakar, Mr. M. A.—		
Demand for supplementary grant re—		
Civil Works		209-210
Electricity		177
Ministers, Civil Secretariats, etc.		170-171
Vizagapatam Medical College		185-186, 206-207
See Questions and Answers.		
Medical Colleges—		
Question re chair of Bacteriology in the —		274-275
Medical Officer—		
Question re allegations against the — at Srivilliputhur, enquiry into — ..		130-131
Mettur Hydro-Electric area—		
Question re electric energy, local demand in the — for —		163-164
„ industrial and urban load in the —, estimate of—		162-163
Mettur power—		
Question re distribution of — in North Arcot district		251
Ministerial servants—		
Question re appointment of — disbanded from Survey and Settlement Parties, in preference to Madras Services Commission candidates ..		151-152
Ministerial service—		
Question re employment of Madras Services Commission candidates in the — in the mufassal		153-154
Ministerial staff—		
Question re strength of — in district boards, fixing the —		331-332
Ministers, Civil Secretariats, etc.—		
Demand for supplementary grant re —		170-176
Mosque—		
Question re demolition of — at Repalle		540-550
Motion of condolence re—		
George V, His Majesty the late King		19-23
Motion re—		
District Municipalities Act, 1920—Amendment to sub-rule (1) of rule 51 of Schedule IV		415-416
Famine Relief Fund, investment and utilization of the		416-419
Public Accounts Committee report, consideration of		420-438, 455-496
Under Standing Order No. 33		607-609
Motion under Standing Order No. 4 re—		
South Kanara District Board, postponement of the election of the President of the —		277
Motor car allowances—		
Question re Municipal Commissioners, basis for fixing the — of — ..		141-143
Motor Vehicle Rules—		
Question re amendments of —		544-545
Muhammad Meera Ravuttar, Mr. K. P. V. S.—		
See Questions and Answers.		
Municipal Commissioner (s)—		
Question re motor car allowances to —, basis for fixing the —		141-143
„ muslims, representation in the cadre of —		144-145
„ pay and allowances admissible to a — deputed from other services		143
„ representation of Vannikula Kshtriyas in the cadre of —		258-259

	M—cont.	PAGES
Municipal Engineering Service—		
Constitution of a —		176-182
Municipalities—		
Question re communal representation in the services of the —		144
„ district urban banks, deposit of funds of — into —		146
Muniswami Pillai, Rao Sahab V. I.—		
Bills—		
City Municipal Act, Bill to amend the Madras	297-298, 352-353, 384-385	
Commercial Crops Markets (Amendment) Bill	500-501	
Debt Conciliation Bill, the Madras	104	
Motion re District Municipalities Act, amendment to sub-rule (1) of rule 51 of Schedule IV	416	
„ Public Accounts Committee Report, consideration of	489-490, 493	
Motion under Standing Order No. 33	608	
Muniyan—		
Question re death of — while in police lock-up in Maduravayal		340-341
Muslim endowments—		
Demand for supplementary grant re a committee on —		170-176
Muslims—		
Question re municipal commissioners and panchayat officers, representation of — in the cadre of —		144-145
Muthiah Chettiyar of Chettinad, Raj Kumar M.A.—		
Bills—		
City Municipal Act, Bill to amend the Madras	282-283, 363-364, 365	
Debt Conciliation Bill, the Madras	91-92, 93	
Muthu Chettiyar, Rao Bahadur P. C.—		
Bills—		
City Municipal Act, Bill to amend the Madras	281-282, 293, 297, 305, 306, 313, 362, 363, 366, 384, 406	
Debt Conciliation Bill, the Madras	77, 101, 103, 113, 116	
Estates Land Act, Bill further to amend the Madras	594	
	N	
Nachiyappa Gounder, Mr. K. A.—		
Bills—		
Commercial Crops Markets (Amendment) Act	502, 503	
Debt Conciliation Bill, the Madras	143	
Forest Act Amendment Bill	506	
Public Service Commission Bill	508-510, 514	
Demand for excess grants re Secretariat, etc.	168-169	
Demand for supplementary grant re—		
Civil works	210-212, 216, 218	
Electricity	177	
Ministers, Civil Secretariats, etc.	171-172	
Vizagapatam Medical College	186-187	
Motion re Public Accounts Committee Report	428-429, 436, 471-473, 479, 483-485, 487, 489, 491-493	
See Questions and Answers.		
Naduvattum—		
Question re Deputy Director of Agriculture, supervision of — plantation since 1933-34		155
Nanjappa Bahadur, Rao Bahadur Subadar Major S. A.—		
See Questions and Answers.		
Nannu—		
See Muniyan.		
Narasa Reddi, Mr. T.—		
See Questions and Answers.		
Narasaraopet Municipality—		
Questions re Commissioner of —, disobedience of Government Orders by —		143-144

	PAGES
N—cont.	
Narayanan Nambiyar, Mr. V. P.— See Questions and Answers.	
Narlapalli Reserve— Question <i>re</i> diversion of the jungle stream in — to the Badathalav tank ..	446-447
Natesa Mudaliyar, Diwan Bahadur C.— Bills— City Municipal Act, Bill to amend the Madras .. 279, 280, 281, 284-285, 288, 292, 296, 349-350, 355, 357-358, 360, 402-403, 406 Debt Conciliation Bill, the Madras .. 77 Demand for supplementary grant <i>re</i> Vizagapatam Medical College	201-202
Negapatam Temple Committee— Question <i>re</i> Karpanathaswami temple, management of — ..	51
Nilgiri Brand Cement— Note <i>re</i> — ..	534
Nominations— See District Boards.	
Non-Brahman Hindus and backward communities— Question <i>re</i> communities falling under the category of — ..	449-450, 451
North Arcot— Question <i>re</i> cattle mortality in — ..	552
North Arcot District Board— Question <i>re</i> postponement of the date of election to the— ..	379
O	
Official Receivers— Question <i>re</i> rules regarding sale of properties by — ..	451-452
Ongole District Board— Question <i>re</i> elections to —, postponement of the date of— ..	331
Orphanages— Questions <i>re</i> number of — maintained by foreign missionaries with Government aid ..	65-66
P	
Paimash wet lands— Question <i>re</i> legality of imposition of separate water-rate on — ..	378
Palar Anicut System— Question <i>re</i> silting up of tanks in the — ..	34-35
Palar Basin— Question <i>re</i> electricity, reservation of — for the development of— ..	158-160
Palar Enquiry Committee— Question <i>re</i> progress of — ..	34
Panchayat Forests— Question <i>re</i> grazing goats in the — of Salem district, permission for— ..	165-166
Panchayat Officers— Question <i>re</i> Muslims, representation in the cadre of — ..	144-145
Pandits— Modification of the scale of pay of — ..	265-266, 267
Pannirselvam, the Hon. Mr. A. T.— Motion <i>re</i> Public Accounts Committee Report ..	422-424, 425, 432, 490-491
Papers laid on the table— Chirala Municipality, notification <i>re</i> supersession of— .. Ganjam District Board, notification <i>re</i> bifurcation of .. Industrial Engineering Workshops, audit report of the accounts of the — .. Motor tax on certain vehicles, notification <i>re</i> the reduction of — .. Nilgiri Brand Cement, note <i>re</i> — .. North Arcot district, notification <i>re</i> bifurcation of— ..	222 222 515, 534-540 222 515, 534 222

	PAGES.
P—cont.	
Papers laid on the table— <i>cont.</i> Posts on Rs. 500 and above created during quarter ending 30th Septem- ber 1935 Public Accounts Committee Report for 1933-34 Resettlement in Coonoor, Ootacamund, Gudem, Golugonda, Salem, etc., Scheme reports <i>re</i> Water-cess in the Kurnool district—Settlement—Resettlement—Supple- ment to the Scheme Report of the Kurnool district — Proposals for revision of—	222 222 222 615
Parthasarathy Ayyangar, Mr. C. R.— Bill— City Municipal Act, Bill to amend the Madras	386-387
Pasteur Institute— Question <i>re</i> staff at the —, Coonoor, need for the	133-134
Patnaik Mahasayo, Sriman M. G.— Bills— City Municipal Act, Bill to amend the Madras Debt Conciliation Bill, the Madras Estates Land Act, Bill further to amend the Madras Demand for supplementary grant <i>re</i> — Ministers, etc., Motion <i>re</i> Public Accounts Committee Report See Questions and Answers.	385-386, 406-408 77, 87-88, 96-97, 102-103, 114 577, 578, 579, 580, 584 600-601, 604 173-174 429, 436-437
Patro, Sir A. P.— Bills— City Municipal Act, Bill to amend the Madras Debt Conciliation Bill, the Madras Estates Land Act, Bill further to amend the Madras Famine Relief Fund, investment and utilization of the — Demand for supplementary grant <i>re</i> Vizagapatam Medical College See Questions and Answers.	398-402 106-107, 572-573 578-581, 597-599 417, 418 198-201
Peddi Raju, Mr. P.— Bill— Estates Land Act, Bill further to amend the Madras Demand for supplementary grant <i>re</i> Vizagapatam Medical College	577, 581, 587-589, 599-600 187-188
Pensions— Demand for excess grant <i>re</i> —	167-168
Physical Directors— Question <i>re</i> appointment of —	271-272
Physical education— Question <i>re</i> proposals for better organization and supervision of — ..	272
Pocker Sahib Bahadur, B.— See Questions and Answers.	
Polling stations— Question <i>re</i> location of — for electors in municipal areas	48-49
Premayya, Mr. G. R.— Bill— Commercial Crops Markets (Amendment) Bill	500, 502
President, the hon. the— Adjournment motion <i>re</i> resettlement in certain districts—Press Communi- que <i>re</i> — Adjournment motion <i>re</i> —South Kanara District Board, postponement of election of the President of the— Bill— City Municipal Act, Bill to amend the Madras Debt Conciliation Bill, the Madras	454-455 382, 383 279-280, 281, 295, 288, 296, 308, 311 68, 70, 71, 72, 75-76, 82, 90, 94, 117, 571, 572

P—cont.

PAGES.

President, the hon. the—cont.

Bill—cont.

Estates Land Act, Bill further to amend the Madras	580, 581, 593
Motion re Public Accounts Committee Report	420, 422, 304
Motion under Standing Order No. 4 re South Kanara District Board, President of the—	277
Motion under Standing Order No. 33	609
Standing Orders, election of members of Select Committee on amendments to—	277-278
Statement re Standing Orders Nos. 28, 30 and 55, amendments to See Rulings.	166-167
Press communique— See Resettlement Rates.	
Provident fund accounts— Question re closing of —	554-555
Provident Fund Scheme— Question re — in aided institutions	553-554
Provincial loans— Question re interest on —, rate charged by Government of India for current year	332
Provincial Weavers Co-operative Society— Question re handloom weavers, help rendered by the — to—	138-139
Public Accounts Committee, Report of the— Motion re consideration of —	420-438, 455-496
Public Service Commission Bill— See Bills.	
Punitive police— Question re removal of — at Attayampatti	341
Pykara Hydro-Electric Scheme— Question re rate charged under the —	373-374

Q

Queen Alexandra Hospital— Question re construction of a suitable building for the —	275-276
„ vacancy in the —, Salem	131-132
Questions and Answers— Alamelumangathayamma, Mrs. K.— Question re vaccinators, employment of women as—	137-138
„ Victoria Caste and Gosha Hospital, inadequacy of accommodation in the—	276-277
Arasu, Mr. V. T.— Question re Buckingham Canal, minimum water-level for purposes of navigation	67
Basheer Ahmed Sayeed, Mr.— Question re Cocanada Conspiracy case, High Court judgment re—	30
„ radio stations in rural parts, proposal to open—	38-39
„ Tirupati Hills, construction of an easy flight of steps over the—	380-381
Basu Dev, Mr. C.— Question re water charges, tap-rate system of — in mufassal municipalities	268-269
„ water-meters, introduction of — in City Municipal Act	270
„ weights and measures, standardization of —	57-58
Beyabani Sahib Bahadur, S. M. K.— Question re demolition of mosque at Repalle	549-550
„ foreign scholarships reservation of — for Muslim ladies	442
„ Wuppuvagu river, diversion into Chigrala Kutwa under the Cumbum tank	337

Q—cont.

PAGES

Questions and Answers—cont.

Devadasan, Mr. M.— Question re appointments reserved for depressed classes according to Governmentre communal rotation	154-155
„ District Munsifa, selection of — by the High Court	372-373
„ rural development, expenditure for the depressed classes, of the Government of India grant for	149
Dharmalingam Pillai, Rao Sahib V.— Question re Scheduled classes, appointment in the Excise department since January 1935	66
Gopalaswami Mudaliyar, Diwan Bahadur M.— Question re district boards in Ceded districts, proposals for bifurcation of —	263
Jagnunatham, Mr. H. M.— Questions re Labour schools in Malabar, transfer to district board	339-340
Kolanda Reddi, Rao Sahib C.— Question re resettlement rates, non-imposition of enhanced—	256
Krishnayya Choudari, Mr. P. V.— Question re Registration department, confirmation of acting clerks in Guntur district	330
„ rural uplift, appropriation of Government of India grant for—	148-149
„ weights and measures, expenditure for the standardization of	58
Mahboob Ali Baig, Mr.— Question re local boards and municipalities, communal representation in the services of	144
„ Muslims, representation in the cadre of municipal commissioners and panchayat officers	144-145
Manikkavelu Nayakar, Mr. M. A.— Question re cattle mortality	449
„ cattle mortality in North Arcot	552
Muhammad Meera Ravuttar, Mr. K. P. V. S.— Question re Ramzan, observance of — by Muslim convicts	251-252
Nachiyappa Gounder, Mr. K. A.— Question re age-limit of students studying in schools and colleges	128-129
„ Agricultural Demonstrators, recruitment since 1930	53-54
„ allotment of grants for secondary school buildings	552-553
„ amendments of Motor Vehicle Rules	544-545
„ arrack shops, opening of new — in Salem district	272-273, 274
„ Assistant Engineers and Supervisors, recruitment since 1930.	139-140
„ Bar Council, recommendation re reduction of fee for enrolment of advocates	26-27
„ bifurcation of district boards, consultation with District Collector and Finance Department	39-40
„ Board High School, Tiruturaipundi, purchase of a new site for—	51
„ Cauvery channels, failure of freshes in — of Namakkal taluk	376-377
„ Coimbatore Municipality, surcharged for closure of schools during Mahatma Gandhi's visit	60
„ commissioners of municipalities, vote of censure on	257-258
„ Deputy Collectors, intimation of impending transfers	336-337
„ Deputy Collectors, transfer of —	255
„ Devakottai Panchayat Board, irregularities in the elections to the	445-446
„ district board, strength of staff sanctioned for each—	264-265
„ district boards, programme of bifurcation of	261-262
„ District Court Salem, accommodation for the	28-29
„ District Urban, Banks, deposit of funds of local bodies and municipalities into	146
„ education tax, levy and collection of—	64-65

Q—cont.

Questions and Answers—cont.

Nachiyappa Gounder, Mr. K. A.—cont.

Question re elections to district boards of Guntur and Ongole, postponement of the date of—	331
„ elections to the local legislature under the Reforms, programme	332
„ electoral circles in South Arcot, reasons for variation of number of villages in the	42
„ electoral circles in South Arcot, reshuffling of	41-42
„ electoral circles of the South Kanara District Board, reshuffling of	44-45
„ electrification of Kodumudi, re-examination of the scheme of	374
„ electrification of Rasipuram, Salem district	542-543
„ elementary Teachers' Conference, Erode, resolutions re personal pay and medical leave	149-150
„ ex-taluk board clerks, pension and provident fund accounts of the	265
„ Ganjam District Board, bifurcation of the	261
„ Government Training School, Salem, shifting to Mettur	129-130
„ Hon. the Law Member, tour of the — in South Kanara	453
„ interest on Provincial loans, rate changed by the Government of India for current year	332
„ Karpanathasaswmi temple, representation re management of	5
„ Kodumudi, constitution of a panchayat for—	261
„ land revenue remission, report of Salem Collector re..	3387
„ Lower Bhavani Project, propaganda among ryots re	36
„ Municipal Commissioner deputed from other services, maximum pay and allowances admissible to—	143
„ Narlapalli reserve forest, diversion of the jungle stream in	446-447
„ North Arcot District Board, postponement of the date of election to the—	379
„ paimash wet lands, legality of imposition of separate water rate on—	378
„ panchayat and Reserved forests in Salem, permission for grazing goats in the	165-166
„ Pandits, modification of the scale of pay of—	265-266, 267
„ provincial Weavers' Co-operative Society, help rendered to the handloom weavers by —	138-139
„ punitive police at Attayampatti, removal of—	341
„ Pykara Hydro-Electric Scheme, rate charged under the—	373-374
„ Queen Alexandra Hospital, construction of a suitable building for the—	275-276
„ Queen Alexandra Hospital for Women, Salem, vacancy in the—	131-132
„ regulation of bus traffic	545-547
„ Remission of land revenue, for current fasli, proposals for—	337-338
„ resettlement operations, progress of the — in Salem district	257
„ resettlement rates, proposal for the non-imposition of—	256-257
„ resettlement rates, retrospective effect to the levy of—	256
„ Revenue Recovery Act, amendment re arrest and imprisonment of defaulters	337
„ rural development, expenditure of Government of India grant for—	148
„ rural dispensary, representations for opening at Komarapalayam	134
„ Salem drinking water-supply scheme, appointment of a staff for preparing plans and estimates relating to—	270-271
„ Sub-Court, Salem, accommodation for—	28-29
„ Tanjore District Board, interference of Government with the —	259-260
„ Tanjore East and West District Boards, nominations to—	50
„ Teachers' College, increasing the number of admissions into the	62-63

Q—cont.

PAGES

Questions and Answers—cont.

Nachiyappa Gounder, Mr. K. A.—cont.

Question re Tinnevely District Board, alteration of reserved seats of the	47
„ Tobacco Bill, representations received against the —	333-334
„ toddy and arrack shops	557-558
„ toddy, diversions from one shop to another	329
„ toddy, mixing under the grouping system	329
„ toddy shops, advantages of the grouping system of—	328-329
„ tolls, revival of—	379-380
„ trifurcation of district boards, amalgamation of two boards for purposes of—	40
„ tuition fees in Law College, Madras	555-557
„ water-rate, legality of enhancement of — in Salem..	378

Nanjappa Bahadur, Rao Bahadur Subadar-Major S. A.—

Question re municipal commissioners, representation of Vannikula Kshatriya in the cadre of—	258-259
„ Non-Brahman Hindus and backward communities, communities falling under the category of—	449-450, 451
„ posting of Sub-Inspectors of Police	547-548

Narasa Reddi, Mr. T.—

Question re Chepad channel, Proddatur taluk, failure of water in the—	334-335
---	---------

Narayana Nambiyar, Mr. V. P.—

Question re health condition of — Madras conspiracy case prisoner ..	543-544
--	---------

Patnaik Mahasayo, Sriman M. G.—

Question re settlement of rents in estates, principles governing the—	150
---	-----

Patro, Rao Bahadur Sir A. P.—

Question re Deputy Tahsildar's office at Sompeta, Ganjam ..	560-561
---	---------

Pocker Sahib, Bahadur B.—

Question re Board High schools, applicability of G.O. No. 2341, L. & M., dated 20th June 1935, to promotions as headmasters of ..	145
„ Callendars Cable and Construction Company, Limited, amounts involved in the contracts given to ..	157-158
„ transmission line from Madras-Singarapet to Vellore and Mettur to Erode, construction of—	155-156

Ramalingam Chettiyar, Diwan Bahadur T. A.—

Question re Hebbolla Diversion Scheme, investigation of—	36
„ Kollegal taluk, scheme for improving irrigation in—	35

Ramaswami Mudaliyar, Mr. V. M.—

Question re Cocanada conspiracy case, expenditure on account of—	29
„ electricity, distribution of — in Wallajah taluk ..	250-251
„ Kaveripauk tank, silting up of—	335-336
„ Mamandur tank, failure of freshes in the—	254-255
„ Mettur Hydro-Electric area, local demand for electric energy in the—	163-164
„ Mettur power, distribution of — in North Arcot district..	251
„ Palar anicut system, silting up of tanks in the—	34-35

Rameswara Rao, Mr. G.—

Question re Acts published by Government, sale price of—	32-34
„ closing of provident fund accounts	554-555
„ excise duty on homeopathic medicines imported from Bengal	329-330
„ famine zones, special varieties of seeds for ..	54-55
„ insolvents, fixing upset price on the immovable properties of—	452
„ Land Improvement Act, restrictions placed on sale of property mortgaged under the	377-378
„ Official Receivers, rules regarding the sale of properties by—	451-452
„ property statements of co-operative societies	551-552
„ Provident Fund scheme in aided institutions	553-554
„ rural societies, liquidation of—	381-382

Ranganadha Mudaliyar, Mr. A.—

Question re Tuberculosis Hospital, measures for better equipment of the —	132-133
---	---------

Q—cont.

Questions and Answers—cont.

	PAGES
Ranganatha Mudaliyar, Mr. G.—	
Question re damage to Tanjore district due to cyclone	548-549
Rangaswami Reddi, Mr. M. B.—	
Question re Agricultural department, superfluous staff in the — ..	51-53
„ arrack and toddy shops, default in the payment of rent for ..	67
„ Assistant Directors of Public Health, qualifications and functions of — ..	134-135
„ Chemical Examiner, number of examinations of samples and stomach contents in 1934-35 by ..	133
„ Deputy Director of Agriculture, supervision of Dodabetta and Naduvattam plantations and Anamalais since 1933-34 ..	155-156
„ district boards, fixing the strength of ministerial staff of — ..	331-332
„ Dusi-Mamandur and Radhapuram tanks, augmentation of supply to the — ..	37
„ Health Officer for research work, need for employment of a — ..	136
„ irrigation works, repairs and improvements to, contribution by ryots for ..	152-153
„ Palar Enquiry Committee, progress of — ..	34
„ Pasteur Institute, Coonoor, need for the present staff at — ..	133-134
„ rural sanitation work, staff for — ..	137
Ratnavelu Thevar, Mr. P.—	
Question re Chingleput Municipality, lack of qualifications on the part of the supervisor of — ..	260
„ constituencies of South Arcot District Board, re-shuffling of — ..	42-43
„ elections to the Tinnevely District Board, polling arrangements for — ..	49
„ Medical Colleges, chair of Bacteriology in — ..	274-275
Rukmani Lakshmipathi, Mrs. A.—	
Question re civil disobedience movement, expulsion of Mr. Chathu of Kottayam from Training School for participation in — ..	60-62
„ electric pumps and their capacity ..	158
„ electricity, generation and distribution in North Arcot, issue of licences to private bodies for — ..	342
„ electricity, progress of private licences re agricultural pumping ..	160-161
„ Kudiramoli forest, rescission of the order to disafforest a belt of the — ..	164-165
„ Medical officer, Srivilliputtur, enquiry into allegations against the — ..	130-131
„ Narayana Nambiyar, Madras Conspiracy Case prisoner ..	543-544
„ orphanages maintained by foreign missionaries with Government aid ..	65-66
„ Palar Basin, reservation of — for development of electricity ..	158-160
„ polling stations for electors in municipal areas, location of — ..	48-49
„ Ramananda Choudari, refusal of permission to sit for Intermediate examination ..	30-31
„ rural re-construction, scheme of expenditure of the Government of India grant for ..	147
„ wells in North Arcot suitable for electrical pumping ..	374-375
Shetty, Mr. A. B.—	
Question re commutation rate of the price of paddy vis-a-vis its present price ..	447
„ Disease Investigation Officer, work turned out by the ..	442-443
„ electoral rolls in South Kanara District Board, number of claims filed and admitted to the preliminary — ..	46-47
„ electoral rolls of the South Kanara District Board, filing of claims and objections re — ..	45
„ Kasaragod Circle, non-acceptance of the resolution of the South Kanara District Board re ..	43-44
„ M.R.C.V.S. officers of the Veterinary department, research work done by the — ..	443-444
„ Physical Directors, appointment of — ..	271-272

Q—cont.

PAGES

Questions and Answers—cont.

Shetty, Mr. A. B.—cont.

Question re physical education, proposals for better organization and supervision of — ..	272
„ rural development, appropriation of Government of India grant for — ..	149
„ Thiyyas, representation in the Excise department ..	68
„ Udipi Municipality, protests against the constitution of — ..	140-141
„ Udipi Municipality, reasons for the constitution of — ..	141
„ Veterinary College, affiliation to the University ..	140
Simhachalam Pantulu, Mr. G.—	
Question re Commissioner, Narasaraopet Municipality, disobedience of Government Orders by — ..	143-144
„ Sattenapalle Taluk Board, pay of ex-employees of ..	145
Sivasubrahmanya Ayyar, Mr. K. S.—	
Question re Valappar, deepening of — ..	252-253
„ Valappar, silting up of the — ..	253-254
Sreshta, Mr. M. S.—	
Question re “Ananda Vikatan” action taken on offending article in the — ..	31
„ fisheries department, Sub-Inspectors discharged from service, re-employment of — ..	55-57
„ municipal commissioners, basis for fixing motor car allowances of — ..	141-143
„ road development, report of the special officer for — ..	267-268
„ rural development, personnel of committee appointed to distribute Government of India grant for — ..	147
Srinivasan, Diwan Bahadur R.—	
Question re liquor shops in City of Madras ..	558-560
„ Muniyan, death while in police lock-up in Maduravayal ..	340-341
Subrahmanya Bhatt, Mr. U. C.—	
Question re aided schools in South Kanara, proposal to cut down grants to — ..	63-64
„ assault by soldiers on pedestrians ..	375-376
„ Coimbatore Municipality, surcharge for closure of schools during Mahatma Gandhi's visit ..	59-60
„ communal lands, assignment of ..	448-449
„ cotanural lands in Udipi taluk, assignment of ..	38
„ district board of South Kanara, appointment of a Personal Assistant to the Collector for managing the affairs of ..	379
„ electricity development in rural areas by private licensees, forest grievances in South Kanara, decision of the Government in the matter of the — ..	161-162
„ grant of Rs. 16 lakhs by the Government of India, scheme for the utilization of — ..	453
„ grant under Elementary Education ..	146-147
„ Judicial department, examination for recruitment to the ..	555
„ Legislative Council resolution, re effective curriculum for elementary education, action taken on the — ..	27-28
„ Mettur Hydro-Electric area, estimate of industrial and urban load in the — ..	64
„ ministerial servants disbanded from survey and settlement parties, preference over Madras Services Commission candidates ..	162-163
„ ministerial service, employment of Madras Service Commission candidates in the mufassal ..	151-152
„ Revenue Recovery Act, amendment of section 48 of the — ..	153-154
„ sale of holdings in South Kanara ..	255
„ South Kanara District Board, date of meeting of newly elected members of — ..	447-448
„ South Kanara District Board, postponement of the election of President of the — ..	444
„ South Kanara District Board, postponement of the election of President of the — ..	263-264
Zamindar of Kirlampudi—	
Question re central electric generating scheme, proposal for the establishment of a — ..	382

	PAGES
Radhapuram tank—	
Question <i>re</i> water-supply to the — augmentation of —	37
Radio stations—	
Question <i>re</i> opening of — in rural parts	38-39
Raja of Bobbili, the Hon. the—	
Adjournment motion <i>re</i> South Kanara District Board, postponement of election of the President of the —	383
Bills—	
City Municipal Act, Bill to amend the Madras	280, 284, 285, 286, 294-295, 296, 299, 301, 305, 307, 312, 313, 357, 360, 362, 365, 366, 385, 397-398, 411-412, 413-414, 415
Debt Conciliation Bill, the Madras	573-574
Estates Land Act, Bill further to amend the Madras	602-603, 604-605, 606-607
Demand for supplementary grant <i>re</i> —	
Civil Works—Grants-in-aid	217, 220-221
Ministers, etc. —	170, 175-176
Public Health	182
Motion <i>re</i> District Municipalities Act, amendment to sub-rule (1) of rule 51 of schedule IV	415-416
„ Public Accounts Committee Report, consideration of —	461-463
Raja of Khallikote—	
Bill—	
Estates Land Act, Bill further to amend the Madras	577, 582-584, 587, 589-594, 605-606, 607
Rajan, the Hon. Mr. P. T.—	
Bill—	
Commercial Crops Markets (Amendment) Bill	499-500, 501-504
Demand for supplementary grant <i>re</i> Civil Works—Works	207-209, 214-216
Motion <i>re</i> Public Accounts Committee Report, consideration of	480, 482-483, 493-495
Ramakrishna Reddi, Mr. A.—	
Bill—	
Village Officers, Bill for the protection of	607
Motion <i>re</i> Public Accounts Committee Report, consideration of	460-461
Ramalingam Chettiyar, Diwan Bahadur T. A.—	
Adjournment motion <i>re</i> South Kanara District Board, postponement of election of President of the	382-383
Bills—	
City Municipal Act, Bill to amend the Madras	365
Commercial Crops Markets (Amendment) Bill	503-504
Debt Conciliation Bill, the Madras	69-70, 71, 74-75, 82, 86-87, 88, 89-90, 91, 92-93, 98-99, 107-108, 111, 114-115, 117, 561, 567-571, 574, 576
Public Service Commission Bill	513-514
Demand for supplementary grant <i>re</i> Ministers, Civil Secretariats, etc.	172-173
Motion <i>re</i> Public Accounts Committee report	424, 425-426
See Questions and Answers.	463-464, 478-479, 495-496
Raman Menon, Mr. K. P.—	
Bills—	
City Municipal Act, Bill to amend the Madras	285
Debt Conciliation Bill, the Madras	109
Estates Land Act, Bill further to amend the Madras	584-585
Ramananda Chowdari—	
Question <i>re</i> refusal of permission to — to sit for Intermediate Examination	30-31
Ramaswami Ayyar, Mr. T. S.—	
Bills—	
City Municipal Act, Bill to amend the Madras	285, 292, 350-352, 364-365
Estates Land Act, Bill further to amend the Madras	580, 581, 593, 599, 601-602, 608, 510-512
Public Service Commission Bill	

Ramaswami Ayyar, Mr. T. S.—cont.	
Demand for supplementary grant <i>re</i> Electricity	182
Motion under Standing Order No. 33	607
Ramaswami Mudaliyar, Mr. V. M.—	
See Questions and Answers.	
Rameswara Rao, Mr. G.—	
Bill—	
Debt Conciliation Bill, the Madras	71, 72, 78
„	81, 82, 87, 88-89, 94, 100, 102-103, 108-109, 112-113
Motion <i>re</i> Public Accounts Committee Report	420-421
„	422, 430, 431-432, 434-436, 465-470, 479-481
Resolution <i>re</i> homeopathic school of medicine and dispensaries, establishment of —	609-611
See Questions and Answers.	
Ramzan—	
Question <i>re</i> observance of — by Muslim convicts	251-252
Ranganatha Mudaliyar, Mr. A.—	
Bills—	
City Municipal Act, Bill to amend the Madras	385, 387
Revenue (Miscellaneous Amendments) Bill	497-498
Motion <i>re</i> Public Accounts Committee Report, consideration of —	473-475, 482
See Questions and Answers.	
Ranganatha Mudaliyar, Mr. G.—	
See Questions and Answers.	
Rangaswami Reddi, Mr. M. B.—	
See Questions and Answers.	
Rasipuram—	
Question <i>re</i> electrification of —, Salem district	542-543
Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.—	
Bill—	
City Municipal Act, Bill to amend the Madras	289-290, 294, 298, 302, 365-366
Demand for supplementary grant <i>re</i> Electricity	177-178
Ratnavelu Tevar, Mr. P.—	
See Questions and Answers.	
Reddi Nayudu, the Hon. Sir K. V.—	
Bills—	
City Municipal Act, Bill to amend the Madras	311
Debt Conciliation Bill, the Madras	68, 69, 70, 71, 72, 76, 78-79, 80-82, 83-84, 85, 86, 88, 89, 91, 93, 94, 95, 99, 101, 102, 109, 115, 117, 561, 562, 563, 564, 565, 566-567, 574-576
Forest Act (Amendment) Bill	505-506
Condolence motion <i>re</i> George V, His Majesty the late King	19-21
Demand for supplementary grant <i>re</i> Electricity	176-177
„	180-182
Motion <i>re</i> Public Accounts Committee Report, consideration of —	487-488
Statement <i>re</i> Council sitting, duration of —	496-497
Reforms—	
Question <i>re</i> elections to the local legislature under the —, programme of	332
Registration department—	
Question <i>re</i> acting clerks in Guntur district, confirmation of —	330
Reid, Mr. D. M.—	
Bill—	
City Municipal Act, Bill to amend the Madras	288-289, 301, 390-396, 398, 408
Remission—	
Question <i>re</i> land revenue—, report of Salem Collector on —	338
„ proposal for — of land revenue for current fasli	337-338
Rents—	
Question <i>re</i> settlement of — in estates, principles governing the —	150

R—cont.

	PAGES
Repalle—	
Question re demolition of mosque at —	549-505
Research work—	
Question re Health Officer for —, employment during 1934-35	136
Reserved forest—	
Question re grazing goats in the — of Salem district, permission for — ..	165-166
Reserved seats—	
Question re alteration of — in Tinnevely District Board	47
Resettlement—	
Adjournment motion re — in certain districts	454-455
Resettlement operations—	
Question re progress of the —	257
" progress of the — in the hill villages in Salem district	257
Resettlements rates—	
Question re non-imposition of enhanced —	256
" proposal for the non-imposition of —	256-257
" retrospective effect to the levy of enhanced —	256
Resolution of the Legislative Council—	
Question re action taken on — re effective curriculum for elementary education	64
Resolution re—	
Homeopathic school of medicine and dispensaries, establishment of — ..	609-615
Revenue (Miscellaneous Amendments) Bill—	
See Bills—	
Revenue Recovery Act—	
Question re amendment of — re arrest and imprisonment of defaulters ..	337
" amendment of section 48 of the —	255
Road development—	
Question re Report of the Special Officer for —	267-268
Rukmani Lakshminipathi, Mrs. A.—	
See Questions and Answers.	
Rulings—	
Amendment—	
If the principle of the approval of the Local Government to a particular procedure is voted upon in the affirmative, any amendment seeking to substitute another principle for such approval would not be in order	308
Debate—Right of reply—Cut motions—	
The mover of a cut motion has no right of reply.	221
Debate—Withdrawal of motion—	
Members wishing to oppose the withdrawal of a motion and speak in support of it should be sufficiently alert and object immediately after the mover expresses his intention to withdraw	285
Motion under Standing Order No. 4—	
Disallowed on the ground that the Hon. the Minister concerned had no further information to give on the subject, that the motion was not going to be a censure motion, and that short notice questions on the subject were put down for subsequent days	277
Supplementary questions—	
When the original question relates to reduction of tuition fees in a college, supplementary questions thereon relating to the pay of the staff of the college would not arise	557
Rural development—	
Question re Depressed classes, need for expenditure of Government of India grant for — for the needs of —	149
" Government of India grant for —, appropriation of	149
" Government of India grant for —, personnel of committee appointed to distribute the —	147
" Government of India grant for — scheme for expenditure of — ..	148

R—cont.

PAGES

Rural dispensary—		134
Question re opening a — at Komarapalayam, Salem district		
Rural reconstruction—		147
Question re Government of India grant for —, scheme of expenditure of — ..		
Rural sanitation work—		137
Question re staff for —		
Rural societies—		381-382
Question re liquidation of —		
Rural uplift—		148-149
Question re Government of India grant for —, appropriation of — ..		
Russell, Mr. T. B.—		
Bill—		306, 311,
City Municipal Act, Bill to amend the Madras	313-314, 364, 367, 388, 389	
Motion re Public Accounts Committee Report, consideration of	485-486	
	S	
Salem Water-supply Scheme—		270-271
Question re plans and estimates relating to the —		
Sale of holdings—		447-448
Question re — in South Kanara for non-payment of land revenue		
Sattenapalle—		145
Question re pay of ex-employees of the — Taluk Board		
Secondary school buildings—		552-553
Question re allotment of grants for —		
Secondary School teachers—		
Question re G.O. No. 2341, L. & M., dated 20th June 1935, to promotions of — as headmasters of Board high schools		145
Secretariat and Headquarters Establishments—		167-168
Demand for excess grant re—		
Scheduled classes—		
Question re appointment of — in the Excise department since January 1935		66
Schools—		128-129
Question re age-limit of students studying in —		
Settlement parties—		
Question re appointment of disbanded ministerial servants from — in preference to Madras Services Commission candidates		151-152
Settlement of rents—		150
Question re principles governing the — in estates		
Shetty, Mr. A. B.—		612-613
Resolution re homeopathic school of medicine and dispensaries		
See Questions and Answers.		
Simhachalam Pantulu, Mr. G.—		
See Questions and Answers.		
Sivasubrahmanya Ayyar, Mr. K. S.—		
See Questions and Answers.		
Sompeta—		560-561
Question re Deputy Tahsildar's office at —, Ganjam		
Souter, the Hon. Sir Charles—		499
Bills—		
Betting Tax (Amendment) Bill		115
Debt Conciliation Bill, the Madras		578, 586-587
Estates Land Act, Bill further to amend the Madras	594-596, 603-604, 606	
Public Service Commission Bill	507-509, 512-514	
Revenue (Miscellaneous Amendments) Bill	497-498	
Tobacco Bill for imposition and levy of licence fees	415	

S—cont.

	PAGES
Souter, the Hon. Sir Charles—cont.	
Demand for excess grants re Secretariat, etc.	169
Demand for supplementary grant re Civil Works—Works	214-215
Motion re Public Accounts Committee Report	430, 431, 468-469, 475-478
Statement re land revenue remissions	589
South Kanara District Board—	
Question re appointment of a personal assistant to the Collector for managing the affairs of —	379
„ date for the meeting of newly elected members of the —	444
„ postponement of the election of President of —	263-264
See Adjournment motion.	
South Kanara District Board, President of the—	
Motion under Standing Order No. 4 re postponement of the election of —	277
Sreshta, Mr. M. S.—	
Bills—	
City Municipal Act, Bill to amend the Madras	403-405
Debt Conciliation Bill, the Madras	110
Demand for supplementary grant re Civil Works —	212-214
Motion under Standing Order No. 33	607
See Questions and Answers.	
Srinivasa Ayyangar, Mr. T. C.—	
Bills—	
City Municipal Act, Bill to amend the Madras	283
Debt Conciliation Bill, the Madras	70, 75, 83, 85-88, 89, 92, 95-96, 100
Demand for supplementary grant re —	
Civil Works	220
Ministers, etc.	174-175
Srinivasan, Diwan Bahadur R.—	
Bill—	
City Municipal Act, Bill to amend the Madras	346
See Questions and Answers.	
Standing Order(s)—	
Amendments to — No. 5 (b) (5)	67-68
Select Committee on amendments to, election of members of—	277-278
Statement re amendments to — (Nos. 28, 30 and 55)	166-167
Subbarayan, Dr. P.—	
Bill—	
City Municipal Act, Bill to amend the Madras	364, 366-367
Motion of condolence re George V, His Majesty the late King	21-22
Sub-Court, Salem—	
Question re accommodation for —	28-29
Sub-Inspectors—	
See Fisheries department.	
Sub-Inspectors of Police—	
Question re posting of —	547-548
Subrahmanya Bhatt, Mr. U. C.—	
Adjournment motion re South Kanara District Board, postponement of election of President of the—	382, 383
Motion under Standing Order No. 4 re South Kanara District Board, President of the—	277
See Questions and Answers.	
Sundara Rao Nayudu, Mr. T.—	
Bill—	
City Municipal Act, Bill to amend the Madras	289, 294, 300, 301, 360, 361, 388, 389, 408, 409, 414, 415
Supervisors—	
Question re recruitment of — since 1930	139-140

S—cont.

PAGES

Surcharge—	
Question re Coimbatore Municipality surcharged for closure of schools during Mahatma Gandhi's visit	59-60
Survey Parties—	
Question re appointment of disbanded ministerial servants from — in preference to Madras Services Commission candidates	151-152
Syed Tajuddin Sahib Bahadur, Khan Sahib—	
Resolution re homeopathic school of medicine and dispensaries	613-614
T	
Taluk Board, Sattenapalle—	
Question re pay of ex-employees of —	145
Tanjore district—	
Question re damage to — due to cyclone	548-549
Tanjore District Board—	
Question re interference of Government with the —	259-260
Teachers' College—	
Question re admissions, increase in the number of—	62-63
Thiyyas—	
Question re representation of — in the Excise department	66
Tirupati Hills—	
Question re petition for the construction of an easy flight of steps over —	380-381
Tobacco Bill—	
Question re representations received against the —	333-334
Tobacco Bill, for imposition and levy of licence fees—	
See Bills.	
Toddy—	
Question re diversion of— from one shop to another	329
„ mixing of — for shops under the grouping system	329
Toddy shops—	
Question re —	557-558
„ default in payment of rent for —	67
„ grouping system of —, advantages of	328-329
Tolls—	
Question re revival of —	379-380
Transmission line—	
Question re contracts for the construction of — given to Messrs. Callendars Cable and Construction Company, Limited, amounts involved in the—	157-158
„ construction of — from Madras-Singarepet to Vellore and Mettur to Erode	155-156
Trifurcation of district boards—	
Question re amalgamation of two district boards for purposes of —	40
Tuberculosis Hospital—	
Question re equipment of the —	132-133
Tuition fees—	
Question re — in Law College, Madras	555-557
U	
Udipi Municipality—	
Question re constitution of —, protests against—	140-141
„ constitution of the —, reasons for the —	141
V	
Vaccinators—	
Question re employment of women as —	137-138

	PAGES
Valappar—	
Question <i>re</i> deepening of the —	252-253
" siltng up of the —	253-254
Venkatarama Ayyar, Mr. K. R.—	
Bill—	
Debt Conciliation Bill, the Madras	71, 80, 82-83, 93, 96, 104, 111 112, 113-114
Veterinary Collogo—	
Question <i>re</i> affiliation of the — to the University	140
Victoria Caste and Gosha Hospital—	
Question <i>re</i> inadequacy of accommodation in the —	276-277
Village Officers, Bill for the protection of—	
<i>See</i> Bills.	
Vizagapatam Medical Collogo—	
Demand for supplementary grant <i>re</i> —	183-207

W

Water-cess in the Kurnool district—	
<i>See</i> Papers laid on the table.	
Water charges—	
Question <i>re</i> tap-rate system of — in mufassal municipalities	268-269
Water meters—	
Question <i>re</i> introduction of — in the City Municipal Act	270
Water-rate—	
Question <i>re</i> legality of the enhancement of — in Salem	378
Water-supply—	
<i>See</i> Dusi-Mamandur Tank.	
<i>See</i> Radhapuram Tank.	
Weights and measures—	
Question <i>re</i> expenditure for the standardization of —	58
" legislation <i>re</i> standardization of —	58
" standardization of —	57-58
Wells in North Arcot—	
Question <i>re</i> — suitable for electrical pumping	374-375
Women—	
Question <i>re</i> employment of — as vaccinators	137-138
Wuppuvagu river—	
Question <i>re</i> diversion of — into Chigrala Kutwa under the Cumbum tank.	37

Z

Zamindar of Kirlampudi—	
<i>See</i> Questions and Answers.	

PERSONNEL OF THE GOVERNMENT OF MADRAS.

GOVERNOR OF MADRAS.

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

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.
2. Provincial law reports.
3. Administrator-General and Official Trustees.
4. Elections for Indian and Provincial Legislatures.
5. Escheats.
6. Coroners.
7. Treasure-trove.
8. Non-judicial and judicial stamps.
9. Prisons and prisoners.
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.
2. Inventions and designs.
3. Copyright.
4. Criminal law.
5. Major ports.
6. Shipping and navigation.
7. Lighthouses.
8. Port quarantine and marine hospitals.

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.
2. Regulation of betting and gambling.
3. Prevention of cruelty to animals.
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.
9. Regulation of medical and other professional qualifications and standards.
10. Government Houses, Staff and equipment of His Excellency the Governor.
11. Government Presses.
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.
13. Criminal tribes.
14. Stores and Stationery (required for Reserved Departments).

II.—Central Subjects.

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

3. The Hon. Sir CHARLES SOUTER, K.C.I.E., 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:—
 - (a) Assessment and collection of land revenue.
 - (b) Maintenance of land records. Survey for revenue purposes. Records of rights.
 - (c) Laws regarding land tenures. Relations of landlords and tenants. Collection of rents.
 - (d) Court of Wards encumbered and attached estates.
 - (e) Land improvement and agricultural loans.
 - (f) Colonization and disposal of Crown lands.
 - (g) Management of Government estates.
 - (h) Panchayat forests.
2. Yeomials, inams and hereditary pensions.
3. Water-supplies, irrigation and canals, drainage and embankments. Water storage and water power.
4. Inland waterways including shipping and navigation thereon.
5. Economic condition including wages and prices and famine-relief.
6. Land acquisition, excepting notifications under sub-section (1) of section 4 and declarations under sub-section (1) of section 6 of the Land Acquisition Act, 1894, where the public purpose referred to in the said sub-sections appertains to a transferred subject.
7. Development of mineral resources.
8. Protection of wild birds and animals.
9. Pounds and prevention of cattle trespass.
10. Provincial Gazetteers.

I.—Provincial Subjects—cont.

11. Agency tracts.
12. Laccadives.
13. European and Anglo-Indian education.
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.
2. Mineral development.
3. Botanical survey.
4. Survey of India.
5. Zoological survey.
6. Meteorology.
7. Census and Statistics.
8. Territorial changes.
9. Immovable property in possession of the Governor-General in Council.
10. All-India services.
11. Public Services Commission.
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.
2. Pensions.
3. Local Fund audit.
4. Preservation and translation of ancient manuscripts.
5. Central Record Office.

II.—Central Subjects.

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

MINISTERS.

1. The Hon. Raja Sri RAVU Sir SWETACHALAPATHI RAMAKRISHNA RANGA RAO Bahadur, K.C.I.E., of Bobbili, 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.
2. Light and Feeder Railways and Tramways within municipalities.

MINISTERS—*cont.*

3. Local Self-Government including village panchayats.
 4. Religious and Charitable Endowments.
 5. Sanitary Engineering Department.
 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.
 2. Civil Veterinary Department.
 3. Co-operative Societies.
 4. Development of Industries.
 5. Fisheries.
 6. Public Works (Buildings, Roads, Ferries, Rope-ways, etc.).
 7. Registration.
 8. Weights and Measures.
3. The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR, Minister for Education and Excise. Took his seat on the 5th November 1932 and is in charge of the following portfolios:—
1. Education (other than European and Anglo-Indian education).
 2. Excise.
 3. Libraries, Museums and Zoological Gardens.
 4. Medical administration.
 5. Pilgrimages within British India.
 6. Public Health (except Sanitary Engineering Department) and Sanitation and Vital Statistics.

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, Kt.*Secretary to the Council.*M.R.Ry. Diwan Bahadur R. V. KRISHNA AYYAR
Avargal, B.A., M.L.*Assistant Secretary to the Council.*

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

LIST OF MEMBERS OF THE MADRAS
LEGISLATIVE COUNCIL.

Name of member.	Name and class of constituency.
1 Abdul Hameed Khan Sahib Bahadur.	Madras City, Muhammadan Urban.
2 Ahmed Meeran Sahib Bahadur, Moulvi Hafeez Anumanthakudi Mustapha.	Ramnad cum Tinnevely, Muhammadan Rural.
3 Alagannan Chettiyar, Rao Sahib A. S.	Madura, N.-M. Rural.
4 Alamelumangathayamma, Mrs. K.	NOMINATED.
5 Annamalai Chettiyar, S. A. A.	Nattukkottai Naga-rathars' 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, C.I.E., I.C.S., G. T.	NOMINATED.
14 Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.	EX OFFICIO.
15 Dalavoi, R.	Tinnevely cum Palamcottah, N.-M. Urban.
16 Davis, O.B.E., J. A. ..	Anglo-Indian.
17 Devadasan, M.	NOMINATED.
18 Dharmalingam Pillai, Rao Sahib V.	NOMINATED.
19 Duraiswami Reddiyar, K. M.	South Arcot, N.-M. Rural.
20 Ellappa Chettiyar, Diwan Bahadur S.	Salem, N.-M. Rural.

Name of member.	Name and class of constituency.
21 Foulkes, G. F. F. ..	NOMINATED.
22 Gopalaswami Mudaliyar, Diwan Bahadur M.	Bellary, N.-M. Rural.
23 Harischandrudu Nayudu, A.	Godavari East, N.-M. Rural.
24 Indrayya, C.	Godavari West, N.-M. Rural.
25 Iswaran Pillai, I. C. ..	Tinnevely, N.-M. Rural.
26 Jagannadha Raju, Rao Bahadur G.	Vizagapatam, N.-M. Rural.
27 Jagannatham, H. M. ..	NOMINATED.
28 Jayaram Nayudu, Rao Sahib C.	Chingleput, N.-M. Rural.
29 Jones, I.C.S., C. E. ..	NOMINATED.
30 Kesavaramamurti Nayudu, K.	Cocanada City, N.-M. Urban.
31 Khalif-ul-lah Bahadur, Sahib Khan Bahadur P.	Madura and Trichinopoly cum Srirangam, Muhammadan Urban.
32 Kolanda Reddi, Rai Sahib C.	Kistna, N.-M. Rural.
33 Koti Reddi, K.	Cuddapah, N.-M. Rural.
34 Krishnamurti, Rao Bahadur D.	NOMINATED.
35 Krishnan, C.	NOMINATED.
36 Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi.	NOMINATED.
37 Krishnayya Choudari, P. V.	Guntur, N.-M. Rural.
38 Kumararaja of Venkata-giri (Raja Velugoti Sarvagnya Kumara Krishnayachendrula Bahadur Varu).	Nellore, N.-M. Rural.
39 Kumaraswami Reddiyar, The Hon. Diwan Bahadur S. (Minister).	Tinnevely, N.-M. Rural.

Name of member.	Name and class of constituency.
40 Kuppuswami Choudari, J.	Guntur, N.-M. Rural.
41 Langley, W. K. M. ..	Madras Planters.
42 Madanagopal Nayudu, R.	Madras City, N.-M. Urban.
43 Madhusoodhanan Thangal, P.	NOMINATED.
44 Maharaja Sri Krishna Chandra Gajapati Narayana Deo Garu, of Parlakimedi.	Ganjam, N.-M. Rural.
45 Maharaja Sir Velugoti Sri Govinda Krishna Yachendruvaru, K.C.I.E., Panchhazari Mansubhdar, of Venkatagiri, Lieutenant-Colonel.	North Central Landholders.
46 Mahboob Ali Baig Sahib Bahadur.	Northern Circars, Muhammadan Rural.
47 Mahmud Schamnad Sahib Bahadur, Khan Bahadur.	South Kanara, Muhammadan Rural.
48 Manikkavelu Nayakar, M. A.	North Arcot, N.-M. Rural.
49 Moidoo Sahib Bahadur, Khan Bahadur T. M.	Malabar, Muhammadan Rural.
50 Moses, P. C.	Northern Districts, Christian.
51 Muhammad Meera Ravuttar Bahadur, K. P. V. S.	Madura cum Trichinopoly. Muhammadan Rural.
52 Muniswami Pillai, Rao Sahib V. I.	NOMINATED.
53 Murugappa Chettiyar, Diwan Bahadur A. M. M.	Ramnad, N.-M. Rural.
54 Muthiah Chettiyar of Chettinad, Raj Kumar M. A.	Southern India Chamber of Commerce.
55 Muthu Chettiyar, Rao Bahadur P. C.	Madura, N.-M. Rural.

Name of member.	Name and class of constituency.
56 Nachiyappa K. A.	Gounder, Salem, N.-M. Rural.
57 Nadimuthu Pillai, A. Pl. N. V.	Tanjore, N.-M. Rural.
58 Nanjappa Bahadur, Rao Bahadur Subadar-Major S. A.	NOMINATED.
59 Narasa Reddi, T. ..	Cuddapah, N.-M. Rural.
60 Narasimhaswami, Rao Sahib D. V.	Godavari East, N.-M. Rural.
61 Narayanan Nambiyar, V. P.	Malabar, N.-M. Rural.
62 Natesa Mudaliyar, Diwan Bahadur C. (Deputy President).	Madras City, N.-M. Urban.
63 Obi Reddi, C.	Anantapur, N.-M. Rural.
64 Palat, R. M.	West Coast Landholders.
65 Pannirselvam, The Hon. Rao Bahadur A. T.	EX OFFICIO.
66 Parthasarathi Ayyangar, C. R.	Chittoor, N.-M. Rural.
67 Patnaik Mahasayo, Sriman M. G.	Ganjam, N.-M. Rural.
68 Patro, K.C.I.E., Rao Bahadur Sir A. P.	Ganjam, N.-M. Rural.
69 Pattabhiramayya, K. ..	Kistna, N.-M. Rural.
70 Pattagar of Palayakottai (Rai Bahadur Nallathambi Sarkarai Manradiyar).	Coimbatore, N.-M. Rural.
71 Peddi Raju, P.	Godavari West, N.-M. Rural.
72 Pocker Sahib Bahadur, B.	Malabar, Muhammadan Rural
73 Premayya, G. R. ..	NOMINATED.
74 Rajagopala Pillai, P. V...	NOMINATED.

Name of member.	Name and class of constituency.
75 Raja Sri Ravu Sir Sweta Chalapati Ramakrishna Ranga Rao Bahadur, K.C.I.E., of Bobbili, The Honourable (Minister).	Vizagapatam, N.-M. Rural.
76 Raja Sri Ramachandra Mardaraja Deo, of Kallikota and Atagada.	Northern Landholders, I.
77 Rajan, The Hon. Mr. P. T. (Minister).	Madura, N.-M. Rural.
78 Ramachandra Padayachi, P. K.	South Arcot, N.-M. Rural.
79 Ramachandra Reddi, The Hon. Mr. B. (President).	Nellore, N.-M. Rural.
80 Ramakrishna Reddi, A. ..	Kurnool, N.-M. Rural.
81 Ramalinga Reddi, C. ..	Chittoor, N.-M. Rural.
82 Ramalingam Chettiyar, Diwan Bahadur T. A.	Coimbatore, N.-M. Rural.
83 Ramamurti, Rao Sahib Pandit Ganala.	NOMINATED.
84 Raman Menon, K. P. ..	Malabar, N.-M. Rural.
85 Ramaswami Ayyar, T. S.	Madras University.
86 Ramaswami Mudaliyar, V. M.	North Arcot, N.-M. Rural.
87 Rameswara Rao, G. ..	Anantapur, N.-M. Rural.
88 Ranganatha Mudaliyar, A.	Bellary, N.-M. Rural.
89 Ranganatha Mudaliyar, G.	Tanjore, N.-M. Rural.
90 Rangaswami Reddi, M. B.	North Arcot, N.-M. Rural.
91 Ratnasabhapatil Mudaliyar, Diwan Bahadur C. S.	Coimbatore, N.-M. Rural.
92 Ratnavelu Thevar, P. ..	Trichinopoly cum Srirangam, N.-M. Urban.

Name of member.	Name and class of constituency.
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 Gounder, 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, K.C.I.E., C.S.I., I.C.S., The Hon. Sir Charles.	EX OFFICIO.
107 Sreshta, M. S.	West Coast, Christian.
108 Srinivasa Ayyangar, T. C.	Ramnad, N.-M. Rural.
109 Srinivasan, Diwan Bahadur R.	NOMINATED.
110 Sriramulu, G.	NOMINATED.
111 Stanes, F. J.	Madras Chamber of Commerce.
112 Subbarayan, Dr. P. (The Zamindar of Kumaramangalam).	South Central Landholders.
113 Subrahmanyam Chetti, Rao Sahib P.	NOMINATED.

Name of member.	Name and class of constituency.
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 <i>cum</i> Tinnevely. 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 Wright, Kt., Sir William.	Madras Chamber of Commerce.
125 Yahya Ali Sahib Bahadur, Khan Bahadur.	East Coast, Muhammadan Rural.
126 Yakub Hasan Sahib Bahadur.	North Arcot <i>cum</i> Chingleput, N.-M. Rural.
127 The Zamindar of Bodinayakkanur (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.

Name of member.	Name and class of constituency.
131 The Zamindar of Mirzapuram (Mirzapuram Raja alias Venkata-ramayya Appa Rao).	Northern Landholders, II.
132 <i>Vacant</i> .	Trichinopoly, N. M. Rural.
<i>Special Members.</i>	
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.*

Monday, the 27th January 1936.

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.
Paunirselvam, The Hon. Rao Bahadur A. T.
Souter, K.C.I.E., C.S.I., I.C.S., The Hon. Sir Charles.
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.
Appadurai Pillai, Diwan Bahadur A.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Sri A. V.
Boag, C.I.E., I.C.S., Mr. G. T.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Foulkes, Mr. G. F. F.
Indrayya, Mr. C.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Jones, I.C.S., Mr. C. E.
Kesavaramamurti Nayudu, Mr. K.
Kolanda Reddi, Rai Sahib C.
Krishnamurti, Rao Bahadur D.
Krishnan, Mr. C.
Kumararaja of Venkatagiri, The.
Langley, Mr. W. K. M.
Madanagopal Nayudu, Mr. R.

[27th January 1936]

PRESENT :—cont.

Maharaja of Venkatagiri, The.
 Manikkavelu Nayakar, Mr. M. A.
 Moidoo Sahib Bahadur, Khan Bahadur T. M.
 Moses, Mr. P. C.
 Muhammad Meera Ravuttar Bahadur, K. P. V. S.
 Muniswami Pillai, Rao Sahib V. I.
 Muthiah Chettiyar of Chettinad, Raj Kumar M. A.
 Muthu Chettiyar, Rao Bahadur P. C.
 Nachiyappa Gounder, Mr. K. A.
 Nanjappa Bahadur, Rao Bahadur Subadar-Major S. A.
 Narasa Reddi, Mr. T.
 Narasimhaswami, Rao Sahib D. V.
 Natesa Mudaliyar, Diwan Bahadur C.
 Palat, Mr. R. M.
 Parthasarathi Ayyangar, Mr. C. R.
 Patro, K.C.I.E., Rao Bahadur Sir A. P.
 Pattagar of Palayakottai, The.
 Peddi Raju, Mr. P.
 Pocker Sahib Bahadur, B.
 Premayya, Mr. G. R.
 Rajagopala Pillai, Mr. P. V.
 Ramalingam Chettiyar, Diwan Bahadur T. A.
 Ramalinga Reddi, Mr. C.
 Ramamurti, Rao Sahib Pandit Ganala.
 Raman Menon, Mr. K. P.
 Ramaswami Ayyar, Mr. T. S.
 Ramaswami Mudaliyar, Mr. V. M.
 Rameswara Rao, Mr. G.
 Ranganatha Mudaliyar, Mr. A.
 Rangaswami Reddi, Mr. M. B.
 Reid, Mr. D. M.
 Russell, I.C.S., Mr. T. B.
 Shamnad Sahib Bahadur, Khan Bahadur Mahmud.
 Scott Brown, I.C.S., Mr. W.
 Sesha Reddi, Rao Bahadur B. P.
 Shetty, Mr. A. B.
 Siva Raj, Rao Sahib N.
 Smith, Mr. J. M.
 Sreshta, Mr. M. S.
 Srinivasa Ayyangar, Mr. T. C.
 Srinivasan, Diwan Bahadur R.
 Sriramulu, Mr. G.
 Subbarayan, Dr. P.
 Subrahmanya Bhatt, Mr. U. C.
 Subrahmanya Chetti, Rao Sahib P.
 Sundara Rao Nayudu, Mr. T.
 Syed Tajuddin Sahib Bahadur, Khan Sahib.
 Uzielli, C.I.E., I.C.S., Mr. H. R.
 Vasudeva Pillai, Mr. V. G.
 Venkatarama Ayyar, Mr. K. R.
 Venugopal Nayudu, Rao Bahadur R. K.
 Yahya Ali Sahib Bahadur, Khan Bahadur.
 Yakub Hasan Sahib Bahadur.
 Zamindar of Kirlampudi, The

27th January 1936]

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

RESOLUTION OF CONDOLENCE RE THE DEATH OF HIS MAJESTY KING GEORGE V.

* The Hon. Sir K. V. REDDI NAYUDU :—“ Mr. President, Sir, we meet to-day under the shadow of death and it is my melancholy duty to move the resolution standing in my name :—

‘ This Council having heard with profound sorrow of the death of His Majesty King George V, Emperor of India, desires to place on record its sense of the irreparable loss which the Empire has sustained and respectfully tenders its heartfelt sympathy to His Majesty King Edward VIII, to Her Majesty Queen Mary, and to the other Members of the Royal Family in their bereavement. ’

“ The news of the death of His Imperial Majesty King George V came to us as a shock when he died in the early hours of last Tuesday. The news of His late Majesty’s illness came to us only on the previous Sunday and little did we dream that the end would come so soon. During this short interval the illness was followed with attention and anxiety throughout the world. The tragic termination of the illustrious ruler cast an unparalleled gloom over the Empire. It has evoked the greatest manifestations of sympathy known to history. It is instantaneously realized that it is more than a mere loss of their Sovereign to the people of the British Empire. It is a loss to the whole world of a genuine and great lover of the peace of mankind. Coming to the throne in troublous times and called to duties of unexampled complexity, this great Monarch had no rest at all during the twenty-six years of his reign. Constitutional crises of first-rate importance at home and in the Empire, a world-war, revolutions throughout the world and a phenomenal economic depression had left him no respite, but His late Majesty had, amidst moving and stirring events, played his part gallantly, working steadily for peace and concord amongst the nations of the world. His conception of the Empire as a Joint Family, has brought

[Sir K. V. Reddi Nayudu] [27th January 1936]

its component parts nearer than ever and cemented them into a solid unit. As has been reported, even on his deathbed His late Majesty was thinking of the welfare of the Empire and almost his last words are said to be 'How is the Empire?' To us Indians the demise of His late Majesty is even a deeper loss than to any others of His Majesty's subjects. Sympathy towards India was the keynote of his glorious rule. We had passed through rapid constitutional changes during the last twenty-six years and, whatever might have been our political views, we had always known that the sympathy of His late Majesty was ever with us. During the quarter of a century of his benevolent rule, he strove hard for the peace, contentment and happiness of his Indian subjects. In this moment of sorrow, I cannot help recalling how in 1933, when I had the privilege of being admitted to his august presence, His Majesty had asked me so many questions about men and affairs in India which clearly revealed not only his intimate acquaintance with the problems affecting our great country but also the very keen and abiding interest he evinced in the welfare of her people. Even as early as in 1906, after his return to England from his first visit to this land, he had stated: 'The task of governing India will be made easier if we on our part infuse into it a wider element of sympathy. I will venture to predict that to such a sympathy, there will be an ever-abundant and genuine response.' It was towards the achievement of this ideal that he had unswervingly directed his Indian policy throughout his reign. Impelled by his deep sympathy towards Indian aspirations, a sympathy which played no little part during the Round Table Conferences, His Most Gracious Majesty spared no pains and lost no opportunity in instilling such sympathy into the hearts of his Ministers and advisers in England and his representatives in India. It was this sympathy, this keenness, this paternal attitude towards his subjects in this country that has made him so much loved and venerated by us. He has proved more than any one else the truth of the saying న విజ్ఞ పృథ్వీకథః

27th January 1936] [Sir K. V. Reddi Nayudu]

'Naa Vishnu Prudhvi Pathihi.' No one can be a King unless he has the spirit of Godhead in him. His late Imperial Majesty has more than proved that godliness alone exalteth Kings and wins the true love and affection of their subjects.

"To our new Sovereign, to the Gracious Lady, the Queen Mother, and to the other members of the Royal Family, we tender our respectful and heartfelt sympathy in their grievous affliction and loss which the 350 millions of this great country share to an immeasurable degree. Their loss is our loss and this country will for ever remember with grateful affection and reverence, the zeal and earnestness with which our late Emperor endeavoured to help her at every stage of her constitutional progress.

"Sir, I move the resolution."

* DR. P. SUBBARAYAN:—"Mr. President, I beg to second the resolution moved by the Hon. the Leader of the House and in doing so I beg to associate myself with the Mover. In the death of our late King-Emperor, the empire has lost an illustrious sovereign and never before in English History has the Crown with all its constitutional limitations wielded such influence. This was due to His Majesty's conception of his exalted office and his great desire to harmonize conflicting interests. There have been many critical occasions during the last 25 years. The reign began with the controversy on the Parliament Bill and immediately after it came the Agadir Crisis and then the Great War. On all these critical occasions His Majesty's influence helped to bring together the nation and to solve the difficult problems that confronted the British Empire. The severest test came during the Great War and though many thrones have toppled down, the British Crown received a new accession of strength and popularity and this has been mainly due to His Majesty's keen sense of devotion to duty and his personal character. His sympathy with India is well known and the universal sorrow has shown that he was not only respected in his Empire but also

[Dr. P. Subbarayan] [27th January 1936]

outside where he was honoured as very few crowned heads have been at any time. Lord Tweedsmuir, better known as John Buchan, has put the influence of the King in words that cannot be bettered. As he has said, 'the King has added to the duties of the Crown a graciousness which springs from his own character. He has given to ceremonial the bloom of friendliness. He has always possessed a high seriousness and the note of faith and piety which he has often struck has not been the mere convention of his office. He has walked securely in more difficult constitutional paths than any of his immediate predecessors. He has faced courageously crises which imperilled both his people and his throne. But in addition to all these, he has diffused a spirit of simplicity and charity which has profoundly affected the national temper.' Our heart goes out to His Majesty the King and the Queen Mother and the other members of the Royal Family in the great loss they have sustained by the death of our late King. As has been well said by Mr. Somervell, 'some men live in history as the authors of a single outstanding achievement; others build perhaps a steadier reputation upon a thousand unostentatious actions.' It is high up in the second of these classes that King George will find his place. As Mr. Baldwin has aptly said in the House of Commons, the King's family life was so sacred that it cannot even be mentioned. In his death, the Empire has lost not only its chief but also a great gentleman. His Majesty King Edward is succeeding to a great heritage and we may feel sure that he will follow the great example set by his noble father and thus heighten the influence of the Crown right through his far-flung Empire and make English Kinghood a shining example to all crowned heads."

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

'This Council having heard with profound sorrow of the death of His Majesty King George V, Emperor of India, desires to place on record its

27th January 1936] [The President]

sense of the irreparable loss which the Empire has sustained and respectfully tenders its heartfelt sympathy to His Majesty King Edward VIII, to Her Majesty Queen Mary, and to the other members of the Royal Family in their bereavement.' "

The motion was carried *nem. con.*, all the hon. Members standing in silence.

The House adjourned as a mark of respect, to meet again at 11 a.m. on Wednesday, the 29th January 1936.

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

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Wednesday, the 29th January 1936.

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, <i>Kt.</i> , The Hon. Raj Bahadur Sir K. V.	Muniswami Pillai, Rao Sahib V. I.
Pannirselvam, The Hon. Rao Bahadur A. T.	Muthiah Chettiyar of Chettinad, Raj Kumar M. A.
Souter, <i>K.C.I.E.</i> , <i>C.S.I.</i> , <i>I.C.S.</i> , The Hon. Sir Charles.	Muthu Chettiyar, Rao Bahadur P. C.
Bracken, <i>C.S.I.</i> , <i>C.I.E.</i> , <i>I.C.S.</i> , The Hon. Mr. G. T. H.	Nachiyappa Gounder, Mr. K. A.
Raja of Bobbili, <i>K.C.I.E.</i> , The Hon. the Rajan, The Hon. Mr. P. T.	Nanjappa Bahadur, Rao 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.	Natesa Mudaliyar, Diwan Bahadur C. Palat, Mr. R. M.
Alamelumangathayaramma, Mrs. K. Annamalai Chettiyar, Mr. S. A. A.	Parthasarathi Ayyangar, Mr. C. R.
Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T.	Patnaik Mahasayo, Sriman M. G.
Ari Gowder, Mr. H. B.	Patro, <i>K.C.I.E.</i> , Rao Bahadur Sir A. P.
Basheer Ahmed Sayeed Sahib Bahadur.	Pattabhiramayya, Mr. K.
Basu Dev, Mr. C.	Pattagar of Palayakottai, The.
Beyabani Sahib Bahadur, S. M. K.	Peddi Raju, Mr. P.
Bhanoji Rao, Sri A. V.	Pocker Sahib Bahadur, B.
Boag, <i>C.I.E.</i> , <i>I.C.S.</i> , Mr. G. T.	Premayya, Mr. G. R.
Davis, Mr. J. A.	Rajagopala Pillai, Mr. P. V.
Devadasan, Mr. M.	Raja of Kallikote, The.
Dharmalingam Pillai, Rao Sahib V.	Ramakrishna Reddi, Mr. A.
Foulkes, Mr. G. F. F.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Gopalaswami Mudaliyar, Diwan Bahadur M.	Ramalinga Reddi, Mr. C.
Indrayya, Mr. C.	Ramamurti, Rao Sahib Pandit Ganala.
Iswaran Pillai, Mr. I. C.	Raman Menon, Mr. K. P.
Jagannatha Raju, Rao Bahadur G.	Ramaswami Ayyar, Mr. T. S.
Jagannatham, Mr. H. M.	Ramaswami Mudaliyar, Mr. V. M.
Jayaram Nayudu, Rao Sahib C.	Rameswara Rao, Mr. G.
Jones, <i>I.C.S.</i> , Mr. C. E.	Ranganatha Mudaliyar, Mr. A.
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.
Krishnan, Mr. C.	Russell, <i>I.C.S.</i> , Mr. T. B.
Kumararaja of Venkatagiri, The.	Schamnad Sahib Bahadur, Khan Bahadur Mahmud.
Langley, Mr. W. K. M.	Scott Brown, <i>I.C.S.</i> , Mr. W.
Madanagopal Nayudu, Mr. R.	Sesha Reddi, Rao Bahadur B. P.
Maharaja of Venkatagiri, The.	Shetty, Mr. A. B.
Manikkavelu Nayakar, Mr. M. A.	Siva Raj, Rao Sahib N.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Smith, Mr. J. M.
Moses, Mr. P. C.	Sreshta, Mr. M. S.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.	Srinivasa Ayyangar, Mr. T. C.
	Srinivasan, Diwan Bahadur R.
	Sriramulu, Mr. G.
	Stanes, Mr. F. J.
	Subbarayan, Dr. P.

[29th January 1936]

PRESENT—cont.

Subrahmanya Chetti, Rao Sahib P.	Venkatarama Ayyar, Mr. K. R.
Subrahmanya Bhatt, Mr. U. C.	Venugopal Nayudu, Rao Bahadur
Sundara Rao Nayudu, Mr. T.	R. K.
Syed Tajuddin Sahib Bahadur, Khan Sahib.	Yahya Ali Sahib Bahadur, Khan Bahadur.
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 Kirlampudi, The.
Venkatachala Reddiyar, Mr. K. C. M.	

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Administration of Justice

Recommendation of the Madras Bar Council for the reduction of the fee for the enrolment of advocates.

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

(a) whether it is a fact that the Madras Bar Council has recommended for the reduction of the stamp fee of enrolment of advocates, and, if so, from how much to how much;

(b) whether a copy of the resolution passed by them and the letter addressed by them will be placed on the table;

(c) what action has been taken thereon;

(d) whether orders have been passed thereon and, if so, whether a copy of it will be placed on the table;

(e) what the rate of such fee originally was and when and by how much it was raised from time to time subsequently and for what reasons; and

(f) whether copies of orders passed in these matters will be placed on the table?

A.—(a) Yes; from Rs. 625 to Rs. 500.

(b) A copy of the letter from the Secretary, Bar Council, Madras, R.O.C. No. 392/35, dated the 8th May 1935, containing the resolution passed by the Bar Council, is placed on the table.*

(c) & (d) G.O. No. 3624, Law (General), dated 18th November 1935, is placed on the table of the House.*

(e) The stamp duty chargeable on an instrument relating to entry as an advocate was originally Rs. 500 under Article 30 of Schedule I to the Indian Stamp Act, 1899. It was subsequently raised to Rs. 625 in respect of advocates in this Presidency by the Madras Stamp Amendment Act, 1922 (Act VI of 1922). The revised rate came into

* Printed as Appendix I on pages 118–120 infra.

29th January 1936]

force on the 1st April 1922. The rate was raised in the course of the general increase in stamp duties which was made with a view to removing part of the deficit in provincial revenues.

(f) The rate of duty was increased by an Act of the Legislature and not by executive orders.

B. POCKER SAHIB Bahadur:—“ May I know whether the Government have considered the advisability of amending the Act in order to give effect to the resolution of the Bar Council? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ They have considered the question. At present circumstances do not permit this being done; when the financial condition of the Province improves, something will be attempted in that direction.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ Is it not a fact that when this Legislature amended the Act, it was understood that the enhanced rate would be reduced at an early date? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I am not aware of any such thing.”

Mr. T. S. RAMASWAMI AYYAR:—“ May I know if the Hon. Member thinks that the financial condition of the applicants has improved? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I think that is a question which the applicants should answer.”

* 536—[Omitted.]

Proposal to hold an examination for selection of hands to the Judicial department.

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

(a) whether the Madras Services Commission intend to hold a new examination for recruitment of hands for the Judicial department; and

(b) whether it is a fact that the selections of 1931 and 1932 were made for this department also?

A.—(a) The Madras Services Commission will hold an examination for recruitment to ministerial posts in the courts in the mufassal and in the City of Madras except the High Court.

(b) Yes.

Mr. U. C. SUBRAHMANYA BHATT:—“ May I know whether the candidates selected in 1931 and 1932 have been absorbed in the service? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ No information, Sir.”

Mr. U. C. SUBRAHMANYA BHATT:—“ May I know whether the Hon. Member will call for the information? ”

[29th January 1936]

The Hon. Sir K. V. REDDI NAYUDU:—"I do not think it will serve any useful purpose."

Mr. ABDUL HAMEED KHAN:—"May I ask if the Government propose to include the High Court services also and to have the selection for those services transferred to the Madras Services Commission?"

The Hon. Sir K. V. REDDI NAYUDU:—"It cannot be done under the Statute; the Hon. the Chief Justice of the High Court has got the power to appoint his own officers."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Are the Government prepared to amend the Act to provide for the Madras Services Commission selecting candidates for the High Court?"

The Hon. Sir K. V. REDDI NAYUDU:—"If the hon. Member reads the new Government of India Act, he will find the provision there."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether there is a likelihood of the persons already selected not being appointed at all, if examinations are held every year?"

The Hon. Sir K. V. REDDI NAYUDU:—"That is just possible."

Mr. BASHEER AHMED SAYEED:—"May I ask whether it is the intention of the Government that their orders regarding communal representation ought not to be given effect to in the High Court?"

The Hon. Sir K. V. REDDI NAYUDU:—"I know of no such thing."

Insufficiency of accommodation for the Sub-Court and District Court at Salem.

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

(a) whether it is a fact that the court-houses of the Sub-Court and the District Court at Salem are much cramped and that there is no sufficient seating arrangement in the court even for the lawyers, not to speak of the litigant public;

(b) whether there are any proposals for construction of new buildings or for extending the present ones; and

(c) if so, what they are and when they are to be accomplished?

A.—(a) The insufficiency of accommodation in the District Court and the Sub-Court at Salem has been brought to the notice of the Government; the Government have no information regarding the seating arrangements for the lawyers and the litigant public.

(b) & (c) A proposal for the construction of a combined court-house for the District Judge and the Sub-Judge at Salem, at an estimated cost of Rs. 2,38,000, was considered in connexion with the Budget for 1934-35. As this scheme was costly, it has been decided that it should be postponed for the present.

29th January 1936]

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know whether the scheme is likely to be taken up?"

Expenditure on account of the Cocanada Conspiracy Case.

* 539 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Law Member be pleased to state—

(a) the expenditure incurred by the Government in the prosecution of the Cocanada Conspiracy Case;

(b) the pay and expenses of the presiding judicial officer, clerks, etc., and the length of time taken for the trial of the case;

(c) the fees paid to the counsel;

(d) the other incidental expenses; and

(e) the further expenditure incurred by way of fees of counsel, etc., in the High Court?

A.—(a) & (b) The pay of the Additional District and Sessions Judge, East Godavari, who tried the Cocanada Conspiracy case was Rs. 2,250 inclusive of a judicial pay of Rs. 150 a month, during the period the case was heard by him.

The pay of the establishment sanctioned temporarily for the purpose of the case was as follows:—

(1) One translator ... Rs. 70 a month.

(2) One clerk ... Rs. 30 a month in addition to special pay for short-hand.

(3) Three peons on Rs. 12 each a month.

The Government have no information regarding the expenses apart from pay referred to by the hon. Member.

The case was heard from the 5th February 1934 up to the 21st April 1934.

(c) The fees sanctioned to the senior counsel were as follows:—

(1) Rs. 11,700 for conducting the prosecution in the preliminary enquiry.

(2) Rs. 19,600 for conducting the prosecution in the Sessions Court including a retainer of Rs. 1,000.

(3) Rs. 2,500 for opposing the appeals in the High Court.

As regards the junior counsel who was engaged to assist the senior counsel during the preliminary enquiry and in the Sessions Court, the District Magistrate, East Godavari, was authorized to sanction a fee not exceeding Rs. 50 a day for days on which the case was heard in Cocanada and Rs. 35 a day for days on which it was heard in Rajahmundry.

(d) & (e) The Government have no information beyond what is contained in the answers to clauses (a), (b) and (c) of the question.

[29th January 1936]

Judgment of the High Court in the Cocanada Conspiracy Case.

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

(a) the cost incurred by the Government for the conduct of the Cocanada Conspiracy Case till the final stage;

(b) what the main heads of the said expenditure are and what the amount under each head is;

(c) what the cost incurred is on account of the appointment of the special Judge for the said conspiracy case;

(d) whether the Government have perused the judgment in the same and the observations of the learned Judges of the High Court therein;

(e) whether a copy of the judgment will be placed on the table; and

(f) what action the Government propose to take in future in the light of the observations contained in the judgment?

A.—(a), (b) & (c) The attention of the hon. Member is invited to the answer to question No. 539.

(d) Yes.

(e) No. The judgment is a public document and the Government see no reason to place a copy of it on the table of the House.

(f) The observations in the judgment do not suggest any specific action on the part of the Government.

Prisons and Prisoners

Reasons for declining permission to K. Ramananda Choudari, prisoner, Madras Conspiracy Case, to sit for the Intermediate Examination of the Andhra University to be held in March 1936.

* 541 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Law Member be pleased to state what the reasons are for not permitting K. Ramananda Choudari, prisoner, Madras Conspiracy Case, to sit for the Intermediate Examination of the Andhra University as per G.O. Ms. No. 3248, dated 14th October 1935:—“The petitioner is informed that the Government decline to accede to his request that convict No. 1492, K. Ramananda Choudari, now confined in the Central Jail, Vellore, be permitted to sit for the Intermediate Examination of the Andhra University to be held in March 1936?”

A.—On considerations of jail discipline the permission was refused.

Mr. C. RAMALINGA REDDI:—“May I ask my Hon. Friend whether this concession has not been granted to the civil disobedience prisoners in 1930 in connexion with the Andhra University examinations?”

29th January 1936]

The Hon. Sir K. V. REDDI NAYUDU:—“I have no information, Sir.”

Mr. C. RAMALINGA REDDI:—“Will the Hon. Member call for the information, and if there is precedent, kindly extend the benefit of it to the present case?”

The Hon. Sir K. V. REDDI NAYUDU:—“Precedent alone cannot govern cases of this kind.”

Control of Books and Periodicals

Alleged offending article in the ‘Ananda Vikadan,’ dated the 7th July 1935, wounding the religious feelings of Christians.

* 542 Q.—Mr. M. S. SRESHTA: With reference to his replies to question No. 165 of 8th August 1935, re the publication of an article in *Ananda Vikadan*, will the Hon. the Home Member be pleased to state what action, if any, has been taken by him?

A.—In view of the statement of the editor of the *Ananda Vikadan* that the intention of the article in the issue of 7th July 1935 was not to belittle the founder of Christianity, the Government considered that no action was necessary other than to issue an informal warning to the editor to be more careful in future and guard strictly against offending the religious feelings of any communities.

Mr. M. S. SRESHTA:—“May I know how this case is different from the other case in which very strong action was taken on a Christian writer of a book which was supposed to offend the susceptibilities of another community?”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“In the other case the author was dead and could not give any explanation; in this case the author of the article says that he did not mean to give any offence and the language used is not incapable of an innocent construction, though with a little straining.”

Mr. M. S. SRESHTA:—“Will the Hon. Member be pleased to place on the table of the House the statement of the editor and the informal warning given by the Government?”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“The explanation appeared in a later issue of the same paper; the offending article was in one issue; in view of the agitation set up by Christians, three weeks later, an explanation was offered in another issue of the same paper; therefore it is open to the public as much as to the Government; as far as the warning is concerned, I can only say that we asked the Commissioner of Police to send for the editor and warn him to be more careful in future.”

[29th January 1936]

Government Press

Sale price of Acts published by the Government.

* 543 Q.—MR. G. RAMESWARA RAO: Will the Hon. the Home Member be pleased to state—

(a) whether there is any scale fixed for the sale price of Acts published by the Government of Madras; if so, what is the scale and how and on what data the price of publications is regulated;

(b) whether it is the Government's policy to keep the laws enacted at the disposal of the public at the lowest cheap rates possible;

(c) whether it is a fact that the price of a copy of the District Municipalities Act is fixed at Rs. 2-4-0, whereas a copy of the Government of India Act is priced only at Re. 1; if so, what are the reasons for the difference in price; and

(d) whether the Government propose to fix a flat rate for all Government publications, especially Acts of the legislature regulated by the size of the publication and make these easily accessible to the public?

A.—(a) & (b) The selling price of a publication is ordinarily calculated to the nearest suitable even figure by dividing the press cost by the full number of copies printed and adding a percentage to cover the commission paid to selling agents. Special prices irrespective of cost are however fixed for Acts, Bills, Proceedings of the Legislative Council, etc. The rates charged for Madras Acts in octavo size are as follows:—

Number of pages.	RS.	A.	P.
1	0	1	0
2	0	1	3
3	0	1	6
4	0	1	9
5	0	2	0
6	0	2	3
7	0	2	6
8	0	2	9
9	0	3	0
10	0	3	3
11	0	3	6
12	0	3	9
13	0	4	0
14	0	4	3
15	0	4	6
16	0	4	9
17	0	5	0
18 to 20	0	5	6
21 to 23	0	6	0
24 to 26	0	6	6
27 to 29	0	7	0

29th January 1936]

Number of pages.	RS.	A.	P.
30 to 32	0	7	6
33 to 36	0	8	0
37 to 42	0	9	0
43 to 48	0	10	0
49 to 54	0	11	0
55 to 60	0	12	0
61 to 66	0	13	0
67 to 72	0	14	0
73 to 80	0	15	0
81 to 88	1	0	0

And 2 annas for each additional sheet of 16 pages, or portion of a sheet.

(c) The prices fixed for the Acts are as stated in the question. The difference in price is due to the different basis adopted by this Government and the Government of India for fixing the sale price of Acts.

(d) The answer to clauses (a) and (b) will show that the Government have already fixed flat rates for Madras Acts, regulated by the size of the publication. The Acts are already easily accessible to the public.

MR. G. RAMESWARA RAO:—"May I know whether the Madras Government work out the price of their publication on a different basis from that followed by the Government of India and whether there is any proposal to adopt the Government of India rates?"

THE HON. RAO BAHADUR A. T. PANNIRSELVAM:—"Our rates are not higher than those of the Government of India."

MR. G. RAMESWARA RAO:—"The Government of India Act costs only Re. 1 whereas the Local Boards Act of this Province is priced at Rs. 2 though it is half in size. The cost amounts to four times that of the Government of India Act."

THE HON. RAO BAHADUR A. T. PANNIRSELVAM:—"We cannot generalize from one instance. The principle on which the Government of India charge is the net cost plus 50 per cent distributed over the number of copies published; so, the cost of each copy depends very much on the number of copies actually printed; obviously Government of India publications have a very much larger sale than the local publications; therefore ultimately they can sell their publications cheaper. I do not think the Madras rate is in any way higher than the Government of India rate."

MR. G. RAMESWARA RAO:—"May I know if we might not adopt the basis on which the Government of India publications are sold?"

THE HON. RAO BAHADUR A. T. PANNIRSELVAM:—"The basis is the net cost of printing plus 50 per cent; that seems to be the rate adopted by the Government of India. As far as our ordinary

[29th January 1936]

publications are concerned, the rate is the net cost plus a certain percentage in order to cover the commission we give to the various sellers; as far as Acts and the proceedings of the Legislative Council are concerned, special rates are adopted to make them cheaper. I do not think that, by our adopting the Government of India rate, we shall be able to sell the publications at a lesser cost than we are now able to do."

Irrigation

Progress of the Palar Enquiry Committee.

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

- (a) whether the Palar Committee has concluded its labours;
- (b) if not, at what stage its enquiries are; and
- (c) whether the Mysore Government have given the information called for?

A.—The attention of the hon. Member is invited to the answer given to question No. 713, dated 25th February 1935. The Mysore Government have since furnished certain statistics. These have been referred to the Chief Engineer for Irrigation for examination and report. The Chief Engineer's report is awaited.

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the Palar Committee will be given an opportunity to examine the statistics and the report of the Chief Engineer on the statistics? "

The Hon. Sir CHARLES SOUTER:—" I will see after I get the report from the Chief Engineer."

Mr. V. M. RAMASWAMI MUDALIYAR:—" When is the report likely to be received from the Chief Engineer? "

The Hon. Sir CHARLES SOUTER:—" I have no idea."

Mr. V. M. RAMASWAMI MUDALIYAR:—" In view of the long delay and in order to enable us to come to a final conclusion, may I know whether the Government would ask the Chief Engineer to expedite the submission of his report? "

The Hon. Sir CHARLES SOUTER:—" I should prefer that the Chief Engineer should examine these statistics carefully."

Alleged silting up of the tanks in the Palar Anicut System in the North Arcot district.

* 545 Q.—MR. V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

- (a) the various tanks in North Arcot in the Palar Anicut System and the class under which they are classified, and the length of supply available;

29th January 1936]

(b) whether it is a fact that several of these tanks have become silted with the consequent result that the storage capacity has diminished; and if so, to what extent; and

(c) whether it is a fact that in the chain of tanks referred to above, the Kaveripakkam tank and the Mamandur tank have silted and that they had gone dry constantly?

A.—(a) There are nearly 240 tanks in the system in North Arcot district, and the preparation of a statement to supply the information asked for would involve an expenditure of time and labour which cannot be justified.

(b) The Government have no information.

(c) During the budget debate, in March last, a reference was made to the condition of these two tanks. The Government are awaiting a report from the Chief Engineer for Irrigation on the point.

Mr. A. RANGANATHA MUDALIYAR:—" Are there any orders that minor irrigation tanks should be inspected at least once every year and a report sent to the Collector as to their condition? "

The Hon. Sir CHARLES SOUTER:—" Notice, Sir."

Scheme, if any, for improving irrigation in Kollegal.

* 546 Q.—DIWAN BAHADUR T. A. RAMALINGAM CHETTIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government are aware that Kollegal has been suffering very badly for the last few years for want of timely rains;

(b) whether they are aware that the tanks in the taluk have not had sufficient supply of water during the last five years;

(c) whether the Government have any scheme to secure a proper and sufficient supply of water to the tanks; if so, in what stage it is; and

(d) whether the Government have any irrigation schemes in Kollegal included in the programme; if so, in what stage they are?

A.—(a) The Government are aware that there was scarcity of rainfall in the Kollegal taluk at the end of the year 1934. From the latest weekly season reports the Government also observe that more rain is needed in certain taluks of the Coimbatore district including Kollegal.

(b) The Government have no information.

(c) & (d) The hon. Member presumably refers to the special accelerated and widespread programme of improvements to minor works sanctioned by Government in April last. The entire sum of Rs. 10,000 allotted to the Coimbatore district in the current year, will be spent on repairs and improvements to the tanks in Kollegal taluk. A statement * showing the list of tanks proposed to be improved is annexed. In addition to these works, gaugings are being taken in connexion with the Uduthorahalla scheme.

[29th January 1936]

Investigation of the Hebballa Reservoir scheme and the Hebballa Diversion scheme in the Kollegal taluk.

* 547 Q.—Diwan Bahadur T. A. RAMALINGAM CHETTIYAR: Will the Hon. the Member for Revenue be pleased to state whether the Government have been investigating the Hebballa Reservoir scheme and the Hebballa Diversion scheme in the Kollegal taluk; if so, in what stage they are?

A.—The two schemes were investigated and estimates were prepared in 1928. It was found that the Hebbahalla (Hebballa) Reservoir scheme was unremunerative and that it could not be considered even as a famine relief work and that the diversion scheme would not improve the existing supply. The schemes were therefore dropped in 1929.

Propaganda among ryots in regard to the Lower Bhavani Project.

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

(a) whether meetings of ryots are convened by the revenue authorities with a view to elicit opinion or do propaganda about the Lower Bhavani Project;

(b) if so, how many such meetings have so far been held and in which of the places;

(c) how many ryots attended each of those meetings, and what opinion did they express; and

(d) at what stage the programme of construction of the Lower Bhavani Project now is and when it is to be launched?

A.—(a) A Special Revenue and Public Works Department staff is touring in the project area with a view to select lands for inclusion in the ayacut and for obtaining consent statements from the ryots agreeing to pay the water-rates fixed.

(b) & (c).—The Government have no information.

(d) The attention of the hon. Member is invited to the answers given to questions No. 875, dated 13th March 1935, and No. 155, dated 8th August 1935.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask whether the opinion expressed by the ryots of the area will be placed on the table of this House? ”

The Hon. Sir CHARLES SOUTER:—“ I may inform the hon. Member that, as soon as the report is received, it will be gone into; it will be placed on the table of the House, if necessary.”

29th January 1936]

Diversion of the Wuppawagu river into the Chigrala Kutwa under the Cumbum tank, Kurnool district.

* 549 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 estimates are ready to divert the Wuppawagu river into the Chigrala Kutwa under the Cumbum tank (Kurnool);

(b) when the work will be executed;

(c) whether the ryots concerned with the Kutwa have given an undertaking to contribute half the cost; and

(d) if so, how the Government propose to collect this amount from the ryots?

A.—(a) No. The scheme was partly investigated but was dropped by the local officers as it was considered that it might affect the interests of the ryots owning lands lower down.

(b) to (d) Do not arise.

S. M. K. BEYABANI SAHIB Bahadur:—“ May I know how the interests of the ryots lower down will be affected? ”

The Hon. Sir CHARLES SOUTER:—“ If I understand the hon. Member aright, he asks how the ryots lower down will be affected; obviously by getting less water.”

S. M. K. BEYABANI SAHIB Bahadur:—“ I wish to know whether the interests of the ryots lower down were actually affected? ”

The Hon. Sir CHARLES SOUTER:—“ All I can say is that the ryots down below have objected.”

Proposals for the augmentation of the supply to the Dusi-Mamandur and Radhapuram tanks, North Arcot.

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

(a) the amount of remission of land revenue granted for the ayacutdars under the Dusi-Mamandur tank in Wandiwash taluk and Radhapuram tank in Chengam taluk of North Arcot district for the last ten faslis; and

(b) whether the Government have any scheme to augment the supply to the tank?

A.—The Government have no information regarding these tanks.

[29th January 1936]

Land Revenue Administration

Alleged irregular assignment of certain communal lands in the Udipi taluk, South Kanara.

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

(a) whether it is a fact that Achaladi Holi in Udipi taluk was conserved by the public of the four villages of Achaladi, Bannadi, Vaddarse and Kanady for manure and grazing purposes from time immemorial;

(b) whether it is a fact that the said waste land has been assigned for individuals in contravention of the public right; and

(c) what the policy of the Government is with reference to the assignment of communal lands like these in South Kanara?

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

(c) There is no special policy in regard to assignment of land which is used for communal purposes. The attention of the hon. Member is invited to B.S.O. No. 15 for the general rules regarding assignment of land and to paragraph 40 of the same Board's Standing Order for the modifications in these rules in their application to South Kanara. A copy of the Board's Standing Order is available in the Council Library.

MR. U. C. SUBRAHMANYA BHATT:—"In view of the serious hardship caused to the four adjoining villages on account of the de-communalization of this waste land, may I know whether the Hon. Member will call for the information and place it on the table of the House?"

The Hon. Sir CHARLES SOUTER:—"I have no information, Sir, whether what the hon. Member says is correct or incorrect."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"May I know whether by thus conserving the waste land, the ryot does not get a right over the land?"

The Hon. Sir CHARLES SOUTER:—"I would ask the hon. Member to refer to the second part of the answer (c)."

MR. U. C. SUBRAHMANYA BHATT:—"May I know whether the information will be called for?"

The Hon. Sir CHARLES SOUTER:—"It would I think, Sir, save much time, if the hon. Member represented the case to the Collector and the Board of Revenue."

Wireless Installations

Proposal to open radio stations in rural parts.

* 552 Q.—MR. BASHEER AHMED SAYEED: Will the Hon. the Member for Finance be pleased to state whether it is a fact that the Government propose to open about 85 radio stations outside Madras in rural parts?

[29th January 1936]

A.—Some receiving sets and loud speakers may, 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 when it is established.

MR. BASHEER AHMED SAYEED:—"May I ask whether the scheme has made any progress and at what stage the scheme stands to-day?"

The Hon. Mr. G. T. H. BRACKEN:—"I had some discussion about this matter in Delhi when I was there; the Government of India British Broadcasting Expert has just arrived and after consultation with him I hope that some definite progress will be made."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"May I know whether it is the intention of the Government to open radio stations in towns and municipalities first?"

The Hon. Mr. G. T. H. BRACKEN:—"The British Broadcasting Expert is expected to come to Madras and after consultation with him, it will be possible to give a more definite answer."

Local Self-Government

Consultation with the District Collector and the Finance Department prior to the bifurcation of a district board.

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

(a) whether the District Collector concerned and the Finance Department of the Government are consulted before the bifurcation of each district board;

(b) if so, what remarks each of them offered in regard to the bifurcation of Tanjore, Ganjam, Vizagapatam, Guntur and North Arcot District Boards; and

(c) whether copies of them will be placed on the table?

A.—The Government are not prepared to furnish the information.

MR. K. A. NACHIYAPPA GOUNDER:—"It is stated that the Government are not prepared to furnish the information. May I know what difficulties there are in doing so?"

The Hon. the RAJA OF BOBBILI:—"It is confidential and in public interests, it cannot be published."

B. POCKER SAHIB Bahadur:—"What is the real objection to furnish the simple answer to clause (a) of the question whether the District Collector concerned and the Finance Department were consulted before the bifurcation of these district boards?"

The Hon. the RAJA OF BOBBILI:—"There is no particular rule that the District Collector should be consulted. Whenever we want any special information on the main question of bifurcation, we call for the information."

[29th January 1936]

Mr. A. RANGANATHA MUDALIYAR:—"I am not asking for any information which the Government may have; I want to know what the procedure that is normally followed is in such cases before a decision is arrived at?"

The Hon. the RAJA OF BOBBILI:—"Each case is examined by various departments of Government."

Mr. BASHEER AHMED SAYEED:—"Will the Hon. the Minister be pleased to state whether the Government did or did not consult the District Collector and the Finance Department in the case of the bifurcation of the district boards of Tanjore, Ganjam, Vizagapatam, Guntur and North Arcot?"

The Hon. the RAJA OF BOBBILI:—"I am not prepared to answer."

11-15 a.m. Mr. T. S. RAMASWAMI AYYAR:—"May I know where this vicious circle is going to take us? Will it take us to the policy of introducing the taluk boards?"

The Hon. the RAJA OF BOBBILI:—"I am not aware what the hon. Member means by 'vicious circle'."

Proposals for amalgamation of two district boards for the purpose of trifurcation.

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

(a) whether there are proposals to combine two district boards and then divide them into three district boards; and if so, what they are and what the reasons therefor are;

(b) if so, whether there are any proposals to introduce such a combination and division anywhere in this province; and what the districts are which are to be experimented upon in this way; and

(c) what the special reasons are for such a course?

A.—(a) No.

(b) & (c) Do not arise.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask whether such a course was ever contemplated?"

The Hon. the RAJA OF BOBBILI:—"No such proposal was contemplated by the Government."

Mr. K. A. NACHIYAPPA GOUNDER:—"My question is whether such a course was ever contemplated?"

The Hon. the RAJA OF BOBBILI:—"I have already answered the question."

29th January 1936]

Re-shuffling of the electoral circles of the South Arcot District Board.

* 555 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 electoral circles of the South Arcot District Board are proposed to be changed for the coming elections, from what had been fixed at the time of elections to that district board during 1932;

(b) if so, what the reasons therefor are;

(c) whether it is a fact that revenue firkas were adopted as units of district board electoral circles at the time of elections in 1932, and that no firka was allowed to be split as a general policy in this district and elsewhere;

(d) if so, by whom such a policy was laid;

(e) what remarks the Inspector of Local Boards offered on such a policy, and what orders the Government passed on such a policy; whether the remarks of the Inspector of Local Boards, and the orders of Government in the matter will be placed on the table;

(f) whether it is a fact that the revenue firkas are not taken as the electoral unit, and that a few villages of a certain firka and a few villages of some other firka are put together to form a district board circle in that district for the coming elections; and

(g) if so, what the reasons are for such a change?

A.—(a) There has been a re-division of the South Arcot District Board electoral circles in supersession of the original division ordered in 1932.

(b) As the original division of electoral circles resulted in an unequal distribution of voters among the circles, the district board urged a re-division of the electoral circles and submitted proposals for the removal of the inequalities.

(c) Yes.

(d) & (e) No such policy was laid down officially.

(f) Yes.

(g) Revenue firka as a basis of division into circles had to be given up, in order to avoid the defects mentioned in answer to clause (b) above.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask whether this plea of unequal distribution did not exist and was not considered at the time of the 1932 elections?"

The Hon. the RAJA OF BOBBILI:—"I think it was not considered."

Mr. V. T. ARASU:—"May I know whether it is a fact that the Board itself passed a resolution suggesting re-shuffling of the circles and whether their recommendations were followed by the Government?"

[29th January 1936]

The Hon. the RAJA OF BOBBILI:—"The recommendations of the district board are in the main followed by the Government. Whenever proposals are made, they are published for eliciting opinion and further information is obtained. And if any changes have to be made, they are made and then the proposals are confirmed."

Mr. K. KOTI REDDI:—"May I know whether this principle now adumbrated for the benefit of this House and for future Governments that electoral circles have been reconstituted for the removal of inequalities in the voting strength has been followed in the case of all the district boards in the Presidency or in all cases in respect of the South Arcot District Board itself?"

The Hon. the RAJA OF BOBBILI:—"As far as possible, whenever such a course is considered necessary, the district board is consulted."

Mr. K. KOTI REDDI:—"May I take it that the Government will set right such inequalities only when they consider it necessary for their purpose and not as a matter of policy or principle?"

The Hon. the RAJA OF BOBBILI:—"Whenever such a matter is brought to the notice of the Government, they fully consider the question on its merits."

Mr. K. A. NACHIYAPPA GOUNDER:—"In reply to clause (c) of the question, 'whether it is a fact that revenue firkas were adopted as units of district board electoral circles at the time of elections in 1932' it is said 'Yes.' May I ask what tangible reasons the Government have for meddling with that principle now?"

The Hon. the RAJA OF BOBBILI:—"The answer to clause (b) says that 'as the original division of electoral circles resulted in an unequal distribution of voters among the circles, the district board urged a re-division of the electoral circles'."

Reasons for the variation of the number of villages constituting the electoral circles of the South Arcot District Board.

* 556 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state what are the reasons for the variations in the number of villages constituting each of the electoral circles proposed to be formed for the coming elections to the South Arcot District Board?

A.—Attention is invited to the answer given to clause (b) of question No. 555.

Re-shuffling the constituencies of the South Arcot District Board.

* 557 Q.—Mr. P. RATNAVELU THEVAR: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) on what date the notification terminating the life of the present District Board of South Arcot was issued and from what date the Board was to cease to function;

[29th January 1936]

(b) whether any proposals were received from the District Board for a fresh delimitation of the district board constituencies;

(c) on what date the proposals, if any, from the District Board were received;

(d) on what principles the Board's delimitation proposals were based, and whether Government will kindly place the papers on the table of the House; and

(e) what orders were issued by the Government on the proposals of the Board, and when they were issued?

A.—(a) The notification was published in Part I-A of the *Fort St. George Gazette*, dated 12th November 1935. According to this notification, the term of the existing members of the South Arcot District Board expires on the noon of 31st December 1935.

(b) Yes.

(c) The proposals were received by the Government on 24th July 1935.

(d) Attention is invited to the answer to clause (b) of question No. 555. The Government are not prepared to place the papers on the table.

(e) The proposals were approved by the Government in G.O. No. 3680, L. & M., dated 10th September 1935, with a few modifications.

Reasons for the decision of the Government per contra to the resolutions of the South Kanara District Board.

* 558 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether any of the resolutions of the South Kanara District Board passed at the special meeting held last month (as desired by the Government) in regard to the proposals of the Inspector of Local Boards have been accepted; and

(b) if not, what reasons weighed with the Government in coming to a decision contrary to the resolutions of the board?

A.—(a) The suggestion of the South Kanara District Board regarding the splitting of the old Kasaragod circle was accepted.

(b) The Government are not prepared to give the reasons for not accepting the other suggestions made by the district board.

Mr. A. B. SHETTY:—"May I know whether it is not a fact that Government declined in the first instance to accept any of the proposals of the board regarding the regrouping of the circles?"

The Hon. the RAJA OF BOBBILI:—"When a proposal has been made by the Inspector and after further representations are received, the Government consider the proposal and if it is desirable, they confirm it."

[29th January 1936]

Mr. BASHEER AHMED SAYEED:—" May I know why the Government are not prepared to give the reasons for not accepting the recommendations of the district board? "

The Hon. the RAJA OF BOBBILI:—" The Government considered that the Inspector's proposal was sound."

Re-shuffling of the electoral circles of the South Kanara District Board.

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

(a) whether the circles of the South Kanara District Board have been re-shuffled now;

(b) what the reasons are for the re-shuffling;

(c) whether the district board was consulted in the matter; and

(d) what opinion did they express and whether a copy of their resolution in the matter will be placed on the table?

A.—(a) Five of the old circles were split into two new circles each.

(b) The old circles referred to were allotted two non-reserved seats each, which was against the general policy of Government.

(c) Yes.

(d) The district board stated that it had no sufficient time to consider the proposals. The Government are not prepared to place a copy of the resolution on the table of the Council.

Mr. K. A. NACHIYAPPA GOUNDER:—" In answer to clause (b), the Government say that ' the old circles referred to were allotted two non-reserved seats each, which was against the general policy of Government.' May I ask whether this general policy was not taken into consideration at the time when the circles were originally formed during the elections of 1932? "

The Hon. the RAJA OF BOBBILI:—" This question was then considered; but the final proposals were received by the Government too late to be given effect to in the last elections."

Mr. K. KOTI REDDI:—" May I know what the general policy is that the Government have been following with regard to the reservation of seats? "

The Hon. the RAJA OF BOBBILI:—" I am afraid this question does not really deal with reservation of seats. It refers to the splitting up of the old circles. The general policy of the Government is that there should be single-seat constituencies as far as the general seats are concerned. In this case, there were dual-member constituencies."

29th January 1936]

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask what difficulties there are in placing a copy of the resolution of the district board on the table of this House, when it is a public matter? "

The Hon. the RAJA OF BOBBILI:—" I think the decision of the district board was published and will be available."

Filing of claims and objections to the preliminary electoral rolls of the South Kanara District Board.

* 560 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether after the publication of the preliminary electoral rolls for the District Board in South Kanara, a number of claims and objections were received by the election officer; and

(b) whether they were later on returned as being not in the proper form and fresh dates were fixed for sending them in?

A.—(a) Yes.

(b) Originally the Inspector of Municipal Councils and Local Boards fixed a programme of dates for the various stages in the preparation of electoral rolls for the district board. Claims were presented by the parties concerned and some of these claims were in the form of lists, instead of in the prescribed form. In consequence of the proposal to split five of the old circles of the district board, the programme was cancelled and a fresh programme was fixed. Only such of the claims already presented, as were not in the prescribed form and as did not furnish all the particulars necessary for filling up the form were returned to the parties concerned with instructions to prefer their claims in the proper form.

Mr. A. B. SHETTY:—" May I know why the election officer accepted claims which were not in the prescribed form? "

The Hon. the RAJA OF BOBBILI:—" It is mentioned in the answer here. The returns had to be re-presented in the prescribed form."

Mr. A. B. SHETTY:—" May I know whether the claims were not presented to the election officer in the form of lists according to his own instructions? "

The Hon. the RAJA OF BOBBILI:—" I cannot give such details. As far as I know, they were all returned with instructions to be re-presented in the proper form."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether all claims were admitted and whether the question of the truth or otherwise of the claims was gone into? "

The Hon. the RAJA OF BOBBILI:—" I presume the election officer and the appellate authority did go into each case on the merits."

[29th January 1936]

Number of claims filed and admitted to the preliminary electoral rolls of the South Kanara District Board.

* 561 Q.—MR. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state the total number of new names claimed to be added to the preliminary list of electors for the South Kanara District Board this year and of the claims admitted by the Election Officer?

A.—Total number of claims for inclusion of new names in the electoral roll	...	...	...	...	...	...	...	...	...	55,916
Total number of claims admitted by the Election Officer	...	...	...	...	...	...	...	...	...	48,850

MR. A. B. SHETTY:—" May I know the total number of voters in the preliminary rolls? "

The Hon. the RAJA OF BOBBILI:—" I am afraid the information is not available with the Government."

MR. BASHEER AHMED SAYEED:—" May I ask whether the Government are investigating the question as to why there has been such a large omission, especially when, 48,850 out of 55,916 claims had to be admitted? "

The Hon. the RAJA OF BOBBILI:—" The total number of claims was 55,916, while the number admitted was 48,850. This is not the first instance where many qualified voters had been found to be omitted in the preliminary rolls."

MR. A. RANGANATHA MUDALIYAR:—" May I know who was responsible for the preparation of the electoral rolls so carelessly in the first instance, and what action the Government have taken in regard to the conduct of that officer? "

The Hon. the RAJA OF BOBBILI:—" I think it is impossible to prepare these rolls accurately in the first instance, because in many cases the revenue accounts and other accounts would not be up to date at the time the preliminary roll is prepared. These rolls are prepared by the district election officer."

MR. K. A. NACHIYAPPA GOUNDER:—" From the figures given here, may I ask whether the Government realize that they must take some steps to avoid such careless preparation of rolls in the future? "

The Hon. the RAJA OF BOBBILI:—" Without a complete investigation it will not be wise on my part to say that it has been carelessly prepared. Moreover, when claims are received from duly qualified people, it is the duty of the officers to consider them."

MR. A. RANGANATHA MUDALIYAR:—" Am I to understand the answer of the Chief Minister to mean that the omission of such a large number is due to the fact that the election officer or the officer who prepared the electoral rolls was not furnished at the time with revenue accounts, etc., regarding the registration of the land? "

29th January 1936]

The Hon. the RAJA OF BOBBILI:—" I am not speaking with particular reference to this district; generally it is found that after the preparation of the electoral rolls, many changes have to be made."

Alteration of the reserved seats of the Tinnevely District Board.

* 562 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 reservation of seats in the Tinnevely District Board has been altered; and

(b) if so, what the alterations made are and what the reasons are for each of such alterations?

A.—(a) Yes.

(b) The number of seats reserved for Muslims was raised from two to three and that of seats reserved for women reduced from two to one. The Government considered that Muslim community deserved an additional reserved seat on account of their numerical strength.

MR. K. A. NACHIYAPPA GOUNDER:—" May I ask whether this question of adequate representation of the Muslim community was not considered in the year 1932? "

The Hon. the RAJA OF BOBBILI:—" I cannot say whether it was considered or not; but from time to time representations have been made to me that the Muslim representation was inadequate. I considered that their claims were reasonable and the Government have finally decided to increase the number."

S. M. K. BEYABANI SAHIB Bahadur:—" May I know from the Hon. the Chief Minister whether similar representations have been received from the Muslims in regard to the other districts of the Presidency? "

The Hon. the RAJA OF BOBBILI:—" Representations have been received from time to time; but I cannot say from how many districts."

MR. K. A. NACHIYAPPA GOUNDER:—" We find here that the representation given to women has been reduced to one seat. May I ask whether it is the opinion of the Government that women have been over-represented till now? "

The Hon. the RAJA OF BOBBILI:—" There is no over-representation in a special constituency. The Act lays down that the number of reserved seats should not exceed 25 per cent of the total number of general seats, and so the Government had to cut down the number of reserved seats by one for giving representation to one community. They thought this was the desirable course to adopt."

MR. M. A. MANIKKAVELU NAYAKAR:—" May I ask the Hon. the Chief Minister whether he is not aware that woman is a force to be reckoned with? "

[29th January 1936]

Location of polling stations outside municipal limits for electors to District Board Elections resident in municipal area.

* 563 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 voters for the district board elections who reside within municipal limits are called upon to record their votes only at polling stations outside the municipal areas;

(b) whether the attention of the Government has been drawn to the serious inconvenience caused to the electors by such a procedure; and

(c) what steps have been taken or are proposed to be taken by the Government to remedy the same?

A.—(a) Yes.

(b) A complaint was received about the alleged inconvenience.

(c) Attention is invited to item (i) of the draft amendments to the rules for the preparation of electoral rolls for local boards published in Local Self-Government Department Notification No. 1244 of Part I-A of the *Fort St. George Gazette*, dated 15th October 1935.

MRS. A. RUKMANI LAKSHMIPATHI:—“Will the Hon. the Chief Minister be pleased to state what exactly the difficulty is in locating polling stations within the municipal limits, having regard to the inconvenience caused to voters? Will he consider the desirability of removing the polling stations into the municipal areas?”

The Hon. the RAJA OF BOBBILI:—“I couldn't hear the question fully, but I think the position is that municipalities are outside the area of jurisdiction of the district boards. From the outset, Government have been following the principle that polling stations should not be in any place which is not within the jurisdiction of the district boards.”

MR. A. RANGANATHA MUDALIYAR:—“Is there any objection in law to the polling stations being put in the municipal areas?”

The Hon. the RAJA OF BOBBILI:—“As the matter is not free from doubt, I shall have it examined.”

MR. G. RAMESWARA RAO:—“Sir, I have a copy of the draft notification in my hands, but I don't think that will meet the situation. I am not aware of any principle of jurisprudence which says that voters should go anywhere for voting instead of voting at convenient stations.”

The Hon. the RAJA OF BOBBILI:—“I cannot understand what principle of jurisprudence is involved in this question. The point is whether a polling station should be located only within the area of jurisdiction of the district board; as far as possible, we shall see that they are conveniently situated, so as to cause the least inconvenience to the voters.”

[29th January 1936]

MR. C. RAMALINGA REDDI:—“May I point out to my hon. Friend that this jurisdiction means almost nothing, seeing that the polling officers are not appointed by the district boards and the conduct of the election is not in the hands of the district boards? That being the case, may I know whether he will not consider the desirability of having these polling stations in the municipal areas, so that a large number of voters may not be put to unnecessary inconvenience?”

The Hon. the RAJA OF BOBBILI:—“I have already promised to consider the legal aspect, to see that polling stations are situated as conveniently as possible.”

MR. V. T. ARASU:—“May I know whether the Hon. Minister is aware of the fact that in certain districts polling stations were fixed within municipal areas, for instance in Conjeeveram, in the Chingleput district?”

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—“In fact even the district board offices are in the municipal limits.”

The Hon. the RAJA OF BOBBILI:—“I am not aware of the case quoted by Mr. Arasu. I shall look into the question.”

Polling arrangements for elections to the Tinnevely District Board.

* 564 Q.—MR. P. RATNAVELU THEVAR: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that in respect of the forthcoming elections to the District Board of Tinnevely no polling centres have been located within the municipal limits of Tinnevely;

(b) which is the nearest place at which voters resident in the Tinnevely Municipality can record their votes;

(c) what is the distance of that polling centre from the municipality;

(d) whether all municipalities in the districts in which the district board elections are pending have been thus deprived of polling centres within their own limits; and

(e) if the reply to the above question is in the negative, which municipalities have thus been deprived and which have not?

A.—(a) Yes.

(b) & (c) There are three polling stations, Tenpathu, Manimurtiswaram and Kandiaperi, situated on the neighbourhood of the Tinnevely municipal limits and one Thoppayamadam Chatram at a distance of about a mile from the said limits.

(d) & (e) No district board polling centre is situated in a municipality.

[29th January 1936]

Nominations to the District Boards of Tanjore East and Tanjore West.

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

(a) whether it is a fact that nominations have been made to the West Tanjore District Board;

(b) if so, when;

(c) what the names and addresses are of each of such nominated members and to which community each of them belongs;

(d) how many members holding reserved seats are serving on the West Tanjore District Board after the bifurcation of the Tanjore District Board was made, and what those reserved seats are;

(e) when the bifurcation was made and when the nominations were ordered for the East Tanjore District Board; and

(f) what the reasons are for postponing the nominations for the West Tanjore District Board so far, and ordering them now?

A.—(a) Yes.

(b) & (c) The attention of the hon. Member is invited to the notification published in the *Port St. George Gazette*, dated 15th October 1935. The communities of the nominated persons are:—

Anglo-Indians.

Indian Christians.

Adi-Dravidas, and

Non-Brahman Hindu (Women).

(d) Six. Three were reserved for Adi-Dravidas, one was reserved for Muslims, one for Indian Christians and one for Women.

(e) On 17th December 1934 and 22nd January 1935.

(f) The Government are not prepared to give reasons.

Mr. K. A. NACHYAPPA GOUNDER:—"With regard to clause (f), the Government say that they are not prepared to give reasons. May I ask what difficulties there are in giving the information?"

The Hon. the RAJA OF BOBBILI:—"The Government considered that more time was necessary for coming to a decision on the point."

Mr. BASHEER AHMED SAYEED:—"Do I understand that because there are no reasons for the Government to give, they are unprepared to give reasons?"

The Hon. the RAJA OF BOBBILI:—"The Government thought it was desirable to give representation to the minority community."

[29th January 1936]

Protests against the proposal of the East Tanjore District Board to purchase a new site for the Board High School, Tiruturaipundi.

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

(a) whether it is a fact that the East Tanjore District Board is contemplating the purchase of a new site for the Board High School at Tiruturaipundi, and whether any representation has been made to the Government by the public of the place protesting against such proposal; and

(b) if so, what action has been taken thereon?

A.—(a) Yes.

(b) The petition was transferred to the Director of Public Instruction.

Religious and Charitable Endowments

Representation in regard to the management of Sri Karpanathaswami temple under the control of the Negapatam Temple Committee.

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

(a) whether the Government have received any representation from one K. Ramaswami Pillai of Tiruturaipundi regarding the management of Sri Karpanathaswami temple under the control of the Negapatam Temple Committee; and

(b) if so, what action has been taken by the Government thereon?

A.—(a) No.

(b) The question does not arise.

Agriculture

Alleged superfluous staff in the Agricultural department.

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

(a) the necessity for 19 Deputy Directors of Agriculture for supervising the work of 195 agricultural demonstrators;

(b) the need for the creation of temporary post of Assistant Director of Agriculture;

(c) the nature of work of Research Engineer of Agriculture and the necessity for a Special Research Engineer of Agriculture;

(d) why there should be a Millet Specialist;

(e) how the work of the Millet Specialist has improved the growth or the quality of the millet in the presidency; and

(f) the necessity for assistant research officers while there are 55 research assistants?

[29th January 1936]

4.—(a) There are only eight Deputy Directors of Agriculture in charge of circles. In addition to the control of propaganda and demonstration work, Deputy Directors are also responsible for the experimental work carried on in the Research Stations of their circles and for the administration of the entire circle of which they hold charge.

(b) Presumably the hon. Member refers to the temporary Assistant Director provided for in the Civil Budget Estimates for 1935–36 under 'B Superintendence' (page 345). There is no permanent Assistant Director for Coimbatore district. A temporary Assistant Director has been appointed to give the necessary assistance to the Deputy Director, Coimbatore circle, to enable him to devote sufficient time to certain agricultural experiments in connexion with the investigation of the Lower Bhavani Project.

(c) The Research Engineer is carrying out research on agricultural implements and machinery, and these items of research require a special Research Engineer.

(d) The Millet Specialist is a crop specialist in charge of research work on cumbu, ragi, cholam, tenai and other millets which are the staple food crops of the dry taluks in this Presidency.

(e) A note on the subject is appended.*

(f) Assistant Research Officers are required to assist the heads of Research Sections in the detailed supervision of the work of assistants, in order to enable the experts to devote their attention to the organization and general administration of research work.

11-30 a.m. Diwan Bahadur A. APPADURAI PILLAI:—" May I know, Sir, whether the statement made in clause (a) of the question is correct, and, how the figure 19 instead of 8 Deputy Directors of Agriculture found a place in the budget estimate? "

The Hon. Mr. P. T. RAJAN:—" 8 is correct; I am not aware how the figure 19 crept in."

Mr. T. S. RAMASWAMI AYYAR:—" May I know, Sir, whether the Hon. Minister is aware of the fact that the ordinary ryot is none the better for all the researches that are carried on by the department, because the results thereof are only preserved in the archives of the research offices? "

The Hon. Mr. P. T. RAJAN:—" I do not agree with the suggestion of the hon. Member."

Diwan Bahadur A. APPADURAI PILLAI:—" With reference to the answer to clause (c), namely ' The Research Engineer is carrying out research on agricultural implements and machinery,' may I know what

* Printed as Appendix III on page 121 infra.

[29th January 1936]

the nature is of the research that is being carried on by the Research Engineer? Is it the intention of Government to revolutionize the agricultural implements? "

The Hon. Mr. P. T. RAJAN:—" The improvement of ploughs, water lifts and things of that kind are being attended to by the Research Engineer."

Diwan Bahadur A. APPADURAI PILLAI:—" Is it not the duty of the ordinary Deputy Directors, instead of the special officer to attend to this work? "

The Hon. Mr. P. T. RAJAN:—" The engineering aspect of the matter is attended to by the Engineer, and sales and so on are attended to by Deputy Directors."

Recruitment of Agricultural Demonstrators since 1930.

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

(a) how many Agricultural Demonstrators have been recruited in each year since 1930;

(b) what the communitywar and districtwar strength is in each year; and

(c) what the number is of vacancies that occurred in each of the years?

4.—(a) & (b) Thirty-six agricultural demonstrators have been recruited since 1930. Of these, ten were promoted from the Lower Subordinate service and the rest were direct recruits. A statement* giving particulars of the demonstrators recruited during the years 1930–35 according to the community and district is enclosed.

(c) The number of vacancies of agricultural demonstrators that occurred in each of the years since 1930 is given below:—

	Year.	Permanent vacancies.	Temporary vacancies continued from.
1930		8	..
1931		..	6
1932		..	9
1933		1	9
1934		27	14
1935		..	..
	Total ..	36	38

Mr. G. R. PREMAYYA:—" In the answer it is stated that only 36 demonstrators have been recruited since 1930; of these only 10 have been promoted from the Lower Subordinate Service whereas the other 26 have been recruited direct. May I know whether it is not a fact that there is dissatisfaction in the Subordinate Service in regard to this? "

* Printed as Appendix IV on page 122 infra.

[29th January 1936]

The Hon. Mr. P. T. RAJAN:—"Certain number of posts are reserved for promotion from the Lower Subordinate Service, and certain number for direct recruitment."

Mr. G. R. PREMAYYA:—"It seems only ten are promoted and no more?"

The Hon. Mr. P. T. RAJAN:—"Yes, as I have already stated, certain number of vacancies are reserved for promotion from the Lower Subordinate Service and certain others for direct recruitment."

Special varieties of seeds for famine zones.

*-570 Q.—G. RAMESWARA RAO: "Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any special seeds for dry and wet crops have been developed so as to withstand the fickle weather of the famine zone;

(b) if so, what they are and whether they are available in any depots for sale in Anantapur district; and

(c) if they are not available in Anantapur, whether they can be got elsewhere before the next sowings commence?

A.—(a) Special seeds for dry crops have been evolved by the Department of Agriculture to withstand the weather conditions of the famine zone. As regards wet crops no weather-proof variety has so far been isolated.

(b) & (c) (1) *Ragi strain E.C. 593* may be grown in paddy lands when water is not sufficient for a paddy crop. It is also about ten days shorter in duration than the local *ragi* and has done well in Hindupur and Kadiri taluks, giving a 20 per cent increase in yield over the local variety of *ragi*. In adverse seasons the yield is not likely to fall below the normal. Over 30,000 lb. of this seed are in stock in the Central Farm, Coimbatore, and are available for sale.

(2) *K. 23* is a local selection of *korra*. Though still in the experimental stage, small quantities of this selected seed will be available for sale from depots in Bellary and Anantapur districts during the ensuing season.

(3) *The Saloum variety of groundnut* is resistant to drought. Seeds may be obtained from the Oil Seeds Specialist, Coimbatore, or the Deputy Director of Agriculture, III Circle, Bellary, during the next season.

Mr. G. RAMESWARA RAO:—"In the answer it is stated that these special varieties of seeds are available for sale at the Central Farm, Coimbatore. May I know why these seeds are not stocked in the famine zone of Anantapur itself?"

29th January 1936]

The Hon. Mr. P. T. RAJAN:—"If there is a demand, they will be stocked in the Anantapur depot also and if my hon. Friend would inform the Deputy Director, he will do so."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"May I know, Sir, whether it is not the bounden duty of the Deputy Director to do propaganda work saying that these special seeds, for instance, *korra*, which will stand the weather conditions of Bellary, are available?"

The Hon. Mr. P. T. RAJAN:—"Of course, it is the business of the department to tell people that improved strains are available and ask them to use them."

Fisheries

Re-employment of the Sub-Inspectors of the Fisheries department discharged from service.

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

(a) how many Sub-Inspectors were discharged from the Fisheries department in December 1934, owing to the reorganization scheme;

(b) how many of them have been re-employed, and on what pay;

(c) in the ordinary course when are those who have not been re-employed likely to be re-employed;

(d) whether it is a fact that the Government had passed orders on their first memorial that they would be re-employed in the Match and Sugar department;

(e) if so, why they have not been so re-employed;

(f) how many outsiders were recruited as Sub-Inspectors to the Excise department since December 1934;

(g) why the Government did not make provision in the Excise department for the discharged men and why they did not retransfer the senior Sub-Inspectors who came from the Excise and make place for the discharged men who have had several years of service;

(h) if the Service Rules do not permit such a transfer, whether the Government have taken steps to modify the rules;

(i) if not, why not;

(j) whether the Fisheries Sub-Inspectors are not considered suitable for appointment as Excise Sub-Inspectors;

(k) if so, why they are considered unsuitable;

(l) whether the Commissioner or any other appointing authority saw them and found them unfit;

(m) if so, on what grounds they were found unfit; and

(n) whether the Government have taken steps to see that these discharged men are immediately re-employed in some suitable posts?

A.—(a) Fourteen permanent and five acting Sub-Inspectors.

(b) Of the permanent men 10 have been provided for in temporary posts and 4 in short leave vacancies as and when they occur. The question of fixing their pay is under consideration.

[29th January 1936]

- (c) It is not possible to say.
- (d) Yes. They were informed that those of them found suitable by the Commissioner of Excise would be employed in the temporary posts of Petty Officers sanctioned in connexion with the administration of the Sugar and Matches (Excise Duty) Acts, as soon as special rules to regulate the recruitment to the posts had been framed.
- (e) The framing of the rules depends on the treatment of the staff as the staff of the Central Government or of the Local Government. The employment of the staff could not however wait till this was decided and all the temporary posts were in the meanwhile filled by the staff of the Excise department.
- The Madras Excise Subordinate Service Rules have recently been amended to provide for the employment of these men in the temporary posts of Sub-Inspectors and petty officers sanctioned for the performance of work connected with the administration of the Sugar and Match (Excise Duty) Act, 1934.
- (f) 37.
- (g), (h) & (i) The Madras Excise Subordinate Service Rules do not provide for the transfer to the service of men from other services excepting members of the Madras Ministerial Service employed in the Excise department. However, the question of amending these rules to admit at least of the retransfer of those who came originally from the combined Salt and Abkari department is now under consideration.
- (j) They are not considered suitable by the Commissioner of Excise.
- (k) The Commissioner of Excise states that they have been out of touch with Excise work.
- (l) & (m) The Sub-Inspectors were not interviewed by any authority. As they have been in charge of fish-curing yards, it can easily be understood that they are only fit for sedentary work.
- (n) If it is possible to retransfer the Sub-Inspectors who came originally from the Combined Salt and Excise department to the Excise department, some of the retrenched men may be employed in their places. The rest will be employed as vacancies arise.

Mr. M. S. SRESHTA:—"In the answer to clauses (l) and (m), it is stated that as Sub-Inspectors were employed in the Fisheries Department, they are not fit for any work but sedentary work. But in the answer to (g), (h) and (i), it is stated that clerks of the Excise Department may be transferred as Sub-Inspectors of the department. May I know why it is thought that the Fisheries Inspectors are not fit for transfer as Excise Inspectors, whereas clerks are found fit for the discharge of such task?"

29th January 1936]

The Hon. Mr. P. T. RAJAN:—"Probably the clerks are in touch with the work in the Excise Department and the men employed in fisheries work are not."

Mr. V. T. ARASU:—"May I know whether in the last two or three years, no other direct recruitment to the Excise Subordinate Service had been made?"

The Hon. Mr. P. T. RAJAN:—"I believe it has been made but I am afraid I cannot give the information as I am not in charge of the department."

Mr. V. T. ARASU:—"When raw men can be found suitable for work as Excise sub-inspectors, may I know why Government seem to think that the Fisheries Sub-Inspectors are not fit to do such work?"

The Hon. Mr. P. T. RAJAN:—"There are rules governing recruitment to the Excise Department, and naturally they have been following those rules."

Mr. M. S. SRESHTA:—"I find the Hon. Minister has dealt with this matter generously. May I ask the Hon. Minister whether he would extend his generosity by saying that these Fisheries Sub-Inspectors may be interviewed, so that it might be found out whether they are fit or unfit for appointment as Excise Sub-Inspectors?"

The Hon. Mr. P. T. RAJAN:—"By whom?"

Mr. M. S. SRESHTA:—"By the Madras Services Commission."

The Hon. Mr. P. T. RAJAN:—"I am afraid, it may not be possible to ask the Madras Services Commission. If at any time they apply, the hon. Member's suggestion would be considered as regards the action to be taken by the Commissioner of Excise."

Mr. T. S. RAMASWAMI AYYAR:—"Do the Government think that once people are appointed to the Fisheries Department, they are afterwards incapable of doing any other work?"

The Hon. Mr. P. T. RAJAN:—"As I said, each service has got its own rules; and it is left to the heads of departments to see whether the men they recruit are suitable for the post."

Weights and Measures

Standardization of weights and measures.

* 572 Q.—Mr. C. BASU DEV: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have considered the desirability of effecting uniformity in weights and measures in the province;

(b) whether the Government have received any suggestions from their officers for effecting such uniformity;

[29th January 1936]

(c) whether the Government have received any proposal from the Government of India for effecting such uniformity throughout India; and

(d) whether the Government have examined the approximate charge on provincial revenues a Provincial Act for effecting uniformity in weights and measures is likely to entail and, if so, what it is?

A.—(a) & (b) Yes.

(c) The Government of India had such a question under their consideration, but subsequently left it to Local Governments to take it up if they desire. The whole question is now being considered by a Sub-Committee of the Economic Council.

(d) No.

Expenditure from Provincial Revenues in the event of legislation standardizing weights and measures.

* 573 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: With reference to the refusal of sanction for the introduction of my Weights and Measures Bill, will the Hon. the Minister for Public Works be pleased to state the probable expenditure from the Provincial Revenues to give effect to the provisions of that Bill?

A.—The probable expenditure that will be involved in giving effect to the provisions of the Bill has not been worked out.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know, Sir, why without knowing the actual expenditure that will be involved as a result of the introduction of this measure, the Government have refused to accord sanction for the same? ”

The Hon. Mr. P. T. RAJAN:—“ They thought that the present state of the finances of this Government would not permit a measure of this kind being legislated. ”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Are the Government aware that there would be no expenditure at all according to the present Bill? ”

The Hon. Mr. P. T. RAJAN:—“ I cannot say that no expenditure would be incurred. ”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ In reply to a previous question, the Hon. Minister has stated that the whole question was being considered by the Sub-Committee of the Economic Council. May I know whether the Government are going to decide the question as early as possible in view of the fact that several ryots are being put to a lot of inconvenience? ”

The Hon. Mr. P. T. RAJAN:—“ As soon as the recommendations of the Sub-Committee are received, it will certainly be taken up. ”

29th January 1936]

Education

Surcharge on the Coimbatore Municipality for closure of the schools in commemoration of the visit of Mahatma Gandhi.

* 574 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 Coimbatore Municipal Council has been recently surcharged for giving a holiday to the schools in honour of Mahatma Gandhi's visit to Coimbatore;

(b) what the amount collected or likely to be collected is as a result of the surcharge; and

(c) what the reasons were that led the Government to surcharge?

A.—(a) & (b) The Government are not aware that action has been taken against the Council under the surcharge rules.

(c) The power to surcharge is vested in the Examiner of Local Fund Accounts.

Diwan Bahadur T. A. RAMALINGA CHETTIYAR:—“ May I know from the Hon. Minister whether Government have received no representation? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Representation was received from a municipal councillor, but as surcharge is made by the Inspector of Local Fund Accounts and as Government do not deal with the matter without an appeal being received, Government have not taken any action. ”

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Has there been no representation from the municipal council? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ There is no surcharge yet and there cannot be an appeal unless there is a surcharge. ”

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know, Sir, whether it is the intention of the Government to permit such surcharges, in the interests of the administration of local bodies and municipalities? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I cannot give any answer with regard to the intentions of the Government on any hypothetical question in a matter like this. ”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ May I know whether the Government are aware that the Examiner of Local Fund Accounts has issued a notice of surcharge on the municipal council? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ That is not surcharge. It is only on receipt of such a notice that the municipal councillors sent a representation to the Government. ”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ May I ask the Hon. Minister whether the notice issued by the Inspector of Local Fund Accounts to show cause why the municipal councillors should not be surcharged, is in order? ”

[29th January 1936]

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"That is, I think, the usual notice."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask the Hon. Minister whether the Government will consider favourably the question of waiver of such surcharge if such an application is made?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"When the time comes, the matter will receive the most careful consideration of the Government."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know whether Government do not consider that the issue of a preliminary notice by the Examiner of Local Fund Accounts will not constitute action taken by the authorities?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not consider so, until the actual surcharge is made."

Surcharge on the Coimbatore Municipality for closure of the schools on the 5th January 1934 in commemoration of the visit of Mahatma Gandhi.

* 575 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 the Municipal Council of Coimbatore has been surcharged for having closed their schools on the 5th January 1934 on account of the visit of Mahatma Gandhi to their town during his Harijan tour; and

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

A.—The hon. Member is referred to the answer to clauses (a) and (b) of question No. 574.

Expulsion of Mr. Chathu of Kottayam from the Training School for alleged participation in the civil disobedience movement.

* 576 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that one Mr. Chathu of Kottayam taluk, after being admitted as a student of the training class, was dismissed after a couple of months and after the payment of fees on the ground that he had taken part in the civil disobedience movement; and

(b) whether it is a fact that the District Educational Officer served a notice on the managers of aided elementary schools that nobody who had taken part in the civil disobedience movement should be allowed to act as teachers in their schools?

A.—(a) The District Educational Officer, Malabar, recently ordered the discharge from the Government Training School, Calicut, of a student named Padiyullath Chathu who had been admitted into the school in July on his discovering that he had been convicted in connexion with the civil disobedience movement in 1932.

(b) No such notices have been issued.

29th January 1936]

Mr. A. RANGANATHA MUDALIYAR:—"May I know from the Hon. the Minister whether the applicant had any previous conviction or he made any false statement?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think any such inquiry is being made in the case of every applicant. Everybody is presumed not to have disobeyed the law."

Mr. A. RANGANATHA MUDALIYAR:—"Have the fees of the candidate been refunded, Sir?"

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

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know, Sir, even after return to the path of constitutionalism, why a taboo should be made against his admission?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Rules provide that permission of the Government should be obtained before admission. In this case no such permission was granted, nor any application to that effect was made to the Government."

Mr. C. RAMALINGA REDDI:—"May I ask the Hon. Minister whether this student has been convicted of any act of violence or only of civil disobedience?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Civil disobedience, though it may be called non-violent may take a violent form. I cannot say exactly what he was convicted for."

Mr. K. P. RAMAN MENON:—"May I know from the Hon. Minister whether the Government will favourably consider his case if he applies for readmission?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"In previous cases, Government have allowed the admission of such candidates. But in this particular case, I am not aware of any application having been made. The matter will be considered if he applies."

Mr. T. S. RAMASWAMI AYYAR:—"May I know from the Hon. Minister whether Government do not consider that this rule will be an archaic one at the time when the Hon. Minister for Education may be an ex-civil disobedience prisoner?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think I will ever be so stupid as to become a civil disobedience prisoner."

Mr. T. S. RAMASWAMI AYYAR:—"I am speaking of a future Minister for Education?"

Mr. C. RAMALINGA REDDI:—"May I ask my hon. Friend whether he will take the application of this boy into sympathetic consideration if he does apply for admission into Government schools?"

[29th January 1936]

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I have already stated what action Government have taken in some previous cases. That action should encourage the hope that Government will consider the application sympathetically."

B. POCKER SAHIB Bahadur:—"May I know, Sir, whether it is not a fact that the Educational Officer has only discharged his duty in discharging this candidate according to the Government Order published by the Government?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I think so. I thank my hon. Friend for the suggestion."

Mr. A. RANGANATHA MUDALIYAR:—"May I know whether the student made no representation on the order of expulsion?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"None, so far as I am aware of."

Proposal to increase the number of admissions into the Teachers' College.

* 577 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 increasing the admission into the Teachers' College for the coming year;

(b) if so, what they are;

(c) whether any representations have been received for increasing the admission;

(d) if so, from whom, and what have been done with them; and

(e) what the numbers are that applied for admission and of those actually admitted in each year since 1930?

A.—(a) & (b) There are no proposals before Government. It is understood that a proposal to increase the number of admissions to the L.T. class from 180 to 200 is under the consideration of the department.

(c) & (d) It is reported that a representation has been received from Mr. Basheer Ahmed Sayeed, M.L.C., a member of the Selection Committee of the Teachers' College, Saidapet, and it is under the consideration of the department.

(e) The following statement gives the information asked for:—

Year.	Number of applications received.	Number of candidates admitted.
1930-31	350	112
1931-32	650	129
1932-33	782	170
1933-34	559	180
1934-35	543	183
1935-36	519	185

Mr. K. A. NACHIYAPPA GOUNDER:—"In answer to clause (e) of the question it is found that a large number of applications for admission were received, but only a few of the applicants could be provided with seats and that ever since 1931-32 there were a lot of applications.

[29th January 1936]

May I ask the Hon. Minister why Government have not so far considered the desirability of increasing the number of seats in the college?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"My hon. Friend's information is quite incorrect. Only quite recently the number of seats was increased—I think about two years ago."

Mr. K. A. NACHIYAPPA GOUNDER:—"In 1931-32 itself the number of applications received was 650 and the number admitted was only 129. That was four or five years ago and there was very great pressure since then?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It was only quite recently about two or three years ago that the number was increased from 100 to 180."

B. POCKER SAHIB Bahadur:—"Will the Government be pleased to state whether their consideration of the representation will come to a finish before the next selection which is to take place in March?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot say."

Mr. G. RAMESWARA RAO:—"May I know whether this increase from 180 to 200 refers both to Rajahmundry and Saidapet or only to one of them?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"This question refers only to the Saidapet College."

Mr. K. KOTI REDDI:—"May I know if the Government cannot consider the proposal of directing that this institution might be worked on a double-shift basis, so that it may automatically increase accommodation?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think that question arises at all."

Mr. T. S. RAMASWAMI AYYAR:—"May I know, Sir, whether Government will not consider the desirability of increasing the number of seats at least by asking pupils to pay for their education if they are prepared to do so—which I believe is the case in most cases?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am glad to hear from my hon. Friend the member representing the University that students are prepared to pay; but the information I have had is just the opposite."

Alleged circular of the Director of Public Instruction to cut down grants to aided schools in South Kanara.

* 578 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 Director of Public Instruction has issued a circular to the Inspecting officers in the district of South

[29th January 1936]

Kanara to cut down the grants to the aided and other schools; if so, whether the Government will be pleased to place a copy of the said circular on the table of the House; and

(b) what the reasons are why the said circular has been issued?

A.—No such circular has been issued.

Action taken by the Government on the resolution of the Legislative Council, dated 30th March 1920, in regard to an effective curriculum for elementary education.

* 579 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Education and Excise be pleased to state with reference to the assurance given by Mr. Littlehailes, Director of Public Instruction, in 1920 to the resolution moved by Mr. B. Venkatapati Razu on 30th March 1920 in this House regarding the need for constituting a committee to enquire and report upon a desirable curriculum for elementary education with special reference to vocational studies suited to rural and urban areas, that the department has been alive to the defects that exist, especially as regards framing of a suitable curriculum and of enforcing them upon schools and that the matter is under consideration of the Government, whether any definite steps have been taken since that date to frame a suitable curriculum and enforce it on elementary schools; if so, what steps have been taken in the matter?

A.—Since the date referred to by the hon. Member in his question, the two subjects of 'nature study' and 'practical instruction' have been added to the elementary school curriculum. Practical instruction consists of instruction in wood-work, weaving, etc.

11-45 a.m. Mr. A. B. SHETTY:—"May I know whether the Government have made any provision in the budget for the next year to help the schools to provide practical instruction?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot say."

Levy and collection of education-tax in the province.

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

(a) in which of the districts, education-tax has been levied; from which year and at what rate;

(b) in which of the districts, education-tax has not been levied so far and why; and

(c) what the total amount is of education-tax collected in each district where such a tax has been levied during 1934-35?

A.—(a) & (b) Education tax is levied in all rural areas in the Presidency except in Nellore district, where it is levied only in one taluk. The present rates of education-tax

[29th January 1936]

are given in the statement^a appended. Before the abolition of taluk boards different rates of tax were in force in different taluks of each district, and in some taluks no tax was levied. A rate of tax uniform throughout the district has been levied in all districts (except Nellore) only from the current year.

(c) Final figures of the proceeds of education-tax in 1934-35 have not yet been reported to Government.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether fees are levied from pupils in the board schools in areas where education tax is collected?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"In elementary schools maintained by local bodies almost invariably education is free."

Mr. P. V. KRISHNAYYA CHOUDARI:—"In the Kadiri taluk of the Nellore district education-cess is collected. Now that the taluk boards are abolished, are any special facilities given?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The question of levy throughout the area is under consideration."

Orphanages maintained by foreign missionaries with Government aid.

* 581 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) how many orphanages are there run by foreign missionaries which get grant from the Government; and

(b) whether there are any Indian orphanages under Indian management which get Government grant?

A.—(a) One hundred and seventy-seven orphanages managed by foreign missions received grant in 1934-35.

(b) Yes.

Mr. A. RANGANATHA MUDALIYAR:—"How many Indian Orphanages are there?"

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

B. POCKER SAHIB Bahadur:—"May I know, Sir, whether the grants given to Indian Orphanages under Indian management are on the same scale as those given to the orphanages under foreign missionaries?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It does not depend upon the agency that is running the orphanage."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Out of 177 how many are for Indian boys and girls and how many for Europeans?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot say."

^a Printed as Appendix V on page 123 infra.

[29th January 1936]

Mr. C. RAMALINGA REDDI:—" May I know if there are rules framed for the grants or whether each grant is considered on what are called the merits of each case? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There are rules fixing the maximum rate of grant."

Excise

Deputation from Tiyyas to the Commissioner of Excise regarding inadequate representation of the community in the department.

* 582 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether a deputation of Tiyyas waited on the Excise Commissioner at Tellicherry in August last year and represented to him the inadequate number of Tiyyas and Billavas employed as Sub-Inspectors, Assistant Inspectors and Inspectors of Excise; and

(b) whether the Government have considered their grievances and taken any action in the matter?

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

(b) Does not arise.

Mr. A. B. SHETTY:—" May I know whether any representation was made to Government by these people? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No."

Mr. A. B. SHETTY:—" May I know whether the Hon. Minister would be pleased to call for information from the Excise Commissioner and see what he can do to meet the grievances of these people? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I think they should see the Excise Commissioner first."

Appointment of the members of the Scheduled Classes in the Excise department since January 1935.

* 583 Q.—Rao Sahib V. DHARMALINGAM PILLAI: Will the Hon. the Minister for Education and Excise be pleased to state the total number of appointments, both permanent and temporary, in the several cadres in the Excise department filled up from Scheduled Classes from January 1935 up to date on the basis of communal rotation?

A.—Two candidates belonging to the Scheduled Classes have been directly recruited as Inspectors of Excise. The Government have no information as regards the Madras Excise Subordinate Service.

29th January 1936]

Default in the payment of rent due by toddy and arrack shop renters in the North Arcot district.

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

(a) the number of toddy and arrack shop renters for the past three years in the North Arcot district, talukwar, who failed to pay the entire rent;

(b) the amount of rent of such shops; and

(c) the number of toddy and arrack renters placed in jail for failure to pay the arrear rents?

A.—A statement * containing the information asked for is appended.

UNSTARRED QUESTION

Inland Waterways

Maintenance of the minimum water-level in the Buckingham Canal for purposes of navigation.

585 Q.—Mr. V. T. ARASU: Will the Hon. the Member for Revenue be pleased to state—

(a) the minimum water-level that is required for navigation in the Buckingham Canal;

(b) whether that level is available all through the year; and

(c) if not, why the Government are not in a position to maintain the minimum level?

A.—(a) The Navigation rules prescribe that all vessels using the canal shall be so loaded that they can navigate in a depth of water of 3 feet in the portion of canal to the north of the Cooum river in Madras and 2 feet in the southern portion.

(b) & (c) That depth is maintained by annual silt clearance.

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

NON-OFFICIAL BUSINESS.

II.—AMENDMENTS TO STANDING ORDER No. 5 (b) (5).

Mr. P. V. KRISHNAYYA CHOUDARI:—" Mr. President, Sir, I beg to present the ^b Report of the Select Committee appointed to consider amendments to Standing Order No. 5 (b) (5) and move that the Report be taken into consideration."

The motion was duly seconded.

The motion was put and carried.

* Printed as Appendix VI on page 124 infra.

^b Printed as Appendix VII on pages 125-126 infra.

[29th January 1936]

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I move that the amendments recommended by the Select Committee be passed; I shall read these amendments:—

'For clauses (4) and (5) of Standing Order No. 5 (b) substitute the following:—

"(4) *The relative precedence—*

(a) *of Bills falling under sub-clause (iv) of clause (2),*

(b) *of Bills falling under sub-clause (v) of clause (2) and*

(c) *of resolutions,*

shall be determined by ballot.

(5) *A separate ballot shall be held—*

(a) *for motions relating to Bills falling under sub-clause (iv) of clause (2);*

(b) *for motions relating to Bills falling under sub-clause (v) of clause (2); and*

(c) *for resolutions " " "*

The motion was duly seconded.

The amendments were put and carried.

III.—THE MADRAS DEBT CONCILIATION BILL (BILL NO. 9 OF 1934).

New clause 12-B.

* The Hon. the PRESIDENT:—"The House will now proceed to consider the Madras Debt Conciliation Bill (Bill No. 9 of 1934). When we last adjourned, hon. Members might remember that we had been discussing amendment No. 38^a, viz., new clause 12-B moved by Mr. Krishnayya Choudari. Some hon. Members had already spoken on the subject and the discussion on the amendment will now continue."

Mr. P. V. KRISHNAYYA CHOUDARI:—"We have already discussed it and the Hon. the Law Member also gave his acceptance, I think."

The Hon. Sir K. V. REDDI NAYUDU:—"On a point of personal explanation, Sir, I never gave any acceptance."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I think in a way it was accepted. As the House has already discussed it, I think, I need not say much about it. I personally feel that the interest must not exceed the principal in any circumstance. So I move my amendment."

New clause 12-B.

^a Mr. P. V. KRISHNAYYA CHOUDARI:—

38 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."

[29th January 1936]

* The Hon. Sir K. V. REDDI NAYUDU:—"The hon. Member who moved this amendment was not well informed when he stated that I accepted the amendment. In the proceedings I do not find that I spoke a single word that day. The hon. Member's suggestion in the amendment is that in the settlement of debts the amount to be awarded should not exceed the principal and interest by more than twice the amount of the principal. Sir, that is not a fair settlement. Evidently the hon. Member has drawn this amendment from the Punjab Act. In the Punjab Act it will be noticed that these two clauses are separated, one clause referring to suits filed before the Act and the second clause relating to suits filed after the commencement of the Act. Suppose, for instance, a loan of hundred rupees is given before this Act came into force and it has by lapse of time come up to Rupees 1,000. If the amendment is carried some difficult situations will arise. Suppose Rs. 100 was lent 12 years ago and the bond or pro-note is kept alive by repeated acknowledgments and the amount due comes up to Rs. 1,000. Then under the amendment, this settlement must be limited to Rs. 200 because the principal was Rs. 100 and though it has come to Rs. 1,000 when the Act came into force, not more than Rs. 200 can be awarded. That is not what is enacted in the Punjab Act. That is not their idea. The Punjab Act is very clear on that point. Section 30 of that Act runs thus:

'In any suit brought after the commencement of this Act against a debtor as defined in section 7 for the recovery of a loan borrowed before the commencement of this Act, no court shall grant a decree in satisfaction both of principal and interest for a larger sum than twice the amount which the court finds to have been due at the commencement of this Act.'

"So that it is different altogether from the principal. In the second case:

'In any suit brought against a debtor as defined in section 7 for the recovery of a loan borrowed after the commencement of this Act, no court shall pass a decree for a larger sum than twice the amount of the sum taken as principal.'

"As I have stated, in cases where the amount has accumulated to a certain amount before the Act comes into force, then the provision made in the Punjab Act is in regard to the amount due at the time of the passing of the Act. On the other hand, if the suit is brought after the Act has been passed, then certainly the question of principal may have to be considered. The hon. Member does not make this distinction. I cannot therefore accept the amendment."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"In the course of the discussion in and outside the House the view expressed seemed to be that ordinarily the rule may be accepted and may be incorporated if possible in the Bill. It is said that Government itself issued certain rules under the Agricultural Loans Act, under which the principal that is mentioned in the document which is going to be discharged will be taken as the basis and under no settlement can more than twice the amount should be given to the creditor. That, I believe, is the effect of the rules issued by Government. I understood that was going to be enacted by the Government as a rule during the discussion

[Mr. T. A. Ramalingam Chettiyar] [29th January 1936]

in the informal conference the other day. If we take the principal of the document on which the claim is based and if it is said that in any settlement that is to be come to not more than twice the amount will be given I think, Sir, that will satisfy the requirements and the difficulty mentioned by the Hon. Member will vanish. If the last document said that Rs. 500 was given all that the rule will say will be not more than thousand rupees shall be given. The Punjab Act is different. It takes the amount due on the day on which the Act comes into force. So I would suggest this wording, Sir, viz., 'twice the amount of the principal mentioned in the document on which the claim is based.' (The Hon. Sir K. V. Reddi Nayudu: 'Supposing the claim is based on a decree?') So far as decrees are concerned there is no trouble because the amount of the decree shall be taken as the amount due under a provision we have already passed. It is only where the court has not given a decree the question will arise. So to avoid the difficulty mentioned by the Law Member, I move to add, 'the amount of the principal mentioned in the document on which the claim is based.'"

12
noon.

* The Hon. Sir K. V. REDDI NAYUDU:—"That does not solve the difficulty contemplated by the hon. Member, because the document may be kept up by a series of small acknowledgments on the back of it. The acknowledgments will also save the period of limitation, viz., twelve years and will serve to prolong the life of the document for a much longer period. Then, of course, the principal of the first debt might not be one-tenth of what was due on the date the last endorsement had been made. Therefore, that will not solve the hon. Member's difficulty. I will have no objection if the hon. Member fixes a certain date, say the date on which this Bill has been introduced, or anything he likes. But to go back to the first date of the document will mean nothing."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Then, I will definitely move an amendment—

'For the words "of the principal" at the end of paragraph (1), substitute the words "due on the 1st of June 1933".'

* Mr. T. C. SRINIVASA AYYANGAR:—"May I suggest that this amendment may be put down and circulated? I know that at least in one Indian State of this country, the ancient laws of Manu in this respect are the law of the country; but in 90 cases out of a hundred the rule cannot be given effect to. So, let us know where we are. Let the amendment, whatever it be, be put down on paper and circulated to us."

* The Hon. the PRESIDENT:—"I would suggest that the amendment might be put in writing and circulated. Meanwhile we shall go on with the other clauses."

This was agreed to, and consideration of new clause 12-B was postponed.

29th January 1936]

Clause 13.

* The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I beg to move that clause 13 be deleted."

'Clause 13 as amended by the Select Committee runs thus:—

"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."

I submit that this is a redundant clause as a reference to clause 12 (2) which the Council agreed upon will show. It says:

'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.'

Thus the intention of clause 13 is carried out by clause 12 (2). It is therefore redundant and unnecessary, and I move that it be deleted."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I think that, if clause 13 is going to be deleted, we will probably have to add at the end of sub-clause (2) of clause 12, the words 'and be executable as such.' Otherwise, there might arise a doubt. So, why not make it quite clear? Now that clause 12 has already been passed, unless we pass the other amendment also to it, we cannot delete clause 13. That is why I am moving to add at the end of clause 12 (2) the words 'and be executable as such.'"

Mr. K. R. VENKATARAMA AYYAR:—"You may say 'enforceable'."

* The Hon. the PRESIDENT:—"If the House is agreeable to the deletion of clause 13 and to the amendment of clause 12 (2), then we will have to reopen clause 12 and make the amendment, and then go to clause 13."

Clause 12.

On the House signifying its assent, clause 12 was again taken up for consideration.

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I move to add at the end of sub-clause (2) of clause 12 the words 'and be executable as such.'"

The motion was duly seconded.

Mr. G. RAMESWARA RAO:—"In this connexion, I would propose that the words of my amendment No. 41 in the printed list may also be added, viz., the words 'in one lump or instalments as provided in the agreement'."

The Hon. Sir K. V. REDDI NAYUDU:—"That is rather a controversial point."

[29th January 1936]

* The Hon. the PRESIDENT:—"The hon. Member's amendment depends upon the retention of clause 13."

Mr. G. RAMESWARA RAO:—"If clause 13 is going to be deleted, those words might be added to clause 12 (2), and so I would request with your permission to move my amendment also."

* The Hon. the PRESIDENT:—"It is not a question of the Chair giving permission, but the House has to give the permission. I should like to know, besides the amendment to clause 12 (2) and the amendment for the omission of clause 13, if the House is going to allow the hon. Member to move another amendment."

Mr. G. RAMESWARA RAO:—"I would appeal to the Hon. the Law Member to consider my suggestion as regards the mode of recovery of the amount, whether the recovery is to be in one lump sum or in instalments."

The Hon. Sir K. V. REDDI NAYUDU:—"If the Board decides to prescribe the method, the question will not arise."

Mr. G. RAMESWARA RAO:—"That may mean that some rule may come in the way, and so you should state clearly whether the recovery is to be in one lump sum or in instalments."

The Hon. Sir K. V. REDDI NAYUDU:—"That is already carried out there."

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

'Add at the end of sub-clause (2) of clause 12 the words "and be executable as such".'

The amendment was put and carried.

Clause 12 as amended was put and carried.

Clause 13.

* The Hon. the PRESIDENT:—"The question is that clause 13 be deleted."

The amendment was put and carried.

* Mr. K. KOTI REDDI:—"Sir, I beg to move—

'For clause 13, substitute the following:—

"13. If no amicable settlement is arrived at under section 12, the following procedure shall be adopted for settling the debts. The Board shall at first take into full account the economic value of the rupee, i.e., the proportionate fall or rise in the value of the land and its products in the locality at the time when the amount was borrowed, at the time when the debt was partly discharged, if any, and at the time when

29th January 1936] [Mr. K. Koti Reddi]

the settlement is to be made. The Board shall then deduct from the amount so arrived at any sum it considers necessary on account of the following considerations:—

- (1) *The amount of consideration actually received;*
- (2) *the reasonableness of the rates of interest;*
- (3) *onerous conditions, if any, complied with in the grant of the loan;*
- (4) *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*
- (5) *other particulars which the Board thinks it desirable to take into account.*

From the amount so arrived at, the sum which in the opinion of the Board is necessary for the bare maintenance of the debtor which shall not exceed the estimated expenditure necessary for realizing the debts through the ordinary process of law shall be deducted.

The amount so arrived at shall be declared to be the amount due by the debtor to the creditor or creditors."

"Sir, I do not think it is necessary for me to make an elaborate speech on this amendment. The House has come to the conclusion that under certain circumstances the creditor and the debtor should be brought together and made to agree to some settlement of the debt. My amendment now is to the effect that where such a settlement cannot be effected on account of the disagreement of one party or another, the Government ought not to be satisfied with the mere hope of bringing about an agreement later on. It is clear from the report of the Special Officer on Rural Indebtedness that the condition of the ryot is very very deplorable and that something should be done immediately in order that the ryot may be relieved of this burden of indebtedness. On page 49 of his report, the Special Officer 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.' I would rather lay emphasis on the word 'speedily.' I believe the Government probably hope along with the Special Officer that it is not very difficult to bring about a voluntary settlement. My conviction, Sir—I am speaking from some knowledge of the debtors as well as creditors—is that these voluntary settlements are not ordinarily effected. Where conditions are possible even to-day, such voluntary action is being effected, and panchayatdars do sometimes help to bring about a settlement. Where the property is not large or where the debtor is heavily indebted and the property is not sufficient to meet the entire debt, the creditor is obliged to come to some sort of agreement. Such things are taking place even without the help of the legislature. But the serious nature of the question that we have to meet with is this, that in the majority of cases such voluntary action is almost impossible. It is due to many circumstances. There are some ryots with very large property but who are not so heavily indebted. In such a case the creditor

[Mr. K. Koti Reddi] [29th January 1936]

actually compels the debtor to sell away practically the whole of his property for meeting after all only a small amount of debt, which under better circumstances, could be discharged without the whole property being brought to auction. The creditor takes advantage of the present economic depression and of the heavy fall in prices of land. Should we not as the representatives of the people find a remedy for such state of things and see that the ryot is not put to the necessity of selling away all the property to the creditors most of whom are sowcars or capitalists, for in their case purchasing the property is not worth the game? And what is happening is most of the land is going out of cultivation or proper cultivation. Besides the creditor is not in a position to get a proper price for the lands that thus come into his possession. The result is the ryot who is interested in the cultivation is put off out of the land and the sowcar or capitalist is not in a position to make the best use of the land even if he cultivates the lands he won't be able to get even half of what the ryot gets. There is a slight mistake in amendment (No. 42). It must be 'for clause 13' instead of 'for clause 14.'"

* The Hon. the PRESIDENT:—"There is another amendment which he has given notice of for clause * 14."

Mr. K. KOTI REDDI:—"That also goes along with the other."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"May I point out, Sir, that amendments Nos. 29, 40 and 42 all go together. My hon. Friend, Mr. Koti Reddi, has given notice of amendments which altogether introduce a new arrangement in the Bill. The Bill as originally drafted was for voluntary settlement. My friend's idea was that powers of compulsion should be given to the board. The matter was discussed at length. He gave amendments for clauses 12, 13, 14, 15 and 16; he wanted a new set of clauses to be introduced altogether. As I said the other day, even though I am in sympathy with many of his

Clause 14.

* Mr. K. KOTI REDDI:—

For clause 14, substitute the following:—

"14. Where the debtor expresses his willingness to pay the amount so declared under section 13, the debtor shall be allowed three months for payment. Where he fails to pay the amount within the time so allowed or where he expresses at the outset his inability to pay, the Board shall, after setting apart the portion of the property for the maintenance of the debtor as aforesaid,—

- (i) either sell the remaining property in the manner prescribed and distribute the proceeds amongst the creditors; or
- (ii) allow all or such creditors as are willing to have their debts discharged in annual equated payments, with interest calculated at not more than 6 per cent per annum on the security of the property of the debtor, provided that property, in proportion to their debts, is set apart for discharging by immediate sale, the debts of those who are not willing to receive equated payments;

Provided that any arrangement under this section shall not affect the prior claims of the secured creditors without their consent except to the extent of property set apart for the maintenance of the debtor as aforesaid and to the extent of reduction, if any, of the amount calculated under section 13."

[29th January 1936] [Mr. T. A. Ramalingam Chettiyar]

amendments I am very sorry that the Bill as drafted and introduced in the Council has no room for them. So I would suggest that the Bill may be allowed to be passed and another Bill brought either supplemental to it or in some other form. There are five or six amendments here which all hang together. The whole thing was discussed at the last meeting and the House was of opinion that they could not be brought into the present Bill."

* Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, the first point is, if the principle that the King's coin shall not have its legal value in the payment of a debt but a different value is to be substituted for it, I believe that the amendment strikes at the very root of the currency system of the country; the next point is whether this House will be competent to deal in such a way as to affect the value of the coin and if it is competent, whether a special sanction of the Governor-General would not be necessary. I desire to invite the attention of the House to this. If no amicable settlement is arrived at under sub-section (1) of section 12, the following procedure shall be adopted for settling the debts. The Board shall at first take into full account the economic value of the rupee. But to-day the law of the land is that if a debtor pays in the King's coin the number of rupees mentioned in the contract then he shall be discharged from the obligation. Now this amendment of my Friend, Mr. Koti Reddi, will mean that the King's coin shall not have its legal value but shall have a different value which the Conciliation Board shall fix. That is the position we shall be reduced to. I may perhaps illustrate the confusion likely to result. Perhaps many of you even now would remember that for certain reasons of State the mints in India were closed towards the latter part of the last century. The result was the value of the rupee artificially rose. Indians had firms in Malay States, Singapore, etc., and in French and Dutch Indies where the currency had been the silver dollar. In those countries mints were not closed and there was free mintage of dollars and the result there was that the value of the dollar in the east was very nearly equal to the value of the metal. So, very strange results followed, from the interference with the normal operation of the currency in India. Some of the Nattukkottai Chetti friends of mine who have been trading in the East Indies, and whose firms in the Far East earned enormous profits there, sustained heavy losses really. They had to borrow at Calcutta and Rangoon and remit money to those foreign parts. When they repaid, the profits earned were eaten up by the artificial higher exchange value of the rupee. The difficulties were avoided by the State interfering at a later stage and fixing the exchange value between dollar and rupee at 175. Now all these things were necessary for the purpose of giving the proper normal momentum to trade. My friend (Mr. Koti Reddi) will upset the whole currency laws in his efforts to help the debtor. I consider that the provision contained in this amendment is open to very serious objection and I submit, Sir, your ruling in the matter is necessary."

* The Hon. the PRESIDENT:—"The hon. Member, Mr. Koti Reddi, might know that the principle has been already settled on a former

[The President] [29th January 1936]

occasion and there is no room for his amendment to be discussed at all at this stage. I therefore rule it out of order and call on Mr. C. K. Reddi to move the next amendment standing in his name."

Clause 14.

Rai Sahib C. KOLANDA REDDI:—"Sir, I beg to move—

'For the words "dismiss the application" in line 4, substitute the following:—

"after due enquiry pass an award which shall have the same effect as the agreement referred to in clause 12, sub-clause (1)."

* The Hon. the PRESIDENT:—"As this involves the same objection that has been raised just now, it cannot be moved."

* The Hon. Sir K. V. REDDI NAYUDU:—"I beg to move, Sir—
'that the proviso to clause 14 be omitted.'

"The proviso as it stands is only an enabling provision in the sense that the Government are not bound but that they may, if they like, facilitate payment of debts by granting loans and may realize the amount from the debtors, etc. A provision like this is undesirable in an Act for various reasons. For one thing, Government have by the amendment of the Agriculturists' Loans Act, agreed to pay the amount and if hon. Members expect anything more than that, the objection of the Government will be that it is not reasonable nor is it permissible to bind them to make any payment. Therefore, Sir, this clause is not agreeable to Government and they want it to be removed from this Bill. I may mention for the information of the House that this matter has been discussed by the Government carefully and I have instructions to move that this proviso should be omitted."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

Mr. P. V. KRISHNAYYA CHUDARI:—"We also discussed it very carefully in the Select Committee, and we pointed out that there was some necessity to keep this clause, and as a matter of fact this new clause was added in the Select Committee for the reason that if the Government feels at any time the necessity they can advance loans. The Agricultural Loans Act provides only up to a maximum of Rs. 2,000. Besides it is not compulsory on the part of the Government that they should pay. So I don't see why Government should feel nervous about retaining this proviso. As it is not a harmful clause I appeal to the Hon. the Law Member to retain it as it is. It is there only to meet certain contingencies, but if the Government is not prepared to advance loans, there is no compulsion on them."

Mr. K. KOTI REDDI:—"I don't see why Government is fighting shy of this clause. The Government may occasionally do something. But if it is not prepared nobody can compel it. The Special Officer himself says:—

'If the agriculturist is to be saved, the bulk of his standing debt, at rates of interest ranging usually from 9 to 24 per cent and oftener rising to even 36

29th January 1936] [Mr. K. Koti Reddi]

per cent, must be paid off by some financing agencies (like Government or co-operative societies or land mortgage banks), who at the same time will give the debtor-agriculturists every opportunity of repaying from their income, by charging interest at as low rates as possible and by collecting in easy instalments spread over a long period of years."

"Even to-day not more than six per cent of debtors according to the statements made by the Special Officer have been helped by the co-operative societies; the land mortgage banks have done very little in that direction; unless the Government is prepared to extend a helping hand to the ryots there can be no hope for them."

Mr. P. C. MUTHU CHETTIYAR:—

"கடன்காரருக்கு போர்டார் தீர்மானத்தின்பேரில் 'அக்கிரிகல்சரஸ் லோன் ஆக்டிப்படி' கொடுக்கவேண்டிய கடனைத் தர 'may' என்று ஆபீஸருக்கு இருக்கப் பட்டது. 'may' என்பதற்கு பதில் 'shall' என்று போடவேண்டியது அவசியம்.

"இதை அமெண்டு மெண்டாகவும் கொடுத்திருக்கிறேன். போர்டரில் ஒரு விதமாக சமரச தீர்மானம் ஏற்பட்ட பிறகு அதற்கு கவர்ன்மெண்டார் தொகை கொடுக்கிறார்களென்று ஏற்படுவதானது ஆக்டின் அபிப்பிராயத்தை நிறைவேற்ற செய்ததாக ஆகும். கவர்ன்மெண்டில் கடன் வாங்கிய பிறகு வேறு கடன் உத்தர வன்னியில் வாங்கப்படாது என்று காணலாம்.

"தீர்மானத்தில் நஷ்டங்கள் இருப்பினும் அப்பொழுதே ரொக்கம் வரு வதை எதிர்பார்த்தால் நஷ்டத்தை கருதார்.

"கடன்பட்டவர்களை பிறரிடம் விட்டு வேடிக்கை பார்க்கலாகாது.

"ஹானரபிள் லாமெம்பரவர்கள் இதை மருப்பதானது இந்த ஆக்ட்டுக்கு பலம் கொடுக்காது. கவர்ன்மெண்டு கொடுக்கும் துறைக்கு இந்த ஆக்டிலும் சரியே இனி எந்த ஆக்டு வந்தாலும் சரியே அதை ஒன்றும் பாதிக்கபோவதில்லை.

"ஆகையால் ஆனரபிள் லாமெம்பரவர்கள் முடியாது என்பதை ஆக்டை பிக்குறேன்."

Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, for my part I^{12-30 p.m.} would request the Hon. Member not to press this amendment. If this proviso is omitted, the whole Bill will become useless and they might as well drop the Bill. The various clauses in it are somewhat wishy-washy and the only redeeming feature is the proviso which is now proposed to be omitted. I request the Hon. Member therefore not to press for its omission."

* Sriman M. G. PATNAIK Mahasayo:—"Sir, it is very difficult to understand why the Government have decided to object to this clause. All that it says is that the Government may, if they so choose, pay that amount. It simply gives authority to the Government to do so. It does not compel them at all. That being the case, as I said, I do not understand why the Government should oppose it. Of course a future Government may think that they can find money to fulfil the requirements of this clause; there is no power to compel them to do so. Therefore why should this Government fetter the discretion of their successors? I do not think this Government thinks that it will continue for ever. Some other Government will certainly succeed them. That being the case, I do not see any reason why they should fetter the discretion of the future Government. This amendment therefore should be thrown out."

[29th January 1936]

MR. G. RAMESWARA RAO:—"Mr. President, I do not very much see any force in the contention that this proviso must be retained. If the Government were to act honestly and sincerely they do not require enabling powers of the kind proposed in the proviso. (The Hon. Sir K. V. Reddi Nayudu: 'Quite so.') because, as the Hon. the Law Member pointed out, there is a provision in the Agriculturists' Loans Act, since amended, to enable the Government to grant loans for discharging all antecedent debts. That provision is ample enough if they sincerely desire to help the ryots. It is one thing to say that they have no power and it is quite another thing to say that they are not willing to help the ryots. Here I must state that the Government are not very ready to help the ryots, inasmuch as, under the rules framed, which are very stringent and severe, it is not possible for any tenant to take advantage of any enabling provision. Whatever it may be, it is a matter for framing rules which can be amended in any desirable manner. There is ample provision to go to the rescue of the ryots whenever the Government are so inclined. So this sort of proviso is absolutely redundant inasmuch as there is provision already in other enactments. The proviso does not seem to serve any useful purpose except to throw dust in the eyes of the general public and say, as it were 'Look here, we are going to help you.' It would seem as if the Government has otherwise no power to help them. Let us be sincere to the people and let us help the Government in framing decent rules so that it may, if it wants, go to the rescue of the ryots with the powers with which it is already invested."

* MR. T. C. SRINIVASA AYYANGAR:—"I do not desire to add very much to the observations made by my hon. Friends. However, it may be permissible to point out that without some provision for financing the results of the Conciliation Boards, the Act will remain a dead letter. There must be some provision by which the Government will have to come to the rescue. But one difficulty may be pointed out, as being in the way. We took away the limit fixed on the amounts for the purpose of invoking the aid of the Act. The consequence is that the Government feels apparently aghast at the prospect of very large amounts being found necessary to be provided by them in the event of the Conciliation Boards doing their work briskly and both parties, debtors and creditors developing a desire to come to terms in the hope of getting money which may otherwise not be available. If the proviso is taken away, there is no prospect of the Bill becoming useful. There must be some statement made by the Government that, within certain limits, at least they would come to the rescue. Let it take any shape. And what is the substitute we have for this proviso? There is no use in proceeding with a Bill when there is no prospect of somebody coming to the rescue of the debtors, especially when the efforts of the Conciliation Boards will be to enable debtors and creditors coming to terms with a hope of satisfaction."

* THE HON. SIR K. V. REDDI NAYUDU:—"Sir, there seems to be some misconception about the whole thing. My objection has not been clearly realized, though, of course, my hon. Friend, Mr. Rameswara Rao, has to a large extent explained my meaning in his address."

29th January 1936] [Sir K. V. Reddi Nayudu]

"Sir, my first objection was that this is a meaningless proviso. If it is only a case of 'the Government may do it,' and there is nothing to compel the Government, I do not really see what the use of such a proviso in the Act is."

"Secondly, the point raised by my hon. Friend from Ganjam was that we would be fettering the hands of the future Government and that this Government cannot expect that they would remain in office for ever. He is perfectly right. I am glad that he has kept it in view for the purpose of this Act. The present Government cannot be in existence after the 1st of April 1937. Therefore he need not apprehend that anybody on this side hopes to continue in office for ever just as some people think that they can live till eternity. Whatever it may be, this proviso will, in one way or the other, be fettering the discretion of the future Ministers. In the first place, without this proviso or anything of the kind, the Government of the future will always have the power to spend moneys and help the ryots if they so choose."

"Then, Sir, the hon. Member is perfectly right when he said that in order that this Act may be of some help, moneys must be forthcoming from some source. Hon. Members are aware that, apart from the Agriculturists Loans Act, under the rules framed thereunder the Government have agreed to do their very best up to a maximum of Rs. 2,000 in cases where there is security and where there is a possibility of the return of the money; that is done by rules and it is open to any future Government to raise that figure to Rs. 5,000, or even Rs. 50,000. If they have money, they can give any amount; and if the hon. Member happens to be in this Council at that time, I am perfectly certain he will exert himself to see that that figure is raised as much as he likes. Then there are the land mortgage banks, the ordinary banks and numerous private agencies. All these are there. That being so, by putting in a proviso of this kind, you will be fettering the discretion of the Government and compelling them to spend the moneys of the tax-payers in a particular manner, though of course you are putting it in the form of 'may facilitate.' I think, Sir, that the power of spending the tax-payers' money by any Government, whether it is this Government or the next Government after 1st April 1937, is a matter that should be entirely left to the Ministers of the time—the Crown's advisors. Proposals for such expenditure can only come from the Crown. I should therefore think that there are serious objections for retaining this proviso in this Bill."

The amendment to omit the proviso to clause 14 was put and carried.

Clause 14, as amended, was put and carried.

Clause 15.

MR. K. KOTI REDDI:—"For clause 15, substitute the following:—

'15. It shall be lawful for the Government to pay to the creditors the amount settled under section 12, if any, or under section 13, or the amount reduced by agreement of the creditors and realised

[Mr. K. Koti Reddi] [29th January 1936]

the amount from the debtors in not less than 20 annual equated instalments with not more than 6 per cent per annum interest on the security of the property of the debtor including that set apart for his maintenance.'

"I do not think Government will object to it."

The amendment was duly seconded.

The Hon. Sir K. V. REDDI NAYUDU:—"Sir, this is only trying to put in another form and with some additions the proviso to clause 14 which the House just now rejected. I oppose it."

The amendment was, by leave, withdrawn.

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I move—

'In sub-clause (1) of clause 15—

"(a) In lines 5 and 6, for the words 'ought to reasonably accept,' substitute the words 'ought reasonably to accept.'

(b) In the proviso, in lines 2 and 3, omit the words 'the following.'

(c) For clause (iv) of the proviso, substitute the following clause:—

(iv) the onerous conditions, if any, subject to which the loan was granted."

(d) In clause (vi) of the proviso, for the word 'particular,' substitute the word 'particulars' and for the words 'board thinks desirable,' substitute the words 'board thinks it desirable.'

"Sir, these amendments involve only transposition of words and they are merely verbal amendments intended to make the meaning clear. They may be accepted."

12-45 p.m. The motion was duly seconded.

The amendments were put and carried.

Mr. K. R. VENKATARAMA AYYAR:—"The proviso to clause 15 is really not a proviso. It is only an explanation. What is a fair offer is what we seek to explain. Therefore I move that the word 'provided' be omitted in the first line of the proviso and the word 'the' begun with a capital 'T.'"

The motion was duly seconded.

The Hon. Sir K. V. REDDI NAYUDU:—"I do not see any objection."

The amendment was put and carried.

* The Hon. Sir K. V. REDDI NAYUDU:—"I beg to move the amendment that stands in my name, that is—

'In lines 3 and 4 of sub-clause (3), before and after the words "other than a debt incurred subsequent to such agreement" insert brackets.'

29th January 1936] [Sir K. V. Reddi Nayudu]

"If hon. Members will look at sub-clause (3), they will find that brackets ought to be inserted before and after the words 'other than a debt incurred subsequent to such an agreement,' because the idea is that the words 'in respect of which' should refer to the word 'debt' in line 3 of the sub-clause and not to the word 'agreement' in line 4. If the brackets are not inserted, the words 'in respect of which' may refer to 'agreement' and not to 'debt.' Therefore in order to make the meaning clear these brackets are necessary."

The motion was duly seconded.

The amendment was put and carried.

* Mr. G. RAMESWARA RAO:—"I beg to move the amendment standing in my name, that is—

'At the end of sub-clause (3) add the following:—

"and the twelve years fixed in section 48 of the Civil Procedure Code, shall be calculated from the date on which all such amounts are recorded as paid by the board."

"The intention in moving this amendment is this: sub-clause (3) says 'any decree passed in such suit . . . etc., shall not be executed, etc., until all amounts recorded as payable under such agreement have been paid.' Therefore it disables a subsequent decree-holder from executing his decree in the usual course according to the rules of Civil Procedure Code. But there comes the question of limitation as to where the starting point should be. That must be made clear. If you want to change the law of limitation or any other enactment of a special nature it is but right that we must provide for the change with a good deal of clarity as to when the limitation begins. But according to the Bill as it stands, a subsequent decree-holder is disabled from executing his decree in the ordinary course, and the decree-holder would be entirely in the dark as to when he should start his execution proceedings. He is not in the know as to when the debts were paid. They might have been paid out of court or they might have been paid directly into the hands of the creditor in accordance with agreement. There is nothing for him even by way of caution to know as to when he is entitled to start the execution proceedings. If a record is maintained by the Board and the Board certifies as to the fact of the payment having been made on a certain date, the decree-holder will be put on guard and he would ascertain when the payments were made, so that he may not find that it is too late since the payments were made or that his execution proceedings are barred by law of limitation, even before he began to take steps. I move the amendment."

The motion was duly seconded.

* The Hon. Sir K. V. REDDI NAYUDU:—"I think such an amendment is not necessary. I quite understand that by this amendment the meaning and intention of the clause is made quite clear. The clause as it stands may not carry out the intention. If you allow the parties twelve years' time from the date of recording, it will lead to very many difficulties. A decree might be subsisting for even a larger number of

[Sir K. V. Reddi Nayudu] [29th January 1936]

years than contemplated by the Civil Procedure Code. I think the hon. Member will agree if the period covered by the proceedings before the Board were excluded for the purpose of twelve years limitation. Supposing a decree was passed some nine years before this Act is passed, and there is a period of only three years more for the enforcement of the decree according to the Civil Procedure Code. If the hon. Member suggests that the period of limitation shall count from the date of recording, then it will mean that the decree-holder will have 12 years from that date. That I suppose is certainly not his intention. All that the hon. Member means is that the period during which the party was prevented from executing the decree on account of this Act should be excluded for purposes of the application of the Limitation Act."

* Mr. G. RAMESWARA RAO:—"I want to make it clear as to when the fixed period starts, as to whether it starts from the date when the party comes to know; if not when else it begins to start. That is the difficulty. Therefore I suggest that it shall begin from the date on which a record has been made by the Board."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I think this question may be taken up when we deal with clause 23. Under section 48 of the Civil Procedure Code, also the time during which a decree is not executable may be excluded. Therefore I think this amendment is not necessary now. I suggest that this amendment may be withdrawn now. When we go to clause 23 we may add a new clause if necessary, and clause 23 deals with the provisions relating to limitation."

* The Hon. Sir K. V. REDDI NAYUDU:—"I am afraid it will not be possible to accept the amendment if it is put in that form. Civil Procedure Code is a Government of India Act and if we want to amend any of the sections thereof, we cannot do so without their special permission."

* The Hon. the PRESIDENT:—"I was simply waiting for such an objection being raised by the Hon. the Law Member. The hon. Member, Mr. G. Rameswara Rao, will bring forward a suitable amendment when clause 23 is taken up."

The amendment was by leave withdrawn.

Clause 15 as amended was put and carried.

Clause 16.

* Mr. K. R. VENKATARAMA AYYAR:—"I think that this Bill has not provided for the cases where a clash might arise between the jurisdiction of insolvency courts and the jurisdiction of conciliation boards under this Bill. Clause 16 provides for a bar of entertainment of fresh suits for recovery of claims or for the execution of decrees already passed. What about the liberty of a debtor or a creditor to apply to the insolvency courts or to apply for the continuance of the proceedings already started in the insolvency courts? That is a matter which has not been provided for in sub-clause (a) or (b). If the House agrees

[29th January 1936] [Mr. K. R. Venkatarama Ayyar]

possibly you may have another clause as clause (c). As the Bill stands there is the concurrent jurisdiction of two courts, viz., one, proceedings before the insolvency courts and the other proceedings before the conciliation board, which would only land the parties in clash and confusion. Therefore before we go forward with this Bill, it is essential that we should make a provision on the lines I have suggested. I mentioned this point to Mr. Ramalingam Chettiyar and he was under the impression that a provision had been made already in this clause. This Bill would be glaringly defective if you do not make a provision like that."

* Mr. T. C. SRINIVASA AYYANGAR:—"While I agree that some provision will have to be made to cover cases referred to by my Friend, Mr. K. R. Venkatarama Ayyar, I desire to say that it cannot be by an amendment of this sort. The existing system of laws dealing with this matter is sufficient. When a debt is not paid the creditor without reference to others, can go to a civil court for the purpose of enforcing his obligation. The insolvency jurisdiction is of a different character. It is not a matter between a single debtor and a creditor but it is a case of universal administration by a trustee on behalf of the whole body of unsecured creditors. Such being the case, any provision that is made shall not create difficulties in the way of insolvency administration and should avoid landing the administration in any chaos or confusion. You cannot say that the Official Assignee shall take charge of so many properties and not other properties. That will conflict with the interests of a large number of creditors. That is a matter which will have to be considered both by the Mover of the Bill as well as by the Hon. the Law Member. As to how far this Bill will or will not be in conflict with the insolvency laws, the Government should make a statement upon the policy involved in the Bill and the intention should be expressed by appropriate amendments. That is a matter which will have to be borne in mind before this Bill becomes law."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I think it is a real difficulty. Suppose a case is before the conciliation board and one of the parties wants to apply to the insolvency court. I fear there will be a possibility under the Insolvency Act of stopping the proceedings before the conciliation board. I thought the wording used in the Bill was sufficiently comprehensive, but now I find that it is not the case. If an amendment can be made now without sending the Bill again for the sanction of the Governor-General especially in view of the fact that it is going to be sent to him ultimately for his assent, I propose that we add a sub-clause as sub-clause (3) that an application in insolvency with reference to a matter in issue before a conciliation board be stayed. I have not examined the matter myself, but if it is thought that such a clause can be added without going to the Governor-General for his previous sanction I would agree to it. Otherwise I would rather have the Bill passed as it is and add it by an amending Bill later."

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I concede that the point raised is very important, but as has already been pointed out

1 p.m.

[Sir K. V. Reddi Nayudu] [29th January 1936]

various difficulties come in our way. So far as the Government are concerned, they never thought that even the insolvency proceedings would be affected by this Bill. As has been pointed out, the insolvency proceedings are of a larger import than proceedings under this Bill where matters are amicably settled by agreement between the parties. Such being the case, that the whole law of insolvency should be sought to be affected by this Bill is rather a very serious matter. (Diwan Bahadur T. A. Ramalingam Chettiar: It is only a case of delaying the proceedings.) Not only delaying the proceedings, but for the time being they can be stopped. The Government cannot therefore give any reply to the point at once. For one thing we will have to consider the point. In the second place, although the Provincial Insolvency Act is called a provincial Act it is really an Act of the Government of India and when this Bill was sent to the Government of India for the sanction of His Excellency the Governor-General, this particular provision was not there. The Government of India have no doubt agreed to this clause, but it deals only with civil suits that are to be filed. We cannot say what opinion the Government of India may hold with regard to a clause which proposes to keep the insolvency law in abeyance during the time that proceedings are taking place on a particular matter before a debt conciliation board. It is a large order and as at present advised it is not possible for me to accept the amendment."

Mr. K. R. VENKATARAMA AYYAR:—"I did not move a regular amendment; I only pointed out a difficulty."

Clause 16 was put and carried.

Clause 17.

* Mr. M. DEVADASAN:—"Sir, this clause does not make mention of transfers made before an application is made to a debt conciliation board. Mr. T. C. Srinivasa Ayyangar pointed out some time back that the principles of insolvency law must not come into conflict with the principles which might be accepted in a Bill of this kind. I submit, Sir, that if this clause is accepted there will be serious difficulties. What can a creditor do if a debtor has transferred his property before he makes an application to the conciliation board? Can he go to a civil court? If he wants to go to a civil court, will he not be debarred by the principle of *res judicata*? This point will have to be considered before we accept the principle of the clause. In the case of insolvency proceedings, transfers made within a period of two years before an application for adjudication can be made voidable, but in this case, there is no such provision. This provision will enable an applicant before a conciliation board to transfer his property before he files an application to the board and thus defeat or delay the claims of his creditors. On the other hand it does not in any way afford protection to the creditors. So I suggest that we must provide that transfers made within a period of two months before an application is

[29th January 1936] [Mr. M. Devadasan]

made to the board can also be made voidable in the same way as transfers made after an application is made to the conciliation board. Therefore I move—

'After the word "debtor" in line 2, insert the following:—
"within two months before an application was made and".'

I think I have made only a modest request and I am sure that both the Hon. the Law Member and the hon. the Mover of the Bill will accept my amendment. Even two months is not a sufficient period; at least one year should be the period, but as I feared that the hon. the Mover of the Bill might not agree to it, I have put the period as short as two months. With these words, Sir, I move the amendment."

The amendment was duly seconded.

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I do not quite see how the clause as amended will read. It will be—

'Every transfer of property made, with intent to defeat or delay the creditors of the debtor, within two months before an application was made and after an application has been made to a board. . .'

So far as this amendment is concerned, Sir, I must say that there is some point in it, but I do not know whether the amendment proposed will meet the case. The object of the hon. Mover of this amendment is to prevent transfers of property by debtors made with fraudulent intention some time before an application is made to a conciliation board. But it would be difficult to prove that a person some time before making an application to a debt conciliation board transferred his property with fraudulent intention. But both in the Transfer of Property Act and the Insolvency Act there are some provisions and some periods are fixed. I would like the hon. Member to look into those Acts and examine how far the proposed amendment affects those two Acts. The matter requires some more consideration and I suppose the hon. Mover will have no objection to the question being postponed till after lunch."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, may I suggest one or two more points which may be considered before a conclusion is come to on the amendment? In the first place, clause 17 itself requires consideration. In the Transfer of Property Act there is a general provision that transfers of property made with intent to defeat or delay the creditors is voidable by the creditors. That remedy which is given is on behalf of creditors who are defeated or are likely to be defeated. The avoidance must be a representative action. That is the general principle of law. There are also remedies provided in the Insolvency Act, where irrespective of fraud or the likelihood of defeating or delaying the creditors, the trustee or assignee in insolvency is given, in the interests of the general body of creditors, a right to void certain alienations which are made within a particular time before the vesting order is made. That principle of law is irrespective of

[Mr. T. C. Srinivasa Ayyangar] [29th January 1936]

any consideration of fraud. A right is also given to avoid certain transactions of objectionable character. These are provisions which exist now. Clause 17 contains merely a bald statement. It says:

‘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.’

Unless a new right is sought to be introduced or provided for, for the purpose of this Bill, I do not see the necessity for a provision like this, as the general law contains provisions for necessary remedies. Is it the intention that a suit should be able to be maintained by a single creditor instead of in a representative action as is at present possible? Would it be within the means of a single creditor to file such suit? Again, supposing a creditor brings an action and fails, can another creditor, not a party to the prior action, not bring a second action? In that case it would be very oppressive. Therefore the very provision made in clause 17 deserves consideration from all aspects whether it should exist at all and if it is intended to create a new right and if so, whether it has been adequately qualified. Then the principle contained in the amendment moved by Mr. Devadasan should also be considered. If that amendment is carried, unless a suit is brought within two months of the transfer an artificial validity is conveyed by a bar of limitation to even fraudulent transfers. For if a man were to sue on the 61st or 62nd day, then his suit will not be maintainable and the transfer of property made with fraudulent intention will be made valid. (Interruption.) You and I know how many suits have failed merely because they were late by 24 hours. For all these reasons, I submit that the whole clause, not merely the amendment, requires further consideration.”

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—“Mr. President, Sir, I fear there is, shall I say, a want of understanding of the purport of this section. The section provides for cases in the nature of *lis pendens*. Ordinarily, under the Transfer of Property Act, when proceedings are taken before a court with regard to a certain property, any transfer of the property made during the course of the proceedings will not be binding on the other parties. But that is the ordinary civil law. So something of that nature ought to be provided for. This is a provision only to that extent and nothing more. That is why it is provided that transfers made during the period that an application is pending before a conciliation board is voidable at the option of a creditor. Section 53 of the Transfer of Property Act would not apply to such cases.”

The Hon. Sir K. V. REDDI NAYUDU:—“It is not merely a case of *lis pendens*.”

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—“In ordinary cases of *lis pendens*, any transfer of a property that is the subject of a suit will be subject to the decision of the court in the suit. That is the law. But in this case, the debtor goes before the board of conciliation and all his properties are supposed to be under the jurisdiction of

29th January 1936] [Mr. T. A. Ramalingam Chettiyar]

the board. If he wants to make any transfer of his property during the time his application is under the consideration of the board, the transfer will be subject to the rights of the creditors under section 16. We have to make some provision to safeguard the interest of the creditors. Otherwise during the pendency of these proceedings, all the properties may be disposed of. So, it is proposed that during the pendency of the application, no valid transfer could be made so as to affect the creditors. If my hon. Friends will look at the provision from that point of view, they will see that the provision is necessary and is not covered by any other clause in this Bill. This special provision is necessary in this case.”

* Mr. G. RAMESWARA RAO:—“Mr. President, I would request the Hon. the Law Member to examine sections 53, 54 and 55 of the Provincial Insolvency Act and sections 51 and 52 of the Transfer of Property Act and to see how far this provision will fit in with the rest. The hon. Mover of the Bill wants that every such transfer shall be voidable at the option of one of the creditors. No provision is made for a transaction on the eve of insolvency though it provides for a transaction subsequent to the date of filing of the application. Even then it does not conform to the principle underlying the Insolvency Act. It is quite essential that the provisions of the Provincial Insolvency Act and of the Transfer of Property Act, I referred to above, should be examined. This is a matter in which no limitation is prescribed. If the court deems it fraudulent, it might deem it void. As has been observed by my hon. Friend, Mr. Srinivasa Ayyangar, this clause provides for a series of suits at the instance of each of the individual creditors to harass the debtor or his alienee time after time till the end of eternity; if one suit fails, another suit may be brought. If a transfer is considered not fraudulent, it must be decided once for all and no second agitation should be allowed on the point. The provision here that every transfer shall be voidable at the option of any creditor, encourages multiplicity of suits and there will be no end to litigation. There will be much harassment of the debtor. I request the Hon. the Law Member to examine the various sections on the subject and put forward a favourable draft so that there will be no more difficulty.”

* Sriman M. G. PATNAIK Mahasayo:—“Sir, in the course of discussion of this Bill, so many defects have come to light. The Hon. the Law Member says that these defects cannot be rectified without the sanction of the Government of India. If the sanction of the Government of India is necessary, it must be obtained and there is no use of passing unsatisfactory legislation. This is a very important measure and the administration of this Act is going to be beset with various difficulties. I think that we should not allow this Bill to be passed at all. The best thing is to examine carefully all the provisions and to remedy all the defects, with the sanction of the Government of India, if necessary. Without that being done, there is no use of rushing through this Bill. I do not know how the defect in this clause escaped the notice of all persons. Unless the arbitration pro-

[Sriman M. G. Patnaik Mahasayo] [29th January 1936]

ceedings are binding on the debtor and the creditor, the whole scheme of the Act is useless. Now, nobody will seek the assistance of the conciliation board; people would rather go to the Insolvency Court and file a suit, instead of seeking the assistance of the conciliation board. If the Legislature or the Government or the author of the Bill wants that this provision should help the people, all these defects must be rectified. There is no good of proceeding with this measure with all its defects, apparent on the face of it. I strongly urge that this Bill should be carefully examined with reference to all the provisions suggested by my hon. Friend, Mr. Rameswara Rao. Otherwise, there will be proceedings running parallel to one another in different courts. What is the good of that? Nobody wants that state of things to exist. We know the defects of the measure; even at this late stage, let us try to remedy them."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I suggest that the consideration of clause 17 might be postponed, till after lunch." This suggestion was agreed to by the House.

Clause 17-A.

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I beg to move the amendment standing in my name:—

'For clause 17-A substitute the following clause:—

"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 a fraudulent preference under the Presidency Towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920, nor shall such alienation be voidable under section 53 of the Transfer of Property Act, 1882."

This is merely recasting the clause with a view to make the meaning clearer."

Mr. G. T. BOAG:—"I second it."

* Mr. G. RAMESWARA RAO:—"Sir, I would say that alienation that is made permissible ought to be safeguarded by giving notice to all the creditors. The transfer may be a nominal one or it may be a fraudulent one. Inasmuch as this clause deprives the ordinary courts of their powers to give a finding on the merits of the case, the alienation should not be considered good, unless it is permitted after notice is given to all the creditors. If notice is given to all the creditors, the land will fetch its best value and the creditors may be satisfied to the fullest value of the land. Then only, the alienation will be above criticism in any court of law which is seized with jurisdiction over such matters. I urge that the words 'after notice to all the creditors' should be added after the word alienation in line 1. If notice is given to all the creditors, any one of them may offer the highest price for the land; in that case, both the creditors and the debtor will be benefited. I hope the Hon. the Law Member will see the justice of my statement; if it is

29th January 1936] [Mr. G. Rameswara Rao]

intended that the land must fetch its highest value, the purpose will be best served by effecting alienation after notice is given to all the creditors concerned. With these words I move the following amendment standing in my name:—

'After the word "alienation" in line 1, add the following:—
"after notice to all the creditors".'

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I second the amendment. I desire to invite the attention of the House to the original clause 17-A as well as to the clause sought to be substituted by my Hon. Friend, the Law Member. In both the cases the provision is this; if a decision were arrived at by conciliation by the board, any alienation for a fair price made in pursuance of or to carry out the agreement mentioned in section 12 shall not be considered as a fraudulent preference. The transfer may be without the permission of the board or without adequate notice to the parties concerned; otherwise the property sought to be transferred might have fetched a higher price; the creditors will be prejudicially affected if notice is not given to them. My friend, Mr. Rameswara Rao, has brought forward this amendment to see that assurance of a fair transfer is given and at the same time the possibility of litigation against the transfer is also avoided. Where is the guarantee that the transfer is bona fide without the sanction of the board or that the price fixed is fair unless the people who are affected by the transfer have an opportunity of saying whether the price is fair or not?"

The House then adjourned for lunch.

(After Lunch—2-30 p.m.)

New clause 12-B.

* The Hon. the PRESIDENT:—"We shall now take up new clause 12-B as proposed by Mr. Krishnayya Choudari."

* The Hon. Sir K. V. REDDI NAYUDU:—"May I make a statement on that point, Mr. President, before we proceed? I am told that I was not clear this morning and so, I want to make the position quite clear. So far as sub-clause (2) is concerned, it will have to be withdrawn; otherwise, I am afraid the Government cannot agree to the new clause. So far as the first sub-clause is concerned, the Government would agree to it provided a date is fixed, the principal on which date will be the guiding figure for purposes of doubling, etc."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I also mentioned this morning that the understanding the other day was that of the two sub-clauses here, the second would be withdrawn. The Hon. the Law Member has just now stated that there should be a modification of the first sub-clause also, with reference to the date. Even though Mr. Krishnayya Choudari and I think that such a course would not give relief to as many people as we want, still, out of

[Mr. T. A. Ramalingam Chettiyar] [29th January 1936]

deference to the views expressed by the Hon. the Law Member and to facilitate a settlement of the question, I shall move the amendment that has just been circulated to Members. It is in these terms:—

'In the amendment of Mr. P. V. Krishnayya Choudari, to insert a new clause 12-B, in paragraph (1), at the end, omit the words "of the principal" and substitute the words "due on the 1st of June 1933".'

I also formally move that the second sub-clause of Mr. Krishnayya Choudari's amendment may be omitted. As I said, Sir, it is only as a compromise that I am moving this amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, last time when we discussed this question, the hon. Member informally accepted the first portion of my amendment; and it was also agreed that I should withdraw the second portion. This morning, however, he stated that it would be desirable to have some date fixed; but if the date is to be fixed in respect of the first portion of my amendment, I am afraid the amendment will serve no useful purpose at all."

* The Hon. the PRESIDENT:—"Is the hon. Member opposing the amendment moved by Mr. Ramalingam Chettiyar?"

Mr. P. V. KRISHNAYYA CHOUDARI:—"I am not opposing; I am just appealing to the Hon. the Law Member. . . ."

* The Hon. the PRESIDENT:—"My difficulty is that the amendment has not been seconded yet. If the hon. Member will first second it and then proceed, that will be better."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second the amendment, Sir."

Mr. P. V. KRISHNAYYA CHOUDARI:—"If it is now proposed to fix a date in regard to the first portion of the amendment"

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I am sorry, Sir, I have to modify my amendment slightly. We were thinking only of past debts; this bill will apply for the future also. I, therefore, beg leave to withdraw my amendment. I shall move a fresh one."

The amendment was by leave withdrawn.

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I move the following amendment:—

'Omit sub-clause (2) of new clause 12-B (as proposed by Mr. P. V. Krishnayya Choudari), and add at the end of sub-clause (1) the following:—

"and if the debt was incurred before the first day of June 1933 twice the amount due on the first day of June 1933".'

Mr. K. R. VENKATARAMA AYYAR:—"I second that amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Before I withdraw the second portion of my amendment, I want to appeal to the Hon. the Law Member to accept it, for the benefit of the people. When once

29th January 1936] [Mr. P. V. Krishnayya Choudari]

we agree to fix a date in regard to debt conciliation, there is no reason why we should not agree to the second portion of my amendment. If, however, he cannot agree to it, I withdraw that portion."

* The Hon. the PRESIDENT:—"Will Mr. Ramalingam Chettiyar read out his amendment once again?"

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Mr. Krishnayya Choudari's original amendment reads thus:

'Insert the following as new clause 12-B:—

"12-B. 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".'

"The whole of it will remain. We then add the following to it:—

'and if the debt was incurred before the first day of June 1933, twice the amount due on the first day of June 1933.'

* The Hon. Sir K. V. REDDI NAYUDU:—"Of course I accept the amendment; but I am afraid the wording is not quite clear, to carry out the full intention that is agreed upon. The intention, as far as I understand, is this: that in regard to debts which had already been contracted before that date, their figure will be that which was due on that date, and the settlement should not be for an amount exceeding twice that amount. In the case of moneys lent subsequent to that date, the figure will be the amount of the principal, beyond doubling which the board cannot go. That being the intention, I am not quite clear whether the word 'and' after the word 'principal' will carry out the meaning. Therefore, I submit that subject to drafting and provided the intention is carried out, I agree to this."

* The Hon. the PRESIDENT:—"I think the House is ready for a vote. The question is—

'Omit sub-clause (2) of new clause 12-B (as proposed by Mr. P. V. Krishnayya Choudari), and add at the end of sub-clause (1) the following:—

"and if the debt was incurred before the first day of June 1933 twice the amount due on the first day of June 1933".'

The amendment was put and carried.

Raj Kumar M. A. MUTHIAH CHETTIYAR of Chettinad:—"Mr. President, I beg to move the amendment standing in my name, namely—

'in the amendment of Mr. Krishnayya Choudari, add the following at the end:—

"Provided that in cases where any debt was renewed, the amount of the renewed debt shall be the amount of the principal".'

[Mr. M. A. Muthiah Chettiyar] [29th January 1936]

Sir, the object of moving this amendment is this. I agree with the clause that the debtor should not be made to pay more than double the amount; but the question is how this double amount should be computed. I think the legislature should at this stage itself make it very clear how they want to apply this principle. I shall illustrate it. Suppose a person borrowed in 1900 a sum of Rs. 1,000 under a mortgage and paid interest of a few hundred rupees and has not paid the principal, but renewed the bond somewhere about 1910 and again somewhere in 1920. A suit is filed in 1926. It may be that a suit is filed for Rs. 4,000 and another for Rs. 500 for interest. Is it open to the debtor to say that he borrowed only Rs. 1,000 in 1900? Under the provisions of this enactment, is he bound to pay Rs. 2,000, though he had paid interest during the previous 26 years even more than Rs. 2,000 and claim a further repayment from the person who lent the money first? I shall just illustrate an extreme case. Even assuming the whole transaction is re-opened from the beginning, it will come to more than Rs. 2,000 and wherever it is renewed, the renewed amount should be made the capital. There may be instances where the debtor might have paid a certain portion of interest and for the rest executed a renewed bond. Is it not fair that the amount becomes the principal; and if the debtor had returned the entire amount, the creditor would certainly have lent that amount to another person and earned interest in respect of the whole transaction. After all, one has to be careful that a suit is not filed for more than double the amount mentioned in the document. That is the object of the amendment. I do not think I am cutting against the main provisions of the bill in regard to the time-limit."

* Mr. T. C. SRINIVASA AYYANGAR:—"I second the amendment, Sir. There is something to be said for and something against this amendment. There is necessity for introducing a provision like this. We are familiar with the transactions which are known as *tavanai* transactions, i.e., deposits which are renewed regularly after fixed intervals. That being so, the question would arise what is the meaning of the words 'amount of principal.' It will be a matter of difficulty if the same firm continues to keep the deposit renewing it; and are we to take the original loan or the amount of loan which stands at the third or fourth renewal. Here, the wording as it is, is likely to drive people into court much quicker than they would otherwise do. In the circumstances, the amendment deserves to be considered."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Mr. President, I am sorry that the very object of the amendment proposed by my hon. Friend, Mr. Krishnayya Choudari, will be defeated by accepting the amendment now sought to be introduced. What will be done is, every six months there will be a renewed pro-note and interest will be added on to the principal. So, the result will be that the rule which is supposed to apply to the benefit of the debtor will apply to his detriment because the creditor will try to take new pro-notes. I think it will be most subversive of the very object of the Bill if this amendment is accepted. I do not think we are going to do any good

29th January 1936] [Mr. T. A. Ramalingam Chettiyar]

by this Bill if we are going to accept such amendments. I would much rather prefer the dropping out of the whole amendment rather than accept this amendment. It is a dangerous thing to which Mr. Satyanathan in his report has referred. He refers to a case of Rs. 100 lent after a time swelling to Rs. 4,000 by adding interest to the principal and going on renewing the pro-note. It is to avoid such things that we want legislation."

* Mr. K. R. VENKATARAMA AYYAR:—"Mr. President, if you want to give effect to the principle of *damdupat*, it is no use recognizing these *tavanai* transactions of accumulating principal and interest, as it would mean the very negation of the law of *damdupat*. If relief is sought to be given to agriculturist debtors, then obviously there can be no play for this sanctity of compound interest. If on the other hand, you think there should be the freedom of contract between the lender and the borrower, then you must get rid of the ancient rule of *damdupat* as obsolete and out-of-place in modern times. Real benefit could be secured to these agriculturists only by a wise adjustment of the ancient rule of *damdupat* to modern conditions. On the one hand, you should not make it impossible for them to get loans by erecting too stiff a barrier of a moral standard; on the other hand you should try to relieve them against transactions which in their nature tend to be *usurious*. Now, the fair way to reach a result is by adopting some such compromise as after considerable cogitation and exchange of ideas we have been able to reach this morning. I think we have reached a wise solution when we have adopted this law of *damdupat* in part. Now to go back to the idea of upholding *tavanai* transactions is, I think, to deal a death-blow to what we have already agreed about."

The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I think the amendment which has just now been passed after an agreement on both sides is a sufficient protection to the creditors and I feel that no further protection is justified."

Raj Kumar M. A. MUTHIAH CHETTIYAR of Chettinad:—"Sir, the Hon. the Law Member said that the amendment which has just now been passed is a sufficient protection. I only wish to remind the House that that protection is only with regard to transactions up to 1933, but what about transactions or suits which may be filed in 1940?"

"Then, Sir, with regard to what has been stated by the hon. Member from Madura who knows '*tavanai*' transactions so much, I am very sorry to differ from him as to his interpretation of '*tavanai*.' With his long experience, I am sure he would have seen cases where '*tavanai*' transaction is considered very sacred; and in regard to date as to the payment of interest, it is considered to be the date on which interest automatically accrues or the principal and interest is paid. I am not referring to '*tavanai*' alone because it is peculiar to a community of bankers who are accustomed to banking transactions and who are very careful about keeping credit on particular dates of payment; but I am referring to ordinary transactions which are covered by mortgages. Even in such cases there will be hardship felt. That is the object of my amendment."

[29th January 1936]

* The Hon. the PRESIDENT:—"I will put the amendment to the vote of the House. The question is—

'In Mr. Krishnayya Choudari's amendment, add at the end the following words:—

"Provided that in cases where any debt was renewed, the amount of the renewed debt shall be the amount of the principal."'

The amendment was put and lost.

New clause 12-B as amended was put and carried.

Clause 17.

* The Hon. the PRESIDENT:—"Clause 17 (Mr. Devadasan's amendment is now under consideration).

Mr. G. RAMESWARA RAO:—"Clause 15, Sir."

* The Hon. the PRESIDENT:—"I think the understanding was that when we go to clause 23, a suitable amendment might be proposed for clause 23 and not clause 15. I saw notice of an amendment given by the hon. Member. He can deal with it when we come to clause 23."

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I think clause 17 is quite all right provided my amendment is carried. My amendment is only a reproduction of the words in the Central Provinces Act which have been omitted from the clause. Hon. Members will see that some dots are put in in the Bill; i.e., after the words '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.' Then you find some dots; that portion has been removed by the Select Committee that is the portion which is found in the Central Provinces Act. Those words are 'and until the agreement registered in pursuance of which application has been fully carried out.' That is, you limit the period to the close of the proceedings in the arbitration courts. If we omit that portion, it would mean that the clause will apply for all time, even after the proceedings are closed. In order to save that, I move the following amendment of which I have given notice, namely:—

'After the words and figure "under section 4", insert the words—

and until the agreement registered in pursuance of such application has been fully carried out".'

* The Hon. the PRESIDENT:—"But it has been agreed that amendment 51-A moved by Mr. Devadasan should be considered."

* The Hon. Sir K. V. REDDI NAYUDU:—"Yes, Sir, I am coming to that. If my amendment is accepted no further amendment would be necessary and the two months rule will be a very difficult one. My reasons are these."

* The Hon. the PRESIDENT:—"There is no difficulty in discussing the two amendments together."

[29th January 1936]

* The Hon. Sir K. V. REDDI NAYUDU:—"My submission is this: Government cannot accept the amendment of Mr. Devadasan for this reason: In the first place we have got the Transfer of Property Act. We have also got the provisions of the Provincial Insolvency Act. I am afraid that to incorporate such a provision also in this Bill would lead to difficulties. After all to give jurisdiction to this Board to enter into the question of fraudulent transactions or otherwise of transactions that took place even before the matter came up before this Board would be giving them a jurisdiction which would not be justifiable: It is enough in the opinion of the Government that they are given power only in regard to transactions that have taken place while the matter is pending before this Board on the principle of the doctrine of *lis pendens* and certainly the existing provision would cover such cases. It means this. During the period these proceedings are pending before this body created under this Act for all practical purposes it will be considered a court. In other words to alienations made when the proceedings are pending before this Board the doctrine of *lis pendens* will apply and any extension of the period would not be justifiable. I therefore oppose the amendment moved by Mr. Devadasan. I move my amendment."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

* The Hon. the PRESIDENT:—"The two amendments before the House are these: The first is the amendment of Mr. Devadasan, i.e.—

'After the word "debtor" in line 2 insert the following:—
"within two months before an application was made and".'

"The Law Member's amendment is as follows:—

'After the words and figure "under section 4" insert the words
'and until the agreement registered in pursuance of such application has been fully carried out".'

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I quite agree now with my Hon. Friend, the Law Member. I say this as I raised a doubt this morning. The matter has been to a certain extent set at rest. He says this is a special remedy given to cover a possible set of new cases, and that this Court, namely, the Board of Conciliation will not usurp the functions of the ordinary Civil Courts under the Civil Procedure Code or the authorities under the provisions of the Presidency or Provincial Insolvency Acts. But if cases of fraudulent alienation which may be made between the date of the presentation of the application and the final adjudication of application by the Conciliation Board do come to light they must be capable of being relieved by a less costly and less cumbersome procedure. The Hon. the Law Member's amendment fixes the time-limit to that extent and it is a very agreeable amendment. It is necessary in these circumstances that the remedy so provided should be capable of being given by the Board of Conciliation itself on application. I therefore move my amendment—

'For the words "shall be voidable at the option of any creditor so defeated or delayed" substitute the following:—

"shall be voidable by order of the Board on application by the creditors so defeated or delayed."'

[Mr. T. C. Srinivasa Ayyangar] [29th January 1936]

"The amendment which I now move is for two possible reasons. One is it is not voidable by an application on the part of any single creditor. Else another creditor may again move and thus there may be endless succession of applications. To avoid successive applications the amendment provides for application on behalf of all creditors. In such applications all may join or some may move giving notice to others and such a procedure may be provided for by rules. Therefore along with the amendment of the Hon. the Law Member, the amendment I move will have the desired effect of limiting the jurisdiction and at the same time conferring jurisdiction upon the Board to avoid fraudulent transactions, by the summary process of applications."

Mr. P. PEDDI RAJU:—"I second it."

* Mr. K. R. VENKATARAMA AYYAR:—"I desire to associate myself with the Law Member's amendment. The object of this legislation is to leave unaffected as far as possible the general law in the ordinary proceedings before the civil courts. The object of this legislation is as far as possible to regulate the proceedings and procedure before the Board of Conciliation specially set up under this Act. In that view, any provisions which are in the nature of substantive law must be so framed as not to outstep the needs of the special legislation. We are enacting in a general way by way of amendments to various well-known provisions already existing in the statute law principles embodied in those provisions. We have only to provide against particular cases of mischief of fraudulent transfer after the initiation of proceedings for the settlement of a debtor's debts. That particular mischief is sufficiently provided against by the enactment of a clause such as is now put in under clause 17 with the amendment introduced by the Hon. the Law Member. You limit the provision to the particular case of fraudulent transfer after the initiation and before the completion of proceedings under this Act. That ought to be the limited purpose for which such a clause ought to be enacted. Then the question naturally arises who is the authority by resorting to whom this avoidance of the fraudulent transfer is effected. If you left it unspecified, which you would have done but for Mr. Srinivasa Ayyangar's amendment, the final authority would be the ordinary civil court without resorting to which you cannot fulfil the purpose. That would mean dilatory legal proceedings. Side by side you would have to institute parallel proceedings before the ordinary civil court for the avoidance of fraudulent transfer. That would introduce embarrassment and cumbersomeness which ought to be avoided. It is for that reason Mr. Srinivasa Ayyangar's amendment specifies that the avoidance must be by the Board on a summary application made under the rules according to which notice may be issued to the other creditors. I think in the light of these observations the House may proceed to vote."

* Sriman M. G. PATNAIK Mahasayo:—"The Hon. the Law Member explained that it is only a summary jurisdiction given to the conciliation board. So questions of validity of fraudulent transactions might not be considered by that Board and my friend, Mr. T. C. Srinivasa Ayyangar, accepted that proposition. If so I do not see how he can now ask for fraudulent transaction being set aside by the Board

29th January 1936] [Sriman M. G. Patnaik Mahasayo]

itself. Of course the clause referred to simply says that the right is given to a creditor or creditors to move the appropriate court of law to set aside any alienation made during the pendency of the proceedings before the conciliation board. If that is so I absolutely see no reason why the board should go into the complicated question whether an alienation is fraudulent or not. If you want to invest the board with any such jurisdiction I think the board also should be empowered to go into the question of any fraudulent transaction previously made, before the application. Why should this conciliation board be empowered to consider the question of transfers during the pendency only? It is not all transfers but only such transfers as have been made with a view to defeat or delay the creditors that come within the clause. The question will have to be gone into by the conciliation board. If the board decides one way or the other the next question will be, will there be an appeal and if so to whom? So unless all these things are provided for I do not think this amendment will be of any use. My friend has also stated that there should not be a number of applications but all the creditors who are so defeated or delayed must join. That is another difficulty. Of course one person cannot do it. Therefore there will have to be a regular enquiry by the board; a new civil court will have to be constituted. So on these grounds the enquiry into the transfer will become very cumbersome. Then the scheme of the Act is that the execution should be left to the ordinary court.

"If that is so, I do not see why the amendment of Mr. T. C. Srinivasa Ayyangar should be accepted, especially when he has accepted the principle laid down by the Hon. the Law Member. He said it was only a summary procedure, that the application of the doctrine of *lis pendens* should be provided for on the lines on which relief had been afforded under the Central Provinces Act and that only the limits of the period have been fixed and not the way in which it should be worked out. Therefore, I oppose the amendment."

* Mr. M. DEVADASAN:—"Mr. President, Sir, I feel I am bound to make my position clear, and in doing so I oppose the amendments moved by Mr. T. C. Srinivasa Ayyangar and the Hon. the Law Member. I submit, Sir, that the alienations referred to in that clause relate to the transfers of property during the pendency of the proceedings before the board. What is sought to be achieved by my amendment is to protect the creditors against alienations or transfers of property which one might be tempted to make before he resorts to the conciliation board. So far as the petitioner is concerned, there is less room for him to do mischief after he resorts to the conciliation board. But if this principle is accepted, there is greater room for mischief being done. When we take up the case of any petitioner, either debtor or creditor, we always consider and examine the outstanding assets and liabilities of any petitioner before the application is made and then work out a settlement. It is the duty of the Members of this House to prevent any petitioner from doing mischief even before he resorts to the conciliation board, and we cannot confine our assumptions only to cases of mischief, as my hon. Friend, Mr. K. R. Venkatarama Ayyar, said, which one might feel tempted to do during the pendency of the

[Mr. M. Devadasan] [29th January 1936]

proceedings before the conciliation board. Once he resorts to the conciliation board, he has to obey the conciliation board and then he cannot do so much mischief as he can before he resorts to the conciliation board. The question of *lis pendens* is applicable to transfers made during the pendency of proceedings before the board. If the principle is accepted, there is no necessity for a clause of this kind at all. Apart from my amendment, I think the whole question will be solved in this way. If we remove the words 'after an application has been made to a board,' then it will read that any transfer made either before or after application is made to the board shall be voidable at the option of any creditor or debtor so defeated or delayed. In that case, the clause can be made more comprehensive, and there cannot be any possibility of any mischief being done either before or after one resorts to the conciliation board. With these words, I oppose the amendment."

* The Hon. the PRESIDENT:—"Is the hon. Member pressing his own amendment?"

Mr. M. DEVADASAN:—"Yes, Sir."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I have already said that the idea of this provision was to introduce something in the nature of the provision in the Transfer of Property Act relating to *lis pendens*. I also said that it was not the intention that this section should take the place of the provisions in either the Transfer of Property Act or the Provincial Insolvency Act with reference to the avoidance of fraudulent transactions. This will not affect them in any way. So, my hon. Friend, Mr. Devadasan, will realize that there will be no need whatever for introducing his amendment, viz., that any transfer within two months prior to the application should be void, because the ordinary provisions in the Insolvency Act will remain, and if any insolvency petition is filed, the provisions in the Insolvency Act will also apply. He also said that if the words 'after an application has been made to a board' are removed, he would have no objection. Then, there will be no need for the clause at all, because the clause as it will then stand will be covered by the Transfer of Property Act.

"This is only by way of introducing the principle of *lis pendens*. If it is so, then the question will be asked, why do you want to introduce the clause when there is a clause which refers to *lis pendens* in the Transfer of Property Act. It may be seen that it is only to the transfer of the suit properties that the section of the Transfer of Property Act will apply. A transfer will not be binding on the other parties to the suit. That is the provision in the Transfer of Property Act. Here the persons come before the board and not the properties. It cannot be said that the immovable property is the subject-matter of litigation here. So, the *lis pendens* in the Transfer of Property Act will not apply. That is why we wanted that some provision should be made in this Bill of the nature of *lis pendens*. Such being the case, as was explained by Mr. K. R. Venkatarama Ayyar, we want to make it as much limited to the object of the Bill as possible. That is why to the extent necessary we have made it applicable, and the present

29th January 1936] [Mr. T. A. Ramalingam Chettiyar]

amendment of the Hon. the Law Member reinstating the Central Provinces provision will make that object quite limited to the four corners of the Bill, namely, during the time an application is pending before the board and an agreement is entered into and worked out. Only during that time this provision will apply, neither before nor after. So, it is confined to the strict limits of the objects of the Bill, and no objection can be raised on that score.

"Then, the question was raised, why do you want to give power to the board for that purpose under the amendment proposed by Mr. T. C. Srinivasa Ayyangar? Otherwise, what will happen? There will have to be a regular suit in the civil court. Our object is to have a summary remedy and avoidance of expenditure. Both these objects will be frustrated by allowing recourse to ordinary suits in a court of law. That is my answer to Mr. Patnaik when he objects to jurisdiction being given to the board for settling this matter. After all, the board is going to decide only questions of transfer after the application is filed and before an agreement is come to and is worked out. Such being the limitation of the jurisdiction that is given to the board, I beg to submit, Sir, this is a case in which speedy remedy and speedy decision are absolutely necessary, the provisions of this Act cannot be otherwise worked out at all. Under those circumstances, I oppose the amendment proposed by Mr. Devadasan and accept the other two amendments proposed by the Hon. the Law Member and Mr. T. C. Srinivasa Ayyangar."

* The Hon. Sir K. V. REDDI NAYUDU:—"I have only to add that the arguments advanced fully show the need for my amendment and that of Mr. T. C. Srinivasa Ayyangar, and the reason why we cannot accept the amendment of Mr. Devadasan. I have only to say this, namely, that the object of this clause is for the purposes of this Act alone. It will not affect the Transfer of Property Act. It will not affect the Provincial or the City Insolvency Acts. It is intended only for the purpose of removing difficulties that may arise in the course of the proceedings in these boards. For instance, if a debtor should, while the proceedings are pending before the board, transfer his property and thereby creates difficulties for the board in its attempt to settle the debt and make arrangements for its discharge, this clause will apply. Under those circumstances, Sir, the Government will not object to the amendment of Mr. T. C. Srinivasa Ayyangar."

* The Hon. the PRESIDENT:—"I think the House is ready for a vote. I will first put Mr. Devadasan's amendment."

Mr. M. DEVADASAN:—"In view of the explanation of the Hon. the Law Member, I beg leave to withdraw my amendment."

The amendment was by leave withdrawn.

* The Hon. the PRESIDENT:—"I will put the Hon. the Law Member's amendment to the vote of the House. The question is:

'After the words and figure "under section 4," insert the words "and until the agreement registered in pursuance of such application has been fully carried out".'

The amendment was put and carried.

[29th January 1936]

* The Hon. the PRESIDENT:—"Mr. T. C. Srinivasa Ayyangar's amendment is for the vote. The question is:

'For the words "shall be voidable at the option of any creditor so defeated or delayed," substitute the following: "shall be voidable by order of the board on application by the creditors so defeated or delayed".'

The amendment was put and carried.

Clause 17 as amended was then put and carried.

Clause 17-A—cont.

Consideration of the amendments of the Hon. Sir K. V. Reddi Nayudu and Mr. G. Rameswara Rao, moved before lunch, was resumed.

Mr. G. RAMESWARA RAO:—"After the agreement come to between the Hon. the Law Member, myself and Mr. T. C. Srinivasa Ayyangar, I do not press my original amendment No. 55 which I moved before lunch."

The amendment was by leave withdrawn.

* M. T. C. SRINIVASA AYYANGAR:—"Sir, in the amendment to clause 17-A moved by my Hon. Friend, the Law Member, I move—

'Insert the words "with the sanction of the board" after the words "a fair price made."'

I may at once mention the object of the amendment. Clauses 17 and 17-A should be read together. For the purpose of the efficient functioning of the Act and relief to be given, bona fide transfers should be protected. It is to avoid any fraudulent transfer that clause 17 was enacted. Now clause 17-A carries out the converse idea. That is, if any bona fide alienation has been made for a fair price for the purpose of carrying out the agreement that might have been arrived at and to give effect to it and also with the permission of the board, no court whether functioning under the Provincial Insolvency Act or the Presidency Insolvency Act taking cognizance of a suit under section 53 of the Transfer of Property Act shall call this alienation into question, because the provision for approval of the board would guarantee the propriety of the transfers. If it is to avoid any collusive transfer that the amendments were proposed by Mr. G. Rameswara Rao, that object has been achieved by the insertion of this expression 'with the permission of the board.'

The motion was duly seconded.

3-30 P.M. * The Hon. the PRESIDENT:—"The motion is:

'In the amendment of the Hon. the Law Member, after the words "a fair price made," insert the words "with the sanction of the board".'

"Both amendments are for the discussion of the House."

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

29th January 1936]

* The Hon. the PRESIDENT:—"I will now put the Hon. the Law Member's amendment, as amended, to the vote of the House."

"The question is:

'For clause 17-A, substitute the following clause:—
"17-A. Any alienation of land for a fair price made with the sanction of the board in pursuance of or to carry out the agreement mentioned in section 12 shall not be considered as a fraudulent preference under the Presidency Towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920, nor shall such alienation be voidable under section 53 of the Transfer of Property Act, 1882."'

The amendment was put and carried.

Clause 17-A as amended was put and carried.

Clause 18.

Rao Bahadur P. C. MUTHU CHETTIYAR:—"I beg to move—

'For clause 18, substitute the following:—

"18. An application for revision shall lie against any order passed by the board and also an appeal shall lie to the civil court against any order passed by a board."'

The hon. Member spoke in Tamil in support of the amendment:—

"போர்டு தீர்மானம் பைனலாக கண்டிருப்பது போர்டு. சரியல்ல. ஆனால் பார்டிக்கு சமாதானம் இல்லாதிருந்தால் சிலில் கோர்ட்டுக்கு போர்டு தீர்மானம் துக்குமேல் ரிவிஷனோ அப்பீலோ இருக்கவேண்டும். இதுதான் பொருத்தமாகும். அதிகாரிகளுக்கே நியாயத்தில் அதிக ஜவாப்தாரித்துவத்தை உண்டாக்கும், பார்டியினிடத்தில் அவர்கள் நடந்துகொள்வதில் சில சந்தர்ப்பம் கோபம் உண்டாகும். நியாயம் இதுதான் என்று இருந்தாலும் எனக்கு இப்படித்தான் மாற்றி செய்யவேண்டுமென்று தோணுகிறது என்று தீர்மானம் செய்வார்கள். முடிவான பவருடைய அதிகாரிகளிடம் இந்த குணங்களை எல்லாம் அறிகிறோம்."

"பல காரணங்களை உத்தேசித்து ரிவிஷனோ அப்பீலுக்கோ இடமிருக்க வேண்டும்."

"கிளாஸ் 19-ல் போர்டார் தவறு தெரிந்தால் அவர்களாக ரிவிஷன் செய்ய அதி காரம் கண்டிருப்பது போர்டு. பார்டிக்கு இருக்கவேண்டும்."

For want of a seconder the amendment was declared to have fallen through.

Clause 18 was put and carried.

Clause 19.

The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I beg to move—

'In line 3, before the words "review any order," insert the words "or on its own motion at any time."'

"The amendment is self-evident and I am sure it will be accepted."

Mr. P. PEDDI RAJU:—"I second it."

The amendment was put and carried.

11, 32 N 36
N 36.79

[29th January 1936]

Mr. G. RAMESWARA RAO:—"I move—

*"In the proviso, omit the words "and be heard" and add the following at the end:—**"and hearing them, if they choose to be heard."*

"Mr. President, Sir, the original clause states 'and be heard.' It looks as if it was entirely obligatory on the part of the board to hear the parties, but it does not make any provision for the parties concerned not appearing before it and claiming audience. I am only providing for a case where a man served with a notice does not choose to respond but sleeps away in his house, in which case the board ought not to be statutorily under an obligation to go to him and hear him. This is only a verbal amendment."

The Hon. Sir K. V. REDDI NAYUDU:—"There is notice given to appear and be heard; it is not necessary that the board should wait."

Mr. G. RAMESWARA RAO:—"If that is so, I withdraw my amendment."

The amendment was by leave withdrawn.

Clause 19 as amended was put and carried.

Clause 20.

* Mr. G. RAMESWARA RAO:—"I move—

"For the words "but not" in line 3, substitute the word "or".

"Mr. President, Sir, here seems to be a ban against lawyers as such, and I stand up here to show that they ought not to be disenfranchised or 'disqualified from exercising their profession whenever professional help is sought of them. The clause unfortunately says 'Any party may be permitted to appear by an agent authorized in writing but not by a legal practitioner.' This sort of boycotting of the members of the Bar is a thing which I feel rather strange in a member of the Bar who is now serving as the Law Member. I do not want that he should do a disservice either to himself or to the members of the Bar by putting this bar upon them. I only say that if any litigant is so interested as to seek the assistance of a professional man, he ought not to be denied the right, nor could the Bar be debarred from rendering such assistance by an Act of the Madras Legislature. The Act is sufficiently complicated with the law of alienation, with the law of *lis pendens*, with the law relating to fraud and so on; and so it is absolutely impossible for a stranger even of the reputation of being a retired revenue official, who knows nothing of the law, to administer it. So it is but right that the board must be helped by proper guidance, by a member who is equipped with the necessary information and knowledge of the ordinary procedure regarding such matters as come up as a matter of routine before the civil courts. So to say to a member of the Bar that he ought not to appear before the board is something which is derogatory both to the prestige of the House and the prestige of the profession of law. If a lawyer chooses to appear even as *amicus curiae* and wants to offer his help and assistance for the administration of justice, I think it is

[29th January 1936] [Mr. G. Rameswara Rao]

not fair, either to the board which seeks his help or the legal practitioner who offers his assistance, to say that he has no right of audience and that the board has no power to hear him. Therefore, I appeal to the hon. the Mover, himself a lawyer, and the Hon. the Law Member who represents the Bar, to see that no such permanent ban is put on members of their own profession."

Rao Bahadur P. C. MUTHU CHETTIYAR in seconding the amendment made the following speech in Tamil:—

"எந்த பார்டிக்காவது போர்டு விசாரணையில் கஷ்டிக்கார்கள் நேரில் அல்லது எழுத்து மூலமான ஆதரையுடன் எஜண்டு வரலாமென்று கண்டிருப்பது போர்டு.

"இதில் (Legal practitioner) லீகல் பிராக்டிசனரும் வரலாமென்று காண வேண்டும்" என என் அமெண்டு மெண்டு.

"ஆனால் இந்த ஆக்டானது பொருத்தமாய் நிறைவேறத் தகுந்த மாதிரி யிலில்லை என்பது தெரிந்த விஷயம்.

"பார்டிகளும் விவேகிகளாகவே இருக்கவேண்டுமென்பது கருத்தா, அல்லது பார்டிகள் நேரில் வந்து ஆஜராக வேண்டுமென்பது கருத்தா. அல்லது லா டவுட்டு கள் ஜவாப்தாரித்துவ மில்லாது நியாயத்தை பிதற்றி போராடவேண்டுமா. ஒரு படித்த ஜவாப்தாரித்துவம் பொருந்திய லாயர் வருவது தப்பா அதனால் என்ன கெடுதல் என்பது தெரியவில்லை.

"லாயர்களில் எங்கேயோ எப்போ யாரோ சிலர் தப்பு வழியை சொல்லலாம். விவகாரத்தை இழுத்து விடுவது அபூர்வமாய் காணலாம். பெரும்பாலோர்கள் தங்கள் படிப்பை உபயோகம் வீணாக்க பிதற்றார்கள். இன்டரஸ்டு இல்லாத ஒரு மனிதரிடம் பார்டிகள் தங்கள் கஷ்டியை பலமாக தாக்கி சொல்லி அதை நியாயமில்லாததை நீக்கி எவ்வளவு நியாயமோ அதை மட்டும் போர்டுக்கு சுலபமாக தெரிவிக்க லாததை நீக்கி எவ்வளவு நியாயமோ அதை மட்டும் போர்டுக்கு சுலபமாக தெரிவிக்க கவும் போர்டார் எதை எதை கெவனிக்க விட்டுவிட்ட காரியத்தை எடுத்து காட்டவோ எதுவல்லவா. அன்னியில் அவர்களை குறைவாக நினைப்பது பெரும் தப்பாகவும் மரியாதையின்றியும் தோண வில்லையா!

"நியாயத்துக்கு சரியில்லாவிடில் கவர்ன்மெண்டு அட்வோகேட் ஜெனரலை ஒவ் வொன்றிலும் ஆலோசிப்பது தப்பா. இதே பாலிசியில் சுற்றறிந்தவர்களை உலக முழுதும் கையாண்டு வருவது தப்பா.

"விவகாரத்துக்காக ஒரு லாயர் இதில் வர இடம் கொடுத்து விட்டால் என்ன கெடுதல்கள் சம்பவித்து இந்த ஆக்டின் கருத்தை போக்கிவிடுமென்று பயப்படு கிறீர்களா.

"இந்த ஆக்டினால் கடன்காரர்கள் கடனை வாங்கி கெட்டுபோய் விடுகிறன்களா. கடனை கொடுத்தவன் கெட்டாலும் பரவாயில்லை என்பதுதான் கருத்து. இதற்கு ஒரே வழி தகுதியில்லவா. இந்த ஆக்டில் கடன் கொடுக்கிறவனுக்கும் வாங்குகிற வனுக்கு கொடுக்கப்பட்டது வாங்கப்பட்டது என்று ஒருவித பீனல் கிளாஸ் ஏற்படுத்தி விட்டால் அது எல்லா கிளாசும் எப்படி இருந்தாலும் பரவாயில்லை யல்லவா. ஆகையால் ஆதரையுடன் எஜண்டுடன் லாயர்களும் ஆஜராகலாமென என் அமெண்டு மெண்டை சேர்க்க விரும்புகிறேன்."

Mr. P. V. KRISHNAYYA CHAUDARI:—"Sir, I am one of those who feel—I may here say that I am not expressing any contempt for my lawyer friends—that for the quick settlement of the cases coming up before the Conciliation Board, the lawyers would only be a hindrance. By their presence they will create complications and raise all sorts of legal quibbles with which the members of the board may not be familiar. Those members are not going to be judges and hear law points. They will be there to decide on equity. There is therefore no necessity for the lawyers to represent the legal aspects there. By saying this, I am

[Mr. P. V. Krishnayya Choudari] [29th January 1936]

not expressing any contempt for the lawyers as my hon. Friend, Mr. Rameswara Rao imagined. I may remind him, Sir, that this same provision is to be found in the Village Courts Act under which all claims are disposed of by the panchayats. No lawyers are permitted to appear before the panchayats. Here also, as the Debt Conciliation Board is intended for laymen, it is better that we do not allow lawyers. But if any lawyer is anxious to go there without taking any fee, he can do so as an agent. There is provision for it. As an individual member, not being a lawyer, any person can appear before the board on behalf of a party who is unable to be present owing to ill-health or other such contingencies. If lawyers are permitted to appear, they will create more complications and the Debt Conciliation Board cannot function properly. (A voice: 'Question.') If any lawyer enunciates big legal principles before the board, the members thereof who will be laymen, will get confused. We may leave them to decide questions more on considerations of equity than on strictly legal considerations. I therefore oppose this amendment and request my hon. Friend to withdraw it."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, I also rise to oppose the amendment. It is not my wish to say anything against the legal practitioners. Sir, the Bill proposes to give certain facilities to debtors and creditors to settle their transactions without having to pay legal charges. That being so, the proposed amendment seems to be out of place. Sir, we who have practical experience of the working of the panchayat boards can authoritatively say that the absence of lawyers is not felt at all and that the boards are working perfectly well at a minimum cost to the debtors and creditors. (Mr. C. Basu Dev: 'Hear, hear.') In view of this fact, I oppose this amendment and I am sure the House will agree with me."

* Mr. K. R. VENKATARAMA AYYAR:—"Sir, I support the amendment of Mr. Rameswara Rao. I do not think that at any time I regretted so much my being a member of the Bar as at the present moment. It is not from self-interest I wish to support this amendment. I do think the legal profession can well afford to be where they are even if this amendment is not passed and the clause is passed in its original terms. It is not going to add to their emoluments or earnings. (Mr. P. V. Krishnayya Choudari: 'Then why the amendment?') The point of view with regard to which I wish to base my observations is: is it fair, is it decent, is it honourable in return for all the services the rest of the world has obtained from the world of lawyers that they should stand banned like this from a service like this? (Laughter.) (A voice: 'Question.') As Mr. Muthu Chettiyar the seconder of the amendment very properly pointed out, it would appear as if this House would keep the door open for a law-tout but ban it against the lawyers. Any law tout could come in as an agent, but the lawyers could not. That is exactly what Mr. Muthu Chettiyar pointed out. I think it is very unfair and very improper that you should ban or discredit the very noble and learned profession which has ever been at the service of the rest of the world and by which service the rest of the world has profited immensely."

29th January 1936]

* Mr. C. BASU DEV:—"Mr. President, I rise to oppose the amendment. In doing so, I am aware I cannot add anything to the practical arguments advanced by my hon. Friends Mr. Krishnayya Choudari and Mr. Muniswami Pillai. I would however like to join issue with that what my hon. Friend from Madura said, viz., that the lawyers do not stand to lose by being excluded from appearing before the Debt Conciliation Board. He is not correct. Our expectations are that with the passing of this Bill into law most of the suits will be diverted from the law courts to these boards. If that happens, it will certainly seriously affect the emoluments of the legal profession. My hon. Friend made a very eloquent and emotional appeal to the sense of fairness of this House and said that the world had benefited by the service of lawyers. I may remind him that that service whatever its character and extent was rewarded by substantial fees."

"Sir, the essence of this Bill is conciliation. Our experience of the lawyers is that they had stood in the way, as far as it is possible for them to do so, of the parties coming to amicable settlements. Their very nature and training will not easily permit them to gloss over the innumerable points, subtle points of fact and law. I believe that if lawyers are allowed, most of the advantages that we expect from this modest Bill, will be frustrated. I, therefore, very strongly oppose the amendment and make an appeal to this House to reject it."

* Mr. W. K. M. LANGLEY:—"Sir, I beg to support the amendment which has been moved. I do so more in the interests of the parties to the conciliation proposed than in the interests of the lawyers, though Mr. Rameswara Rao put the case for the lawyers very well indeed. I personally can see no particular objection to cutting out the lawyers if the real basic idea is to keep down the costs of conciliation. In that case, if you cut out lawyers, I maintain that you should only permit the parties themselves to appear in person. I cannot see any essential difference between a legal practitioner and an authorized agent. If you admit an authorized agent, it would practically be tantamount to saying that one cannot employ a lawyer, but on the other hand can employ a lawyer's tout. I do not know as much about this country as I know of my own country, but I believe that touts are always to be found around the places where the law is administered in any form. According to this provision, it would be open to one to appoint some shady character at the bar as his accredited agent but not a respectable legal practitioner. This clause as it stands is opening the way to extremely doubtful practices and to an undesirable situation. The Bill is a distinctly complicated one and therefore it would be distinctly unfair to deprive the parties of trained legal assistance."

"Another point that has to be remembered is that it is practically certain that either the debtor himself or some of the creditors appearing before the Conciliation Board will be lawyers. Why should they have an advantage which other parties to the conciliation have not? It seems to me that the clause as it stands can only work unfairly and, in very extreme cases, in a very unsatisfactory and sinister manner."

[Mr. W. K. M. Langley] [29th January 1936]

If, however, this House persists in deciding that no lawyer shall be present, then I feel that the clause should be so amended as to provide that these authorized agents should only be allowed to represent a party when he is unable for good cause to be present in person. That is only a sort of subsequent suggestion. But nevertheless I would prefer that people are represented by those who, whether or not they deserve all the compliments which they received from the hon. Member from Madura, still more often than not by their training and their equipment, keep people out of the law rather than thrust them into it."

* Rao Bahadur Sir A. P. PATRO:—"I am glad to agree with my hon. Friend Mr. Langley in this matter. I suppose that the very vehement and eloquent attack on the legal practitioners by an hon. Member Mr. Basu Dev is due to the undue praise—he is accustomed to be vehement when he has a weak case to argue—lavished on them by the hon. Member from Madura. I believe that it is that praise which provoked the hon. Member Mr. Basu Dev to say that the poor litigants should be deprived of the valuable advice of the legal profession. I do not know whether Mr. Basu Dev has misunderstood his occupation. He ought to have been a lawyer some time back. As a politician he feels for the poor litigant and he thinks that the poor litigants should not have the services of a lawyer. There are other people who would not be in the same position as the hon. Member. The hon. Member from Madura is no doubt prone to exaggeration. On this occasion he has erred on the side of excessive advocacy which defeats its very objective. He has appeared in the House to-day after a long spell of enforced absence and wants to make his presence felt in the consideration of this Bill. (Laughter.)

4 p.m. "Apart from the merits of the advocacy, it is unfortunate that the litigants should be deprived of the able assistance of advocates. I therefore agree with my hon. Friend Mr. Langley who put the point much more clearly than some other hon. Members. As he said, a lawyer himself may appear before the conciliation board as against another party, and argue his own (the lawyer's) case. In all such cases when a lawyer with all his training and technical knowledge will have the opportunity of putting his case, that the other party should be deprived of the assistance of another professional lawyer seems to me a great injustice to the other party. Complicated as the Bill is, there are many intricate questions of law and intricate questions of interpretation and therefore it is necessary that there should be the assistance of trained lawyers. As the hon. Member from Ganjam has pointed out, it is very necessary that we should pay very great attention to the details of procedure adopted under this Bill, though I would have been very thankful to him if he had suggested those points of procedure specifically and drawn our attention to them. Apart from that, as I said already, many difficult problems may arise in the course of working which would require the assistance of able advocates. So to deprive the parties of the assistance of able advocates would be a great injustice

29th January 1936] [Sir A. P. Patro]

to the parties. My hon. Friend Mr. Basu Dev is a Graduate in Law and I take it he would appreciate the difficulties of the litigants and accept the proposition that the assistance of the lawyers is necessary to the litigants."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I have heard both the arguments in favour of and against lawyers appearing for parties before the conciliation boards, and the vehemence with which the case was put on both sides makes one rather diffident of his own position. I may remind my hon. Friend Mr. K. R. Venkatarama Ayyar that I am a lawyer myself and if I want to exclude lawyers from appearing before the boards, it is not because that I have no regard for lawyers or their ability to help the litigants. Sir, the idea with which lawyers are sought to be excluded from appearing before the Board is that when the lawyer appears before the Board, the matter becomes formal and then we have to conform to the ordinary rules of procedure. It was thought that when a Board sat and had the parties before it directly, they might meet each other directly and probably things could be conducted more freely and a decision arrived at more easily. So far as the administration of this Act in the Central Provinces is concerned, experience has not shown that there has been any complaint regarding the absence of lawyers. When I visited one of the places in the Central Provinces where this Act has been working, I did not hear that there was any complaint regarding the absence of lawyers. As a matter of fact in this Bill we have introduced some improvements and even without these improvements in the Central Provinces Act they have been able to administer the Act with great success. An amending Bill is now before the Central Provinces Legislative Council with reference to two matters, one of which we have already provided for in our Bill, viz., the exclusion of the jurisdiction of civil courts, when a matter is pending before the Board. The other matter with regard to which they want to introduce an amendment is with reference to mortgage debts and they want them to go before the Board. The Hon. the Home Member who is in charge of the Bill there has stated that these are the only defects in the working of the Act there and if these two things are rectified, they will be able to work the Act more successfully. Sir, it is the only Province which has passed an Act similar to our Bill bringing into existence a Board like the one we are proposing to have and it has administered the Act successfully. Such being the case, I do not think that so far as experience goes, a case has been made out for allowing lawyers to appear before the Board. It has been pointed out that certain intricate and complicated points require the assistance of lawyers. As I said already, I am a lawyer myself and I know that certain complicated cases do require the assistance of lawyers, but when once you allow lawyers to appear, the matter becomes formal, and you will have to adopt all sorts of rules of procedure and all paraphernalia of judicial courts, and there will not be the ordinary meeting of man to man and talking the thing over. While on the one hand we will have the advantage of having the assistance of a lawyer

[Mr. T. A. Ramalingam Chettiyar] [29th January 1936]

in clearing intricate and complex points of law and other technicalities, on the other hand we will lose that personal touch with the parties which we think is greatly necessary in such cases. Therefore it seems to me—as I am a lawyer myself—that it is better that I leave the decision of this matter entirely in the hands of the House.”

* Mr. G. RAMESWARA RAO:—“ I was rather surprised to hear the remarks made by some hon. Members of this House. I am not referring to whisperings which had been made by some hon. Members, but only to those remarks which have been made in the course of the speeches regarding the position of Members of the Bar in the judicial administration as such. One hon. Member went to the length of saying that these lawyers are a hindrance rather than a help. I could have understood such sentiments being given expression to by an arrogant Member of the Bench, but not by a member of the public who often goes to courts and who feels that his interests are seriously affected in the absence of a lawyer. I do not think there is any hon. Member here who is or was a Member of the Bench and so I am sure, every one of the Members of this House will easily realize that every one of them will have to go to court some time or other in order to defend his case, and I challenge any one in this House whether he considers it possible for him, without the assistance of a professional lawyer to have his case conducted properly. Apart from that it has been stated by some ignorant Member of this House that lawyers are not required before the Village Magistrates’ courts or before the Panchayat courts. But the hon. Member has forgotten that in village panchayat courts only money suits come in and no questions of law arise, where any professional or technical advice is necessary. But here in this Bill we have got sections dealing with adjudication of rights over property, fraudulent alienation and such other complicated matters and to say that the assistance of lawyers is not required in the village magistrate court or the village panchayat court and that therefore the same principle should be applied in considering the scope of this Bill is something which is absolutely unintelligible. After all, if the hon. Member who has made such a statement had only known the nature and scope of this Bill, he would not have blundered in making such a statement and I pardon him for his ignorance of law. After all, Sir, as my hon. Friend, Mr. Langley said, Members of the Bar may appear as one of the parties before the Board and in such cases, the other parties, who are laymen, will be greatly handicapped without the assistance of lawyers. My hon. Friend, Sir Patro, said that some of the lawyers may have to go to the board in their personal capacity. Perhaps he meant debtor lawyers. I do concede that. I am also aware of cases where lawyers are money-lenders and they have to go to courts and personally conduct their own cases before the conciliation board. If they do appear, what is the position of an unintelligent litigant? If you deprive him of the help of a professional lawyer who would give him technical advice and guidance, as against an intelligent lawyer, who would marshal his case well before an unqualified and untechnical board where would be the ends of justice? Therefore it is but right

29th January 1936] [Mr. G. Rameswara Rao]

that this House must consider the probable effects upon justice of allowing the lawyers to conduct their own cases without giving professional assistance to the lay litigant public, and also see how justice will be affected by allowing intelligent lawyers to put their own cases in their own way before a non-technical board. This aspect of the matter has been rightly put forward by my hon. Friend, Mr. Langley, and I do not want to pursue it further.

“ Sir, it is not a question of professional earning but it is a question where professional assistance is sought for by the litigant public. It is not a case of a man saying ‘ I cannot go without food and therefore I must be allowed to appear before the court or the board.’ I am putting the case from the standpoint of the service which the Members of the Bar are rendering when their work and assistance is sought for by the litigant public. It is from that standpoint that I say that this House ought not to ignore and deprive the litigant public of the possible assistance which they would otherwise get at the hands of experienced lawyers. It is quite wrong to say that lawyers are a source of hindrance. That only shows the ignorance of the gentleman who has made such a statement. What the lawyers do is they simply lay bare the cards on the table and want the other side to meet the case. That is a source of great help rather than a hindrance to the parties and to the courts of administration of justice. Therefore, I submit that the lawyer is very essential for the conduct of litigation before the conciliation board where questions of high technical importance ought to come up. I am not very much concerned about the lawyer earning a few rupees or more. After all the party will have the discretion to get a man at the best rates or at the cheapest rates. I am not putting the case from that standpoint. I only say ‘ do not deprive the man who wants help, all the possible help that a lawyer can give.’ That is the appeal I make to this Honourable House and I leave it there.”

* The Hon. Sir K. V. REDDI NAYUDU:—“ Sir, I see that the feeling 4-15
in the House is strong on both sides and therefore in order to avoid p.m.
certain difficulties that have been brought to the notice of the House, I may suggest that the existing clause might be amended, so that legal practitioners as well as agents might be allowed to appear, at the same time providing that the permission of the board would be necessary in either case in order to prevent the appearance of touts. I therefore move that the following clause be substituted for the existing clause 20:—

‘ 20. In any proceedings before a board any party may appear in person or with the permission of the board, by a legal practitioner or an agent authorized in writing.’ ”

The amendment was duly seconded.

Mr. K. P. RAMAN MENON:—“ I want to know if the idea is to obtain the permission of the board even in the case of legal practitioners.”

The Hon. Sir K. V. REDDI NAYUDU:—“ Yes, in both cases.”

[29th January 1936]

Mr. P. V. KRISHNAYYA CHAUDARI:—"Why not put the legal practitioner and the agent separately?"

Mr. Rameswara Rao's amendment was by leave withdrawn.

The Hon. Sir K. V. REDDI NAYUDU's amendment was put and carried.

Mr. M. S. SRESHTA:—"May I know whether any discussion is permitted upon this clause?"

* The Hon. the PRESIDENT:—"This is the fruit of a very long discussion in the House."

Clause 20 as amended was put and carried.

Clause 21.

* Mr. M. DEVADASAN:—"Sir, I beg to move the following amendment:—

'For clause 21, substitute the following:—

"The Board shall not entertain any application under section 4 either by a creditor or debtor when any suit or proceeding involving the interest of either party is pending before a civil court unless both parties agree to submit themselves to the jurisdiction of the Board after institution of a suit in the said Court."

Sir, clause 21 as found in the Bill seeks to empower a board to stay proceedings pending before a civil court. Though similar powers are inherent in civil courts they are rarely used. Even the High Court is wary in the exercise of this power. If we give conciliation boards such a power, then it is likely to be abused. When a suit is filed before a civil court, the defendant might resort to a conciliation board and ask for the intervention of the board to stay the proceedings before the court. A plaintiff who has gone to the civil court and incurred expenditure by payment of court-fees and pleader's fees should not be lightly thwarted in his way by the intervention of a conciliation board. If a provision like this is allowed to stand in the Bill, people might not be willing to go before civil courts, for they would be afraid that they might be thwarted by the defendant going to debt conciliation board the next day and invoking their intervention to stay the proceedings before the civil court. Moreover if a debtor finds that his creditor has not agreed to the terms suggested by him, he may go before a conciliation board and ask for their intervention and stop the proceedings before the civil court. I do not know what the Hon. the Law Member thinks of this amendment. Clause 16 of the Bill as it stands says that no civil court shall entertain any suit in respect of any matter pending before a board or the validity of any procedure or the legality of any agreement made under this Act and so on. By such a clause civil courts are prevented from taking cognizance of any matter pending before a board. When civil courts are thus prevented, why should not the boards be similarly prevented from taking cognizance of matters already pending before civil courts? I submit there must be some such

29th January 1936] [Mr. M. Devadasan]

safeguard against abuse of the powers vested in these boards. I do not mean to say that the boards as are likely to be constituted under the Bill will misuse the powers, but there is every chance of a creditor who has gone to a civil court being embarrassed by a debtor. My amendment seeks to remove the difficulty by providing that the proceedings before a civil court should not be stayed unless both parties agree to submit themselves to the jurisdiction of the board after institution of a suit in a civil court. I do not want the whole clause to be deleted. I have suggested a compromise and it cannot be said that if my amendment is accepted the object of the Bill will be defeated. My object is that the party whose case is pending before a civil court should have the opportunity of consenting or not consenting to have the case withdrawn so that it might be decided by a debt conciliation board."

The amendment was duly seconded.

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I am sorry I cannot accept the amendment. It seeks to set at naught the very basis of the Bill. Even under the Insolvency Act, the moment an insolvency petition is filed any suit that is filed has to be tried along with the insolvency petition and not separately. Such being the case, I do not know what my hon. Friend means by moving an amendment like this. We have only introduced a provision which under the decision of the Madras High Court has come to be the practice in all the courts in this Province, namely, that as soon as an insolvency petition is filed no suit can be tried separately.

"Then again, Sir, there is no need whatever for the amendment proposed by Mr. Devadasan, because under clause 16, civil courts are already prevented from taking cognizance of cases pending before conciliation boards. All that the hon. Member proposes comes to this, that clause 21 should be deleted. If his idea is that the moment that a suit is filed in a civil court the debtor cannot have the benefit of this Bill, it only means that the benefit of this Bill whatever it may be, will be denied to a very large number of people. As a matter of fact, the object of this Bill is to save those debtors against whom suits have been filed, against whom executions are pending, and those who owe large sums of money which they are not in a position to repay. Such being the case, to introduce a provision like this will only mean that the benefit of this Bill will be denied to the very people for whose benefit it is intended. I have to oppose this amendment and I am sure the House will agree with me that if this amendment is accepted there will be no use for the Bill afterwards."

* Mr. K. R. VENKATARAMA AYYAR:—"Sir, if this amendment is accepted, it will practically give a death blow to this Bill. This amendment, if passed, will make it impossible to put the Act into operation, in any case in which there is a suit against the debtor; whereas the basic object of this legislation is to give relief to debtors whether there are already proceedings pending for recovery of debts or whether proceedings are actually instituted later. I think that, inasmuch as it has already been enacted that under Section 16 no fresh suits for recovery

4.30 p.m.

[Mr. K. R. Venkatarama Ayyar] [29th January 1936]

of debts are to be entertained by the civil court when proceedings are initiated under this Act, it will only be an analogous provision falling in line with it, if we enact that pending proceedings shall also stand suspended. Having committed ourselves to the principle of section 16, we are only making a particular application of it when we say that just as you bar fresh proceedings, you must suspend proceedings already started in the civil court. Otherwise the provisions of this Act cannot really be put into operation. I think the amendment of Mr. Devadasan is destruction of the policy underlying this legislation."

Mr. M. DEVADASAN:—"I do not press the amendment."

The amendment was, by leave, withdrawn.

Clauses 21 and 22 were put and carried.

Clause 23.

Mr. G. RAMESWARA RAO:—"Sir, when I wanted to move an amendment to sub-clause (3) of clause 15, I was advised to move an amendment to clause 23. I would explain this way. The scope of sub-clause (3) of clause 15 covers only two cases of debts. The first is the case of a debt other than the debt incurred subsequent to such agreement. The second kind of debt is that incurred after the date of the agreement. These are the two classes of debts, first, the debt incurred subsequent to the agreement and the second the debt incurred after the date of the agreement. The first class covers the debt for which certificate has been granted under sub-section (1). The second includes the case in which no certificate is required. Therefore the two classes of debts covered by sub-clause (3) of clause 15 are entirely different from the debt referred to in clause 23. The debt referred to in clause 23 is a debt which is the subject-matter of any proceedings under this Act. Therefore the House will clearly see that debts of three classes are contemplated when we take sub-clause (3) of clause 15 along with clause 23. These are the three classes of debts referred to. In the case of all these three classes of debts, there is room for recovering them through civil courts. Therefore I want to put in a comprehensive provision covering the cases of all these three classes of debts for the purpose of this legislation.

To achieve this object, I move the following amendment:—

'Renumber clause 23 as sub-clause (1) of clause 23 and insert the following as sub-clause (2) to clause 23:—

"(2) The period during which proceedings under this Act have been pending including the actual period fixed in the agreement for payment of all the debts shall be excluded from computation under section 48 of the Code of Civil Procedure or the Limitation Act in all proceedings taken to recover debts in civil courts."

I use the word 'proceedings' advertently; thereby I include suits as well as execution proceedings, whatever their nature may be. By this comprehensive amendment I seek to introduce exemption from the

[29th January 1936] [Mr. G. Rameswara Rao]

running of limitation for debts recoverable in the usual course, if proceedings under this Bill are pending before the conciliation board."

Mr. K. R. VENKATARAMA AYYAR:—"I second it."

The amendment was put and carried.

Rao Bahadur P. C. MUTHU CHETTIYAR (speaking in Tamil):—

"Sir, I beg to move the following amendment standing in my name:—

'Add the following proviso to clause 23 (1):—

"Provided that three months' time be given from the date of the disposal of the application by the Board."

"லிமிடேஷன் இந்த போர்டு ஆர்டர் தேதிவரையுள்ள காலத்தை கழித்து என்று கண்டிருப்பதில் கூட 'ஆர்டர் தேதி முதல் அதிகம் 3 மாத டயம்' யென்பதை சேர்க்கவேண்டும். இதில் காபி வாங்கும் டயம் தனியாய் கழிக்கவேண்டுமென என் அமென்டுமெண்டு.

"ஏனென்றால் பார்டிகுலர்க்கு ஆர்டர் தேதிமுதல் என்றால் ஏற்கனவே தாக்கல் செய்யும்போது வாய்தா ஒரு தினம் இரண்டு தினமிருக்கும்போதும் தாக்கல் செய்திருந்தால் ஆர்டர் தேதிவரையுள்ள காலத்தை கழித்தால் போர்டாறால் தீர்மானம் நடந்தது ஒரு ஹூயிருக்கலாம். வாபஸ் வாங்கி சரியான ஜூரிஸ்டிக்ஷன் கோர்ட்டுக்கு தாக்கல்செய்ய பார்டிகுலர் உடனே சமாசாரம் எப்படி தெரிய முடியும் தெரிந்தாலும் அந்த சந்தர்ப்பம் அந்த பார்டியின் சந்தர்ப்பம் எப்படியோ சௌகரியம் எப்படியோ. பார்டியோ அல்லது பார்டிகுலர் ஒரு கார்டியன் புதிதாக வரவேண்டியதோ அல்லது சிலவுக்கு பணம் வேண்டியது சேகரிக்கவோ இந்த ஆர்டரின்பேரில் என்ன செய்யலாமென்பதை தகுந்த லாயர் சமயம்பார்த்து அபிப்பிராயம் கேட்டு தாக்கல் செய்யவோ இவைகளுக்கு எல்லாம் போதுமான டயம் வேண்டாமா!

"இதற்குமுன் அனுஷ்டானத்திலுள்ள எல்லா ஆக்டுகளிலும் நடவடிக்கைகளிலும் ஒரு மாதம் 3 மாதங்கள் ஏற்பட்டிருக்க நகல் டயங்கள் பிரத்தியேகமாக யிருக்கவேண்டியதும் ஏற்பட்டிருக்க ரொம்ப நியாயமில்லாது இம்மாதிரி காலத்தை கொடாது செய்வதானது உலக இயற்கையும் ஜனங்களின் தன்மையும் அறியாததாகும்."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, I beg to second the proposition moved by my hon. Friend, Mr. Muthu Chettiyar. In his amendment he wants that some more time should be provided than the time taken up by the Board which is proposed to be excluded when calculating the time for limitation. For instance in cases where the matters were brought before the Board only at the nick of time on the very eve of limitation period and where the parties are not able to come to some settlement, it is but natural that the creditor will have to go to a civil court; in such a case he must be given sufficient time to file his suit in a civil court; if necessary provision is not made for contingencies of this sort, the creditor will straightaway run to the civil court instead of coming to the conciliation board. So, as has been pointed out by Mr. Muthu Chettiyar, it is absolutely necessary that we should provide some time for contingencies of this nature in order to popularize the conciliation board so that creditors too may approach it without any hesitation. Hence I hope that this amendment will be accepted by the House."

* Mr. K. R. VENKATARAMA AYYAR:—"Sir, the particular case which appears to be in the mind of the mover as well as the seconder of the amendment is the case where the proceedings under this Act are

[Mr. K. R. Venkatarama Ayyar] [29th January 1936]

deferred, so to say, till the last stage of the period available under the ordinary law to file suits against the debtor. If the short time that generally exists for filing suits in the court is taken up by the proceedings of the Board, and if the Board's proceedings are not satisfactory it is impossible for the creditor to file his suit under the general law of limitation in any civil court. The net result will be the creditor will be put in a position which it is not the intention of the framers of this Bill or of any legislature to put him in. Redress is necessary against contingencies like that. One mode of allowing redress would be by excluding not only the period of proceedings under this Act before the Board but also the period taken up in obtaining certified copies of these proceedings. I hope that under the rules to be passed under this Act, provision will be made for applications for granting certified copies and for grant of such copies. One mode of allowing redress would be to amend the existing section 23 by introducing the words, 'the time during which such proceedings continue, as well as the time required for obtaining certified copies thereof shall be excluded.' Suppose we put it like that; the question is whether the necessary provision would have been made. Provision should be made for the deduction of the time taken up by the proceedings as well as for the deduction of the time taken up for obtaining certified copies of the proceedings; even this provision may not be adequate. You may also allow a compensation period for the period lost before the Board in infructuous proceedings. That raises a question of equity and justice between the creditor and the debtor. Three months' time is the period proposed by the mover of the amendment. It may be three months or it may be one month or nothing. Some period would appear to be called for in the interests of justice, in order to prevent justice being shut out by mere lapse of time. I would suggest that after the word 'continued' the following words be inserted: 'and the time required for obtaining certified copies of the proceedings as also a period of 30 days more.' I think some such provision will meet the case. If this is agreed to and if the Hon. the Law Member also would consider it, it can be put through as an agreed proposition. I think it can be done."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

4.45 p.m. Sriman M. G. PATNAIK Mahasaya:—"Mr. President, the hon. Member really wants to extend the time available to the creditor. I do not see why the time should be extended. Where is the compensation? If one day is taken up for proceedings before the board, then you will have six months plus one day. This proposition seeks to affect the period of limitation, and no creditor ought to be given this privilege. I therefore oppose the amendment."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, in the amendment suggested by Mr. Venkatarama Ayyar, two periods are referred to, one the time for taking copies and the other a period of thirty days in addition. The difficulty mentioned by the mover is that after the order is passed, there should be some time allowed for filing the suit. If we are going to have the time taken for taking copies

29th January 1936] [Mr. T. A. Ramalingam Chettiyar]

excluded, that will furnish the time for the other purpose also. So, if we add here something to the effect that not only the time taken for the proceedings but also the time taken for taking copies should be excluded I think that will serve the purpose. I therefore move—

'In the last line of clause 23, sub-clause (1), after the word "continued" insert the following words:—

"as well as the time taken for the obtaining of copies of the order of the board".'

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

* The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I agree with the hon. Member in charge of the Bill in thinking that there is no justification for allowing thirty days. That will be contrary to the existing law. Even in matters in which such time as this is excluded under the various statutes, it is only the exact time occupied by the proceedings and not any extra time. There is thus no justification for the thirty days' time, sought to be introduced here."

"As regards the time required for obtaining copies, I think the usual rules in the Limitation Act ought to apply here also. If any delay is made in the application for copies, the time of such delay will go against the applicant. So, section 5, I believe, of the Limitation Act, can also apply here and the time taken for the obtaining of copies may reasonably be excluded."

* The Hon. the PRESIDENT:—"I shall put Mr. P. C. Muthu Chettiyar's amendment to vote."

Rao Bahadur P. C. MUTHU CHETTIYAR withdrew his amendment by leave of the House.

* The Hon. the PRESIDENT:—"I shall now put Mr. Ramalingam Chettiyar's amendment to the vote of the House."

"The question is:

'In the last line of clause 23, sub-clause (1), after the word "continued," insert the following:—

"as well as the time taken for the obtaining of copies of the order of the board".'

The Hon. Sir CHARLES SOUTER:—"I suggest, Mr. President, that the word 'certified' be put in there."

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

'In the last line of clause 23, sub-clause (1), after the word "continued" insert the following words:—

"as well as the time taken for the obtaining of certified copies of the order of the board".'

The amendment was put and carried.

The amendment of Mr. K. R. Venkatarama Ayyar was by leave withdrawn.

Clause 23 as amended, and clause 24 were put and carried,

[29th January 1936]

Clause 25.

Rao Bahadur P. C. MUTHU CHETTIYAR (in Tamil) moved:

"In clause 25, omit sub-clauses (a) and (c) and in sub-clause (f), add at the end 'by the local Government'."

"ரூல்ஸ் லோகல் கவர்ன்மெண்டு செய்ய ஏற்பட்டிருப்பதால்

(a) கோரத்துக்கு ரெகுலேட் செய்ய ஏற்பட்டிருப்பதை எடுத்துவிட வேண்டியது நியாயமாயிருக்கிறது. என்பது என் அமெண்டுமெண்டு.

(c) ஏற்படுகிற சிலவு சார்ஜை போர்டு வசூலிக்க லோகல் கவர்ன்மெண்டு ரூல் ஏற்படுத்துவதை எடுத்துவிட அமெண்டுமெண்டு.

"இம்மாதிரி பொதுவாக கவர்ன்மெண்டுக்கு இருக்கிற அதிகாரத்தினால் ஏராளமான சிலவுக்கும் சிலவை ஏற்படுத்துவதற்கும் இடமாகிறது. ஒன்று தெரிவிக்கிறேன்:—

"சமீபத்தில் எஸ்டேட் லாண்டு ஆக்ட் திருத்தி அமைத்த காலத்தில் அதற்கு 117-வது பிரிவின்படி ரெவின்யூ பாக்கிக்கு எலத்துக்கு வரும் முன் நடவடிக்கையிலிருந்து ஸ்டாம்பு சிலவுகளும் இன்னும் பார்க்கிகள் தெரிந்துகொள்ளவேண்டிய பலவிதமுறைகளையும் ஏற்படுத்தினதோடு கெஜட் நோட்டிபிகேஷனும் இருக்க வேண்டுமென்றும் ஆனால் அது ஒரு சிலவையும் சிரமத்தையும் பொருக்க கூடாத மாதிரிபோல அப்போதிருந்த மினிஸ்டர் ஏற்படுத்தினார். ஆனால் எல்லா நடவடிக்கையும் சர்க்கார் மூலமாகவே நடத்துவதாயினும் சாதாரணமாய் சர்க்கார் Rent Recovery ஆக்டின் பாக்கிக்கு கெஜட் நோட்டீஸ் போடுவதுபோல் என்று அறிந்திருந்த வாக்கியத்துக்கு ஒவ்வொரு பட்டா பாக்கிக்கும் அந்த துகை எவ்வளவு சிறிய ரூ. 0-10-0 பாக்கி இருந்தபோதிலும் அதற்கு கிரமங்கள் சற்றேறக்குறைய சுமார் ரூ. 4 வரையுள்ள ஸ்டாம்புகள் சிலவானபோதிலும் ஒவ்வொரு கேஸ் பாக்கிக்கும் கெஜட் நோட்டிபிகேஷனுக்கு ரூ. 26-4-0 கவர்ன்மெண்டு விதித்து அமூலுக்கு வந்தது. இது நியாயமா? ஒவ்வொரு ஜமீன்தாரியாலும் 500, 1,000, கேசுகள் பாக்கி ஏற்பட்டால் ஜப்தி செய்வதற்குரிய ஸ்டாம்புகளே மொத்த துகையாக கொடுத்து ஸ்டாம்பு வாங்கி ஒட்டி அனுப்பமுடியாது அநேக எஸ்டேட்களில் சங்கடங்களை அடைகிறார்கள்.

"இப்படியிருக்க ஒருபக்கத்தில் கெஜட் நோட்டீஸ் பல கேசுகளை அடித்து ஆனுப்புவதற்கு 100, 1,000, 10,000, கணக்கான பெருந்தொகைகளை அச்சு சார்ஜாக மொத்தமாக கட்டும்படி ஏற்பட்டுவிட்டது. அதனால் முடியாமல் கரெஸ்பாண்டென்ஸ்களிலும் இருந்து வருகிறது.

"ஆகையால் அந்த (c) கிளாசை எடுத்துவிடவேண்டும்."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

The amendment was put and lost.

Clause 25 was put and carried.

Clause 26.

Clause 26 was put and carried.

Clause 2.

* The Hon. the PRESIDENT:—"With regard to clause 2, we have not disposed of amendments Nos. 5, 6, 6-A and 9 of the list circulated, as we wanted to dispose of amendment No. 33 before these were taken up. Since amendment No. 33 has been disposed of, Nos. 6 and 6-A go out; similarly, No. 9. Mr. Thangal is not moving No. 5.

I shall now put clause 2, as amended, to the vote of the House."

Clause 2, as amended, was put and carried.

29th January 1936]

Clause 7-A.

Clause 7-A was put and carried.

Preamble.

The preamble was put and carried.

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I propose, Sir, that the further consideration of this Bill be adjourned to the next non-official day as the first item."

Mr. P. V. KRISHNAYYA CHODARI:—"I second it."

* The Hon. Sir K. V. REDDI NAYUDU:—"We may certainly have it for the next non-official day, but this may not necessarily be the first item, because there may be some technical business to be transacted."

* The Hon. the PRESIDENT:—"Provided no formal motions intervene, we can go on with this Bill first."

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

D. K. V. RAGHAVA VARMA,
Acting Secretary to the Legislative Council.

[29th January 1936]

APPENDIX I.

[Vide answer to question No. 535 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 29th January 1936, page 26 supra.]

(1)

Letter from the Secretary, Bar Council, Madras, dated 8th May 1935, R.O.C. No. 392/35.

[Stamp fee for entry as advocate—Reduction of.]

I have the honour to communicate the following resolution of the Bar Council passed at its meeting held on 28th April 1935 and to request you to kindly place the matter before the Government for necessary action.

The resolution is as follows:—

“In view of the stringent financial conditions in the Presidency, the Bar Council urges upon the Government the necessity to reduce the stamp fee on entry as an advocate from Rs. 625 to Rs. 500.”

In doing so I am directed to state that the stamp fee for entry as an advocate was Rs. 500 in Madras as also in the other provinces until 1922 when as a result of the amendment made to the schedule of the Stamp Act the fee was enhanced to Rs. 625 in Madras, and it has been so up till now. It has been repeatedly brought to the notice of the Bar Council that there are several pleaders in the mufassal who are anxious to get themselves enrolled as advocates of the High Court, a course open to them according to the rules of the Bar Council framed in that behalf, but are unable to do so on account of the present economic depression in the country and the present stamp fee which is felt as a very heavy burden. The Bar Council has also received representations from several Bar Associations in the mufassal requesting that the Bar Council should move in the matter of getting the stamp fee reduced substantially. The Bar Council has also before it several cases of apprentices who had qualified themselves for enrolment as advocates in all respects but who had to delay their applications for enrolment for several months and in some cases even for one or two years, the ground for such postponement of the enrolment being the difficulty of finding the necessary amount for paying the stamp fee on entry as advocates.

In this connexion I am also directed to state for the kind consideration of the Government that the High Court on the recommendation of the Bar Council had by its notification, dated 17th January 1930, discontinued the practice of issuing pleaders' certificates and it is now obligatory on every one who desires to enter the legal profession that he should get himself enrolled as an advocate. This course was recommended by the Bar Council with a view to eliminate different grades of legal practitioners in this Presidency.

29th January 1936]

It is also a point for consideration that with the exception of Bengal, the fee in every other province including Burma is only Rs. 500. In the opinion of the Bar Council the fee for licensing practitioners should not be looked upon as a source of taxation. I am therefore to request that the Government will be pleased to consider the matter and reduce the fee payable on entry as an advocate from Rs. 625 to what it was before the recent enhancement, namely Rs. 500.

(2)

G.O. Ms. No. 3624, Law (General), dated 18th November 1935.

READ—the following papers:—

From the Secretary, Bar Association, Madura,
dated 16th February 1935.

From the Secretary, Bar Association, Bezwada,
dated March 1935.

From the Secretary, Bar Association, Bapatla,
dated 10th April 1935.

From the Secretary, Bar Council, Madras,
dated 8th May 1935, R.O.C. No. 392/35.

From the Secretary, Bar Association, Tanjore,
dated 8th July 1935.

From the Board of Revenue (Separate Revenue), dated 14th
July 1935, D. No. 405-Mis. Stamps.

From the Acting Registrar, High Court, dated 27th August 1935,
R.O.C. No. 2395-B-2/35.

Order—Ms. No. 3624, Law (General), dated 18th November 1935.

The Bar Council, Madras, and certain Bar Associations in the mufassal have made the following suggestions in respect of the levy of stamp duty on entry as an advocate and the enrolment of First Grade Pleaders as Advocates:—

- (i) that the existing stamp duty of Rs. 625 for entry as an advocate may be reduced to Rs. 500 or to Rs. 200; and
- (ii) that the existing First Grade Pleaders in the Presidency may be permitted to enrol themselves as advocates on payment of a stamp duty of Rs. 200 each.

A suggestion has also been made by a non-official member of the Legislative Council that the stamp duty leviable for entry as an advocate may be allowed to be paid in instalments.

2. The Government have considered the suggestions. They regret that they are unable at present to accept the suggestion that the stamp duty for entry as an advocate may be reduced to Rs. 500 or Rs. 200.

[29th January 1936]

but they will be prepared to consider the question of reducing the stamp duty to Rs. 500 when their financial position improves. The Government are unable to accept the other suggestions.

(By order of the Governor in Council)

C. GOVINDAN NAIR,
Joint Secretary to Government.

To the Hon'ble the Chief Justice (with C.L.).
 „ Board of Revenue (Separate Revenue).
 „ Secretary, Bar Council, Madras (with C.L.)
 „ Secretary, Bar Association, Madura.
 „ Secretary, Bar Association, Bezwada.
 „ Secretary, Bar Association, Bapatla.
 „ Secretary, Bar Association, Tanjore.
 „ Revenue Department.
 „ Finance Department.

APPENDIX II.

[Vide answer to question No. 546 asked by Diwan Bahadur T. A. Ramalingam Chettiyar at the meeting of the Legislative Council, held on the 29th January 1936, page 35 supra.]

Programme or expenditure on accelerated and widespread programme of irrigation works in Kollegal taluk, Coimbatore district, for 1935-36.

Name of work.	Expenditure proposed in 1935-36.
	RS.
(1) Doddaranganathan tank (repairs)	1,556
(2) Chikkaranganathan tank (improvements)	842
(3) Kongalkarai tank (improvements)	1,703
(4) Mudikondan tank (improvements)	2,382
(5) Palayam tank (improvements)	3,517
Total	10,000

29th January 1936]

APPENDIX III.

[Vide answer to question No. 568 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 29th January 1936, page 52 supra.]

Note.

It may be said that, at the start, there was practically no information about the millets on which research could proceed; but this knowledge is being rapidly acquired. The millets are typically crops of dry land and are exposed to all the vicissitudes of season that that implies; so that bad weather may occasionally nullify a whole year's work. Even so, it takes normally from seven to ten years of research on any crop before definite economic results can be expected. The following results have nevertheless been achieved.

2. (a) Of ragi (*Eleusine coracana*) the superior strain E.C. 593 has been evolved, which has been disseminated widely in the Deccan and Central districts, and south to Coimbatore. Its superiority is estimated at 20 per cent and the cash value of that increase at Rs. 2-8-0 an acre at least. A white grained ragi supplied by the Millet Specialist, is being tested for nutritional value.

(b) A particular strain of cholam (*Sorghum vulgare*), N. 28/3, has for three years given an increased yield on the average of 28 per cent over local varieties in Kurnool; this is being distributed. A white irrigated variety, A.S. 367, is spreading in Chittoor, and a strain recently evolved, A.S. 2095, is being distributed in the neighbourhood of Kovilpatti, in Chittoor and in Vellore. A white chitrai cholam, A.S. 1575, is beginning to spread in Coimbatore; a red strain, A.S. 841, has just been given out in Salem. For all of these improved strains a 10 per cent increase over the local varieties can be claimed. Two strains of Peria Manjal cholam, useful both for grain and for fodder, A.S. 29 and 1098, have been evolved; and some 6,500 lb. of seed have so far been distributed. More than fifty varieties have been tested for their suitability for malting; of which two, found satisfactory, have been multiplied and will be tried out on a large scale.

(c) A good strain of korra (*Setaria Italica*), S.I. 523, has just been distributed in Salem and Coimbatore; more than 200 lb. of seed has been distributed so far.

(d) A variety of cumbu (*Pennisetum typhoideum*) M.S.P.T. 2229, has proved successful, and is being multiplied for distribution.

3. Most of the millets are intensely local in their evolution and distribution, and for this reason assistants trained in the breeding of millets have been stationed at Nandyal, Guntur and Kovilpatti, to help the circle officers in the solution of local problems. A superintendent and two assistants similarly trained have been posted to the Dry Farming Research Scheme at Hagari.

APPENDIX IV.

[Vide answer to question No. 569 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 29th January 1936, page 53 supra.]

Number of Agricultural Demonstrators recruited during the years 1930-35 with districtwar and communitywar particulars in each year.

District.	1930.			1931.			1932.			1933.			1934.			1935.			Total.
	Brahman.	Non-Brahman.	Muhammadian.	Brahman.	Non-Brahman.	Muhammadian.	Brahman.	Non-Brahman.	Muhammadian.	Brahman.	Non-Brahman.	Muhammadian.	Brahman.	Non-Brahman.	Muhammadian.	Brahman.	Non-Brahman.	Muhammadian.	
Ganjam ..																			1
Vizagapatam ..																			1
East Godavari ..																			1
West Godavari ..																			1
Kistna ..																			1
Guntur ..																			1
Nellore ..																			1
Kurnool ..																			1
Bellary ..																			1
Anantapur ..																			1
Cuddapah ..																			1
Chittoor ..																			1
North Arcot ..																			1
Chingleput ..																			1
South Arcot ..																			1
Trichinopoly ..																			1
Tanjore ..																			1
Madura ..																			1
Ramnad ..																			1
Salem ..																			1
Coimbatore ..																			1
Malabar ..																			1
South Kanara ..																			1
The Nilgiris ..																			1
Madras ..																			1
Tinnevely ..																			1
Cochin State ..																			1
Total ..	10	7	2	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	36

29th January 1936]

APPENDIX V.

[Vide answer to question No. 580 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 29th January 1936, page 65 supra.]

Name of the district board.					Rate of education tax.	
Anantapur ..	..	..	..	..	19-4/9	per cent of land-cess.
North Arcot ..	..	..	..	..	19-4/9	do.
South Arcot ..	..	..	..	..	16-2/3	do.
Bellary ..	..	..	..	..	8-1/3	do.
Chingleput ..	..	..	..	..	18-1/18	do.
Chittoor ..	..	..	..	..	11-1/9	do.
Coimbatore ..	..	..	..	..	19-4/9	do.
Cuddapah ..	..	..	..	..	15-5/18	do.
Ganjam ..	..	..	..	..	15-5/18	do.
East Godavari ..	..	..	..	..	16-2/3	do.
West Godavari ..	..	..	..	..	16-2/3	do.
Guntur ..	..	..	..	..	16-2/3	do.
Ongole ..	..	..	..	..	16-2/3	do.
South Kanara ..	..	..	..	..	20-5/6	do.
Kistna ..	..	..	..	..	16-2/3	do.
Kurnool ..	..	..	..	..	16-2/3	do.
Madura ..	..	..	..	..	18-1/18	do.
Ramnad ..	..	..	..	..	16-2/3	do.
Salem ..	..	..	..	..	16-2/3	do.
East Tanjore ..	..	..	..	..	8-1/3	do.
West Tanjore ..	..	..	..	..	8-1/3	do.
Tinnevely ..	..	..	..	..	9-13/18	do.
Trichinopoly ..	..	..	..	..	19-4/9	do.
Vizagapatam ..	..	..	..	..	13-8/9	do.
Bobbili ..	..	..	..	..	8-1/3	do.
The Nilgiris ..	..	..	..	..	25 per cent of land-cess and 25 per cent of the profession tax.	
Malabar ..	..	..	..	..		
Nellore ..	..	..	..	..	16-2/3	per cent of land-cess in Podili taluk.

[29th January 1936]

APPENDIX VI.

[Vide answer to question No. 584 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 29th January 1936, page 67 supra.]

Statement showing the number of arrack and toddy shop renters who failed to pay the entire rent for the past three years in North Arcot district.

Name of taluk.	Year.	Number of renters who failed to pay the entire rentals at the end of the lease.	Amount default'd by persons shown in column (3).	Annual rentals of such shops.	Number of persons placed in jail for default of payment.
(1)	(2)	(3)	(4)	(5)	(6)
			RS.	RS.	
Vellore ..	1932-33 ..	5	183	4,704	..
	1933-34 ..	4	1,060	6,348	1
	1934-35 ..	..	..	..	..
Tiruppattur ..	1932-33 ..	1	137	612	..
	1933-34 ..	1	10	1,860	..
	1934-35 ..	..	..	..	..
Gudiyattam ..	1932-33 ..	15	1,849	24,768	1
	1933-34 ..	20	2,811	23,412	2
	1934-35 ..	5	903	4,365	..
Polur ..	1932-33 ..	15	1,062	15,720	2
	1933-34 ..	14	1,400	8,196	..
	1934-35 ..	3	1,571	4,416	1
Tiruvannamalai ..	1932-33 ..	12	4,212	8,052	4
	1933-34 ..	25	4,430	35,604	2
	1934-35 ..	2	242	420	..
Chengam ..	1932-33 ..	11	2,093	14,316	..
	1933-34 ..	11	1,783	6,648	2
	1934-35 ..	10	596	2,832	..
Cheyyar ..	1932-33 ..	1	41	396	..
	1933-34 ..	2	127	660	..
	1934-35 ..	4	443	2,592	..
Wandiwash ..	1932-33 ..	2	62	792	..
	1933-34 ..	1	130	780	..
	1934-35 ..	..	..	..	..
Walajah ..	1932-33 ..	8	745	11,100	1
	1933-34 ..	10	1,059	22,704	3
	1934-35 ..	12	138	6,408	..
Arkonam ..	1932-33 ..	5	859	6,084	1
	1933-34 ..	6	1,009	6,880	..
	1934-35 ..	3	62	2,796	..
Arni ..	1932-33 ..	..	..	..	..
	1933-34 ..	1	195	1,032	1
	1934-35 ..	..	..	..	..

29th January 1936]

APPENDIX VII.

[Vide item II on page 67 supra.]

Report of the Select Committee regarding amendment to Standing Order No. 5 (b) (5).

To

THE HONOURABLE MEMBERS OF THE MADRAS
LEGISLATIVE COUNCIL.

The Select Committee appointed to report on an amendment to Standing Order No. 5 (b) (5) of the Council moved by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 5th November 1935 has the honour to make the following report:—

2. The amendment 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.”

3. At present a combined ballot is held to determine the relative precedence of motions relating to Bills, whether they are Bills which have already been introduced and in respect of which the motion is one of those mentioned in Standing Order No. 37, or whether they are Bills which have not yet been introduced and in respect of which the motion is one for leave to introduce. As a result of this procedure, a Bill which has not yet been introduced sometimes gets precedence over one which has been introduced and which is sought to be either referred to a Select Committee or considered at once without at all being referred to a Select Committee. Further, as there is only a single ballot for both the abovementioned classes of Bills, each member can, by the operation of clause (7) of Standing Order No. 5, ballot only for one Bill in the combined group. The

[29th January 1936]

effect of Mr. Krishnayya Choudari's amendment is firstly to give preference to Bills which have been introduced over Bills which have not yet been introduced and secondly to enable a member to ballot for one Bill for leave to introduce, and another Bill for reference to Select Committee or circulation or consideration under Standing Order No. 37.

The Committee thinks that the amendment is desirable and may be accepted.

4. The Committee recommends that the following amendments be made:—

Amendments.

For clauses (4) and (5) of Standing Order No. 5 (b) substitute the following:—

“(4) The relative precedence—

(a) of Bills falling under sub-clause (iv) of clause (2),

(b) of Bills falling under sub-clause (v) of clause (2), and

(c) of resolutions,

shall be determined by ballot.

(5) A separate ballot shall be held—

(a) for motions relating to Bills falling under sub-clause (iv) of clause (2);

(b) for motions relating to Bills falling under sub-clause (v) of clause (2); and

(c) for resolutions.”

B. RAMACHANDRA REDDI,

26th November 1935.

Chairman.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Thursday, the 30th January 1936.

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, K.C.I.E., C.S.I., I.C.S., The Hon. Sir Charles.	Muthiah Chettiyar of Chettinad, Raj Kumar 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.	Nanjappa, Rao Bahadur Subadar-Major S. A.
Abdul Hameed Khan Sahib Bahadur.	Narasa Reddi, Mr. T.
Ahmed Meeran Sahib Bahadur.	Narasimhaswami, Rao Sahib D. V.
Alamelumangathayaramma, Mrs. K.	Natesa Mudaliyar, Diwan Bahadur C. Palat, Mr. R. M.
Annamalai Chettiyar, Mr. S. A. A.	Parthasarathi Ayyangar, Mr. C. R.
Appadurai Pillai, Diwan Bahadur A.	Patnaik Mahasaye, Sriman M. G.
Arasu, Mr. V. T.	Patro, K.C.I.E., Rao Bahadur Sir A. P.
Ari Gowder, Mr. H. B.	Pattabhiramayya, Mr. K.
Basheer Ahmed Sayeed Sahib Bahadur.	Pattagar of Palayakottai.
Basu Dev, Mr. C.	Peddi Raju, Mr. P.
Beyabani Sahib Bahadur, S. M. K.	Pocker Sahib Bahadur, B.
Bhanoji Rao, Sri A. V.	Premayya, Mr. G. R.
Boag, C.I.E., I.C.S., Mr. G. T.	Rajagopala Pillai, Mr. P. V.
Davis, Mr. J. A.	Raja of Kallikote, The.
Devadasan, Mr. M.	Ramakrishna Reddi, Mr. A.
Dharmalingam Pillai, Rao Sahib V.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Foulkes, Mr. G. F. F.	Ramalinga Reddi, Mr. C.
Gopalaswami Mudaliyar, Diwan Bahadur M.	Ramamurti, Rao Sahib Pandit Ganala.
Harischandrudu Nayudu, Mr. A.	Raman Menon, Mr. K. P.
Indrayya, Mr. C.	Ramaswami Ayyar, Mr. T. S.
Iswaran Pillai, Mr. I. C.	Ramaswami Mudaliyar, Mr. V. M.
Jagannatha Raju, Rao Bahadur G.	Rameswara Rao, Mr. G.
Jagannatham, Mr. H. M.	Ranganatha Mudaliyar, Mr. A.
Jayaram Nayudu, Rao Sahib C.	Rangaswami Reddi, Mr. M. B.
Jones, I.C.S., Mr. C. E.	Ratnasabhupati Mudaliyar, Diwan Bahadur C. S.
Kesavaramamurti Nayudu, Mr. K.	Ratnavelu Thevar, Mr. P.
Kolanda Reddi, Rai Sahib C.	Reid, Mr. D. M.
Koti Reddi, Mr. K.	Rukmani Lakshmipathi, Mrs. A.
Krishnayya Choudari, Mr. P. V.	Russell, I.C.S., Mr. T. B.
Krishnamurti, Rao Bahadur D.	Schamnad Sahib Bahadur, Khan Bahadur Mahmud.
Kumararaja of Venkatagiri, The.	Scott Brown, I.C.S., Mr. W.
Langley, Mr. W. K. M.	Sesha Reddi, Rao Bahadur B. P.
Madanagopal Nayudu, Mr. R.	Shetty, Mr. A. B.
Manikkavelu Nayakar, Mr. M. A.	Siva Raj, Rao Sahib N.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Smith, Mr. J. M.
Moses, Mr. P. O.	Sreshtha, Mr. M. S.
	Srinivasa Ayyangar, Mr. T. C.
	Srinivasan, Diwan Bahadur R.

[30th January 1936]

PRESENT—cont.

Sriramulu, Mr. G.
 Stanes, Mr. F. J.
 Subbarayan, Dr. P.
 Subrahmanya Chetti, Rao Sahib P.
 Subrahmanya Bhatt, Mr. U. C.
 Sundara Rao Nayudu, Mr. T.
 Syed Tajuddin Sahib Bahadur, Khan Sahib.
 Thangal, Mr. P. M.
 Thomas, Mr. Daniel.

Uzielli, C.I.E., I.C.S., Mr. H. R.
 Vasudeva Pillai, Mr. V. G.
 Venkatachala Reddiyar, Mr. K. C. M.
 Venkatarama Ayyar, Mr. K. R.
 Venugopal Nayudu, Rao Bahadur R. K.
 Yahya Ali Sahib Bahadur, Khan Bahadur.
 Yakub Hasan Sahib Bahadur.
 Zamindar of Bodinayakkanur, The.
 Zamindar of Kirlampudi, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Education

Age-limit of students studying in schools and colleges.

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

(a) whether there are any orders passed either by the Government or by the Director of Public Instruction prescribing the maximum age for a pupil studying in each class of an elementary or secondary school or in a college;

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

(c) whether such an order was widely published so as to attract the special attention of the parents and if so, in what way;

(d) whether this question of age is strictly followed in schools maintained by the district boards and municipalities;

(e) if not, what steps have been or are taken to enforce the said order in such schools; and

(f) how many students of colleges, secondary schools and elementary schools (each separately) have been expelled in the middle of their course in each year after this order was passed (districtwar figures may be furnished)?

A.—(a) to (f) No such orders as are referred to in clause (a) have been issued either by the Director of Public Instruction or the Government.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know, Sir, whether it is not a fact that the Director of Public Instruction has passed certain proceedings stating that boys after a certain age should not be admitted into elementary schools? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ There are no such proceedings. About the year 1926 the Director advised the managers of institutions not to admit grown-up pupils in their

30th January 1936]

schools; for example, a young man of 25 will not be admitted into the fourth form. But this would not affect boys who are already there.”

Mr. G. R. PREMAYYA:—“ Is the Hon. Minister aware that a boy of 18 was not admitted? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ If that was done, the headmaster of the institution should have done it on his own responsibility and not on this circular.”

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“ May I know whether this advice is considered as an order to the teachers and managers? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ No, Sir. They have been definitely told that they are not bound to follow the advice.”

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“ Is there an order to the teachers and managers that there is no objection to admit pupils without consideration of age? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ What I am referring to is the circular issued in 1926; I am afraid very few headmasters remember it.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Is it not advisable on the part of the Government to advise the Director of Public Instruction to fix a certain maximum age instead of saying ambiguously that grown-up boys should not be admitted? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ That has nothing to do with the proceedings of 1926. The question of fixing an age-limit may probably be relevant with regard to the proposal under consideration for educational reconstruction in the whole Presidency.”

Shifting of the Government Training School, Salem, to Mettur.

* 587 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 Training School at Salem to Mettur;

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

(c) whether the school has actually been shifted to Mettur and if so, when;

(d) what the cost incurred is in making the accommodation suitable at Mettur;

(e) what the normal annual cost of the said training school was during the past year, and what the annual saving or extra expenditure expected by its transfer to Mettur is;

[30th January 1936]

(f) what the buildings are which have been provided for the occupation of the staff of the said school;

(g) whether the buildings are of permanent structure, and if so, how long can they endure;

(h) whether it is a fact that better type of quarters are lying vacant at Mettur; and

(i) if so, what the reasons are for not providing those vacant quarters for the better accommodation of the staff and pupils?

A.—(a) Yes.

(b) This is not thought to be necessary.

(c) The school was actually transferred on November 1st.

(d) About Rs. 4,000.

(e) The cost for the year ending 31st March 1935 was Rupees 23,845-8-2.

The annual saving is expected to be Rs. 5,710.

(f) Subdivisional officers quarters for the headmaster.

Supervisors quarters for L.T. Assistants.

Higher-grade clerks quarters for other assistants (secondary-grade teachers and instructors).

(g) Yes; they will endure so long as they are properly maintained.

(h) & (i) The quarters provided are of a type consistent with the status of the occupants.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know, Sir, under what head this saving of Rs. 5,710 in respect of the Government Training School at Mettur would be effected? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am sorry I cannot give the details; probably it will come mainly under rent of buildings. "

Medical Administration

Enquiry into certain allegations made against the Medical Officer, Srivilliputtur.

* 588 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that a mahazar containing serious allegations against the Medical Officer in charge of the Srivilliputtur Government Hospital, Mr. Gopalakrishna Ayyar, was received by the Surgeon-General from the public of Srivilliputtur in the beginning of May 1935;

(b) whether any enquiry was made into the allegations, and if made, what the result was of the enquiry;

(c) by whom was the enquiry conducted;

[30th January 1936]

(d) what action was taken in consequence of his report; and

(e) whether any representation has been made to the Surgeon-General that the present District Medical Officer is prejudiced in favour of the doctor and if so, whether any steps have been taken to institute any further enquiry by any other impartial officer?

A.—(a) Yes. A mahazar containing some allegations against the Civil Assistant Surgeon, Government Hospital, Srivilliputtur, was received by the Surgeon-General.

(b) & (c) An enquiry was conducted by the District Medical Officer, Ramnad, and nothing irregular was found against the Civil Assistant Surgeon.

(d) The papers were recorded.

(e) No.

Mrs. A. RUKMANI LAKSHMIPATHI:—" The reasons for asking the District Medical Officer, Ramnad, to make the enquiry are not given in the answer. The question states that this particular officer is prejudiced in favour of the doctor. May I know the reason for this, Sir? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think we can start with the presumption that the head of the administration in the district is prejudiced in favour of any particular individual. "

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether it was an open enquiry and whether the signatories to the petition were asked to be present at the time of the enquiry? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Certain signatories to the mahazar were also examined. "

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know the nature of the allegations contained in the mahazar? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" That the medical officer was not attending to the patients properly, he was not sufficiently courteous to the patients, and allegations of that kind. "

Mr. G. R. PREMAYYA:—" Was there any difficulty in such an examination being conducted by the Collector of the district? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I don't think it is at all necessary. "

Vacancy remaining unfilled in the Queen Alexandra Hospital for Women, Salem.

* 589 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 the Superintendent or Lady Assistant Surgeon's post in the Queen Alexandra Hospital for Women at Salem is left unfilled for about the last two months; and

(b) if so, what the reasons therefor are, and when it is likely to be filled?

[30th January 1936]

A.—(a) The vacancy arose from the 29th July 1935.

(b) The Woman Assistant Surgeon attached to the Queen Alexandra Hospital for Women, Salem, had to be transferred from the place as her services were required elsewhere. As the cadre of the Women Assistant Surgeon was at the time short no substitute could immediately be posted to Salem. The necessary arrangements have since been made and a substitute posted to Salem.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ In the answer it is stated that the vacancy has since been filled up. May I know on what date it was filled up and for what period it was kept vacant? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ As my hon. Friend will see from the answer, the vacancy arose in July 1935; and in November 1935 it was filled up.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ The answer states that the Woman Assistant Surgeon attached to the Queen Alexandra Hospital had to be transferred from Salem as her services were required elsewhere. May I know to what station she was transferred and if that station is more important than Salem? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Because Government considered that that place was more important, she was transferred.”

Measures for the better equipment of the Tuberculosis Hospital.

* 590 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon. the Minister for Education and Excise be pleased to state the steps the Government have taken or propose to take to have a well-equipped tuberculosis hospital amidst hygienic surroundings?

A.—There is no proposal at present before Government for the construction of a Tuberculosis Hospital.

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—“ Is it not a fact that there is a Tuberculosis Hospital in Bellary, and is there any proposal before Government in order to see that it is made more up to date for the benefit of the people? ”

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

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ The Hon. Minister says in his answer that ‘ there is no proposal at present before the Government for the construction of a Tuberculosis Hospital.’ I take it that it refers to the hospital once proposed to be constructed in Madras. Now that the proposal to construct one on the Spur Tank was given up, is there any other proposal before Government? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ There is no other proposal. There is a proposal however to take up the Tambaram Sanatorium.”

[30th January 1936]

Mr. T. S. RAMASWAMI AYYAR:—“ May I know whether it is the intention of the Government to make the present hospital look like an efficient hospital or to keep it in its present condition? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Government do not want that this hospital should remain in an inefficient condition, but if we find funds we will improve its condition.”

B. POCKER SAHIB Bahadur:—“ May I know, Sir, whether there is any proposal to take up the Sanatorium at Tambaram under Government management? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ That is what I have already stated, that Government are proposing to take up the Tambaram Sanatorium under their management.”

Examination of samples and stomach contents by the Government Chemical Examiner during the year 1934-35.

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

(a) how many samples and stomach contents were received and examined by the Chemical Examiner to the Government of Madras during the year 1934-35; and

(b) the actual cost for examining each sample and stomach contents?

A.—(a) The following statement shows the number of cases dealt with and the number of articles analysed by the Chemical Examiner during 1934-35:—

	Cases.	Articles.
Human poisoning cases	337	2,007
Animal do.	19	71
Stain cases	999	5,192
Miscellaneous Medico-legal	99	598
General analysis.. .. .	154	154
Total	1,608	8,022

(b) It is not possible to work out the actual cost for examining each sample and stomach contents.

Need for the present staff at the Pasteur Institute, Coonoor.

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

(a) whether after the adoption of the policy of giving anti-rabic treatment in all district headquarters hospitals, the continuation of the present staff of the Pasteur Institute, Coonoor, has been found necessary; and

(b) whether the question of appointing the Director on a lower scale of pay has been considered?

[30th January 1936]

A.—(a) The continuation of the existing staff in the institute is necessary as the institute still continues to be a main centre for anti-rabic treatment and is the *only* place where anti-rabic vaccine is prepared. The institute also trains medical officers in anti-rabic treatment and does research work on the subject.

(b) No.

Mr. M. A. MANIKKAVELU NAYAKAR:—“ May I know the reason why Government still persist in continuing the existing staff since the anti-rabic treatment is now done in all district headquarter hospitals, and since only vaccine is prepared in Coonoor and only certain cases are treated there? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ As the answer says, medical officers are trained there in anti-rabic treatment.”

Representations for opening a rural dispensary at Komarapalayam, Salem district.

* 593 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 opening new rural dispensaries during the year 1936–37 and if so, how many and in which of the places;

(b) whether any representations have been received from the people of Komarapalayam town in Salem district to sanction one for their place on the ground that it is a populous one and that they are refused medical aid at Bhavani in Coimbatore district though it is close by; and

(c) if so, in what way they have been disposed of?

A.—(a) There are no proposals for the opening of rural dispensaries in 1936–37 subsidized by Government.

(b) No.

(c) Does not arise.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know why Government have not provided any rural dispensaries subsidized by Government in the coming year? Is it because the Government feel that there is sufficient medical aid now? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ There is no money.”

Public Health

Qualifications and functions of the Assistant Directors of Public Health.

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

(a) the jurisdiction and headquarters of the four Assistant Directors of Public Health;

30th January 1936]

(b) the qualifications of the existing incumbents and the nature of work turned out by each of them; and

(c) the total amount of travelling allowances and other general or special allowances drawn by each of them during 1934–35 and the number of places visited by each of them during 1934–35?

A.—(a) The jurisdiction of the Assistant Directors of Public Health including that of the Professor of Hygiene whose services are at the disposal of the Director of Public Health when he is not engaged on college work, and of the Assistant Directress of Public Health (Maternity and Child Welfare) extends throughout the Presidency and their headquarters is at Madras. For purposes, however, of supervision and inspection, the Assistant Directors of Public Health (Epidemics) (Vaccination) and (Vital Statistics) attached to the Office of the Director of Public Health have been placed in charge of a range each, the whole Presidency being divided into three ranges for the purpose.

(b)—

Serial number and name of the officer.	Qualifications.	Nature of work.
1 M.R.Ry. R. Adlscsha Ayyar Avargal.	L.M. & S., B.S.Sc., Hyg. (Camb.).	Dip. Professor of Hygiene, Medical College, Madras, and Port Health Officer, Madras. When not actually engaged on college work his services are at the disposal of the Director of Public Health.
2 M.R.Ry. B. Ethirajulu Nayudu Garu.	L.M. & S., B.S.Sc., Hyg., D.T.M. & H. (Camb.).	Dip. Assistant Director of Public Health (Epidemics and Fairs and Festivals).
3 M.R.Ry. A. Thirumalai Nayudu Avargal.	L.M.S., L.R.C.P., L.R.C.S. (Edin.), L.R.F.P. & S. (Glas.), D.P.H. (Camb.).	Assistant Director of Public Health (Vaccination).
4 M.R.Ry. R. M. Mathew Avargal.	M.B.B.S., B.S.Sc., D.T.M. & H. (Camb.), D.P.H. (Camb.), M.R.C.P.	Assistant Director of Public Health (Vital Statistics).
5 Mrs. L. N. Veerasinghe Chinnappa.	M.B.B.S.	Assistant Directress of Public Health (Maternity and Child Welfare).

(c) Attention is invited to the statement * showing the travelling allowance drawn by each of them and the districts and municipalities visited by them. Besides travelling allowance no other general or special allowance was drawn by them.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ May I know, Sir, whether posting four Assistant Directors of Public Health on functional basis is not more costly than their appointments on a territorial basis? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I cannot answer that general question.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“ Will it not be convenient if they are given territorial jurisdiction? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I cannot answer this question off-hand.”

* Printed as Appendix I on pages 223–224 infra.

[30th January 1936]

Need for the employment of a first-class Health Officer for research work during the year 1934-35.

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

(a) the necessity for a first-class Health Officer for research work and the nature of the research work done during the year 1934-35; and

(b) whether this work cannot be turned out by the existing staff in the King Institute, Guindy, with the aid of Assistant Directors; if not, why not?

A.—(a) The improvement effected in the registration of vital statistics disclosed that apart from epidemic diseases, there are others such as beri-beri, guinea-worm, leprosy and diet deficiency diseases which on account of the mortality or morbidity caused by them are of great importance from the standpoint of public health. As the information available regarding the etiology, geographical distribution and other factors associated with these diseases is extremely vague, it was considered necessary to conduct research work as to the causation and prevention of these diseases and also to complete the research work on plague done in this Presidency under the auspices of the Indian Research Fund Association. A Research Health Officer in the grade of First-class Health Officer has accordingly been appointed. An account of the work done by him during 1934-35 will be found in paragraphs 74-77 of the Annual Report of the Director of Public Health, Madras, for 1934.

(b) The work done by the units in the King Institute, Guindy, is mainly concerned with the etiology, diagnosis and possible prevention of the diseases. The work done by the Research Health Officer is on the other hand entirely non-epidemiological in character involving a detailed study of social conditions, etc., and also a detailed statistical analysis of the data so obtained; it is not possible to combine the work of the two units. In fact, the work of the two units is really complementary for any complete investigation of these diseases.

As research work requires constant attention and freedom from extraneous interferences of any kind necessitating stay out of headquarters for prolonged periods extending to months, it will not be possible for the Assistant Directors to devote enough time for the above research work.

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know the names of the districts to which the units have been posted? "

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

30th January 1936]

Staff for rural sanitation work.

* 596 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Education and Excise be pleased to state the necessity for six Health Officers and five Health Inspectors for rural sanitation work separately?

A.—There are six rural sanitation units. Each unit consists of a Second-class Health Officer and a Health Inspector except the sixth unit, which has a compounder in place of the Health Inspector. The rural sanitation units are engaged on an educative campaign on hookworm disease and soil pollution, hookworm survey and mass treatments for hookworm infestation, and construction of bore-hole and other cheap latrines in villages. A unit works on an average for three years in each district.

The present district health staff is quite inadequate for the routine health work in villages and so a special staff with special training is necessary for this special branch of work.

Employment of women as vaccinators.

* 597 Q.—Mrs. K. ALAMELUMANGATHAYARAMMA: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) what the minimum qualification prescribed for the post of vaccinators is;

(b) how many women there are who are employed as vaccinators by the Government; and

(c) since when women have been employed as vaccinators?

A.—(a) Direct recruitment to posts of vaccinators included in the Madras Public Health Subordinate Service is only in the second class and the qualifications for appointment as second-class vaccinators are as follows:—

(1) The candidate should possess the minimum educational qualification prescribed in the general rules relating to subordinate services.

(2) He should be able to read and write the vernacular language of the taluk in which he is employed, shall have completed a course of training in vaccination prescribed by the Director of Public Health and should in the opinion of the appointing authority be physically fit for camp life.

A vaccinator, second class, shall not be eligible for promotion to the first class unless—

(1) he possesses the qualifications prescribed by the Government for appointment as a Sanitary Inspector or a Sub-Assistant Surgeon;

[30th January 1936]

- (2) he is able to read and write at least two vernacular languages of the Presidency of Madras;
- (3) he has completed a course of training in vaccination at the King Institute, Guindy; and
- (4) he is in the opinion of the appointing authority physically fit for camp life.

(b) & (c) Government employ vaccinators only in the Agency. None of these vaccinators is a woman.

Diwan Bahadur A. APPADURAI PILLAI:—" May I know, Sir, whether there is any objection to the employment of women as vaccinators? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is no objection at all, Sir."

Diwan Bahadur A. APPADURAI PILLAI:—" May I know, whether the Government will consider the desirability of appointing women vaccinators if they are prepared to come forward and if a number of qualified women are available? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think qualified women vaccinators are available in any large numbers."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—" Will Government be pleased to advise the local boards to see that a certain number of women are appointed as vaccinators? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It is not possible to do so, as there are no women vaccinators available."

Co-operation

Help rendered by the Provincial Weavers' Co-operative Society to the handloom weavers of the province.

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

(a) what work has the Board of Directors of the Provincial Weavers' Co-operative Society turned out so far to help the handloom weavers of this province;

(b) how many affiliated societies have so far been started in each district and what they are; and

(c) how long this work is likely to continue and whether the Government of India have agreed to pay grants for this work every year?

A.—(a) It is not possible to state in answer to a question what the society has done. It may, however, be briefly stated that the society started business on 12th August 1935. It has appointed its Secretary, Marketing Officer and six district supervisors. The Secretary is chiefly employed in collecting subscriptions and generally looking to the

30th January 1936]

finances of the society. The Marketing Officer is studying marketing possibilities in Madras and the mufassal, fixing agencies in these places, and collecting samples of cloth produced in several areas. The district supervisors are engaged in similar work. Arrangements are being made to supply primary societies with yarn of correct length and weight at the price ruling on the day of delivery.

- (b) There are now 15 affiliated societies whose names are given in the list^a appended. Production societies are being organized at Melapalayam, Conjeeveram, Narayana-varam, Pedana, Rayadrug and Tanjore.
- (c) The work is likely to continue for as long as the Government of India give the grant which will be received till 1938-39.

Mr. P. V. KRISHNAYYA CHODARI:—" Are there any rules restricting the affiliation of societies? "

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

Public Works

Recruitment of Assistant Engineers and Supervisors since 1930.

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

(a) how many Assistant Engineers and how many supervisors have been recruited for the Public Works in each year since 1930;

(b) what the communitywar and districtwar strength is of each class of these appointments in each year; and

(c) whether there is direct recruitment of Executive Engineers and if so, how many have been selected in each year since 1930; and how many such posts have been filled by promotion in each year?

A.—(a) & (b)—

Assistant Engineers.

	Brahman.	Non-Brahman.	Others.	Total.
1930	8	..	..	8
1931	..	1	..	1
1932 to 1934	..	..	..	..
1935	8	8	..	16

Supervisors.

	Brahman.	Non-Brahman.	Christian.	Muhammadan.	Total.
1930	39	23	4	1	67
1931	7	7	1	..	15
1932 to 1935	..	..	..	..	..

Information regarding the districtwar strength is not available.

[30th January 1936]

- (c) There is no direct recruitment of Executive Engineers. They belong to the All-India Service and are recruited by the Secretary of State first as Assistant Executive Engineers and are promoted to the rank of Executive Engineers.

One post of Assistant Executive Engineer was filled up by promotion of an Assistant Engineer in 1931.

Veterinary

Proposals for the extension of the course of study and the affiliation of the Veterinary College to the University.

* 600 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Public Works be pleased to state what action has been taken in regard to the extension of the veterinary course to a period of five years and the affiliation of the Veterinary College to the University?

A.—A proposal for the introduction of the Bachelor of Veterinary Science Degree Course extending to ten terms (three years and one academic term) at the Madras Veterinary College from July 1935 was sanctioned by Government; but the course has not been introduced as the Inspection Commission appointed by the Madras University to inspect the College made some recommendations which involved further expenditure requiring Government sanction, before the University could be asked to affiliate the College. The recommendations of the Inspection Commission are under the consideration of Government. There is no proposal to extend the course to a period of five years.

Mr. A. B. SHETTY:—“ May I know what expenditure is required for carrying out the recommendations of the Inspection Commission? ”

The Hon. Mr. P. T. RAJAN:—“ About Rs. 4,500. ”

Mr. A. B. SHETTY:—“ In view of this small sum that is required, may I know why Government should take further time to consider this matter? ”

The Hon. Mr. P. T. RAJAN:—“ The matter is under consideration. I believe this has been considered as a Part II scheme for 1936-37. ”

Local Self-Government

Protests against the constitution of Udipi into a municipality.

* 601 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) how many representations and objections have been received by the Government against the proposal to constitute Udipi into a municipality after the publication of the preliminary notification in the Gazette; and

30th January 1936]

(b) whether requests have been made to the Hon. the Chief Minister to permit a deputation to wait on him and what reply was sent to them?

A.—(a) Thirty-one; but they were mostly copies of the same petition but signed by different individuals.

(b) Yes. No reply was considered necessary as the final order constituting the municipality was issued on 8th October 1935.

Reasons for constituting Udipi into a municipality.

* 602 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the number of rural towns with a population larger than that of Udipi in this Province; and

(b) the reasons for constituting a municipality for Udipi against the wishes of the people at this time of depression, while towns with larger population have not yet got a municipality?

A.—(a) The attention of the hon. Member is invited to Table IV of the Census of India, 1931, Volume XIV—Madras—Part II—Imperial and Provincial Tables.

(b) The constitution of Udipi into a municipality was considered necessary in the interests of public health as it is an important pilgrim centre.

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“ May I know, Sir, whether it was on the recommendation of the Collector of the district that Udipi was constituted into a municipality? ”

The Hon. the RAJA OF BOBBILI:—“ It may be on his recommendation also. ”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Is it not a fact that there are too many hotels in Udipi and that there should be better sanitation in the place? ”

Basis for fixing the motor car allowances of Municipal Commissioners.

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

(a) the salary and motor car allowance of each Commissioner of municipality; and

(b) the basis on which the motor car allowance is calculated?

A.—(a) A statement* showing the particulars referred to, as on the 3rd January 1936, is appended.

(b) The rates of conveyance allowance payable to commissioners have been generally fixed on the basis of the rank of the officers.

[30th January 1936]

Mr. M. S. SRESHTA:—" May I know, Sir, whether any minimum mileage is fixed for allowance? "

The Hon. the RAJA OF BOBBILI:—" This allowance is given for outdoor work within municipal limits and there is no mileage in this question. "

Mr. M. S. SRESHTA:—" Is it not a fact that almost every Commissioner of a municipality maintains a motor car as it is not possible for him within the limited time at his disposal to cover the long distances except by going in a motor car? "

The Hon. the RAJA OF BOBBILI:—" It may be that every Commissioner maintains a motor car; but these allowances are not really motor car allowances. They are conveyance allowances which are given according to the status of these Commissioners. Government also do not expect the Commissioners of small municipalities to maintain motor cars. "

Mr. M. S. SRESHTA:—" Is it not a fact that many Commissioners do not do sufficient inspection work on account of the fact that their allowance is not sufficient? "

The Hon. the RAJA OF BOBBILI:—" I am afraid I cannot give a straight answer to the question. As far as Government are concerned, no Commissioner has so far reported that he is unable to undertake adequate inspection for this reason. "

Mr. M. S. SRESHTA:—" Will Government please call for a statement showing what mileage is covered by each Commissioner? "

The Hon. the RAJA OF BOBBILI:—" It is possible to get that, but as a matter of fact, all fixed conveyance allowances are given irrespective of the mileage covered. Grades of allowance to Commissioners will more or less depend on the size and importance of the municipality. "

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know, Sir, what possible objection Government can have to the grant of increased allowances to Commissioners? "

The Hon. the RAJA OF BOBBILI:—" The whole idea is that there should be uniformity in regard to this matter. "

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—" May I know whether it will not be in the interests of the municipalities generally, whether they are small or large, if conveyance allowance is fixed once for all and the pay of the Commissioners if possible reduced? "

The Hon. the RAJA OF BOBBILI:—" I cannot say how it would satisfy the Commissioners if conveyance allowances are fixed once for all and they are kept on a particular pay. "

11-15 a.m. Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know, Sir, whether Government have not granted to chairmen of municipalities Rs. 100 and more while their executive duty is practically nil? "

30th January 1936]

The Hon. the RAJA OF BOBBILI:—" The allowances have been granted, it is presumed, before the appointment of Commissioners and in some cases the chairmen are not granted any allowance at all. "

Maximum pay and allowances admissible to a Municipal Commissioner deputed from other services.

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

(a) what the maximum pay and allowances on an aggregate to be paid to any municipal commissioner is;

(b) whether the allowances include the pensionary contribution and leave allowances paid by a municipality on behalf of Commissioner whose services are lent to the municipality; and

(c) whether such a question arose in any municipality; if so, from where and what orders have been passed thereon and whether a copy of it will be placed on the table?

A.—(a) The attention of the hon. Member is invited to clause (a) of sub-section (6) of section 12-C of the Madras District Municipalities Act, 1920.

(b) No.

(c) Yes; in Coimbatore. Paragraph 1 of G.O. No. 4966, L. & M., dated the 2nd December 1935, passed in that case, is placed on the table. *

Mr. K. A. NACHİYAPPA GOUNDER:—" May I know, Sir, whether it was not thought at the time of passing the Act that the maximum expenditure to be incurred by the municipality should include everything? "

The Hon. the RAJA OF BOBBILI:—" The question has been examined and Government have ruled that contributions and leave allowances are not included. "

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know, Sir, whether Government are aware that in the same municipality municipal engineers and health officers draw a larger allowance? "

The Hon. the RAJA OF BOBBILI:—" I am aware there are such cases. I feel that in such cases the municipality has been too generous. "

Alleged disobedience of Government Orders on the part of the Commissioner, Narasaraopet Municipality.

* 605 Q.—Mr. G. SIMHACHALAM PANTULU: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Municipal Commissioner, Narasaraopet Municipality, Guntur district, refused to give effect to the orders passed by the Government in their G.O. Ms. No. 3892, L. & M., dated 24th September 1935; and

* Printed as Appendix IV on pages 226-227 infra.

[30th January 1936]

(b) what action the Government propose to take against the Commissioner for disobedience and dereliction of duty?

A.—(a) No.

(b) The question does not arise.

Communal representation in the services of local boards and municipalities.

* 606 Q.—MR. MAHOOB ALI BAIG: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether rules have been issued under the amended provisions of the District Municipalities Act and Local Boards Act in regard to communal representation in services in municipalities and district boards;

(b) if the answer to clause (a) is in the affirmative, what the dates of issue of the rules were; and

(c) whether any complaints have been received by the Government that the Presidents and the Commissioners have not been giving effect to the rules under some pretext or other?

A.—(a) The rules relating to representation of communities in services under district boards have been issued. Similar rules for municipal councils will be issued after the designations and scales of pay of municipal establishments are standardized.

(b) The rules relating to district boards were published in Part I-A of the *Fort St. George Gazette*, dated 2nd July 1935, and they came into force from 15th July 1935.

(c) No.

Representation of Muslims in the cadre of Municipal Commissioners and Panchayat Officers.

* 607 Q.—MR. MAHOOB ALI BAIG: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the number of Municipal Commissioners and Panchayat Officers appointed till now;

(b) the number of Muslims appointed to the said posts; and

(c) whether the proportion of Muslim appointees is in accordance with the communal Government Order; if not, why not?

A.—(a) & (b) Out of a total number of 103 persons appointed as Commissioners and 34 as District Panchayat Officers up to 3rd January 1936, 8 of the former and 2 of the latter were Muhammadans.

(c) The attention of the hon. Member is invited to the answer to clause (c) of his question No. 75 answered on the 3rd August 1934 and to the answers to the supplementary questions on his question No. 263 delivered on the 24th October 1934.

[30th January 1936]

MR. M. A. MANIKKAVELU NAYAKAR:—“ Is it a fact that many communities among Hindus are not represented and, if so, may I know how Government propose to remedy the grievance? ”

The Hon. the RAJA OF BOBBILI:—“ It is not possible to say how many communities are represented.”

Pay of the employees of the ex-Taluk Board of Sattenapalle, Guntur district.

* 608 Q.—MR. G. SIMHACHALAM PANTULU: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Government issued orders that the ex-taluk board employees of Sattenapalle, Guntur district, should not be paid at the rates restored by the taluk board during the period of notice served on them consequent on the abolition of the taluk board and if so, the reasons therefor; and

(b) whether the district board of Guntur had recommended that these employees should be paid at the rate at which they were receiving their salaries before the abolition of the taluk board?

A.—(a) Yes; because the amount of expenditure incurred on establishment even at the rates of salaries which were in force prior to the restoration of the enhanced rates, very much exceeded the prescribed limits.

(b) No; but the President, District Board, Guntur, addressed the Government in the matter.

Applicability of G.O. No. 2341, L. & M., dated 20th June 1935, to promotions of secondary school teachers as headmasters of board high schools.

* 609 Q.—B. POCKER SAHIB Bahadur: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether the post of the headmasters of the district board high schools is treated as a special category; and

(b) if so, whether the Madras District Board (Communal Representation) Rules—G.O. No. 2341, L. & M., dated 20th June 1935, apply to the appointment of headmasters of board high schools by promotion of secondary school teachers?

A.—(a) Yes, as a selection post.

(b) No.

B. POCKER SAHIB Bahadur:—“ May I know, Sir, whether Government will consider the advisability of applying the principles of the communal Government Order to the special cadre of headmasters also? ”

The Hon. the RAJA OF BOBBILI:—“ In the case of the selection posts it is not possible to apply the communal Government Order. We are prepared to issue an order that as far as possible the claims of each community should be taken into consideration in filling up those posts.”

[30th January 1936]

Deposit of the funds of local bodies and municipalities into the District Urban Banks.

* 610 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 providing stringent rules in the matter of local boards and municipalities investing deposits in the District Urban Banks;

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

(c) what the reasons are that weighed with the Government for passing such orders;

(d) whether representations have been received either from the Central banks or from the local boards and municipalities concerned to relax those rules; and

(e) if so, from whom and when; and what orders have been passed thereon?

A.—(a) to (c) A copy of G.O. No. 5210, L. & M., dated 13th December 1933, is laid on the table.*

(d) & (e) No.

Mr. K. A. NACHIYAPPA GOUNDER:—“ In view of the fact that several district banks are in need of deposits will the Government consider the desirability of cancelling or modifying the orders? ”

The Hon. the RAJA OF BOBBILI:—“ Even now there is no prohibition. Deposits should be made with the permission of the Registrar of Co-operative Societies. Some time back this restriction was placed in the interests of the co-operative banks on the recommendation of the Registrar. Even now there is no prohibition. The only restriction is that the permission of the Registrar should be obtained.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Is it not a fact, Sir, that the Registrar refuses permission without assigning reasons? ”

The Hon. the RAJA OF BOBBILI:—“ It may be a fact. The grounds are that co-operative banks have large surpluses for which they could not find an opening. It was considered necessary that some restriction should be placed in the interests of the banks themselves.”

Scheme, if any, for the utilization of the grant of Rs. 16 lakhs given by the Government of India.

* 611 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Local Self-Government be pleased to state whether the Government of Madras have made any plan or scheme for utilizing the amount of Rs. 16 lakhs given by the Government of India to the Madras Government; if so, whether the Hon. Minister will be pleased to place on the table a detailed explanation of the said scheme?

* Printed as Appendix V on pages 227-228 infra.

[30th January 1936]

A.—The attention of the hon. Member is invited to the answer to question No. 455. A sum of Rs. 14 lakhs only has been allotted to this province.

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I know how much of this amount of 14 lakhs has been used for this Province? ”

The Hon. the RAJA OF BOBBILI:—“ All the amount has now been allotted to various local boards and the Public Health Department. Half a lakh of discretionary grants to district officers has also been included in it. We expect that most of the money will be spent by the end of this year. It is not possible to say how much money has so far been spent by each of the local bodies.”

Scheme of expenditure of the grant sanctioned by the Government of India for rural reconstruction.

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

(a) whether the Government have prepared any scheme for spending the amount sanctioned by the Government of India for rural reconstruction in this province;

(b) if so, what the purposes are for which it will be expended;

(c) what the amounts proposed to be spent under each head are;

(d) whether the Government propose to place that scheme before this House for approval; and

(e) if not, why not?

A.—The attention of the hon. Member is invited to the answer to question No. 455.

Personnel of the Committee appointed to distribute the grant of the Government of India for rural development.

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

(a) what amount has been allotted by the Government of India for rural development in this Province;

(b) whether a Committee has been appointed to report on the amount to be allotted to each district;

(c) if so, who the members of this Committee are;

(d) what steps have been taken to represent on this Committee the interests of South Kanara and of Malabar;

(e) whether an allotment has been proposed by this Committee for each district;

(f) if so, on what principles this allotment has been based; and

(g) what amount has been allotted to each district?

A.—(a) & (b) The attention of the hon. Member is invited to the answer to question No. 455.

(c) to (g) Do not arise.

[30th January 1936]

Proposals for the expenditure of the grant sanctioned by the Government of India for rural development.

* 614 Q.—MR. K. A. NACHİYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) what the amount of grant sanctioned by the Government of India to this Government for rural development during the current year is;

(b) what the works are that are to be undertaken from this grant and by which agency these works are to be done;

(c) on what basis this grant is distributed to various districts;

(d) whether this Government contribute any sum to supplement the grant and, if so, how much; and

(e) whether copies of orders passed in these matters will be placed on the table?

A.—(a), (b), (c) & (e) The attention of the hon. Member is invited to the answer to question No. 455.

(d) No.

MR. K. A. NACHİYAPPA GOUNDER:—“ May I know, Sir, whether any conditions are imposed by the Government of India to set apart any contribution from the Provincial Funds also for this purpose? ”

The Hon. the RAJA OF BOBBILI:—“ No, Sir.”

Appropriation of the grant made by the Government of India for rural uplift.

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

(a) whether the Government have passed orders on the utilization of the grant by the Government of India for rural uplift; and

(b) whether they will be pleased to lay it on the Council table?

A.—The attention of the hon. Member is invited to answer to question No. 455.

MR. P. V. KRISHNAYYA CHOUDARI:—“ May I know, Sir, whether the orders will be placed on the table? ”

The Hon. the RAJA OF BOBBILI:—“ Orders have been passed on various questions. In the answer it has been stated how much has been distributed. I will again read:—

Improvement of village communications ...	4.50 lakhs
Rural water-supply	5.5 lakhs
Village sanitation	3 lakhs
Anti-malarial measures	0.5 lakh
Discretionary grants to district officers ...	0.5 lakh

30th January 1936]

Out of the grant of 4.50 lakhs for the improvement of village communications, it is proposed to place 1.50 lakhs at the disposal of the Inspector of Municipal Councils and Local Boards for expenditure in non-union panchayat areas.”

DIWAN BAHADUR C. S. RATNASABHAPATI MUDALIYAR:—“ May I know whether there is any time-limit fixed in regard to expenditure? ”

The Hon. the RAJA OF BOBBILI:—“ No time-limit has been fixed. The grant will lapse just as other budget provisions. Government have instructed that they should be spent as early as possible.”

Expenditure, if any, on the needs of the Depressed Classes from the grant of the Government of India for rural development.

* 616 Q.—MR. M. DEVADASAN: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) what the amount provided for by the Government of India for rural development in this Presidency is;

(b) how the amount is proposed to be spent by the Provincial Government; and

(c) how much of this amount is proposed to be reserved for the needs of Depressed Classes?

A.—The attention of the hon. Member is invited to answer to question No. 455.

Proposals for the appropriation of the grant of the Government of India for rural development.

* 617 Q.—MR. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the amount which this Province will get out of the one crore of rupees which the Government of India have allotted for rural development;

(b) the purposes for which it will be spent; and

(c) the amount that will be allotted for village communications and water-supply in each district?

A.—The attention of the hon. Member is invited to the answer given to question No. 455.

Resolutions passed at the Elementary Teachers' First Conference, held at Erode on the 28th and 29th July 1935, regarding personal pay and medical leave.

* 618 Q.—MR. K. A. NACHİYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether representations have been received either by the Government or by the Director of Public Instruction by way of resolutions passed at the Erode Range Elementary Teachers' First

[30th January 1936]

Conference held at Erode on the 28th and 29th of July 1935 in the matter of allowing personal pay, medical leave, etc., to such teachers employed under the local bodies and municipalities; and

(b) if so, what action has been taken on each of such resolutions?

A.—(a) No.

(b) Does not arise.

Landlords and Tenants

Principles governing the settlement of rents in estates.

* 619 Q.—Sriman M. G. PATNAIK Mahasayo: Will the Hon. the Member for Revenue be pleased to state—

(a) how far the principles on which settlement is made in ryotwari tracts are followed in settling rents in estates;

(b) whether any directions in general or specially for particular estates are issued by Government or the Board of Revenue to officers engaged in settling rents as to the principles to be followed in settling rents; and

(c) if so, whether such directions are published for the benefit of the public?

A.—(a) The attention of the hon. Member is invited to the provisions of sub-sections (2) to (4) of section 168 of the Madras Estates Land Act, 1908, which lay down the principles on which the settlement of rents in estates should be made.

(b) & (c) Executive rules of a general nature relating to both the preparation of a record of rights and settlement of rents under Chapter XI of the Madras Estates Land Act, 1908, were issued by Government in Revenue Department Notification No. 473, dated 26th November 1909, and published at pages 1291-97 of Part I of the *Fort St. George Gazette*, dated 30th November 1909.

Sriman M. G. PATNAIK Mahasayo:—“ Will the Hon. the Revenue Member be pleased to state if Chapter XI is going to be amended in view of the Full Bench decision which pronounced that the settlement provisions of the Madras Estates Land Act are very unsatisfactory? ”

The Hon. Sir CHARLES SOUTER:—“ There is no such proposal before the Government at present.”

Sriman M. G. PATNAIK Mahasayo:—“ May I know if the Board of Revenue issues instructions or executive orders in respect of such matters? ”

The Hon. Sir CHARLES SOUTER:—“ I think the answer is in the answer to clauses (b) and (c). Executive rules of a general nature have been issued.

30th January 1936]

Land Revenue Administration

Appointment of ministerial servants disbanded from Survey and Settlement parties in preference to Madras Services Commission candidates.

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

(a) what the total number is of ministerial servants disbanded from the Settlement and Survey parties;

(b) what the principle adopted is in reappointing them and the basis on which they are distributed throughout the Presidency;

(c) on what grounds they are preferred and appointed when the Services Commission candidates are available; and

(d) when these persons were first appointed in Survey and Settlement departments, whether it was understood that these departments are not permanent and consequently they would have to go away on the termination of work in the particular district?

A.—(a) From the information available with the Government, it appears that 92 clerks in the Settlement parties and 37 clerks in the Survey department were discharged as a measure of retrenchment. The Government are unable to give the total number of clerks discharged as surplus to requirements.

(b) & (c) Qualified clerks discharged, owing to retrenchment, are eligible for appointment to the Madras Ministerial Service in any office and are entitled under rule 6 (3) of the Retrenchment and Re-employment Rules to preference over candidates selected by the Madras Services Commission. The Government suggested to the Board of Revenue that the men retrenched from the Settlement parties should be distributed fairly among the districts, and that undue concentration of one community in any district should be avoided. The Board distributed their names accordingly after taking into account the service of each individual and the language with which he was acquainted. The Board was also asked to make an equitable distribution of clerks retrenched from the Survey department and the Government presume that the distribution was made on the same lines.

Qualified clerks, discharged as surplus to requirements, may be appointed to the Madras Ministerial Service at the discretion of the appointing authorities. The appointing authorities are not required, according to the orders at present in force, to give any preference to such clerks over candidates selected by the Madras Services Commission.

[30th January 1936]

- (d) It has always been understood that temporary subordinates in the Settlement parties and in the Survey department are liable to be discharged when they become surplus to requirements. They do not necessarily become surplus to requirements on the termination of work in a particular district; nor does it follow that when they are discharged they should be debarred from reappointment in any other department or office.

G.O. No. 773, Revenue, dated 2nd May 1933, regarding contribution by ryots for repairs and improvements to irrigation works.

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

(a) whether the Government will be pleased to lay on the table of the House a copy of G.O. No. 773, Revenue, dated 2nd May 1933;

(b) whether the Government will be pleased to lay on the table a statement showing the amount demanded and collected in each district, after the passing of the above Government Order from the ayacut ryots as contribution for repairs or improvements to irrigation works up to date; and

(c) how many proposals were dropped because of inability on the part of the ryots to pay contribution—districtwar figures may be furnished?

A.—(a) An extract of paragraph III (iii) of the Government Order and of paragraph 73 of Mr. Leach's report referred to therein, is attached.*

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

MR. G. RAMESWARA RAO:—"Sir, in view of the exuberant sympathy expressed in favour of rural uplift and reconstruction, may I request the Hon. Member to acquaint himself with the state of affairs of the ryot and call for information with regard to (b) and (c) and give the benefit of the information to the Council also?"

THE HON. SIR CHARLES SOUTER:—"I think it will take far too much time and trouble."

MR. K. KOTI REDDI:—"May I know if the Government is prepared to consider the inadvisability of demanding any amount for a work which the Government ought to undertake themselves?"

THE HON. SIR CHARLES SOUTER:—"I think the hon. Member will find the answer in the report given in Appendix VI."

MR. K. KOTI REDDI:—"After having read that report I am putting this question. On the question of repair and construction of irrigation works the responsibility is on the Government. Instead of asking for a contribution will the Government do it themselves?"

THE HON. SIR CHARLES SOUTER:—"Mr. Leach's report will answer that question."

* Printed as Appendix VI on pages 228-229 infra.

30th January 1936]

MR. G. RAMESWARA RAO:—"Will the Government acquaint itself with the condition of the ryot and do something for him?"

THE HON. SIR CHARLES SOUTER:—"I assure the hon. Member that Government do a great deal for the ryot."

MR. V. M. RAMASWAMI MUDALIYAR:—"May I know why these unfortunate districts of North Arcot and Chingleput should suffer from this levy?"

THE HON. SIR CHARLES SOUTER:—"I believe it is a matter of long-standing practice in the districts."

Public Service

Employment of candidates selected by the Madras Services Commission for the Madras Ministerial Service in the mufassal.

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

(a) what the total number is of candidates hitherto selected by the Madras Services Commission for appointment in the Madras Ministerial Service in the various mufassal districts;

(b) what the number is for each district and for each year;

(c) of these, how many are employed in permanent and long-standing vacancies and how many years the Government expect to take to absorb the remaining; and

(d) whether the Government are aware that in districts like Malabar and South Kanara even candidates selected in 1931 and 1932 are still awaiting appointments?

A.—(a) & (b) A statement* is laid on the table.

(c) Of 2,327 candidates selected for posts of clerk and 261 selected for posts of typist, 607 and 52, respectively, became ineligible for appointment on account of age or failed to join appointments offered, etc., and 1,704 and 209 candidates have been appointed as clerks and typists, respectively. It will thus be seen that only 16 candidates selected for posts of clerk have yet to be appointed and all these men were selected in 1934. Government have no information as to how many candidates are employed in permanent and longstanding vacancies. It is of course likely that since their first appointment some of the candidates have been ousted for want of vacancies; it is not possible to say when they will be re-absorbed in the service.

(d) All the candidates selected for appointment in the Malabar and South Kanara districts have been appointed and placed on probation except one in the Malabar district selected in 1934. Thirty-seven candidates in Malabar and

* Printed as Appendix VII on pages 229-230 infra.

[30th January 1936]

14 in South Kanara have since been discharged for want of vacancies and are awaiting re-appointment. The delay in the re-appointment of the candidates in Malabar is due to the fact that Government abolished 104 clerical posts in the Registration department in that district consequent on the introduction of the photostat system of copying documents and directed that the incumbents should be absorbed in other offices in the district. In Malabar and South Kanara many clerks in the Settlement department have been discharged after completion of the work for which they had been engaged and they have to be re-employed in vacancies arising in the respective districts.

Mr. U. C. SUBRAHMANYA BHATT:—" May I know, Sir, whether it is not possible to select a lesser number of candidates every year so as to only cover the actual demand in the course of the particular year? "

The Hon. Sir CHARLES SOUTER:—" I understand the Public Services Commission selects the number of candidates on receipt of a requisition from the Collectors as to their requirements during the year and I cannot say that any other system would be possible."

Mr. U. C. SUBRAHMANYA BHATT:—" Does not the very fact that 602 candidates have become age-barred, show that the number is far in excess of the requirements? "

The Hon. Sir CHARLES SOUTER:—" It does not follow at all. If the hon. Member will read the answer carefully he will find that a number of candidates became ineligible on account of age or other causes. Most of the other candidates were appointed."

Proportion of appointments reserved for the depressed classes according to the communal rotation Government Order.

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

(a) what the ratio is of appointments reserved for the depressed classes in accordance with the Government Order prescribing communal rotation in the matter of appointments;

(b) whether such a ratio is based on the basis of the population of the depressed classes;

(c) whether any representation was received by the Government for the increase of appointments for the depressed classes; and

(d) if so, what was done thereupon?

A.—It is presumed that by the term "depressed classes" the hon. Member refers to "scheduled classes," who alone are now recognized as a separate unit for purposes of the communal rule.

30th January 1936]

(a) One out of every twelve appointments.

(b) No.

(c) & (d) No representation has been received by Government. But the Andhra Provincial Depressed Classes Federation, Ellore, which waited on His Excellency the Governor at Ellore on the 8th February 1935 requested *inter alia* that the proportion be raised to 3 out of 12. Government, however, decided that it is undesirable to reopen the question of the communal rule.

Cinchona

Supervision by the Deputy Director of Agriculture (Cinchona) of the Dodabetta and Naduvattam plantations and the Anamalais since 1933-34.

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

(a) the number of superintendents for the Dodabetta and Naduvattam plantations and Anamalais employed by the Government;

(b) the number of visits made by the Deputy Director of Agriculture (Cinchona) to supervise the work of superintendents in each of the years from 1933-34; and

(c) the travelling allowance drawn by the officer during the last three years?

A.—(a) 2.						
(b) In 1933	...	...	...	...	...	8
In 1934	...	...	...	...	...	9
In 1935	...	...	...	...	...	11
						RS.
(c) In 1933	...	...	...	...	...	1,274
In 1934	...	...	...	...	...	1,810
In 1935	...	...	...	...	...	574

Electricity

Tenders for the construction of high tension transmission line from Mettur-Singarappet to Vellore and from Mettur to Erode.

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

(a) whether it is a fact that the Chief Engineer for Electricity has invited tenders for the construction of 66/110 K.V. high tension transmission line from Mettur-Singarappet to Vellore and from Mettur to Erode;

(b) the total estimated cost of this transmission line;

(c) whether the time of putting in tenders was first mentioned as 3rd January 1936 and later cut short to 3rd December 1935;

[30th January 1936]

(d) why in a contract of this magnitude they considered it advisable to cut short the time allowed to tenders by one month; and

(e) whether it is a fact that 66 K.V. and higher voltage transmission system do not occur in any private or municipal licensee's transmission works but only in Government Hydro-Electric schemes?

A.—(a) Yes.

(b) The total estimated cost of the transmission lines is Rs. 26.84 lakhs.

(c) Yes.

(d) "3rd January 1936" was an error and the date was corrected to "3rd December 1935." The latter date allows the usual interval of time for tendering.

(e) Yes.

B. POCKER SAHIB Bahadur:—"May I know, Sir, how this mistake occurred as regards the date with reference to the answer to clause (d)?"

The Hon. Sir K. V. REDDI NAYUDU:—"It is not possible to say. To err is human."

B. POCKER SAHIB Bahadur:—"But in view of the fact that a later date was given publicity, was it proper for the Government to stick to it rather than give the time allowed?"

The Hon. Sir K. V. REDDI NAYUDU:—"The Chief Engineer probably thought, as stated in the answer, that time up to December would be quite sufficient."

B. POCKER SAHIB Bahadur:—"In view of the fact that publicity was given to 3rd January, is it not fair that Government allowed that time?"

The Hon. Sir K. V. REDDI NAYUDU:—"That would have been the case if the correction had taken some time. Probably it was corrected three or four days after the publication."

B. POCKER SAHIB Bahadur:—"With reference to clauses (c) and (d) I would like to know whether that condition is imposed in order to keep out Indian concerns from tendering?"

The Hon. Sir K. V. REDDI NAYUDU:—"Absolutely no such intention."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know whether the revised date was intimated to all companies to which the original notice was sent?"

The Hon. Sir K. V. REDDI NAYUDU:—"I want notice. Every step was taken to see that all persons concerned were made aware of it."

30th January 1936]

Amount involved in the contracts given to Messrs. Callendars Cable and Construction Company, Limited, for transmission lines during the last five years.

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

(a) what contracts for transmission lines have been placed with Messrs. Callendars Cable and Construction Company, Limited, during the last five years by the Hydro-Electric department of the Madras Government;

(b) what the total value of all such contracts to Messrs. Callendars Cable and Construction Company, Limited, during these five years amounted to;

(c) what the total value of all transmission line contracts placed with Indian firms during the last five years amounts to;

(d) whether the Government are aware that clause 3 of the tender invitation specifically states that "No firm need tender who have not themselves constructed overhead tower transmission lines for voltages of 66 K.V. or over";

(e) whether there are any Indian firms in the Madras Presidency who have erected 66 K.V. tower transmission line;

(f) when were 11 and 22 K.V. transmission lines first erected in this Presidency; and

(g) whether Indian firms were entrusted with the erection of these lines, and if so, what their names are?

A.—(a) The following contracts for the construction of transmission lines were placed with Messrs. Callendars Cable and Construction Company, Limited, during the last five years:—

(1) Mettur-Erode-Salem, 22 K.V. lines (1930).

(2) Trichinopoly-Tanjore-Negapatam, 66 K.V. lines (1934).

(3) Tanjore-Papanasam, 33 K.V. lines (1934).

(b) The value of the above contracts let to Messrs. Callendars Cable and Construction Company amounted to Rs. 11.5 lakhs.

(c) The value of the transmission line contracts placed with Indian firms during the last five years amounted to Rs. 1.2 lakhs.

(d) Yes, but only in tenders for the construction of 66 K.V. lines or lines of higher voltage.

(e) No.

(f) So far as Government lines are concerned, the first 11 K.V. line was constructed in 1929 and the first 22 K.V. line in 1930-31.

(g) Yes. Messrs. P. Natesan & Co., Madras.

[30th January 1936]

B. POCKER SAHIB Bahadur:—"With reference to clause (d) I would like to know what the real object is of the condition imposed?"

The Hon. Sir K. V. REDDI NAYUDU:—"Nothing, except that in a very technical, important and even dangerous matter only experienced men who have already done some work in the line can be expected to execute the work satisfactorily."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Arising out of clause (e) may I ask whether the tender of Messrs. Callendars was the lowest and for that reason they got the contract?"

The Hon. Sir K. V. REDDI NAYUDU:—"I am not aware of it. But I shall enquire. But I may tell the hon. Member that though the lowest tender is generally accepted, efficiency plays a more important part."

B. POCKER SAHIB Bahadur:—"With reference to clauses (d) and (e) I find great disparity between the values of the contract between Messrs. Callendars and the Indian Company. May I know how Government accounts for the great disparity?"

The Hon. Sir K. V. REDDI NAYUDU:—"66 K.W. are of a higher capacity and naturally they cost more. Those that cost more must certainly be higher than those that cost less."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"How many firms are there who have experience in laying 66 K.V. lines—Only one or more than one?"

The Hon. Sir K. V. REDDI NAYUDU:—"In what country?"

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"In Madras Presidency?"

The Hon. Sir K. V. REDDI NAYUDU:—"I am not aware of many companies, Sir."

Electric pumps and their capacity.

* 627 Q.—Mrs. A. RUKMANI LAKSHMIPATHI:—"With reference to the answer to question No. 510 answered on the 8th November 1935, will the Hon. the Law Member be pleased to call for and lay on the table a list showing the amount of energy used for agricultural pumping, the number of pumps installed and the steps taken by the private licensees in the province in the matter of electrical pumping for agriculture?"

A.—The Chief Engineer for Electricity has been asked to obtain the information required. This will take some time as reports have to be called for from all licensees.

Representations for the reservation of the Palar basin for the development of electricity by the Government.

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

(a) whether he has received any representation from the Members of the Legislative Council representing North Arcot to reserve

[30th January 1936]

the Palar basin to be developed by the Government in regard to electrical pumping for agriculture;

(b) whether a report has been called for from the Chief Engineer for Electricity on the same; and

(c) whether applications from private licensees in the above area have been refused?

A.—(a) A representation from Mr. M. B. Rangaswami Reddi, M.L.C., has been received by Government stating that Government themselves should supply electric energy to towns and villages in the North Arcot district.

(b) The Chief Engineer has been consulted.

(c) An application for a licence for a certain area including the Walajapet taluk, which lies in the Palar Basin, is under the consideration of Government.

Mrs. A. RUKMANI LAKSHMIPATHI:—"May I know from the Hon. 11-30 a.m. the Law Member whether besides the representation received from Mr. M. B. Rangaswami Reddi any representation was received from any other Members of this House and if so, what action has been taken thereon?"

The Hon. Sir K. V. REDDI NAYUDU:—"I am not aware of any other hon. Member mentioning it to me, and there is nothing on record showing that any other Member of this House has made a representation."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the Hon. the Law Member is aware that the District Board of North Arcot and various municipalities of the district have passed resolutions urging upon the Government the desirability of reserving the right of private distribution to themselves, without giving the right to private licensees?"

The Hon. Sir K. V. REDDI NAYUDU:—"My attention has not been drawn to any resolutions that might have been passed by the district board and municipalities. I thought the question referred to the representations made by the Members of this House. That is how I understand the question."

Mr. U. C. SUBRAHMANYA BHATT:—"With reference to the answer to clause (b), may I ask whether the Hon. the Law Member will be pleased to lay on the table the opinion of the Chief Engineer?"

The Hon. Sir K. V. REDDI NAYUDU:—"I do not think any useful purpose will be served by that. The report is meant for the information of the Government."

Reservation to the Government of the right in the Palar basin to develop and distribute electricity to rural areas.

* 629 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Law Member be pleased to state whether the Government propose to reserve the right to distribute rural load to themselves in the Palar basin

[30th January 1936]

to ensure supply to agriculturists even in areas where licences have already been granted or are proposed to be granted on the lines of the reservation now adopted in respect of bulk supply to industrialists, railways, etc.?

A.—There is no such proposal under the consideration of Government. The Government are not however precluded from undertaking supply direct to any agriculturist in a licensee's area if necessity for doing so arises. It depends upon the circumstances of each case, such as, the inability or unwillingness of the licensee to give the supply, the extent of the load, the capital to be spent in connecting up the load and the revenue expected.

Mrs. A. RUKMANI LAKSHMIPATHI:—"May I know whether the Government will consider the desirability of undertaking the distribution themselves taking into consideration the fact that private licensees have not taken the initiative to canvass agricultural load?"

The Hon. Sir K. V. REDDI NAYUDU:—"That matter will be considered."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Arising out of the answer given, viz., that 'the Government are not, however, precluded from undertaking supply direct to any agriculturist in a licensee's area if necessity for doing so arises,' may I ask under what conditions Government will come in and undertake the supply direct?"

The Hon. Sir K. V. REDDI NAYUDU:—"I think the answer given suggests the conditions. The matter 'depends upon the circumstances of each case, such as, the inability or unwillingness of the licensee to give the supply, the extent of the load, the capital to be spent in connecting up the load and the revenue expected'."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the delays on the part of the private licensees to exploit properly agricultural load in rural areas will be included as one of the reasons for the Government interfering and giving help?"

The Hon. Sir K. V. REDDI NAYUDU:—"That would be considered, Sir."

Progress of private licensees for electricity in North Arcot district in regard to agricultural pumping.

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

(a) the taluks of the North Arcot district for which applications have been received for licences to distribute electric power;

(b) which of those are agricultural and which industrial;

(c) the names of the applicants for licences and the area for which each has applied;

(d) whether such applicants hold licences already for other areas; and

30th January 1936]

(e) what progress each has made and in what period in regard to agricultural pumping in the areas for which licences were already granted?

A.—(a) Walajapet, Polur and Tiruvannamalai taluks and Arni jaghir.

(b) All of them are agricultural but in Walajapet taluk there are some industries such as tanning.

(c) Messrs. Ameen Ram & Das & Co., for Tiruvannamalai and Polur taluks and Arni jaghir, and the Vellore Electric Corporation for the same area with Walajapet taluk in addition.

(d) Yes. One of them, the Vellore Electric Corporation, holds a licence for an area of about six miles radius around Vellore. Two other companies, some of whose managing directors are also managing directors of the two companies referred to in the answer to clause (c), have been granted licences for portions of Gudiyattam and Tiruppattur taluks.

(e) The Vellore Electric Corporation has developed an agricultural pumping load of about 30 h.p. in four years.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the Government is satisfied that there is a chance of agricultural development if this matter is left to private licensees?"

The Hon. Sir K. V. REDDI NAYUDU:—"It is a matter of opinion, Sir."

Development of electricity in rural areas by private licensees.

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

(a) whether any private body or person who has applied so far for electric licence for urban and rural areas in this Presidency has included in the compulsory area of his licence anything more than the laying of distribution lines for street and domestic lighting in towns and, if so, who they are; and

(b) whether any licensee who had been granted licence so far, had extended his distribution activities for supply to rural areas for agricultural pumping and agricultural developments; if not, what the reasons are for not doing so?

A.—(a) No.

(b) Messrs. The South Arcot Electricity Distribution Company, Limited, and Messrs. The East Tanjore Electric Supply Corporation are the only two licensees who have extended their distribution to a limited extent for agricultural purposes. Other licensees have presumably not taken the initiative to canvass an agricultural load or have not regarded it as sufficiently profitable.

[30th January 1936]

Mr. U. C. SUBRAHMANYA BHATT:—"With reference to the answer to clause (a), will the Government be pleased to call for a definite programme of works outside the compulsory area to enforce the carrying out of development work?"

The Hon. Sir K. V. REDDI NAYUDU:—"That is rather a large order. But the question will be considered."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the Hon. the Law Member will call for information from the private licensees who have got licences for the various areas as to the number of wells to which they have been able to give electric energy or instal electric pumps and made them useful to agriculturists?"

The Hon. Sir K. V. REDDI NAYUDU:—"The Chief Engineer has been investigating these matters, and I do not know how far we can give this trouble to private licensees."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know whether Government have taken power to force licensees to extend the lines beyond the compulsory area?"

The Hon. Sir K. V. REDDI NAYUDU:—"I do not think there is any such clause in the licence."

Estimate in regard to the industrial and the urban load in the Mettur Hydro-Electric area.

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

(a) the estimated possibility of the industrial load in the Mettur Hydro-Electric area;

(b) the estimated urban load in the above area;

(c) whether the Government have examined the question whether the above two loads by themselves, without the development of the rural load, will make the scheme a profitable undertaking; and

(d) whether the Government have consulted any expert on this point and if so, what his opinion is?

A.—(a) & (b) The Chief Engineer for Electricity states that it is not possible to give exact figures separately for the industrial load and urban load but he has furnished the following information, based upon the third year of operation as given in the Project Report, on the assumption that rural distribution in North Arcot will be undertaken by the Government:—

(i) Licensed urban areas lighting, small power and limited agricultural load.	4,870 K.W.
(ii) Industrial, including railway	5,800 H.P.
(iii) Agricultural pumping	750 H.P.
(iv) Lighting and small power in villages.	650 K.W.

30th January 1936]

(c) No. The productivity of the undertaking was examined with reference to the combined load, industrial, urban and rural.

(d) Does not arise.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the amount of energy indicated with reference to agricultural pumping included in the 4,870 K.W., is based upon any programme submitted by the licensees within the three years of operation?"

The Hon. Sir K. V. REDDI NAYUDU:—"I am not aware of any programme, Sir."

Mr. M. A. MANIKKAVELU NAYAKAR:—"Will the Government be pleased to state with reference to the answer to sub-clause (a) what the actual estimate is of the agricultural load expected out of 4,870 K.W.?"

The Hon. Sir K. V. REDDI NAYUDU:—"I shall be glad to give the information to the hon. Member on getting it."

Local demand for electric energy in the Mettur Hydro-Electric area.

* 633 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Law Member be pleased to state—

(a) whether the Government have ascertained the demand for electric energy in the Mettur Hydro-Electric area;

(b) whether local bodies in that area were consulted before they determined their programme of works in that area; and

(c) whether any and, if so, which of the local bodies have not agreed to take power?

A.—(a) Yes. The Chief Engineer for Electricity prepared an estimate of the demand for power in the area after making a thorough investigation. The attention of the hon. Member is invited to chapter 4 of the report on the Mettur Hydro-Electric Scheme—extracts of which were laid on the table of the House on 22nd March 1935.

(b) No.

(c) Does not arise.

Mr. U. C. SUBRAHMANYA BHATT:—"With reference to the answer to clause (a), may I know whether the Government do not think that they can sell more power within the first year if advance propaganda has been made in respect of local bodies in the Mettur hydro-electric area?"

The Hon. Sir K. V. REDDI NAYUDU:—"I do not quite follow the hon. Member's question."

Mr. U. C. SUBRAHMANYA BHATT:—"What I suggest is that if advance propaganda is made in the Mettur area, the demand for energy will be more than what is estimated in the answer?"

[30th January 1936]

The Hon. Sir K. V. REDDI NAYUDU:—"Everything possible is done, because it is in the interests of the Government to sell energy."

Rescission of the order to disafforest a belt of the Kudiraimoli forest, Tinnevely district.

Forests

* 634 Q.—Mrs. A. RUKMANI LAKSHMIPATHI: Will the Hon. the Law Member be pleased to state with reference to the Kudiraimoli forest reserve in Trichendur taluk in the Tinnevely district—

(a) whether it is a fact that as a result of numerous memorials from the inhabitants of adjoining villages and interpellations in the Legislative Council, the Government passed an order in 1924-25 to disafforest a belt of half a mile all round the reserve for assignment to the neighbouring inhabitants;

(b) whether this order has been carried into effect and what action, if any, has been taken on the same;

(c) whether the order was passed after a full and elaborate discussion by the expert officers of the Government;

(d) whether the order has been subsequently cancelled and if so, when and whether any notice was given to the neighbouring inhabitants before the cancellation; and

(e) whether the Government will be pleased to place on the table of the House the order subsequent to 1925 either cancelling or modifying the prior order to disafforest a belt of half a mile?

A.—(a) No orders were passed that a belt of half a mile all round the reserve should be disafforested for assignment to the neighbouring inhabitants. An area of 1,952 acres in the reserve was however disreserved in 1924 in order to set back the reserve boundary which lay close to the villages of Kudiraimoli, Semmarikulam, Yeluvaraimukki and Nazareth.

(b) to (d) The lands could not be assigned as they had not been surveyed. The survey was completed in December 1930. In the meantime the local officers represented that the disafforested areas were not taken proper care of and that there had been reckless cutting of trees and consequent loss to Government. It was urged that the area should be reconstituted into a reserve forest. The Government, after careful consideration of the matter and in consultation with the Chief Conservator of Forests and the Board of Revenue and after giving due notice to the villages concerned, directed that an area of 350 acres should be set apart for the common use of the villagers and that the remaining area should be again reserved. In view, however, of the difficulties of the villagers in

30th January 1936]

obtaining grazing for their cattle the Government ordered that as an experiment the area may be thrown open for grazing for two to two months and a half during the monsoon season. Orders have since been issued declaring 1,474.24 acres of the vacant area as a reserve forest.

(e) A copy of the G.O. No. 266, Development, dated 19th February 1935, is placed on the table.*

Representations for permits to graze goats in the Reserved and Panchayat Forests in Salem.

* 635 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 from the Salem district for allowing goats, at least to a certain extent, in reserved forests as well as panchayat forests for grazing purposes;

(b) what action has been taken on them;

(c) what remarks did the Chief Conservator of Forests make on this question; and

(d) whether a copy of them will be placed on the table?

A.—(a) Yes.

(b) A report has been called for from the Chief Conservator of Forests.

(c) The Chief Conservator's remarks have not yet been received.

(d) Does not arise.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask, Sir, whether the Hon. the Law Member is aware that there are a number of panchayat forests where there are no growths of any valuable trees at all and yet there is the restriction in allowing goats to graze in those areas?"

The Hon. Sir K. V. REDDI NAYUDU:—"The goat is a very mischievous little animal, Sir."

Mr. K. A. NACHIYAPPA GOUNDER:—"When there are no valuable trees in the area, what is the mischief to be caused by goats in those areas?"

The Hon. Sir K. V. REDDI NAYUDU:—"It destroys any growing tree."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"May I know why there is such a long delay on the part of the Chief Conservator of Forests in forwarding his remarks on this question?"

The Hon. Sir K. V. REDDI NAYUDU:—"Rush of work, perhaps, Sir."

[30th January 1936]

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"In view of the fact that there are loud complaints that these panchayat forests are not allowed to be used by the villagers, may I request the Hon. the Law Member to issue orders immediately?"

The Hon. Sir K. V. REDDI NAYUDU:—"I do not think I shall at once answer that question."

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

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

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

- | | |
|--|---------------------|
| (1) The Madras Estates Land (Amendment) Act, 1935 | 26th November 1935. |
| (2) The Madras Irrigation Cess and Land Encroachment (Amendment) Act ... | 6th December 1935 |
| (3) The Indian Registration (Madras Amendment) Act, 1935 | 6th December 1935. |
| (4) The Madras Co-operative Societies (Amendment) Act, 1935 | 7th December 1935. |

III.—AMENDMENTS TO STANDING ORDERS.

* The Hon. the PRESIDENT:—"The first item in the agenda is a motion by the Hon. the Leader of the House to amend Standing Orders Nos. 28, 30 and 55. Under Standing Order No. 77, I have now to read the draft amendments and ask whether the Hon. Member has the leave of the House. The amendments have been circulated to the Hon. Members of this House and are also printed in the agenda. They are as follows:—

Standing Order No. 28.

(1) For clause (1) of Standing Order No. 28, substitute the following clause, namely:—

"(1) A matter requiring the decision of the Council is brought forward by means of a question put by the President on a motion proposed by one member and seconded by another; and a motion which is not seconded shall not be discussed nor shall any question be put on it:

Provided that a motion need not be seconded in the following cases, namely:—

(a) if the motion is one which is moved by a member of the Government, or

30th January 1936]

[The President]

(b) if the motion is one for the reduction of any grant, whether a budget grant or a further or a supplementary grant, or for the omission or reduction of any item in any such grant."

Standing Order No. 30.

(2) For clause (1) of Standing Order No. 30, substitute the following clause, namely:—

"(1) After the mover and seconder have spoken, other members may speak to the motion in the order in which they are called by the President:

Provided that if the motion is one which need not be seconded or if the seconder has reserved his speech, members other than the mover may speak to the motion in the order in which they are called by the President, after the mover has spoken or after the motion has been seconded, as the case may be."

Standing Order No. 55.

(3) In Standing Order No. 55, omit clause (4).'

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 this House. The draft amendments are 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 Hon. the Law Member who has given notice of the amendments and one of the members of the panel of Chairmen to be nominated by me. I fix 2-30 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 (31st January 1936)."

IV.—DEMANDS FOR EXCESS GRANTS FOR 1933-34.^a

* The Hon. Mr. G. T. H. BRACKEN:—"Mr. President, Sir, I beg to move—

(a) That an additional sum not exceeding Rs. 2,037 be granted under "Grant X—Secretariat and Headquarters Establishments—Reserved" to make good the excess expenditure incurred in the year 1933-34.

(b) That an additional sum not exceeding Rs. 1,17,869 be granted under "Grant XXXIII—Pensions—Reserved" to make good the excess expenditure incurred in the year 1933-34.'

^a Explanatory Note printed as Appendix IX on pages 231-232 infra.

[Mr. G. T. H. Bracken] [30th January 1936]

I do not think there is much to be said on these grants. The first is a very small sum representing .009 of the total allotment. When we insist on close budgeting, it is inevitable that occasionally there have to be excess grants which have to be brought forward before this Council.

"As regards the second item, the amount is a large one, and in this case, it is quite impossible to estimate accurately how many people will retire who will draw their pensions. It is a fluctuating item, and it is inevitable that sometimes the number of commutations exceed expectations."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, I beg to move—

'that the sum of Rs. 2,037 under "Grant X—Secretariat and Headquarters Establishments—Reserved" be reduced by Rs. 100.'

My object in moving this cut motion is not to say that the expenditure has much increased or that the allotment has not been carefully made, but simply to point out the desirability of effecting economy on transfers. This excess grant is moved mostly for expenditure incurred on pay and allowances. Though there was a great deal of amount available in the original allotments, all these have been mostly consumed by transfers and beyond that an excess amount is sought for now. You will remember, Sir, during the course of the year 1935 there was a supplementary demand moved to meet expenditure on transfers. That too has not been sufficient to meet the expenditure, and an excess grant has to be asked for now. At the time the supplementary demand was moved, I drew the attention of the Government in regard to the number of transfers in the Revenue Department, especially transfers of Deputy Collectors. At that time, I was glad to learn from the Hon. the Revenue Member that transfers would be looked into carefully and avoided as much as possible.

11-45
a.m.

"But, I am surprised, Sir, that these transfers are being so often made, and that is the reason for excess grants coming up before the House. For instance, I may tell the Hon. House that my division has been very unfortunate in this respect. That was why I was put to the necessity of making a complaint last time at the time of the supplementary grant and again this time now since I have an opportunity. Apart from the frequent shiftings previously made, quite recently a Deputy Collector of our area has been transferred and another gentleman has been posted. But in a month's time this gentleman too has been transferred to South Kanara and some other gentleman is posted in his place, and I have a doubt as to how long even this gentleman will be kept in this area. This sort of transfers besides involving additional expenditure to Government is also detrimental to the areas concerned since the officers who are posted in such quick successions may not be able to understand the needs and conditions of

30th January 1936] [Mr. K. A. Nachiyappa Gounder]

the locality and be useful to it. Government have fixed three years as the time-limit for allowing officers to remain in one station and though it may not be possible to retain them for the full period of three years at least they may be kept on in one station for some considerable time to study the locality and be useful to it. This will also save some money to Government as I said already and the localities concerned may also be benefited if the same officers are kept on at least for a year or two."

* The Hon. Sir CHARLES SOUTER:—"Mr. President, Sir, I fully admit the force of my hon. Friend's remarks, and no one dislikes these transfers more than I do. The fact is that in many circumstances we cannot avoid these transfers. For instance, a Deputy Collector falls ill anywhere, his place has to be filled. Again it happens that in certain cases a Deputy Collector who has got to be transferred to a particular district does not know the language of the district. He is next on the list; but we have to choose a man who knows the language of the district in which he is going to serve. I had several cases like that, and I have had very unfortunately to disturb the existing arrangements in other districts. Also I must point out to this hon. House that we are handicapped in many ways by the fact that when once a man has acted as Deputy Collector he is considered on probation, and his seniority among Deputy Collectors depends on the time when his probation began. If therefore, we do not appoint a probationary Deputy Collector, one who has reverted, in his turn again as Deputy Collector he may lose the chance of future promotion or it may be that one of his juniors will go over his head. It is therefore necessary to appoint those Deputy Collectors whom my hon. Friend particularly referred to in rotation of their seniority. This, of course, very often does disturb the arrangement made in the district. But we have to see that the Deputy Collector does not lose his place in the list. Such transfers have to be more common than at any rate I myself think desirable. I may assure my hon. Friend that I am as fully alive as he is to the necessity of keeping officers in districts as long as possible; I myself think that frequent transfers are very inadvisable and my endeavour has always been to avoid them as much as possible. In these transfers it is not one district which is concerned, but two or three. With the assurance that I will endeavour to the utmost of my ability to avoid such transfers I hope the hon. Member will not press his cut motion."

* Mr. K. A. NACHIYAPPA GOUNDER:—"I have no objection to withdraw my motion after having heard the Hon. the Revenue Member. I hope he will straightway find some means to remedy this state of things and let not the 'probation' question stand in the way of giving effect to his assurance. With these words, I beg leave to withdraw my motion."

The cut motion was, by leave, withdrawn.

The excess demands was put and carried and the grants made.

[30th January 1936]

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

(1) GRANT XI—MINISTERS, CIVIL SECRETARIATS AND MISCELLANEOUS—
— TRANSFERRED

* The Hon. the RAJA OF BOBBILI:—"Sir, on the recommendation of His Excellency the Governor, I beg to move that the Government be granted a further sum not exceeding Rs. 1,200 under 'Grant XI—Ministers, Civil Secretariats and Miscellaneous—Transferred.'

"The purpose of this demand has been clearly explained in the explanatory note* attached. The question of bringing the Muslim endowments under proper control by legislation has been engaging public attention, and on two occasions, notice of non-official Bills has been given in this House. Government have carefully examined this question, and from the information available they have come to the conclusion that on financial grounds an independent statutory body for controlling the Muslim properties alone will not be self-supporting; and on this account they had been constrained last time to oppose the motion for reference of these Bills to a Select Committee. Subsequently, Government have collected the information available in the district offices as to the number of these inams and other trust funds, although from the data that have been collected it is not possible to ascertain which of these inams have been given for religious purposes and which have been given a personal inams. It was afterwards considered that at this rate there would be no finality in the matter, and it is desirable to have the entire question examined. From the materials so far available to Government, it is clear that on the ground of finance it is not possible to set up an independent board in order to meet the wishes of the members of the Muslim community. The only practical solution appears to be to extend the scope of the Hindu Religious Endowments Act so as to include Muslim endowments also. With this purpose in view, Government have decided to appoint a committee to examine this question and to draw up a practical scheme for giving effect to the proposals contained in the various Bills that have come up before this House from time to time.

"As this is deemed to be a new service and as it was not possible to make provision for this in the Budget of 1935-36, I have to come up before this House for sanction to incur this expenditure. I hope and trust, with the information I have given, the House will vote in favour of this motion."

* Mr. M. A. MANIKKAVELU NAYAKAR:—"Sir, I beg to move—
'To reduce the allotment of Rs. 1,200 under "Grant XI—Ministers, Civil Secretariats and Miscellaneous—Transferred" by Rs. 100 (to elicit further information).'

It has been said that the Government contemplate having only one board in order to have control over the Muslim endowments also and on financial grounds a separate board to control the Muslim endowments is not possible. It would be useful if the Hon. the Minister

30th January 1936] [Mr. M. A. Manikkavelu Nayakar]

enlightens the House as to the financial position of the Hindu Religious Endowments Board, as regards the annual income that it derives and the actual expenditure that is being incurred; and also the House would like to know as to what portion of the loans that the Endowments Board had borrowed from Government had been paid off and what the balance remaining to be paid is. I should also like to know whether the idea is to have one or two Muslim members upon the board to have control over the Muslim endowments separately, or whether it is the idea that all endowments irrespective of Hindu or Muslim will be controlled both by the Hindus and the Muslims.

"Then, Sir, I should like to know whether the Government have any proposal to provincialize the Hindu Religious Endowments Board in the near future. Hon. Members will be aware that on more than one occasion, resolutions were brought forward before this Council, though they were not actually discussed, as to the desirability of provincializing the Hindu Religious Endowments Board.

"Then, Sir, as regards the personnel of the committee I am surprised that it does not include at least one of the ex-presidents of the Endowments Board. No doubt the present President of the board is on the committee, but he has been in office only for a short time. It is less than a year since he was appointed as President. That being the case, one would expect the committee to consist of one of the ex-presidents. I hope the Hon. Minister will consider that aspect of the question also."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, supporting the motion which has been so ably moved by my hon. Friend, Mr. Manikkavelu Nayakar, I would like to know whether it is desirable to constitute a single committee of the kind proposed to look after both these endowments. We find that the endowments Board has not only to look after the endowments that have been set apart for the various temples but has also something to do with the general supervision including the rituals and other things performed in the temples. It is plain, Sir, that the difference between these two religions, Muhammadan and Hindu, is great. When it is so, we have to consider whether it is advisable to constitute one and the same body to look after these two religious endowments and institutions. This aspect of the question needs careful consideration before any decision is taken. The hon. Mover pertinently asked whether it is the intention of the Government to constitute a committee to go into both these endowments or whether it is their intention that the Hindu section of the committee should look after the Hindu endowments and the Muhammadan section should look after the Muhammadan endowments. Sir, if a single committee is constituted at least such a separation would be necessary in the interests of the better administration of both the endowments. So I would urge on the Government to give their best consideration to this matter.

"Then with regard to the personnel of the committee, we find that a number of non-officials and some officials have been appointed. Out of these, four gentlemen are, I believe, to look into the Muhammadan

[Mr. K. A. Nachiyappa Gounder] [30th January 1936]

side of the question. But, to look into the Hindu side of the question, I find that sufficient representation has not been given. There are only two non-officials, Mr. A. Ranganatha Mudaliyar and Mr. Narayana Rao Nayudu. Even of these two, one is a retired official. Of the rest, one is an official of the Endowments Board and the other a Secretary to Government. I think this is inadequate representation for the Hindu community. It is necessary that for the careful consideration of this very important question of religion and religious endowments, there must be fair representation given to the communities.

"Then Sir, I am unable to know on what principle this committee has been formed and on what basis nominations to the committee have been made. I would like to ask whether it is not desirable to include some prominent religionists from both the communities so that this question may be dealt with in the light of their opinions. On all these points I would like to have information from the Hon. Minister."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Mr. President, Sir, if I intervene in this matter it is only to impress upon the Hon. the Chief Minister the difficulties that face us in considering a matter of this kind and to see that all possible aspects of the matter are considered. Sir, I find from the short note circulated to us that the idea to combine the Muhammadan endowments with the Hindu Religious Endowments under this Board is more or less settled and that only the arrangements remain to be considered. That is the idea one gets from the note. I hope it is not so.

"Sir, with reference to religious matters the feelings in the country are strong and we have had complaints that the Endowments Board is interfering in religious matters. The fact that we are carefully watching this feeling is clear from the paragraph in the report of the Endowments Board published every year showing the extent to which the people have come to reconcile themselves to the existence of this Board and its administration of the endowments. That being the case, if we bring the Muhammadan endowments also under this Board, we will have to bestow serious consideration to the matter and that in consultation with the Hindu community which is the community really affected. Sir, we people here have a different view of things from the more religious members of our community. We care more for the convenience of administration than for the implications of such administration. So, I would urge the Hon. Minister to state in the order of reference that the Government have not made up its mind in regard to this matter and that all possible ways of meeting the wishes of the people will be considered. It is very necessary that before the Government commits itself to a definite policy, all the aspects of the question should be examined. In that view, I would ask, Sir, that the orthodox section of the community should be taken into confidence before a final decision is taken on this matter. As I said already, I am not orthodox and do not care who administers the endowments so long as they are properly administered. But that is not the view of most people outside. So I say that the orthodox school also must find some place on the committee. Going through the list of members I find that they are

30th January 1936] [Mr. T. A. Ramalingam Chettiyar]

mostly in the position in which I am. I would suggest to the Hon. Minister to put in one or two orthodox people also on the committee. I am making this suggestion in view of the fact that in religious matters feelings are strong and since we are making a very great change—combining both the endowments in one institution—we have to be very careful indeed. So any proposal that is made has to be made in such a way that there will be no interference either in the administration or participation in the benefits that may accrue from them by the concerned community for whose benefit the endowments are intended. Unless we so manage things that a member of one community will have nothing to do with the endowments of another community, there will be very great objection in the country and, whatever others may feel, there will be a legitimate grievance in the matter. I do not think this House would be a party to any proposal which will make the endowments of one community controllable by the members of another community. I hope the Hon. Minister will bear these in mind, when he draws up the terms of reference for this proposed committee. I would also advise him if I may that he might add one or two orthodox members to the committee."

Sriman M. G. PATNAIK Mahasaya:—"Mr. President, Sir, I am really surprised that there has been objection to the consolidation of the Act so as to provide for control over Muslim endowments also. Sir, for more than a century at least we have had non-Hindus administering, in certain circumstances, Hindu religious endowments and Hindus administering Muslim and Christian religious endowments. I therefore really do not see why there should be any objection to that at all. Before this Act came into force, we had Act XX of 1863. I ask who were the people that were administering the religious endowments? They were Europeans. Then, under section 92 of the Civil Procedure Code, the district judges were administering them. They were also non-Hindus. Now why should there be any objection to the enlargement of the scope of the Act so as to provide for the administration of Muslim endowments also? The Endowments Act, we know, provides only for control over secular matters. If really objection is to be taken to any of the commissioners going into religious matters, the cause for it exists even now. The Commissioners of the Endowments Board also are unfit to deal with religious rites because most of them are non-Brahmans. Therefore, strictly speaking, it is objectionable that these people should have anything to do with the administration and the rituals and all those things. They are not interfering with the rituals. Even Muslims have been administering our religious endowments and Hindus and Christians have been administering Muslim endowments also. Therefore, so far as control over secular matters is concerned, I do not see that there is any objection at all. If any control is going to be assumed over rituals, naturally, there will be very strong opposition from the orthodox section, both Muslim and Hindu. From the standpoint of the orthodox Hindus, I do not think they will make any distinction between a Hindu Non-Brahman and a Christian or a Muslim. They would have objection to all alike in regard to the

[Sriman M. G. Patnaik Mahasayo] [30th January 1936]

control over rituals. Therefore, so far as that is concerned, there cannot be any objection at all. I am really surprised that my hon. Friend Mr. Ramalingam Chettiyar also has joined in the opposition. He himself exercises some control over the Tirupati temple and I do not think he will have any place there if his objection to the present idea is valid. The administration there is carried on mostly by non-Brahmans and I do not think he has a right to go into the rituals as a non-Brahman. Therefore the objection to Mr. A. Ranganatha Mudaliyar is quite wrong. (Interruption.) You know he is a Theosophist (Laughter.) (Diwan Bahadur T. A. Ramalingam Chettiyar: 'I never said that.') I know that you did not say so. You think in your heart of hearts that he is a Theosophist and so should not be there.

12-15
p.m.

"Whatever that may be, there ought not to be any objection from these people for the Government providing secular control over these institutions. I should like that some Christian gentlemen also should join this committee. If such Christian gentlemen think that they would be encouraging idolatry, they ought not to join the committee. But if they are broadminded, they ought to join it."

* Mr. T. C. SRINIVASA AYYANGAR:—"I should thank the hon. Member from Ganjam for giving us the very valuable, sound and cosmopolitan advice just on the eve of his retirement from this Council. He said about so many matters pertaining to the south. There are very many temples in the south and if there is one part which is studded with temples, big and small, in which various festivals and ceremonial rites and observance take place, it is I believe in the south of South India and I would very much like my hon. Friend, if he were to continue as a Member of this Council, to visit the south and look around matters for himself and consider whether he was right in giving us this unwarranted, unorthodox and impractical advice, perhaps, in the belief that the Hindu Religious Endowments Board exercises control only over secular matters. It exercises control not only on secular matters but has also to deal with ceremonial matters by giving directions, settling schemes, etc. I believe one member of the Board had to go into a question whether a particular idol can be installed regard being had to the rituals of the temple and all things connected with it. Of course we all know that the District Collectors were controlling some of these institutions. But under the law they were bound to do it. But certainly my hon. Friend from Ganjam cannot say that that system was the ideal. It was given up and cannot be revived. True there have been large minded gentlemen both among Christians and Muhammadans who have administered the secular affairs of the religious institutions of other denominations. I hope my hon. Friend sitting there, Mr. Scott Brown, will corroborate me when I say that an ancient Collector of Madura, Mr. Rouse Peter, is even now considered as a Hindu under Christian garb. There is a legend that on one evening at about 8 p.m. i.e., when he was about to retire to bed, one small girl seemed to have peeped into his room and ordered him to get out of the room and he got out. A few minutes later he saw the whole building was coming down. The legend is said to be that Goddess Minakshi went to him and warned him of an impending danger. The

30th January 1936] [Mr. T. C. Srinivasa Ayyangar]

arched light that is in front of the temple was a gift of Rouse Peter. When I had the honour of explaining certain matters to His Excellency the Viceroy, the then Collector who was present with me told that he had not the same liberty to allot funds for the religious institutions as that ancient Collector had. There was the well-known Yousouf Khan who got back all the lands for the temple which were taken away earlier by Muslim conquerors. I ask the hon. Member from Ganjam if such cases were rare or general. I only think that in what my hon. Friend said, the wish was father to the thought. The result is he has tendered us an impractical advice. It is one thing that a committee consists of representatives of several castes of Hindus. But it is wholly another thing, that Christians or Muhammadans can be there. What my hon. Friend, Mr. Ramalingam Chettiyar, said was that there must be representations from the orthodox members from the community of the Hindus. But my own impression is that Mr. Ramalingam Chettiyar has done himself less than justice when he wanted to place himself in the position of a less orthodox man. His habits are orthodox and I do hope when he is offered a place in the committee he would not hesitate to accept it."

* The Hon. the RAJA OF BOBBILI:—"Many of the remarks made especially by the Mover and the seconder of the motion were premature. They wanted to go into the financial position of the present Endowments Board and one of the members said that the Endowments Board is going to be provincialised. There seems to have been some misapprehension in making these remarks. I think at this stage these points are premature. I may state for the information of the House that the Government have not come to any decision on these matters. They have already made up their minds and there is going to be a larger scheme and there is no point in saying that a committee should be appointed to prepare a scheme. The whole idea in appointing a committee of this sort is that so far as the administration of Muslim endowments is concerned, they have decided finally that they should be brought under the scope of the Hindu Religious Endowments Act. But certainly the Muslim endowments will be looked after by a Muslim Commissioner and the Hindu endowments by the Hindu Commissioners. But if both the Muslim and the Hindu commissioners are located in one and the same place there would be some saving in office accommodation, staff and so on. The intention is that if we have a common board its functions would be more or less of a judicial nature. One board has to constitute itself into a court and give decisions. I may state at once that the whole idea is not to commit either the Government or the Council to any definite scheme. The intention of the Government is to constitute this committee to explore various avenues and to find out whether it would be possible to evolve a scheme that is financially sound. No doubt every opportunity will be given for an agreed scheme being produced. Not only the Legislative Council but the public also will be given an opportunity to express their opinions.

[The Raja of Bobbili] [30th January 1936]

“As regards the personnel of the committee, I may state at once that Government have to use their discretion and nominate such men who in their opinion are competent to discharge the responsibilities that are to be entrusted to them. If the names of any members are not found, it does not mean that such men are not competent or qualified to find a place in the committee. I am sure the committee will have the benefit of the views expressed on the floor of this House and when they consider this matter, they will be able to evolve a workable scheme and then will give an opportunity to people of all schools of thought to express their opinions. By asking this House to agree to this demand, I may state at once that neither the Government nor the Council are committing themselves to any definite scheme by so doing. As I have explained already, the whole idea is to have the benefit of such economies which could possibly be effected by locating the two offices in one and the same place and also by having a common staff. Apart from this, it has never been intended by the members of the committee to interfere with the rituals or customs or rites of the various religious institutions. I hope, Sir, that the information that I have now given will satisfy hon. Members of this House.”

The cut motion was by leave withdrawn.

The demand was put and carried and the grant made.

(2) GRANT XVI—ELECTRICITY—RESERVED.

* The Hon. Sir K. V. REDDI NAYUDU:—“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 XVI—Electricity—Reserved.”’

Hon. Members will find from the explanatory note* supplied to them that Government have had under consideration the question of improving and revising the existing arrangements under which the municipal engineers and electrical engineers in municipalities are appointed by municipal councils. The appointments are now treated as isolated, that is to say, each municipality appointing its own officers and there is no inter-relation between the officers of one municipality and those of another. In the interests of efficient administration of both the engineering department as well as the electrical department in these municipalities, Government propose to constitute these officers into two regular services. One will be called the Madras Municipal Engineering Service and the other the Madras Local Authorities Electrical Engineers Service. Of course the expenses involved in the payment to these services will be entirely met by the municipal councils concerned. The municipal engineer portion of the services would be placed under the sanitary engineer and the electrical portion under the Chief Engineer for Electricity. For the additional work involved in their offices, the sanitary engineer on the one hand and the electrical engineer on the other will require certain staff. This staff is mentioned on page 3 of the explanatory note, and it has been approved by the

30th January 1936] [Sir K. V. Reddi Nayudu]

Government. But it will be noticed that a certain amount of funds would be required to pay this staff. As far as the new services are concerned, it has been proposed to move a supplementary demand and I take it that the small expenditure anticipated in the current year will be met from the sanctioned appropriations under the respective grants.”

* Mr. M. A. MANIKKAVELU NAYAKAR:—“Mr. President, Sir, I beg to move—

‘that the allotment of Rs. 100 under Grant XVI—Electricity—Reserved be reduced by Re. 1.’

I want the Hon. the Law Member to enlighten the House as to the number of municipal engineers and the number of electrical engineers that will go to constitute these two new services. The explanatory note gives us only the expenditure on account of the additional establishment that will be required but we have no idea of the annual recurring expenditure on account of the creation of these new services. Further, I should like to know the opinion of the Finance Committee in this matter. The note does not say what the Finance Committee thought about the proposal.

“I would also like to know whether the additional staff that is referred to in the note is absolutely necessary and whether it will not be possible at the initial stage to get on with the existing staff. I think we should have the least amount of staff to initiate these two new services. With these remarks, I move the motion.”

* Mr. K. A. NACHIYAPPA GOUNDER:—“Sir, I should like to get some further information with regard to this demand. I find from the note that one service is called the Madras Municipal Engineering Service, while the other is called the Madras Local Authorities Electrical Engineers Service. From this difference, are we to understand, Sir, that Government propose to constitute a service of electrical engineers with regard to local bodies also and encourage the undertaking of electrical enterprises by local boards too? Again with regard to the additional establishments for the office of the Chief Engineer for Electricity, I find that the additional establishment required by the Chief Engineer consists of one assistant engineer, two upper division clerks, one lower division clerk and one typist. Again under the heading of Chief Engineer for Electricity I find one upper division clerk. This needs some elucidation. Further I should like to know what are the duties of the additional establishment that is proposed to be appointed. As it is, I think, Sir, that the Electricity department is looking after the whole thing and any additional establishment that will be required will be only to deal with the appointments and transfers of these engineers and similar matters. For such things, I desire to know whether such a huge establishment consisting of a number of clerks is necessary. My object in giving notice of the ‘cut’ motion is to have some enlightenment on these points.”

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“Sir, I welcome the Government proposals to constitute a common cadre for

[Mr. C. S. Ratnasabhapati Mudaliyar] [30th January 1936]

municipal engineers and another common cadre for electrical engineers employed in electrical undertakings of municipalities and local boards. As far as my knowledge of the scheme goes there was a proposal to have a common cadre for municipal engineers and district board assistant engineers who are more or less on the same scale of pay as municipal engineers. I do not understand why the Government have come forward with a proposal to have a common cadre for municipal engineers alone and left out the district board assistant engineers. I request the Hon. the Law Member to furnish me with the information.

"In this connexion I should also like to sound a note of warning. Whenever the Government want to create a common cadre for such officers there is a tendency on the part of municipal council to increase the pay of their engineers in the hope that when the common cadre is created the increased pay might be fixed as the permanent pay of their engineers. Whatever they might do, I request the Government to create a cadre which will be suitable for all the major municipalities. With these remarks I support the motion."

Mr. K. KOTI REDDI:—"Sir, I just want to have some information with regard to this grant. It is stated in the explanatory note that the cost of these two services will be met entirely by the municipal councils concerned but that they will be placed under the control of the Government. Sir, when the cost of these services is met by the local bodies concerned, where is the justification for the Government appointing the officers and controlling them? If the cost is met by the Government, then they might constitute them into a separate service and control themselves. I want to know, Sir, why the Government should have any control over these officers now."

* Mr. C. BASU DEV:—"Mr. President, Sir, I rise to welcome the proposal of the Government to create a provincial cadre for municipal engineers and another provincial cadre for electrical engineers working under municipalities and local boards having electrical undertakings. In this connexion, I would request the Government to see that in forming these two new cadres the present incumbents are not in any way affected adversely. It may be that the authorities responsible for the creation of these two new cadres may remove one or two of the existing engineers. But I should like to remind the Government that the existing engineers were appointed by the municipal councils on the advice and approval of the departmental heads and therefore I see no reason why in creating these new services any one of them should be adversely affected."

"With regard to the point raised by the hon. Member from Cudapah, namely, that the Government should have no control over the appointment and activities of these officers while the municipal councils are meeting their cost entirely, I may say that the trend of the Government—and rightly so—is to take on themselves the responsibility of providing the municipalities with officers having the requisite expert technical knowledge. I hope the responsibility will

30th January 1936] [Mr. C. Basu Dev]

always continue to rest with the Government and that they will not yield to the clamour of the municipal councils or the chairmen of municipalities, but will retain in their own hands the power not only to appoint efficient men but also to control their conduct and activities. Until and unless this is done, there will be absolutely no chance for efficiency of administration so far as these technical appointments are concerned. I therefore very strongly urge on the Government not to soften but continue to retain in their own hands the control of these appointments."

Mr. J. A. DAVIS:—"Sir, I welcome the proposal of the Government to constitute the municipal engineers and the electrical engineers into two provincial cadres. I am glad that the Government also propose to have these engineers under their own control. A system of dual control is bad and the reason why the Electrical Engineer of the Ootacamund Municipal Council has been unable to discharge his duties efficiently is due to the system of dual control. A deputation of the Ootacamund Municipal Council waited on the Collector and they were told that one of the reasons why the Government was unwilling to allow the Ootacamund Municipality to continue the present arrangement of supplying current beyond the limits of the municipality was that on certain occasions the efficiency of the Electrical department failed. The Government produced about five sheets of complaints from consumers of current. That showed that the supply of current outside the municipality was not efficient. Now under the proposed scheme, I am sure the Government will appoint efficient electrical engineers who will not be under a dual control but under their own control. This is a technical matter and has to be very carefully looked into. It is also a dangerous matter. The Government which is creating these services should also have a right to call the tune so far as the work of these engineers is concerned."

"There is also another question. The Government intend to confine the operations of the municipal council to the supply of current within municipal limits, with the exception of Coonoor which is at present supplying current outside municipal limits also. This being so, the pay of the electrical engineer will naturally be small as he will have to cater to a very small area and will have very little work to do within municipal limits. On the other hand, if the Government could see their way to appoint a single engineer for a whole district instead of for a single municipality, there will be no extra expenditure involved and the pay of the engineer who might be appointed can also be sufficiently high. I am speaking from a certain amount of experience in this matter when I say that a low paid electrical engineer may not be of much use in controlling a small area. It would be more or less a waste. If the Government would consider the advisability of appointing an electrical engineer for a whole district including the municipalities, he will have sufficient work to do and the pay that we may be able to give him will be proportionately large. With these remarks I support the motion."

[30th January 1936]

* The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, It will be noticed that there are two parts for this grant; one concerns civil engineers working in municipalities who attend to roads, buildings and services like that; the other concerns electrical engineers. As has been pointed out already, each municipality is at present appointing its own engineer and its own electrical engineer. The electrical services—I am not referring to the personnel of the service but the work done by these engineers in the power-houses and in attending to the needs of the people outside—are not an easy matter. Moreover they are a new matter. We have not got experienced electricians in the country and the engineers who are appointed are taken off-hand just as one is available for the salary which the municipality can afford to pay. Mr. Davis, the hon. Member from Ootacamund, the Member for the Anglo-Indian community, and one who has been Chairman of the Ootacamund Municipal Council for some time (An hon. Member: 'For a long time')—for a long time, I am corrected—has just now told the House the difficulties felt in Ootacamund. The Ootacamund Municipal Council has a power-house to which high-tension power is supplied from Pykara. They have also purchased an existing high-tension line and are supplying power to Coonoor Municipality which in turn is supplying power to a few tea estates. Complaints were received by the Government from various sources, from the people of the two towns and from those private plantations which have been receiving electricity from Coonoor to the effect that occasionally the supply failed. I am just mentioning this circumstance to show what advantage there will be if Government have an interest in this matter, not a pecuniary interest but an interest in the sense that they can attend to the wants of the consumers and rectify any defects that might be discovered and I may say that such defects will not be uncommon. Further in the interests of these officers themselves, it would be a great advantage. At present if a municipality does not want an engineer entertained by them for some time past, he has no chance of getting a place elsewhere. There is also not much chance of promotion. If on the other hand, there is a regular service for these men, transfers could be effected and the Government would be in a position, as also the Chief Engineer for Electricity, to find out which engineer would be fit for which municipality, because it will be noticed that these power-stations are not of equal capacity nor is there any uniformity in the systems employed by the various municipalities.

12-45
p.m.

"I think, therefore, it would be advantageous both to the municipalities and the officers concerned, if there was a common service. The next question is how that is to be effected, how that object is to be achieved. If there is a service and if the Chief Engineer should attend to these things, there must be an office, apart from the Chief Engineer's office, to attend to this work. That is why the appointment of an engineer and of the clerks is suggested.

"The hon. Member for Salem would find that this is a very highly technical department; he will also recognize that this is a new science

30th January 1936] [Sir K. V. Reddi Nayudu]

to our Province at any rate. There will be lot of work to be done by the Chief Engineer by way of scrutinizing and supervising, by way of looking into the papers coming from the engineers employed in the municipalities. At present we are not looking into these things. Occasionally, perhaps now, when representation is made to the Chief Engineer, he may send the Inspector of Electricity and he may himself attend to the work; that is purely a work of gratuitous help. There is no obligation on the part of the Government now, because we have nothing to do with the electrical services of the municipalities. Hereafter it will be a regular service, not a provincial service in the sense that the Government would pay them, but a municipal service, which cannot be controlled or supervised by the municipalities themselves, a service for which an outside authority is necessary for proper control and supervision. That outside control can come only from the Chief Engineer's office. Hon. Members are aware how full the hands of the Chief Engineer are just at present. He has got the Mettur Project on hand; he has got on hand other schemes for Bezvada and Vizagapatam—the Lambasingi Hydro-Electric Scheme. Heaps of such work are coming and it is impossible for him to attend to this work in addition to his own, unless he is given an assistant who can attend to this work; the Chief Engineer can only supervise the work. That is why there is a suggestion to appoint an assistant engineer. I am informed that the assistant engineer is not required. That answers the point raised by my Friend, Mr. Nachiyappa Gounder. Only one upper division clerk is required. Those were the proposals that were originally made and at the bottom of the page, hon. Members would find that only one upper division clerk on Rs. 55—70 is required for the Chief Engineer for Electricity. A small staff is required in the Chief Engineer's office and it is very satisfactory indeed because we have to incur very little expenditure. Therefore, other questions do not arise.

"My hon. Friend from Cuddapah wanted to know why the Government should exercise control over this staff and why should not the man who pays the piper, call the tune. By all means; if the municipalities can manage themselves, the Government would only be too glad to be freed from work of this kind. In the interests of the municipalities themselves the Government have undertaken this task and this is an advantage instead of having no control, no advice or help from above. All these advantages are there. I do not think it requires many words from me to convince the House of the need for a grant of this kind.

"So far as the Sanitary Engineering establishments is concerned, I am sure my Hon. Friend, the Chief Minister, will let the House know. I gather that there are 47 engineers in various municipalities, though the number of the electrical engineering staff is not so large at present. I may tell the House that very many municipalities have been clamouring for a large number of electric schemes for their municipalities; the Government have been finding it almost impossible to cope with the work; the municipalities themselves have been making these appointments.

[Sir K. V. Reddi Nayudu] [30th January 1936]

"Another question was asked why the first service should be called the Madras Municipal Engineers Service and the other service, the Madras Local Authorities Electrical Engineers Service. So far as the district board engineers are concerned, I believe that the service has been provincialised already. Some district boards have been insisting that they should themselves take up the electric schemes. The name 'Local Authorities' would include municipalities and district boards. That is all the difference between the two. I do not know if it is the object of the hon. Member to say that whereas the district board engineers have already been provincialised, why should not the assistant engineers in the district boards be included in this cadre and called the Madras Local Authorities Civil Engineering Service or something of that kind. On that point, I must confess, I have no information at all. My Hon. Friend, the Chief Minister, will reply to that point. But so far as the Engineering service is concerned, this is a very small matter and I am sure the hon. Member would withdraw his cut motion."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, while I do appreciate the attempt of the Government to provincialise these services of the local bodies, I may point out that the recent complaint against the Government is they are trying to curtail the powers of local bodies; in the name of efficiency, the autonomy of local bodies is certainly being very much curtailed. I do feel that local bodies should administer efficiently. It is one thing to say that local bodies should administer efficiently and it is quite a different thing to say that they should constitute themselves as it were into so many bodies attached to the chariot wheels of the Government. Where is the need to curtail the powers of local bodies? Though the Hon. the Law Member said that he agreed with the proposition that the person who paid the piper should call the tune, here we find the Government saying they should call the tune and that the local bodies should pay the piper. If Government are going to provincialise these services, they should contribute at least a certain share of the expenditure involved. Now the whole expenditure involved is being met by the local bodies; and the Government have the entire control. The local bodies pay for the services and the Government order them. I therefore feel that this is yet another inroad on the autonomy of the local bodies. I feel that we are not doing the right thing by the local bodies by agreeing to this demand."

The cut motion was, by leave, withdrawn.

The demand was put and carried and the grant made.

(3) GRANT XX—PUBLIC HEALTH—TRANSFERRED.

* The Hon. the RAJA OF BOBBILI:—"Sir, I beg permission to take up item No. 4 now, as the discussion we had now, covers practically both the items 2 and 4.* I beg to move the motion standing in my name—

"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 XX—Public Health—Transferred"."

* Printed as Appendix XI on pages 234-235 infra.

30th January 1936]

* Mr. C. BASU DEV:—"Sir, I wish to say a word or two on this grant. While welcoming the proposal, I would like to request the Government to consider the cases of not only Bachelors of Civil Engineering who are in service now as assistant engineers or supervisors employed in the various municipalities but also upper subordinates who are now serving as senior supervisors, when forming the provincial cadre. I also hope that the present incumbent will be absorbed and that none will be adversely affected. I thank the Government for this necessary step of provincialising the service. May I hope that this will be followed by other proposals to provincialise the whole service. With these words I support the motion."

The demand was put and carried and the grant made.

(4) GRANT XIX—MEDICAL—RESERVED AND TRANSFERRED.

* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"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. 100 under "Grant XIX—Medical—Reserved and Transferred."

The note * which has been circulated to hon. Members, explains though briefly the circumstances under which this demand is being moved. The question of establishing a medical college in the Telugu districts first came up for consideration before the Government in the year 1917. In view of the increasing demand for higher medical education in the Presidency, the Government decided in that year that a second medical college must be opened in this Presidency and they were also of opinion that it should be located in the Telugu country preferably at Vizagapatam where a new up-to-date hospital was being constructed and there was a Harbour scheme under consideration which, if it became an accomplished fact, would largely increase the population of the town. They were also advised and they accepted the advice that the establishment of a second medical college like this in the Telugu districts was not in any manner going to affect the intended development of the Medical College at Madras. Though this decision was taken by the Government in the year 1917, owing to various causes the scheme was being delayed; and in 1919 the hon. Mr. V. Venkata-pati Raju moved a resolution in the Legislative Council recommending to His Excellency the Governor in Council that a sum of Rs. 2 lakhs should be provided under '22. Education' for raising the Medical School at Vizagapatam to a college. Replying to this resolution of the hon. Member, the Hon. Sir Alexander Cardew who was in charge of the portfolio at that time gave the assurance that, as soon as the necessary clinical material became available by the development of the hospital, Vizagapatam would get the college for the Andhra portion of the province.

* Printed as Appendix XII on pages 236-238 infra.

[Mr. S. Kumaraswami Reddiyar] [30th January 1936]

1 p.m. "He added, however, that he hoped that the representatives of the Telugu country and the Ceded districts would keep on pressing the matter on the Government till they got it. No time would be lost he said in making arrangements to bring about this college. The representatives from the Telugu area, i.e., from the Northern Circars and the Ceded districts, accepted the advice of the Hon. Member of Government and went on pressing for the establishment of a college, and in 1923 this demand of the representatives of those districts was granted and a college was established in that year with the concurrence of the Finance Committee and this Council. Subsequently also, the college which had only a small beginning, was developed in various directions, so as to make it more efficient and make the instruction imparted there up to date, and more attractive in many respects. All the expenditure required for these developments was incurred with the concurrence of the Finance Committee and of the Legislative Council, and the college has now reached a fairly good though not the required standard of efficiency. Under section 11, clause (4) of the Indian Medical Council Act, the Indian Medical Council has to make arrangements as early as possible after the establishment of the Council, to inspect the colleges under the Universities of Patna, Rangoon and Andhra with a view to see if the medical certificates granted by these Universities could be recognized by the Indian Medical Council. Hon. Members will see, as is mentioned in the explanatory note circulated to them, that the Indian Medical Council has not yet recognized the degrees granted by the Andhra University to students of this medical college. The Medical Council therefore sent a commission of three of their members to inspect the Medical College in Vizagapatam, and to make their recommendations. After their recommendations were received, the Surgeon-General and the authorities of the Andhra University met and considered the report of the commission of inspection and accepted to a great extent the recommendations of that commission. The equipment of the college, the staff and buildings had to be improved, and the minimum that was required was reported to the Government. The Government considered the question whether these improvements were to be made or not. If the improvements were made, the Indian Medical Council would, in all probability, recognize the degrees of the students who passed out of the college maintained by the Government; if these improvements were not made, the degrees would not be recognized, and all the medical education given to students in the college would be wasted. As between the two alternatives, the Government certainly chose the proposal to make the necessary improvements. As I have already pointed out, the Government and this Council have repeatedly recognized the need for a second medical college in this Presidency, and a considerable amount of money has already been spent on the establishment and development of this institution; and if the Government were not prepared to spend something more now and equip the college up to the standard required by the Medical Council, the consequences would be disastrous. It was in view of these circumstances that the Government, as I said, decided to make the improvements. It was not however possible to make all

30th January 1936] [Mr. S. Kumaraswami Reddiyar]

the improvements that were required such as the building operations in the course of a year or two; as funds permitted, those improvements would be effected as quickly as possible. But there were some immediate improvements which could not possibly be delayed and on which the Medical Council was quite insistent. For this purpose, expenditure had to be incurred even during the current year. The college was very much under-staffed, and if the education imparted was to be up to the standard, some additional staff was required. The present demand relates only to that additional staff; the other expenditure that is required is included among the Part II schemes of the next year, and those schemes in due course will come up before this hon. House when the Budget is placed before it and the various demands in it are considered. At present, as I submitted, Sir, the additional staff that is immediately required has to be sanctioned and it is for that purpose that a token demand of Rs. 100 is now being moved.

"The Finance Committee before whom this proposal was placed did not accept it; but I hope after hearing now a fuller statement of the facts of the case and in view of the imperative need for the additional staff that is now asked for, even the hon. Members who opposed it in the Finance Committee will revise their opinion and accept the reasonableness of the demand now made by the Government.

"With these words, Sir, I move that the Government be granted a further sum not exceeding Rs. 100 under Grant XIX—Medical—Reserved and Transferred."

* Mr. M. A. MANIKKAVELU NAYAKAR:—"Sir, I beg to move that—

'the allotment of Rs. 100 under "Grant XIX—Medical—Reserved and Transferred" be omitted.'

Sir, this is one of those token demands which appear very simple and modest at first sight but which ultimately commit us to a very large expenditure. As the explanatory note will show, the full scheme, if it is to be given effect to, will cost us about Rs. 16 lakhs, and the annual recurring expenditure will be about Rs. 1½ lakhs. Now, what is the object of this demand? It has been said that the degrees obtained in this college have not been recognized either by the British Medical Association or by the Indian Medical Council. Inspectors were appointed to inspect the college and find out the defects in the college which stand in the way of recognition by the Medical Council, and as a result of their report, the Government now want to strengthen the staff. It will be interesting, Sir, to note what the Director-General states regarding this: He states that the Council cannot be expected to give an assurance on the question of recognition, and we can only hope that the recognition will be accorded. So, there is no assurance here that the degrees will be recognized; and even if the improvements suggested are effected, it is open to the Council still to refuse recognition of the degrees. Under these circumstances, we must consider whether it is worth while spending this money when the position is so uncertain.

[Mr. M. A. Manikkavelu Nayakar] [30th January 1936]

"Sir, the number of students that study in this college is about 218 or 219, and it varies in each year; and about 80 or 90 of these students come from areas other than Telugu areas. I would therefore ask the Hon. Minister whether it will not be possible to have these students admitted in the Madras Medical College. If the accommodation is not sufficient, we can provide additional accommodation so as to admit more students who will be greatly benefited by the first-class teaching staff here.

"Further, as has been pointed out, the Finance Committee has not recommended this demand. Not only this Committee but I understand that previous Finance Committees also did not approve of this proposal. (An hon. Member: 'No.') Anyway, I am sure the Finance Committee would have had greater details about the scheme and they must have gone very carefully into the matter and should have had sufficient reason for rejecting it. That being so, I suggest that in the present circumstances when the financial state of the province is not very encouraging, it is not desirable launching upon a costly scheme like this which would ultimately commit this House to an expenditure of about Rs. 16 lakhs and an annual expenditure of Rs. 1½ lakhs."

* Mr. K. A. NACHİYAPPA GOUNDER:—"Sir, in seconding this motion, I would like to ask whether it is advisable to undertake such a heavy expenditure at this stage. I am no doubt in sympathy with the idea of spending as much money as possible on education, and especially on the improvement of medical education and the improvement of hospitals and dispensaries. But before we incur such a huge expenditure as this, we must consider the question carefully.

"Just now, Sir, we are almost in the transition stage for the new Reforms, and it has been repeatedly said by the Government themselves that we must conserve our resources and expand it too in the interests of the future Government. Besides, we have got to take up other and more pressing items of expenditure, such as for instance, the provision of drinking water-supply. In the Salem district, Sir, there is acute distress in respect of drinking water even at the headquarters town, not to speak of villages, and a scheme has been in the air for a very long time now, but nothing tangible has come out of it so far. If such vital needs as water-supply, etc., are to have priority, then I am afraid schemes such as the one before us have necessarily to be postponed for the time being and must await better times.

"Recently, Sir, we were also threatened with a statement that the finances of our province were unsatisfactory and that consequently a new tax on tobacco had to be imposed. Fortunately, however, the recent announcement in the papers of the figures taken for the compilation of our next Budget, has made it clear that we are not likely to be faced with any such difficulty. Still, having regard to the enormous ultimate expenditure that this scheme entails, I think, Sir, that we should consider the question very carefully as to whether we should take it up immediately or whether it cannot be postponed for some time.

30th January 1936] [Mr. K. A. Nachiyappa Gounder]

"Sir, the Finance Committee also seem to have stood against this grant and the reasons of the Government for overlooking that decision are set out in detail in the note. I should also like to know the specific principles on which the Government have gone against the decision of the Finance Committee and come forward with this demand at this stage. Coming to the details given in the note, I find that the demonstrators for physics and chemistry have been provided on a fixed salary. I want to know whether no scale of pay is found necessary in this case. I would be glad to have that information. I think there is justification for putting off this question for the present as it is not so pressing and the ultimate expenditure involved is rather very considerable."

Mr. P. PEDDI RAJU:—"Mr. President, Sir, I am sorry that my hon. Friend on this side of the House has moved a motion to omit this grant. My hon. Friends have been saying that I have also given a similar motion. I wish to point out that my motion is intended to elicit more information. The idea is that this question has been pending for a sufficiently long time and the British Medical Association has been pressing upon the Andhra University as well as upon the college that unless certain essential defects and deficiencies were remedied, it would not be possible for them to recognize this institution as a medical institution; and my idea in giving notice of a motion is to find fault with the Government as to why they have not taken steps earlier enough to remedy those defects in order to see that it is affiliated along with the other colleges in India. Sir, this institution was started after a great deal of agitation and after feeling the necessity for the establishment of another medical college in this Presidency. It was started under the auspices of the late Raja of Panagal, who thought that it was to be the seat of the future Andhra University as well as of the Andhra province. It is now felt that it has been voted down by the Finance Committee probably because it is located in the Andhra centre. (A voice: 'Question.') Of course, I am only saying that it is the public feeling entertained by the Andhras generally. I am not questioning the right of hon. Members here to express their opinions, but all that I say is, the feeling is so strong in the Andhra country that the motion has been rejected in the Finance Committee on linguistic grounds. (A voice: 'Question.') I am not believing that statement; all that I say is that that is the public feeling. I am only saying that while a lot of money is being spent on medical education in the southern portion of the Presidency, I do not see any reason why you should not have a professional college in the north also to cater to the needs of the people in that part of the Presidency. You have got a number of medical schools in the south. We thought of establishing another medical school in Guntur and spent a lot of money on construction of buildings, but you have closed it down on financial grounds. There is therefore no reason to remove the only existing medical college in the northern portion of the Presidency; and there is also no reason to close it down after having spent a lot of money in building the college and a hospital and after having entertained great hopes of them. After

[Mr. P. Peddi Raju] [30th January 1936]

all the sum that is sought to be spent, that is, a non-recurring grant of about 16 lakhs of rupees and a recurring grant of a comparatively small sum, is relatively small when compared to the money that you are spending on the Medical College in Madras or the other arts colleges throughout the Presidency. My submission to this House therefore is this, that we can stop even some grants for the improvement of the arts colleges, but we cannot stop improving the professional colleges, either engineering or medical colleges or things of that sort.

"Then, Sir, my hon. Friend, Mr. Nachiyappa Gounder, was telling the House that this money could better be spent in the improvement of water-supply and public health. I may tell him that the establishment of a medical college, improving it and training a number of medical men is also equally necessary in order to see that public health is improved in the Presidency. My submission to this House, therefore, is that at least in order to allay the feelings of the Andhras in regard to this matter, we should all vote for the grant."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"Mr. President, Sir, the Medical College in Madras is a first-class college, well-equipped and well-staffed and to have another college in Vizagapatam at an extra expenditure, of a non-recurring grant of 16 lakhs and an additional recurring grant of 1½ lakhs every year is only a luxury. It was elicited at the meeting of the Finance Committee that the Medical College at Madras will be able to accommodate the few students that come from the Andhra districts or those who are studying or will be studying in the Vizagapatam Medical College. Sir, this heavy sum is not to be thought of at this time of depression. Moreover, it was stated that the Telugu country requires a separate medical college. I do not think the entire Telugu country will be benefited by locating one college at the other end of the Andhradesa. If it is to be in Guntur or Kurnool, I can understand it, because it will be somewhere in the centre of the area. As a matter of fact, for the Ceded districts and for certain other Telugu districts, Madras is nearer than Vizagapatam. If, however, it is considered necessary, the Medical College at Vizagapatam may be continued as a medical school and thus the money spent on the buildings there will not be wasted. Especially when the Director-General does not find any reason for recognizing this college, there is no justification for spending a large sum on a matter like this. I therefore oppose the grant and support the motion."

Sri A. V. BHANOJI RAO:—"Mr. President, Sir, I am really surprised at the attitude taken up by my hon. Friends, Mr. Nachiyappa Gounder and Mr. Manikkavelu Nayakar. At the same time, I am not surprised to find Mr. Nachiyappa Gounder speaking, because we always find his name in every agenda. But, what arguments have they advanced for not having this allotment for the Medical College at Vizagapatam? I think it was Mr. Manikkavelu Nayakar who said that there was no guarantee by the Director-General of Indian Medical Services as to recognition. I do not think he has understood the position clearly. The Medical Council of India have stated that certain things are

30th January 1936] [Sri A. V. Bhanoji Rao]

defective and they have recommended certain modifications and unless those things are done, they are not going to recognize the institution. If the college is not going to be recognized, what will be the fate of the Andhra students who pass out of the college and what will be their plight in the medical world? Hon. Members will recognize the very great hardship to which the students who pass out of this institution will be put to. Some hon. Members have stated that it is a matter for the future and that it is a very simple matter. I say it is not such a simple matter but a very important matter.

"Coming to the argument advanced by my hon. Friend, Mr. Nachiyappa Gounder, that funds should be provided for rural water-supply, I am one with him in that respect; but may I tell my hon. Friend that the medical profession is equally useful and important for the rural population of India? If you compare the population of western countries with the population of India, you will see that the percentage of men belonging to the medical profession in India is far less than in western countries and that it is a profession which every one should see that it is maintained.

"Then there is another argument which my hon. Friend has advanced, and that is, that the Finance Committee has cut down the proposal. But the Hon. the Minister has pointed out that this college was started as a result of agitation in the Andhradesa for the establishment of such a college. Whether it be the Swarajists, Congressites or the Justicites, Brahmans or Non-Brahmans, Muhammadans or Christians, the unanimous cry has been for a separate medical college for the Andhradesa and it was under the auspices of the late Raja of Panagal that this college was established. One can easily imagine under what difficulties this college was started, originally with a small building and so on, and we can well realize under what great hardships the persons who were then in charge of the institution worked in order to make this college a success. Subsequently, we know what kind of anxiety the University, the present Vice-Chancellor and the Principal of the college had for the last so many months because they felt if the college was not recognized what the amount of suffering would be which their own students might have to undergo. Under such conditions they had to work in order to make the Government realize the importance of providing funds for the equipment of the college.

"Mr. President, Sir, another argument that has been advanced was that the Finance Committee had not sufficient facts before them when they decided on this question. If only they had known the full facts, I am sure they would not have voted it down. Probably, every one of the members of the Finance Committee thought that it was not so very important; but they did not consider the seriousness of the question for a moment, namely, what would happen to the college if funds are not provided. When I met one or two members of the Finance Committee, they also stated that they did not realize the gravity of the situation if the college was to be closed down. Sir, it is not possible to say that

[Sri A. V. Bhanoji Rao] [30th January 1936]

the Finance Committee were fully aware of all the facts when they decided this question. If only they have the full facts before them and if the Hon. the Chief Minister would convince them, I am sure they would revise their opinion and see that what the Government has done is right.

“One more point, Sir, and I am done. Our thanks are due to the Government for the way in which the various Members of Government have taken up the question and our thanks are also due to the Vice-Chancellor of the Andhra University and to the Principal of the College, for all they have done in the matter of providing funds for the Medical College at Vizagapatam.”

* The Hon. the PRESIDENT:—“As several hon. Members are willing to speak on this grant, let us have lunch before we hear them.”

The House then adjourned for lunch.

(After Lunch—2-30 p.m.)

* Mr. DANIEL THOMAS:—“The motion before the House involves not only the particular issue on which we are now called upon to exercise our votes but also raises the question relating to the policy of the Government regarding medical help in this province. My hon. Friend, Mr. Bhanoji Rao, in the course of his remarks drew pointed attention to the fact that taking the masses of people in our province there is no adequate medical provision for their relief. That I believe is a proposition to which every member of this House will give his hearty and unqualified assent. But how exactly and in what manner this adequate relief is to be provided for in the province is a question which the House is called upon to consider in deciding this particular issue. I believe, Sir, the Government have not been following any steady or consistent policy in this matter. A large amount of help is felt to be necessary not so much in big cities and towns but in the rural areas of our province. There are scattered hamlets all over the province where such a thing as medical relief is a thing unknown for all practical purposes and is impossible of being secured. In such a case what exactly should be the policy of the Government, what exactly are the measures Government should adopt to bring medical relief to the nooks and corners and to the remotest rural parts of the province. In considering this matter, Sir, the question is whether we are to have high grade colleges producing experts and highly qualified experts, possessing high medical degrees which meet with the hall mark of approval of the Indian Medical Council or whether it is more necessary that you should provide adequate means or adequate institutions for the purpose of turning out a larger number of fairly competent medical men such as the L.M.Ps. are, who will be in a position to go and settle in the remotest parts of the province and thereby render medical relief to the poorest inhabitants. I think the people have a legitimate grievance. There were a number of medical schools in the various parts of the province. There

30th January 1936] [Mr. Daniel Thomas]

was a medical school in Madura, there was a medical school in Tanjore, there was a medical school in Coimbatore and I believe in Guntur also. I see Mr. Krishnayya Choudari nodding his assent and I think in Guntur also they put up a building for a medical school at a very high cost and it was almost completed. But when the money has been expended upon the necessary institution and when the accommodation and everything is complete, down comes the fiat of the Government that there shall not be a medical school, not only in Guntur but in other parts like Madura, Coimbatore, Tanjore, etc. In fact, I believe in Tanjore not only did the Government not continue their school at their own expense but I am credibly informed that there was private munificence and yet the Government would not carry on the medical school. Well, apparently in the policy of the Government every medical school shall be concentrated in Madras. It shall be the only medical school. If that is the policy followed by Government thus far how does the Government ask the Council to change the policy, to turn the current back and then vote a large sum of money including a heavy initial capital outlay and a large recurring expense in the shape of maintenance for the Vizagapatam Medical College? I protest against Government providing medical colleges and at the same time neglecting the running of the necessary number of medical schools in the various parts of the Province. I would submit to the consideration of the Government that for the purpose they are having in view, viz., the providing of medical relief to the remote hamlets of the Province it is more necessary that we should have a large number of men of ordinary qualifications and not high grade specialists with expert qualifications but men of the grade of L.M.Ps. In the present scheme of things L.M.Ps. are fairly competent men and I understand that the Madras Medical School is an extremely well equipped school turning out very competent men. Under these circumstances why should Government close down the medical schools in the various parts of the Province and ask for a large sum of money for Vizagapatam. It has been said that the college has been started, that much money has been expended for starting and running the institution and that it is necessary that it should remain a competent institution to secure the hall mark of the Indian Medical Council. This is a proposition with which all the members of this Council would agree. It is necessary that the Vizagapatam Medical College should be run on a sound and efficient basis. It must be so run as to secure the approval of the Medical Council; otherwise the degrees would be of no use. They will be a sort of waste paper. It is of course necessary that necessary provision should be made therefor. But for the sake of consistency, reason and logic I would submit to the Government if in their anxiety to provide adequate medical relief they are prepared to spend for a large college it is equally necessary, if not more necessary, that Government must find means for re-opening the medical schools closed in the various parts of the Province, and also if necessary start new ones. I think we may train a large number of L.M.Ps. with the money that we have to spend for a high grade college. I do not say that the college is unnecessary. But we have to provide

[Mr. Daniel Thomas] [30th January 1936]

the necessary foundation for a superstructure. There should be the foundation and the basis on which we can rear and build the higher structure of a high grade medical college. But to have a medical college without medical schools is like having colleges without high schools. It will be like Government saying that we must have more colleges, abolishing the high schools. The necessary foundation would be lacking if we abolish our medical schools and spend our money on colleges. I am sorry that my hon. Friend, Mr. Peddi Raju, in discussing this matter threw out the suggestion that the provision had been rejected by the Finance Committee because it related to the Andhra area. Later on, it was followed by a qualifying statement that he did not believe it. It is more imperative, then, that he should not have made the statement at all. I would assure the House there was no such idea in any of the members of the Finance Committee. The thing that influenced the Committee to come to that decision was that provision of medical schools was a more imperative necessity. But if in the light of the various facts which have been given by the Minister in charge of the portfolio and in view of the opinions expressed by the members from the Andhradesa, it is found that this college should be run and if Government are prepared to find the financial provision I have absolutely no objection. In making such provision for the colleges Government should in all fairness, logic and consistency and reason make even greater provision for the re-opening of the medical schools in the various parts of the Province."

MR. BASHEER AHMED SAYEED:—"Mr. President, Sir, in participating in a debate like this I do not want it to be understood that any controversy has been raised against the college in the Andhra districts as opposed to a college in the Tamil districts or in the Kerala districts. Let us not view this question from that point of view at all. On the other hand let us realize from the outset that this question relates to a second medical college in the Andhra districts. It is not that there are two colleges in the Andhra districts but it is a second college which is going to be established permanently in the Andhra districts. Now we must examine before we can give an impartial vote whether there is any real need or demand for that college. In the first place the districts are not very far off from Madras, nor is the distance greater than it is from Trivandrum to Madras or Mangalore to Madras. The distance from Vizagapatam to Madras and from the southern-most corner of Madras Presidency to Madras are almost equal. That being the case, when you have a first-grade college and a well-equipped college whose degrees have been given recognition by the Inspectors that were sent out for inspection, why do you require a second college for catering to the very same needs?

2-54 p.m. "Now, Sir, does the Government realize what exactly they are about? They are going to have a non-recurring expenditure of Rs. 16 lakhs and a recurring expenditure of not less than 1½ lakhs every year. Is there such an imperative demand, such an imperative necessity, that there should be a second college at Vizagapatam? Sir, after

30th January 1936] [Mr. Basheer Ahmed Sayeed]

all what is the case that the Government has made out in support of this college? They say that the degrees given by that college are not recognized and that in order to secure recognition for them from the Indian Medical Council we ought to spend Rs. 16 lakhs of public funds and also charge the revenues to the extent of Rs. 1½ lakhs every year. That is all the case. The case is that we should get recognition. What happens really if recognition is not given? No doubt, as has been pointed out already, if the college is to continue and if its degrees are to be recognized by the Indian Medical Council, you will have to rectify the defects. The Inspector says you had better comply with *a*, *b*, *c* and *d*. If it is easy for the Government, if the times were normal, then certainly it is reasonable that we should do everything to remedy the defects and then make these degrees recognizable by the Indian Medical Council. On the other hand, at a time when you are really starving many other departments, when you are not able to find funds for essential services, when you want to raise Rs. 12 lakhs by further taxation and when you are still not able to show a surplus budget and when there is constant fear on the part of the Finance Member that the budget will show a deficit, does it stand to reason that you should go and invest, although stage by stage, 16 lakhs for a medical college? Is it or is it not a luxury? That is the important question, Sir. Is it or is not going to be an extravagant luxury too, if it is not going to be an ordinary luxury? What is it that prevents students from coming to Madras, then undergoing the course here and getting the degrees which are also recognized by the British Medical Council, not to speak of the Indian Medical Council? If it is argued that the degrees already granted have not been recognized, that is not going to be remedied by raising the status of the present Vizagapatam Medical College. What is it you are going to do? The Inspectors have found that the institution does not come up to the standard, up to the mark. Then, the wisest thing to do from the point of view of the Hon. Minister in charge and that of the Hon. the Finance Member is to close down the college, to make it a permanent medical school and be satisfied with it. You are not going, in spite of spending Rs. 16 lakhs, to get the degrees already granted recognized in a shorter time. It might be five years or even ten years from now, when you will be able to get the degrees of that college recognized. By the mere spending of Rs. 20,300, according to the present grant, while the ultimate cost is over Rs. 16 lakhs, what is it you are going to achieve? It is within the discretion of the Medical Council to appoint Inspectors, and those Inspectors will have again to go into the question and investigate and make a report. Where is the assurance, where is the guarantee, that the degrees will be recognized after all? I consider this a colossal waste of money. I say waste because the Government have not been able to find funds for an institution like the Mental Hospital at Madras. I have been a visitor to that hospital for the last one year, and I have found that the hospital is in a most deplorable condition. It is a disgrace to the Government of Madras and to everybody connected with the administration of the portfolio of medicine and public health,

[Mr. Basheer Ahmed Sayeed] [30th January 1936]

that the Mental Hospital should be left in the condition in which it is to-day. There is accommodation hardly for 800 patients, and that hospital now contains 1,200 patients. The Superintendent of that hospital has applied time and again for extra accommodation, for extra buildings, for extra equipment and for extra comforts to patients, and every time the report that has been published by the Government says that the Mental Hospital cannot be improved and that they cannot find funds for the purpose. A steam laundry is required for the hospital, and you are not able to provide it at a cost of Rs. 20,000 or Rs. 30,000. The other day, when I was in the Finance Committee, the modest demand that was made by the Superintendent of the Rayapuram Government Hospital for a steam laundry to wash clothes, to have cleaner clothes for the patients, was refused and the scheme was put in class III. When you are not prepared to spend Rs. 30,000 or Rs. 40,000 for a very essential service in the Government Hospital at Rayapuram, you will not be doing the wise thing by incurring Rs. 16 lakhs of non-recurring expenditure and a recurring expenditure of Rs. 1½ lakhs.

“The Hon. Minister in charge of the portfolio was very kind to give us the whole history of the institution. The history does not make out a case. He has not really made out any case for the expenditure of this huge sum. He said that the degrees have not been recognized. He also said in the course of the arguments that it will be disastrous if this college is not going to be raised to the status that the Inspectors want it to be. Where is the disaster? I fail to see any. On the other hand, if you are going to spend Rs. 16 lakhs, though it may be spread over a number of years, that is a disaster to the public revenues and to the public finances of this Presidency. I implore that that disaster may as well be stopped by this House voting against the motion.

“Sir, there is one other institution which has been starved, and that is, the Indian School of Medicine, representing the indigenous system of medicine. The Indian School of Medicine requires every help, every encouragement, and it has been established some ten or twelve years ago. But what is the progress that the institution has made? It has been agitated on the floor of this Council that there should be greater and greater encouragement to the Ayurvedic, Unani and Siddha systems of medicine. What is the help Government have rendered to it apart from maintaining the school, equipping it with a poor staff and giving it a few buildings? Apart from that, the Government have done nothing to encourage the system of Indian medicine. The Principal of that school has been applying to the Government for extra staff, for extra accommodation. Have the Government been able to provide funds for that? The Government have been pleading financial stringency. How exactly that stringency has gone and how the Hon. the Finance Member has reconciled himself to this expenditure of Rs. 16 lakhs when he has starved, though not deliberately—when he has been unable to find funds to help—the institutions at Madras for the purpose of enlarging their

30th January 1936] [Mr. Basheer Ahmed Sayeed]

activities it is difficult to understand. The Government have not been able to find funds to support local bodies and municipalities to open a large number of Ayurvedic and Unani dispensaries. The Unani dispensaries in this Province to-day are not more than seventeen. No doubt, the Government have sent round circulars that the municipalities ought to encourage the Unani system of medicine and open more and more dispensaries. If the municipalities are starved of their revenues and are not able to spend more and if the Government do not dole out larger grants, by whom or from what source will the indigenous systems of medicine be encouraged? When you are not able to find funds for such necessary things, why do you go in for a luxury, for another Medical College in the Presidency? Is not the Medical College at Madras able to satisfy the people from the Andhra districts? Is not that college now inviting students not only from the Tamil districts but also from the Kerala districts? Is not that college undertaking to train students from the Punjab, from the United Provinces and from the Central Provinces? There are a number of students who have passed from that college and established themselves everywhere in the country. People have spoken about it, and I think it was Sir George Stanley, the late Governor of Madras, who said that in the East the Medical College at Madras, with the hospital attached to it, is one of the best. When the Punjab students are sent down to the Madras Medical College and when the Central Provinces people are sending their candidates for training at the General Hospital or at the Maternity Hospital or at the Radiological Institute situated in Madras, what is it that prevents students from Andhra districts from coming down here and taking advantage of the training that is afforded by the Madras Medical College and the hospital attached thereto? Are the Government, I ask, in a position to say that they have considered the scheme of expanding the Medical College to meet its full requirements? Have they considered the question of increasing the accommodation in the Medical College, of increasing the staff, of increasing the equipment in the Medical College at Madras? Are they able to say that they have examined these schemes and found them impossible, when they are going to invest Rs. 16 lakhs for this scheme of raising the status of the College at Vizagapatam? Even if you find the money for it, this scheme will not come to fruition within the next five or ten years. Such being the case, let us consider whether this Council is really taking the right step in voting for this token demand of Rs. 100, while the ultimate cost involved is Rs. 16 lakhs.

“Sir, the Hon. Minister was pleased to say that the minimum requirements of the college would cost Rs. 16 lakhs. It does not stop with Rs. 16 lakhs. It may go to Rs. 20 or Rs. 25 lakhs or more. The note circulated to us says that it will be over 16 lakhs. It is not really Rs. 16 lakhs or anything less than Rs. 16 lakhs, but it is over Rs. 16 lakhs. Sir, the hon. Member from Vizagapatam said that the condition of the degree-holders, and of the students undergoing training in this institution at Vizagapatam, ought to be kept in mind and that

[Mr. Basheer Ahmed Sayeed] [30th January 1936]

hon. Members should not ignore that aspect. I am not one of those who are prepared to ignore that aspect. If those degrees are not recognized, if that college is closed, the University of Madras, might afford all facilities to take over those students of the Vizagapatam College and to provide them with every opportunity to qualify themselves. I do not see why there should be a duplication. Is it simply because there are a few students there undergoing medical courses? It has been the policy of the Government—at any rate the Hon. Chief Minister has been saying so—to invest more funds in higher education in any line whatsoever, whether it be in the professional line or in the arts line. If the Government are not going to invest more funds either for higher or for university education, then this Council will be too glad to vote for as much money as possible for primary and secondary education. That is a very sound policy. Probably Government have not yet decided to give effect to that policy. Time may come when they will have nothing to give to the universities, and the universities should depend upon private foundations. It may be that the time has not yet come. That time will surely come when the Government will cut away all connexion with the universities. Let more public bodies and individuals come forward and give donations and foundations for higher university studies and for research and so forth. If that is the ultimate policy and if the Hon. the Chief Minister is thinking of laying the foundations for that stage being reached, then, where is the justification for a second college in the Presidency, whether it be at Vizagapatam or elsewhere, whether it be an arts college or a professional college? It is time now to look up and see what exactly are the demands, the necessary and legitimate demands upon the finances of the Government.

“There is another question, Sir. The Hon. Minister gave us the history of the agitation which resulted in the establishment of the college at Vizagapatam. Does he realize that such agitation could also be carried on by the Tamilians in the Tamil districts for a separate medical college being established in the Tamil districts? My hon. Friend from Tinnevely, Mr. Daniel Thomas, has said that the policy of adding to the medical colleges should be revised in favour of having more medical schools and that the question of reopening the medical schools at Tanjore, Madura and Coimbatore which have been closed must be revived.

3 p.m. “That is only one part of the agitation; but it is also quite likely that all the 11 or 12 districts in the South plus the Malabar district may say ‘We shall have one college in the South and one in the West.’ Are Government going to pay heed to such agitation? The Hon. Minister has already indicated that the public should carry on agitation for another college in the Tamil districts. Now, there has been a policy of centralization which the Government have been following for some time in the matter of local boards. They have been trying to have headquarter hospitals and district hospitals and so forth. So why should we not have a central college, one college most efficiently

30th January 1936] [Mr. Basheer Ahmed Sayeed]

equipped, and most efficiently manned and the best college, at Madras and be satisfied with it? What is in the way of making such a thing possible? Will we not thereby save lakhs of rupees and will not that saving be available for other more useful sources of activity? I think the Government owe a duty to the hospitals already existing. You are already starving the Education Department; you are starving very many essential services; you are not prepared to give money for rural reconstruction and for developing the indigenous systems of medicine. So what is the justification for spending 16 lakhs on a luxury, a pure luxury, and that for the sake of a few students, and without any assurance that that college is going to be recognized in the near future? Even as the lawyer's profession is becoming overcrowded, the medical profession is fast becoming overcrowded. I do not think that anybody would deny that. The students turned out of the Medical Colleges at Madras and Vizagapatam have yet to be absorbed in Government service. A number of doctors are without employment. When the profession is overcrowded, why should you go and encourage another institution at Vizagapatam? It is not the case that people are wanting. There are hundreds of doctors to-day in Madras who are ready for employment if the Government would only open more dispensaries, more clinics, throughout the Presidency. Why not employ them? Why go and multiply these graduates in the various centres and then create the problem of unemployment. (Mr. M. A. Manikkavelu Nayakar: ‘Birth-control clinics.’) Yes; birth-control clinics, leprosy clinics—more institutions of that kind are required. The Government are not really able to do anything in that direction and yet they want the luxury of a college at Vizagapatam at a cost of 16 lakhs.

“Sir, there is another aspect that I would point out and that is nearer home. I refer to the Victoria Caste and Gosha Hospital. The Superintendent of that hospital has been applying time and again for extra accommodation. The donations made to it have been very niggardly. There is a large space attached to it; the patients that visit it are numerous; the children that have to be treated are increasing, and doctors are not quite enough to attend to them; beds for in-patients are wanting; and every time we ask, ‘Why turn out a deserving case from being admitted?’ the Superintendent says, ‘Where are the beds for them all? After all, for the women's section that is the only hospital for the whole Presidency, and that hospital is very ill-equipped. Instead of improving that hospital with a few lakhs you want to invest 16 lakhs on a luxury. There is every justification for utilizing these 16 lakhs if available and if the Hon. the Finance Member can spare it, in other directions, in more useful directions and get the best benefit out of it. After all, the advantage that would be gained by raising the status of the Vizagapatam college after spending 16 lakhs and more and then incurring a recurring expenditure of one lakh and a half will not be commensurate at all with the amount invested on it. Therefore I ask that we should pause before we give our vote to

[Mr. Basheer Ahmed Sayeed] [30th January 1936]

this demand; voting on this demand need not and should not be based on Andhra *versus* Tamil or town *versus* mufassal controversy at all. There is no room for such animus in this matter. So I would respectfully say that this is a very unnecessary and unjustifiable luxury and it ought to be discouraged."

* Rao Bahadur Sir A. P. PATRO:—"Sir, after the torrent of eloquence which is quite irrelevant to the subject-matter before the House, and after the expressions of disgrace and disaster used by the hon. Member, Mr. Basheer Ahmed, in regard to this institution

Mr. BASHEER AHMED SAYEED:—"No, Sir. I did not use the word 'disgrace' in relation to this institution. I said that the way in which the Mental Hospital is being maintained is most disgraceful."

Rao Bahadur Sir A. P. PATRO:—"Memories are short, and in moments of excitement expressions are used by Members which they do not mean but which they are prepared to withdraw, as the hon. Member has rightly withdrawn from the position which he has taken up.

"He said it is a disgrace to the Government and disaster to the State in taking this course. Apart from these expressions (Mr. Basheer Ahmed Sayeed: 'My friend is misrepresenting me.') which are very common on the lips of the hon. Member, what I would submit is that the question before the House is not one of an expenditure of 16 lakhs or a recurring expenditure of 1.50 lakhs. It is ridiculous in the extreme to talk of huge expenditure. Of course it means that for the purpose of employment of additional staff in this college, what is wanted is an expenditure of Rs. 1,400 for the current year while the ultimate cost for one full year will be Rs. 20,300. That is the demand; that is what the Minister wants the House to sanction. (Interruption.) I think there are some natures which are irrepressible, and which are always unreasonable. False issues often arise from the fertile imagination, rather the very fertile imagination of the hon. Member, and then he begins to beat the air and wax eloquent over nothing. That is the position. The question is, there is a college at Vizagapatam. The hon. Member asks whether this institution is necessary in view of want of increasing accommodation and staff of the Madras Medical College. I would ask the hon. Members to take up the case of the Muhammadan College at Madras. I was the author of it. I placed it on a prosperous footing. Now I would ask him to say in all sincerity whether there is need for such an institution while you have got thoroughly equipped colleges in Madras. (Mr. Basheer Ahmed Sayeed: 'I accept the challenge.') When I mention that, it touches him to the quick; whereas eloquence is spent in the case of an institution which he favours and which he wants to improve in spite of other colleges at Madras. I am making a personal appeal to him to be reasonable. His arguments against Vizagapatam are altogether unreasonable. In spite of the institutions at Madras, we have a separate institution for the Mussalmans, a first-grade college over which we have spent lakhs of rupees in equipment. (Mr. Basheer Ahmed

30th January 1936] [Sir A. P. Patro]

Sayeed: 'There are Hindu students in the Muhammadan college; may I invite his attention to that?') What does it matter? A good parliamentarian will never rise so often as my hon. Friend. The hon. Member in opposing this motion asked, why there are other institutions which are not helped; therefore cut the expenditure on this. In reply I would ask Mr. Basheer Ahmed Sayeed to brush up his memory and go back to the time (he was not in the Council then) when the late lamented Raja of Panagal instituted an enquiry, obtained the necessary information and founded this institution. It was gradually developed and it is now rising to be one of the first-rate institutions in India. Now, Sir, my friend's ignorance is colossal; he should rest content with the little knowledge he possesses in connexion with this subject instead of airing all his fancied grievances, grievances such as that the mental hospital and the lunatic asylum has not been adequately provided. I don't know whether he was ever there for inspection."

Mr. BASHEER AHMED SAYEED:—"I must rise to a point of order. However aged my friend the hon. Member for Ganjam may be, he must be moderate and not indulge in such frivolous and foolish language."

* The Hon. the PRESIDENT:—"The hon. Member only mentioned that he was a visitor to the Mental Hospital." (Loud laughter.)

Mr. BASHEER AHMED SAYEED:—"I have visited persons like him there."

* The Hon. the PRESIDENT:—"Order, order."

* Rao Bahadur Sir A. P. PATRO:—"He spoke with inside knowledge of the want of accommodation and various other things in that institution; he has got a detailed knowledge of that institution. He has further said, and I quite agree with him, that the Government should provide the necessary funds for remedying the defects and improving the conditions in other institutions as well. No one will dispute his position to that extent. It is absolutely necessary that we should keep our hospitals in good working order. But what I don't agree with him on is that in his desire to help the other institution he wants that expenditure on this institution should be cut off. The conditions 3-15 in the Medical College were enquired into at the time and it was found p.m. that the accommodation in the institution was insufficient and unsuitable for the large number of students that flocked to it every year. It was for that reason that another institution was founded at Vizagapatam where there was the King George's Hospital. The college at Vizagapatam is very ably staffed. Really first-class surgeons and first-class doctors who can hold their own against the other members of their profession are there. But the Inspectors of the Medical Council want some more staff in that institution so as to make the standards of that institution come up to the standards of medical education obtaining elsewhere. I am not on this occasion going into the merits of the report of the inspectors. But this much I may say: in England most of the hospitals are run by private help and are not dependent on

[Sir A. P. Patro]

[30th January 1936]

State subsidy. In our country the conditions are different and the Government are obliged to spend large sums every year, though not as much as 16 lakhs as interpreted by the hon. Member Mr. Basheer Ahmed.

"In this connexion, Sir, one has to remember that in the Vizagapatam Medical College there are students from all parts of the Province. There are students from Tamil districts and also from Malabar. It is not an institution conducted exclusively for the benefit of the Andhras. As the Madras Medical College is not able to accommodate all the students who seek admission to it, the Vizagapatam college supplies the need. It is therefore absolutely necessary to have this college at Vizagapatam. Now the only question is the need for raising its standards to the level suggested by the Inspectors of the Medical Council. Sir, this is an institution which from small beginnings has grown into a big banyan tree. Is it not part of wisdom to encourage its growth and make it a satisfactory institution? I do not think anybody will grudge it the encouragement it deserves and refuse to agree to carry out the recommendations of the experts in medical education.

"Then, Sir, another Member of the Finance Committee, Mr. Daniel Thomas, in his quiet way, said: 'I do not want the development of the Medical College; I want more medical schools to be opened for turning out more L.M.Ps. These L.M.Ps. are more in demand.' No one denies the proposition that rural medical aid is a great necessity. But I will turn to him and ask: 'Why allow the Madras Law College to turn out more and more B.Ls. and M.Ls. every year? Why not have second-grade law colleges which will turn out muktears (Laughter) and the old type of *eachamaram vakils* (Renewed laughter)? Why do you want lawyers of the cultured type well versed in the knowledge of jurisprudence and so on? We do not want them. My hon. Friend, Mr. Basheer Ahmed, said that there is a great congestion in the professions and that more doctors are not required. May I, with all respect, ask him why he is an addition (Laughter) to the legal profession? I do not mean anything personal. What I am saying is that that argument does not hold water. My friend knows it and he was in a humorous vein when he spoke of unemployment. My hon. Friend, Mr. Daniel Thomas also said or implied that half-educated or ill-educated medical men will do for the rural areas. But he forgot the fact that even they require training under some highly qualified medical men before they can be put in charge of our rural dispensaries. We want more rural dispensaries no doubt. But could you staff them with untrained and half-trained men? To staff those dispensaries properly we require young men trained in properly equipped institutions like the Vizagapatam Medical College. Thus it is necessary that we should strengthen the staff there and improve the studies.

"One hon. Member said that the University (Andhra) is struggling hard. Well, if a University is struggling hard or somebody is struggling hard, it is not our concern. What we are concerned with is the

30th January 1936]

[Sir A. P. Patro]

strengthening of the Vizagapatam Medical College as required by the experts of the Medical Council and for that purpose it is but reasonable that this House should vote for this demand."

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, I want only to show this House that the Vizagapatam Medical College is a necessity and not a luxury. (A voice: 'Hear, hear.') Every year, for lack of accommodation we have to deny admission to young men to these two medical colleges. Nowadays large numbers of our young men take to medicine after passing the Intermediate examination in arts. Those that are denied admission include many boys belonging to the backward communities. We make it a rule to admit the candidates belonging to backward communities and then others. In spite of that, many young men belonging to the backward communities are left out. The House will realize from this the insufficiency of accommodation in our medical colleges. The strengthening of the staff of the Vizagapatam Medical College is very necessary because otherwise it will not be recognized by either the Indian Medical Council or the British Medical Association. They suggest that we should equip the college and also the hospital where the students are to be trained, in such a way that the Indian Medical Council will recognize their degrees. I say it is a necessity that the Vizagapatam Medical College should be improved so that its degrees may be recognized by the Indian Medical Council. If we do not improve it, the moneys that we have so far spent on it will be a waste. We want that college and we want the students of that college to be efficient and useful to the public. Now that the Government has come forward with a demand for 16 lakhs for that institution, our financiers say, 'Oh! what a heavy sum!' Other countries are lavishing money on education, especially on medical education. When my hon. Friend Mr. Krishnayya Choudari was referring to it, I thought it was Rs. 60 lakhs. It is not so. It is only 16 lakhs. I hope the House will sanction this sum.

"Sir, I am thankful to Mr. Basheer Ahmed for putting forth all our grievances especially that relating to the Victoria Gosha Hospital. I am glad that Rs. 12 lakhs have been set apart for the Gosha Hospital alone. Only small sums out of this allotment are granted every year. They are slowly improving the hospital. The out-patient department is there is still inadequate; but by the time the whole of this allotment is spent on it, the institution will become large enough to meet the needs of the public. Now, Sir, if this sum that is proposed to be spent on this hospital serving the needs of only a portion of the population is not enough, what about the needs of the college? When they demand that Vizagapatam Medical College should be well-equipped, should not that demand be met? Sir, I only want the Minister to consider this. The proposed administrators in that college are non-medical men. They should be medical men. A physics graduate or M.A., even though he is an expert in physics, cannot teach the medical students physics as applied to medicine. A Chemical Examiner is the chemistry professor of that medical college. That is an ideal thing. I want

[Mr. C. Natesa Mudaliyar] [30th January 1936]

medical people as professors and demonstrators. I want graduates in Arts and Science with medical qualifications to teach the students there. I do not know why they omitted the demonstrator in Biology for this college suggested by the Surgeon-General. A knowledge of Biology is as necessary for the medical students as a knowledge of chemistry or physics. So I hope the Government will consider these things. I request the Hon. Minister in charge to see that a graduate in physics with a medical degree or a degree in any science is appointed to teach the boys there.

3-30
p.m.

“Our young men pass many high examinations in Arts. They do not want to go to medical schools. There they require only S.S.L.Cs. The medical schools were not popular. They abolished medical schools in most of the places. Now the L.M.P. course is not so very attractive as the M.B. course. Well-equipped men should go to rural parts and not men with half qualification, not only in the North but also in the South and West. The L.M.P. course consisted of three years' course previously and then they raised it to four and now they have it as five years' course. Now the question is whether to abolish L.M.P. and have only one degree, M.B., B.S. So L.M.P.s. are being coached in the same way as M.Bs. They read the same books as M.Bs. Mr. Basheer Ahmed said that we must have a medical college for the South. By all means let us have it. But let us not abolish the Vizagapatam College. You may have another in the South.

“Now, Sir, I would point out that there is one medical man for every 20,000 people in the Presidency. I want that there should be at least one medical man for every 1,000 people in the Presidency. There are rural parts where there is no medical aid. There is one sub-assistant surgeon for a headquarter hospital and when he goes out from the headquarters, patients who are suffering from acute diseases there suffer very much. We want as many medical people as possible and we want as many rural relief centres as possible. So considering all these things, a medical college in Vizagapatam is a necessity. Now they want Rs. 16 lakhs. I wish it had been Rs. 60 lakhs. What is the use of spending on elementary education if you have not enough of medical men. As for the death of medical people, they die for want of medical people to attend on them. All medical people are useful. Now they wanted to have the Madras Medical College built on the site of the Spur Tank, failing which they are spending lakhs of rupees for remodelling the present building of the Madras Medical College. Now they are going to spend 16 lakhs for the Vizagapatam College. There is no use of spending this amount part by part. It is right they sanctioned, I believe, 30 lakhs, for the Madras Christian College and other Arts colleges and the Annamalai University. I want a similar amount spent on this medical college.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“Some hon. Members spoke about a second medical college at Vizagapatam as a reduplication and said that it was not necessary. My point is whether the Madras Medical College could accommodate all the existing students in the Vizagapatam

30th January 1936] [Mr. P. V. Krishnayya Choudari]

college. If it can accommodate, I quite agree to the scrapping of the Vizagapatam Medical College. As a matter of fact the Madras Medical College is not in a position to accommodate the boys that are studying in the Vizagapatam college. If these boys are to be accommodated in the Madras Medical College, it would require more money than what would be required for continuing the existing college at Vizagapatam. I got this information from the Surgeon-General who is a better authority than my hon. Friend, Mr. Manikkavelu Nayakar or any other Member of this House. When we asked the Surgeon-General in the Finance Committee, he said that the Madras Medical College could not accommodate any more boys than there are at present in that college. If we want to accommodate all the boys of the Vizagapatam College in the Madras college we will have to spend something like 40 lakhs. That is what he stated. We have already spent some 50 lakhs for erecting a building at Vizagapatam and this will become a waste if we abolish the college there. The question is whether we should spend another 16 lakhs for having a college at Vizagapatam or spend another 60 lakhs for the Madras Medical College.

“By having a medical college at Vizagapatam it is not meant that we are showing any favour to the Telugu country because it is only a question of allowing the boys there to pursue their studies at a lesser cost, because Vizagapatam is not a costly place as Madras. This is the reason why boys from South Kanara are coming to the Vizagapatam college. So, Sir, by having a college at Vizagapatam it would facilitate boys to have their education at a lesser cost.

“Another reason for continuing the college at Vizagapatam is that it has been in existence since 1923. Even the Retrenchment Committee, although they first thought of scrapping the college, afterwards dropped the idea. As such I do not think there is any necessity to abolish the college at this late hour. For the last four years the degrees of the college have not been recognized. We made the students understand that the degrees would get recognition. Now if the degrees are not recognized it will not only mean loss of prestige to the Government but it will also be very undesirable.

“I would ask the Hon. Minister who has taken the trouble of bringing forward this demand as to why he has not circulated the inspection report of the Medical Council for the information of this Council. He has not also circulated the same to the Finance Committee. I do not know why he has not done so.

“Some of the hon. Members said that the Andhra University has programmed to spend 16 lakhs of rupees in a period of five years. If that is so, what is the programme? I was also made to understand that the spending of Rs. 16 lakhs would include provision for some buildings for the Principal and so forth. I do not think it is necessary to spend part of the amount on such buildings for the Principal and so on. I request the Hon. Minister to carefully scrutinize the proposals once again with the assistance of the Surgeon-General and Mr. Lakshmanaswami Mudaliyar who is also a Member of the Medical Council.

[Mr. P. V. Krishnayya Choudari] [30th January 1936]

He can constitute a small committee if he likes to go into the whole question and see what is the minimum amount to be spent for getting recognition of the college at Vizagapatam. All these luxuries can be thought of later on. I was told that the building for the Principal alone costs something like one lakh.

"Mr. President, there is no question of Tamilians or Telugus. I can assure other hon. Members of the House that the Finance Committee have not considered the question from that standpoint. They considered the question purely from other standpoints. I would also request Telugu Members that they should not think that the decision of the Finance Committee was such because it consisted more of Tamilian Members.

"Mr. President, Mr. Daniel Thomas said that as we are having too many high schools we must have more arts colleges. That reasoning will not apply, because, if a candidate wants to take up the medical course, he need not go to an arts college. After finishing his school course in a high school; he can go straightway to a medical college.

"I personally feel that for rural improvement more doctors are necessary and so I would suggest to the Hon. Minister to provide more money for opening rural dispensaries, so that the students who come out of the medical colleges can be safely provided with appointments. I would once again appeal to the Hon. Minister to support this scheme without any hesitation. I also thank the Hon. Minister who has taken so much interest in this cause although the Finance Committee has thrown out the proposal, and also the Hon. the Finance Member. I do not know if any other gentleman has taken the trouble to carry out the scheme. My hon. Friend Mr. Bhanoji Rao has mentioned specially that the Vice-Chancellor of the Andhra University has taken some trouble in this matter. I do not know how far these gentlemen have taken any trouble. Perhaps it is like 'You scratch my back and I will scratch yours' and they have been praising each other. Whatever it might be, I personally feel that the real people who have taken any trouble in the matter are the Members of the Government including His Excellency the Governor and I want to thank them for that."

Diwan Bahadur A. APPADURAI PILLAI:—"I move that the question be now put."

The Hon. the PRESIDENT:—"I shall call upon the Hon. Minister to speak."

* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Mr. President, Sir, I am sure my hon. Friend Dr. Natesa Mudaliyar's speech would have convinced hon. Members of the House that the Medical College at Vizagapatam is not a luxury but a necessity. Dr. Natesa Mudaliyar's speech is entitled to special value as he is an experienced medical practitioner himself and he must have spoken on this subject with a great deal of knowledge. I may also mention that at the time the Vizagapatam Medical College was established the whole

30th January 1936] [Mr. S. Kumaraswami Reddiyar]

question was fully examined by the Government. When this scheme was under consideration the Government had also a proposal under consideration of building an up-to-date Medical College on the Spur Tank in the City of Madras. The Government consulted the Surgeon-General whether the establishment of a College at Vizagapatam would be necessary in view of the fact that a Medical College on up-to-date lines was going to be built in the City of Madras. The Surgeon-General gave it as his advice to the Government that the proposed Medical College at Vizagapatam would serve the Telugu districts and that its development would not be affected by the new College to be built on the Spur Tank. The Government therefore decided that the Vizagapatam College should be started as early as possible. It was not without a deliberate consideration of the *pros* and *cons* of the proposal that the Government took the decision to build the College at Vizagapatam. Then the question of the necessity for this College came up for consideration more than once before committees constituted to enquire into the condition of medical institutions in this Presidency. In the year 1930, when Mr. Muthia Mudaliyar was in charge of the medical portfolio, he appointed a committee consisting of several medical practitioners in Madras—non-officials—who went into the question fully and they recommended the retention of this College at Vizagapatam. They considered it to be a necessity as in their view, with which hon. Members may or may not agree, the need of Madras is not so much for more doctors as for better doctors. In that view, the Committee was definitely of opinion that the Vizagapatam Medical College should be retained, but at the same time they recommended the abolition of certain medical schools in the Presidency. It was in pursuance of that recommendation that some of the medical schools were abolished. I may tell the hon. Member, Mr. Daniel Thomas, that the Government in abolishing these schools acted on the recommendation of such a responsible committee as this committee was. Then again, in 1931, the Retrenchment Committee which went into the question of retrenchment in all the departments of Government was for retaining this College at Vizagapatam. And so, whenever the question came up for consideration whether this College was necessary or not, the verdict has always been in favour of retaining this College as it was necessary in the interests of the Telugu area.

"My hon. Friend Mr. Basheer Ahmed, though he deprecated argument based on consideration of Andhra *versus* Tamil, I am afraid, used that very same argument in support of his position. He said: 'if you are afraid of agitation from the Telugu area, a similar agitation would be started in the Tamil districts and would you yield to it and start a college somewhere in the Tamil districts? That kind of argument, I do not think, is worth much when the need for the Vizagapatam College is, as I said, fully established and the College at Madras serves the interests of the Tamil districts as well as any college established in Trichinopoly or some other place in south would. There is nothing in the argument that the Government have unduly yielded to the agitation from the Andhra area. I was rather surprised that he being a member of the Syndicate of the Madras University, should have

[Mr. S. Kumaraswami Reddiyar] [30th January 1936]

taken up such a hostile attitude towards the development of an infant University like the Andhra University. If this proposal of the Government is going to be negatived by this Council, the result will be that one of the important faculties attached to the Andhra University will be cut out altogether, as there will be no Faculty of Medicine at all in the Andhra University. Is that a position which my hon. Friend who is on the Madras University and also on the Annamalai University would look upon with equanimity? Well, the Andhra University deserves encouragement and help. Instead of giving that, an important University-man like my hon. Friend, Mr. Basheer Ahmed, would do just the opposite of encouraging such a University.

"Sir, as so many hon. Friends have spoken on this subject and have supported the proposal of the Government, I do not think it is necessary for me to advance any further arguments in support of it. I can only assure them that it was after a most mature consideration of all that can be urged in favour of as well as against the proposal that the Government came to this decision. I do not think, Sir, that the hon. Members who have opposed this proposal have fully realized the implications of the non-recognition by the Indian Medical Council of the medical degree of the Andhra University. It is not worth anything. The medical degree, as my hon. Friend Sir Patro pointed out, is a mere scrap of paper; and for securing that mere scrap of paper, are the students and the Madras Government to spend such a large amount in maintaining the Medical College? Most of the considerations urged against this proposal might have been relevant at the time the idea of the establishment of a College at Vizagapatam was first mooted. Now that the College has been established, the question is whether it should be abolished altogether or whether it should be made worth while for students to get their education there. Most of the arguments advanced are, I submit, absolutely irrelevant and I hope the Honourable House will accept the proposal of the Government and sanction the grant that has been moved as a token grant."

The Hon. the PRESIDENT:—"Is Mr. Manikkavelu Nayakar pressing his motion?"

*Mr. M. A. MANIKKAVELU NAYAKAR:—"May I just say a word? If the Hon. Minister clears my apprehensions, I may not press my motion."

The Hon. the PRESIDENT:—"Yes."

*Mr. M. A. MANIKKAVELU NAYAKAR:—"My main objection to this token demand is that in the guise of a token demand for a small sum the province is about to be committed to a huge amount of recurring and non-recurring expenditure. I hope, Sir, the Hon. Minister would enlighten the House on the full implications of this token demand. The hon. Member from Ganjam interpreted this demand as committing the House to an expenditure of Rs. 1,400 and said that any discussion about the question of committing the Government to a huge expenditure

30th January 1936] [Mr. M. A. MANIKKAVELU NAYAKAR]

of Rs. 16 lakhs non-recurring and Rs. 1½ lakhs recurring was beside the point. But unfortunately the Hon. Minister did not say anything on that point.

"Then, Sir, having regard to the opinion of the Finance Committee in this matter who should certainly have gone into the details of the scheme, if the Hon. Minister gives an assurance that the vote of the Council on this demand will not commit the House to anything more than the expenditure of Rs. 1,400 and that the question of the expenditure of further huge sums will be scrutinized by the House later on, I will withdraw my motion. On the other hand, if the Hon. Minister is of the view that this demand will commit the House to the large expenditure both recurring and non-recurring, I am afraid I must press my motion."

*The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Sir, I do not think it is a question of my personal view of the matter. The note is sufficiently clear. If the scheme is accepted, what the probable expenditure involved will be is mentioned in the note. Subject to detailed examination, the Government have accepted the scheme that has been put forward. We have taken the House into our confidence and told them what the intentions of the Government are in regard to this matter. The answer does not depend upon my personal view; it is a matter on which my hon. Friend from North Arcot is as much entitled to hold a view as myself; it is a question for the Chair. Whether by voting on this demand the House will be committing itself to the entire expenditure the Government may intend to incur on the scheme, is not a matter which depends upon my personal view. The note is there and it says what the scheme is, what the ultimate expenditure might be but that the immediate requirements are only so much. But the Government cannot incur the expenditure which may be required in the future without their coming before this House. The amount will be in the budget and at that time it may be open to hon. Members of the House to discuss the provision in the budget. That, I take it, is the correct position and I do not think any further personal undertaking or expression of my personal views can be given in this matter."

The Hon. the PRESIDENT:—"Is the hon. Member (Mr. Manikkavelu Nayakar) pressing his motion?"

*Mr. M. A. MANIKKAVELU NAYAKAR:—"Yes, Sir."

The cut motion was put and lost.

The demand was put and carried and the grant made.

(5) GRANT XXIX—CIVIL WORKS—WORKS—RESERVED AND TRANSFERRED.*

*The Hon. Mr. P. T. RAJAN:—"Sir, on the recommendation of His Excellency the Governor I beg to move—

'that the Government be granted a further sum not exceeding Rs. 300 under "Grant XXIX—Civil Works—Works—Reserved and Transferred".'

* Explanatory note printed as Appendix XIII on pages 238-242 infra.

[Mr. P. T. Rajan] [30th January 1936]

Sir, this demand deals with three items for each of which a token demand for Rs. 100 is moved. The first item deals with the acquisition of a bungalow with compound in Mangalore for use as residence for the Collector of South Kanara. The second relates to the purchase of the old Municipal Hospital buildings and site at Coimbatore. The third relates to additions and alterations to the Government House, Guindy. The Explanatory note circulated to hon. Members explains each of these three items.

“Coming to the first item, acquisition of a building for use as residence by the Collector of South Kanara, at the present moment the Collector of South Kanara has no official residence. He is put up in a rented building which is owned by four people jointly. Attempts were made in the past to get the building put in good order so that the Government might take a longer lease of it, but owing to litigation among the several owners, no settlement could be reached. Then it was proposed to acquire the bungalow and the site but it was found to be too costly. Subsequently however, it was reported to Government that acquisition could be made for a lesser amount, that the foundation and masonry were perfectly sound and that the roof timbers were also renewed a few years ago. In the meantime the Collector reported to Government that a suit notice from a person who had purchased a part ownership of the building had been received by him claiming arrears of rent which he had already paid as usual to the person owning the share in question. Secondly it was also found that no other building could be had which was suitable for housing the Collector. The Government also think that it is unsatisfactory that the Collector of the district should be at the mercy of private landlords. So, it is proposed to acquire the building and the cost of acquisition is mentioned in the note—Rs. 48,557 for the compound, for the necessary contribution for compulsory acquisition, for repairs and so on. The amount can be found from the provision made in the Civil Budget Estimate for the current year under this head of account and a demand for supplementary grant for a token sum of Rs. 100 is moved. I hope the House will accept the demand.

“Coming to the next item, the Municipal Hospital buildings were originally given to the Municipal Council, Coimbatore, for use. The Arts College was accommodated in that building for some time. Subsequently when the Medical School at Coimbatore came to be closed, its buildings were placed at the disposal of the authorities of the Arts College and the Arts College was moved there. The plea of the Municipal Council, Coimbatore, now is that when the building was in their occupation, they effected certain improvements to the building and that they also constructed new buildings. Instead of wasting money on litigation, the Government came to a conclusion that a compromise might be arrived at; a compromise has been effected and it is proposed to pay the Municipal Council Rs. 27,500 in final settlement of all claims and to get full ownership of the buildings. The building is being used by different offices of Government. Necessary

30th January 1936] [Mr. P. T. Rajan]

funds can be found by re-appropriation. A token demand is therefore moved for getting the sanction of the Council.

“The third item deals with improvements to be effected to the Government House, Guindy. The Government have recently decided that the Government House, Madras, should be the permanent residence of His Excellency the Governor and that the Government House at Guindy should be his week-end residence. The building is too large and the maximum amount of convenience cannot be commanded. With a view to make the building more useful, it is proposed to make necessary alterations and additions at an estimated cost of Rs. 1,00,000. As early as 1930, a sum of Rs. 1 lakh was provided for this purpose; but the work was given up because it was found at that time that it would not be economical to carry out the work. Now it is found that, if necessary alterations could be made, such of the buildings as will not be required by His Excellency, might be let out to Government Officers. In the present year it is proposed to start the work. A token demand for Rs. 100 is moved, so that the work can be proceeded with, with the sanction of the Council. The provision necessary for the next year, 1936-37, will be made in the budget estimate of that year. The necessary sanction of the Secretary of State has been obtained for effecting improvements and alterations to the building. The expenditure is debitable to the head ‘Capital’ along with the other items of expenditure of a similar nature necessitated by the inauguration of the Reforms, all of which combined are estimated to cost over Rs. 5 lakhs. As I said, I move this token demand to get necessary sanction of the Council to start the work. I hope the House will be pleased to pass the demand.”

* Mr. M. A. MANIKKAVELU NAYAKAR:—“Sir, I beg to move the cut motions standing in my name:—

‘To reduce the allotment of Rs. 100 of item (a) under “Grant XXIX” by Re. 1.’

‘To reduce the allotment of Rs. 100 of item (c) under “Grant XXIX” by Re. 1.’

My object in moving these motions is to get further information. I agree with the Hon. Minister that the District Officials should not be at the mercy of a private landlord. But I would suggest that, in the matter of acquisition of the building, the Government should be as economical as possible. The original estimate for acquiring the building was Rs. 79,000. In the revised estimate for acquiring the building now it is stated to be Rs. 48,000. By the adoption of the former method, the cost of acquisition of the building was Rs. 79,000. By a different method of calculation, the estimated amount is considerably less. I hope the Hon. Minister will explain the position. He will also tell us, I think, what rental value will be fixed upon this investment, what is the amount that the Government will get by way of rent. No doubt it will vary according to the pay of the different officials who occupy the building. Still, the Hon. Minister will be able to give us a rough idea of the amount of rent which the building will fetch.

[Mr. M. A. Manikkavelu Nayakar] [30th January 1936]

“Then with regard to the third item—additions and alterations to the Government House at Guindy—it is stated that in the year 1930, a sum of Rs. 1 lakh was sanctioned by the Secretary of State for expenditure in connexion with sanitary installation, drainage arrangements, etc. The expenditure was not incurred as it was considered later that the scheme would be uneconomical in view of the condition of the house. Since then, there has been no change in the condition of the house. It is in the same condition in which it was not though advisable to carry out repairs. The Government now say that they are going to add to or alter the entire building. They are not bettering the condition of the building now. I do not know how the Government are justified in spending large sums of money on alterations and additions when the state of the building is bad. It is stated in the note that a sum of Rs. 5 lakhs has been allotted for improvements in connexion with the inauguration of the Reforms. I want to know what the other improvements or proposals for construction of new buildings are, which will cost Rs. 4 lakhs.”

* Mr. K. A. NACHIYAPPA GOUNDER:—“Sir, I beg to move the cut motions standing in my name:—

‘To reduce the allotment of Rs. 100 of item (a) under “Grant XXIX” by Re. 1.’

[‘To avoid arbitrary acquisition and to suggest the construction of a new building if necessary later on.’]

‘To reduce the allotment of Rs. 100 of item (b) under “Grant XXIX” by Re. 1.’

[To elicit further information.]

“I do not move my third cut motion as it will be covered by the amendment of Mr. Manikkavelu Nayakar.

“I would like to ask whether there is any pressing necessity to acquire the building in South Kanara. It is stated in the explanatory note that this building had been used by successive Collectors for a very long time. They have been living in that bungalow without any difficulty whatsoever. No trouble arose up till now. Recently we find that the Collector has been subjected to some litigation, on account of non-payment of rent to one of the owners of that building. From what we know about this case from the newspapers, I should say that this is not a matter of much gravity. It is a matter of litigation between the landlord and the tenant; and naturally the landlord will seek a remedy if the tenant does not pay heed to the notices issued by him for payment of rent.

“We find that the question of acquisition of the building was considered in the year 1930; the cost of acquisition was Rs. 55,000 and the cost of repairs was Rs. 24,000 and odd. Thus the total cost came to Rs. 79,000 and odd. Now the cost of acquiring the building is estimated at Rs. 41,347 and the cost of repairs at Rs. 7,210. The ultimate cost comes to Rs. 48,557. The explanation furnished for this difference does not seem to be quite satisfactory. There is a great

30th January 1936] [Mr. K. A. Nachiyappa Gounder]

variation in the cost of repairs as estimated in 1930, and now. In 1930, a sum of Rs. 24,000 and odd was required for repairs; now it is only Rs. 7,000 and odd. That means to say that the owners of the building have carried out many repairs since the year 1930, and the building should be in a fit state for living. How is it, then, that the value of the building now is very low? That is a point which has to be looked into. If the Government can make a saving, of course, we must welcome the proposal but it should not be arbitrary in the interests of the individuals also. The whole question seems to be mysterious and it requires further explanation; and full facts should be made available.

“In the explanatory note it has not been stated whether the Finance Department has given its acceptance to this proposal or not; in other cases it has been stated whether the Finance Department has approved or disapproved them. This information should be furnished to the House. I must draw the attention of the Government to the fact that they have to look to much more important things first, before considering the question of providing quarters for their officers. There are many other important proposals lying idle without being taken up. For instance, in my own district, there is the question of the construction of a new building for the Women’s Hospital at Salem and although the question of hospitals, etc., has been sufficiently dealt with in the previous demand, I am afraid I cannot refrain from referring to it here. The Queen Alexandra Hospital for Women at Salem is in dire need of a building, and the Surgeon-General himself has been pressing the question of the provision of a building for this hospital for a long time now. The question has been shelved all these years on the ground that there is no money available for it. The hospital is struggling hard for accommodation and that question must receive the immediate consideration of the Government. When there are such proposals already before us requiring immediate attention, but kept back for want of funds, I do not think, Sir, that a proposal like the provision of accommodation for officers has sufficient justification for being brought up now. I think, Sir, that even if this question is put off for some time, the Collector may not be inconvenienced very much, and they can rent buildings themselves.

“Another question to be considered in this connexion is whether it is worth while acquiring an old bungalow. The description given in the explanatory note shows that a good deal of expenditure has been incurred on repairs. I want to know whether the question of putting up a new bungalow has been considered. If that is done, I think Government can have some savings under ‘repairs’ in future years.

“With regard to the estimated amount, again, some elucidation is necessary. In 1929–30, the area of the site was shown as 11 acres and 30 cents, while now it is put in as 23 and odd acres. In spite of this variation in area, the value of the bungalow including the site is put at a much lower amount. That point also requires to be explained

[Mr. K. A. Nachiyappa Gounder] [30th January 1936]

in detail. Then, I pass on to the second item, i.e., the municipal hospital buildings at Coimbatore. In this connexion, I must point out that the Government have been in the habit of not looking into such questions properly. The Government seem to have been evading payment to the municipality for a good number of years. The question of compensation arose, I think, in the year 1911, when the building was vacated, and the municipality had to be given its due share; but the Government, in the exercise of their powers, have been evading payment to the municipality all these years. This policy of the Government is not correct, and one of the objects of my giving notice of this cut motion is to point out to the Government that such a policy is wrong. I can point out a case in the Salem district where a building was transferred to one of the late taluk boards for utilization as a school, but some years afterwards the Government took up an opportunity of snatching away the building. It was after repeated representations that the building was left over for the use of the school. I think, Sir, that local bodies should be shown some amount of respect in such matters and whatever is due to them should be paid to them immediately, instead of their being made to wait for as long a time as the Government please, or their being driven to resort to unhappy proceedings in civil courts. I request that at least in future the Government will see that their present policy in this respect is revised.

"Lastly, with regard to alterations in the Government House at Guindy, I want to have some information. I am glad to see that some provision is made for the accommodation of officers, and thereby some income by way of rent will be realized. I should like to know who are all the officers to be provided with such accommodation, and what is the amount likely to be realized from those officers by way of rent; also, whether the amount to be so realized as rent will be commensurate with the amount now proposed to be spent.

"The mover of the motion has already requested for detailed information, and I would also desire to have the information, as to how the sum of Rs. 5 lakhs which has been estimated in connexion with the inauguration of the Reforms is to be spent.

"For these reasons, Sir, I move the cut motions standing in my name."

* The Hon. the PRESIDENT:—"There are four cut motions for discussion along with the main demand—two by Mr. Manikkavelu Nayakar and two by Mr. Nachiyappa Gounder. For the sake of convenience, we shall have all the cut motions discussed together and disposed of separately."

* Mr. M. S. SRESHTA:—"Mr. President, Sir, I wish to deal first of all with the first item regarding the building required by the Collector of South Kanara. I must say that the arguments advanced by my friends, Mr. Manikkavelu Nayakar and Mr. Nachiyappa Gounder, were very reasonable; but if they knew the facts, I do not think they would have opposed the proposal. In the first place, as regards the estimate, I myself had some misgivings; I could not understand how the building

30th January 1936] [Mr. M. S. Sreshta]

the cost of acquisition of which was estimated at Rs. 79,000 some years ago could now be acquired for a smaller amount. I find however that one reason for the discrepancy is that a large amount was estimated for repairs some years ago, whereas now a much smaller amount is found sufficient. The reason is given in the note itself, viz., that 'it has since been reported by the Executive Engineer, West Coast Division, that the foundations and masonry are perfectly sound and the roof timbers were also renewed a few years ago.' I know the building personally and therefore I am in a position to say that the note is absolutely correct. The building is a very fine one, one of the finest and perhaps the finest building in Mangalore, and is a suitable building for the Collector to live in. The Governor comes there and has got to be accommodated in some suitable building. Many important functions take place now and again, and it is desirable that the Collector should be housed in such a commodious and nice building. I am sure, Sir, that if the hon. Members who spoke just now had gone to the building and seen it, they would never have objected. It has got a very fine view and it is certainly worth the amount now demanded for it. In fact, the objection raised by my friends seems to be that the amount is too small, so small that it cannot be correct, and that later on the demand may be increased. But it must be remembered, Sir, that the value of land has fallen considerably and that since the old estimate was made the value has gone down to a very great extent. It is therefore quite possible to acquire this building for the modest sum now asked for.

"I think Mr. Nachiyappa Gounder stated that there is no reason for acquiring the building now, seeing that so many Collectors have been successfully occupying the building and there has been no difficulty felt all along. I may however tell him that it is not so; the Hon. the Revenue Member, when he came to Mangalore, found it so difficult to have any repairs effected that he went to some other building and lived there. I think there has been some difficulty in getting the house repaired, because, as pointed out in the note, there are four owners."

The Hon. the PRESIDENT:—"Does it make the acquisition easier?"

Mr. M. S. SRESHTA:—"The difficulty, as pointed out, is that it is very difficult for the Collector to have any repairs effected, and I know that recently the Collector had to spend a lot of money out of his pocket—that I think about Rs. 2,000. Mr. Manikkavelu Nayakar said—and that argument is contained in the note itself—that Collectors and officers of that type should not be at the mercy of landowners. If this building is not acquired, it will be very difficult to find another building for the use of the Collector. I know that when Mr. Souter was there, this building could not be repaired and he had to take another house which also was not suitable. It is essential that officials like the Collector, the District Judge and similar officers should not be under obligation to landowners. They should be provided with quarters, so that they may not have to go and beg the landlords for the carrying out of repairs, etc. They ought to be placed in an independent position. Therefore, on principle, I think this amount for the acquisition of the bungalow

[Mr. M. S. Sreshta] [30th January 1936]

for the Collector should be approved. As my friend here, Mr. Raman Menon, points out, it is also a business proposition, because it will fetch a proper interest; but even if it does not, the proposal is a very good one, because, as I said, otherwise, whenever a Collector comes, he will have to go and beg for a house from somebody—and I do not know whether such a course will not even lead to corruption. As a rule, officers should be kept above all chances of corruption and should have no necessity to be under obligation to anybody.

“As regards the municipal hospital buildings site, I think the best argument for it has been furnished by Mr. Nachiyappa Gounder himself. His only grievance seems to be that the municipal council has been kept waiting too long.

“As regards the Government House at Guindy, I do not think any argument has been advanced against it. It is but desirable that suitable repairs should be carried out to an old building like that which has been occupied by the Governor for so many generations.

“Under these circumstances, I hope, Sir, that the cut motions will be withdrawn.”

4-30 p.m. The Hon. Mr. P. T. RAJAN:—“Mr. President, in view of the speech of my hon. Friend, Mr. Sreshta, it is hardly necessary for me to deal with the criticisms that have been levelled against the acquisition of this bungalow. . . .”

* The Hon. Sir CHARLES SOUTER:—“Before the Hon. Minister replies to the points raised, with your permission, Mr. President, may I just say a few words? I endorse what Mr. Sreshta said about this bungalow. When I went to South Kanara in 1924, my predecessor who was just then leaving the place, told me he had had about six inches of water in his dining room during the monsoon—and he had to move his furniture from one place to another and hardly found a place to put his bed—and that because the roof of the bungalow was so leaky, it was impossible for him to live in it. After a little bit of experience of it and finding the sun came through the roof, I was forced to leave the bungalow which was occupied by Collectors for many years previously and go to another bungalow which, as Mr. Sreshta said, was certainly not suitable, but the only bungalow which I could find in the place. I asked the landlord, or one of the landlords, whether he would do any repairs to that bungalow and he confessed his complete inability to do so, because he could not get the consent of his co-owners. I understand this state of things went on for some years, but some repairs, I believe, were done by one of the co-owners and Mr. Gawne, now Collector of the district, in particular, spent a very considerable amount of money out of his own pocket to do the repairs which were necessary for the house to be made liabitable. Sir, I think, this condition ought not to be allowed to continue and that surely is not in accord with the dignity of a Collector—whether he is a European or an Indian—that he should be under such obligations to a private owner and that he should be under the necessity of continually begging his landlords to effect the necessary repairs to a bungalow for which he is paying, I believe,

30th January 1936] [Sir Charles Souter]

Rs. 160 a month as rent. That rent, as hon. Members of the House will agree, is a considerable amount for a bungalow of a decent size in Madras itself. I may remark also, that even on sentimental grounds, there can be little objection to this acquisition for this reason. The land on which the bungalow is situated was given on lease by the East India Company in the old days under what was called the Sheffield Grant, to a private owner on condition that he should erect a bungalow which would be suitable for servants of the company to live in. That lease was for 99 years which I think, expired by about 1906. When the thing came up, in spite of the recommendations of the then Collector and the Board of Revenue to resume the lease of the land and the bungalow thereon, the Government granted the land on patta. The owner at that time strictly adhered to the conditions of the original grant, that is to say, the bungalow was kept in fair order and was reserved as a residence for the Collector of the district. I am afraid, since then, troubles have arisen owing to the transfer of the property from one owner to another and the trouble became more acute after I went to Mangalore; and it seems to me it is but right and proper that this bungalow should be acquired.

“I may point out further, as one hon. Member suggested, that the Government should build a new bungalow for the Collector, and that apart from the question of the difficulty of finding a site, which I think all Members who come from South Kanara will recognize, a new bungalow for a Collector's residence, will cost about Rs. 60,000, that is, Rs. 13,000 more than the cost involved in the present acquisition. The repairs to this bungalow will only come to about Rs. 6,000 and including this, the cost of acquisition will come to about Rs. 47,000. There will thus be a net saving in any case of Rs. 13,000 if this building is acquired, instead of a new building. Quite apart from any sentimental or other reasons which may exist, it seems to me that it is profitable to acquire this building, and I do trust this House will pass this demand.”

* The Hon. Mr. P. T. RAJAN:—“Sir, there is very little for me to add with reference to the acquisition of the bungalow in question, except to answer one or two points. I was asked what would be the rent that this building would fetch after this building has been acquired and repaired. The rent would be about Rs. 200 and it is not necessary for me to say that any officer who occupies it will pay either the standard rent or one-tenth of his salary, whichever is less.

“Then, coming to the transaction of the municipal hospital buildings in Coimbatore, the municipal council has been giving a lot of trouble to the Government. Let me say that if the municipal council had only agreed earlier, there would have been no trouble. At that time they wanted to keep the old building on the ground that certain buildings were constructed by them and that certain improvements were effected by them. It was pointed out to them then that as the municipal funds were not spent on them they were not entitled to the property. The Government in order to protect the interests of the public and the taxpayer, had to carry on a negotiation with the council. It will not be

[Mr. P. T. Rajan] [30th January 1936]

advisable for Government to go to a court of law to settle disputes if they can be settled otherwise. I may say that Government do not treat the local bodies or municipal councils harshly and they always deal with these bodies generously. I believe the present arrangement gives satisfaction both to the Council and to the Government and I do hope the House will accept this demand also.

"Then, I come to the points raised regarding additions and alterations to the Government House at Guindy. If only my hon. Friends had cared to go through the notes carefully, no further explanation would be necessary for me. No doubt in 1930, a lakh of rupees was sanctioned by the Secretary of State for sanitary installation, drainage arrangements, etc., in the Government House, Guindy. But the expenditure was not incurred as it was considered later that the scheme would be uneconomical in view of the condition of the House. Now, what is proposed is to alter the building in such a way as to make the House small and to make it an economical residence for the Governor. Incidentally I may point out to hon. Members of this House that such other portions of the House as would not be required for His Excellency the Governor's use would be given to officers of Government for their occupation; and in this way Government would derive Rs. 10,000 to Rs. 12,000 per annum by way of rent from them. So, hon. Members will see that we are not spending money without any profit to Government. (Mr. M. A. Manikkavelu Nayakar: 'But how are you going to improve the condition of the House?') By making it more compact after effecting certain necessary repairs.

"Lastly, Sir, one other point which was asked of me was, why five lakhs were mentioned when the demand is for only Rs. 1,00,000 which is required in connexion with this building. My reply to that is, five lakhs are required for effecting additions and alterations in the Government House, Madras; and all these alterations and changes will have to be made as a result of the Reforms. I mean accommodation for the Governor's Secretary under the Reforms, alterations and improvements to the Banqueting Hall and other portions of Government House, Madras, etc., will require this amount; when the time comes for making these alterations, Government will of course come before this House for necessary sanction as they are doing in the present case. I do hope in view of my explanation, the House will be pleased to accept these three items and give the necessary sanction."

Mr. K. A. NACHIYAPPA GOUNDER:—"I wish to say only a few words and I do not want to take up the time of the House. My point is that the amount estimated before and now makes me think that the acquisition is made in an arbitrary manner and I wish the Government will look into this question and see that injustice is not done to any one. With these remarks, I do not press my motions."

The cut motions were, by leave, withdrawn.

* Mr. M. A. MANIKKAVELU NAYAKAR:—"I wish to withdraw my motions also."

The cut motions were, by leave, withdrawn.

30th January 1936]

* The Hon. the PRESIDENT:—"I will now put the main demand to the vote of the House. The question is—

'that the Government be granted a further sum not exceeding Rs. 300 under "Grant XXIX—Civil Works—Works—Reserved and Transferred".'"

The motion was carried and the grant made.

(6) GRANT XXXI—CIVIL WORKS—GRANTS-IN-AID—TRANSFERRED.^a

The Hon. the RAJA OF BOBBILI:—"Sir, on the recommendation of His Excellency the Governor I beg to move—

'that the Government be granted a further sum not exceeding Rs. 200 under "Grant XXXI—Civil Works—Grants-in-aid—Transferred".'"

There are two specific works under this demand. One is special repairs to the second-class road from Kodaikanal Road station to Kuruvanath in the Madura district where the volume of traffic is very heavy. It has been found that the road has deteriorated so much that it is necessary to relay the foundations. As the finances of the district board are not sufficient to meet this expenditure, it is proposed to assist them by a special grant from the Road Development Fund. Plans and estimates have been prepared and have been approved by the Chief Engineer, and the scheme has received the sanction of the Provincial Board of Communications. The amount required in the current year for the purpose is Rs. 30,000 and it is proposed to meet the amount from the savings out of the current year's allotment for other road and bridge works financed from the Road Development Fund.

The second item refers to the diversion of the Great Northern Trunk Road via Vizianagram, Nellimerla and Jagannatharajapuram in the Vizagapatam district, instead of along the coast. It is proposed to divert the Trunk Road so as to bring in Vizianagram City under its control as this section of the road is found to carry the largest volume of traffic.

"Really the expenditure of Rs. 5,22,000 is not due to the diversion.⁴⁻⁴⁵ Probably the expenditure due to transfer will be Rs. 90,000. The p.m. main item is 4,62,000 for the construction of the bridge. The bridge has been constructed at the Great Northern Trunk Road, that is the present trunk road. But before it was handed over to the district board it was washed away by floods. Now there has been some dispute with the contractors regarding the liability for the loss. If this proposal is approved by the House, the new bridge will be constructed at the same level higher up near Nellimarla. So the new expenditure cannot be put to the cost of diversion because it will have to be incurred in either case. This scheme has been approved by the Board of Communications and also by the Government of India. It is now proposed to move a token cut to enable Government to incur the necessary expenditure. The total expenditure of both these schemes will be met from the Road Development Fund, that is from our share of the fund. It will not be a direct charge on this Province. I hope the House will grant these two items."

^a Explanatory note printed as Appendix XIV on pages 243-245 infra.

[30th January 1936

The Hon. the PRESIDENT:—“ I hope to finish the grant to-day. It is not put in the agenda for to-morrow.”

* Mr. K. A. NACHIYAPPA GOUNDER :—“ I move—
‘ to omit the allotment under “ Grant XXXI ”.’

In moving this cut motion, Sir, I like to say a few words. With regard to item (a) I find that the expenditure to be incurred in this case is considerable and the matter has gone up before the Finance Committee. The Finance Committee does not seem to have given the approval. But Government have brought it up before the House. In such cases, I should like that Government should state their specific reasons for deviating from the decision of the Finance Committees. In the absence of such a thing, I am compelled to ask whether the demand that is now proposed is quite necessary. Further, the amount involved is considerable and my question is whether it cannot be put off for some time. With regard to item (b), I have to point out whether it is necessary to incur such a large expenditure at this stage over this work. This work does not find a place in the report furnished by the special engineer for road development. From that you will have to conclude that this is not an urgent proposal which requires immediate attention at a cost of more than five lakhs of rupees. Here also my hon. Friend, Mr. Bhanoji Rao, may remark that he was not surprised to see my cut motions and that they were inevitable. But I will have to tell him that I do what I feel and I do not leave away things as people like him are accustomed to do. When I feel there is a necessity to explain anything or bring out any fact to the notice of the authorities, I cannot sleep over things as my hon. Friend does and wakes only when he is personally interested in it. Then, Sir, I must point out that the distribution of grants for such affairs is not equitable in regard to other districts. I can present a statement of figures of grants paid to various districts for road purposes which the Government have furnished in answer to a question of mine answered on the 23rd March 1935; in it I find huge grants in lakhs allotted to the Vizagapatam district for the past years from 1929-30 whereas the maximum grant got by my district since 1929-30 is only Rs. 39,000 and odd and there were no grants at all for some years. I insist on better attention being bestowed on some equitable distribution of grants to various districts. I should like to invite the attention of the Government to the fact that at one time we brought up a proposal for a bridge across the Cauvery. That also finds a place in the report of Mr. Vipin as an important inter-district communication. The Government turned down the proposal on the plea of no funds. When such an important thing which as an inter-district communication has been overlooked, I should like to ask, Sir, whether it is absolutely necessary to incur this expenditure of five lakhs and odd when we are in a period of transition. I must draw the attention of the Hon. Minister to this and ask him to see that justice is done to all the areas. For this purpose, I have given the cut motions and I should like to hear what the Minister says about these things."

* Mr. W. K. M. LANGLEY:—"Mr. President, I wish to refer briefly to the proposal for special repairs to what is usually known as

30th January 1936] [Mr. W. K. M. Langley]

the Cumbum road. My hon. Friend, Mr. Nachiyappa Gounder, did not dwell on this to any great extent, but confined himself rather to the other item, with which I am not so much concerned. The only remark that I think he made in connexion with the proposal regarding the Kodaikanal road was his statement that the amount is large, and that he could not see any necessity to incur the expenditure at the present moment. If we adopt that attitude in connexion with any particular item of expenditure on roads, it seems to me that within a short space of time the state of the communications of this Presidency will be nothing but deplorable. It does not seem to me to be sound reasoning. One must assume, when a proposal like this is put before the House, there must be some good reason for it, and it cannot be dismissed so lightly as my hon. Friend, Mr. Nachiyappa Gounder, dismissed it just now.

“ I should just like to remind the House that in point of fact the matter of this road has been coming up, almost interminably, within my experience outside the House for the last 15 years and more, and inside the House for the last three years or thereabouts. It has been constantly referred to within my memory by the late Mr. Robert Foulkes of Madura, who had special knowledge of this road and of its importance. I also, as representing the Planters in this House, have considerable knowledge of its importance generally, and of its special importance to the planters in the Travancore State. You might ask, why bother ourselves about the planters in Travancore State. It is for the simple reason that this road is the main, if not the only, means of communication between British India in the South and the Travancore State. As such, it is a road of the most immense importance. I think a greater part of the rice and other supplies which are used in the Peermade district of Travancore go up this road. If this road is closed, all that rice would inevitably have to be imported, from Burma or elsewhere, in the Cochin or Alleppey ports and taken up by ropeways and other such means to the planting districts, and all that important rice trade would be entirely lost to the growers of rice in South India, in Tanjore and elsewhere.

“ In view of the remarks we have heard about the importance of finding markets for the Tanjore rice, and the complaints—the legitimate complaints—of the mirasidars of Tanjore about their hard lot at present, I should like my hon. Friend, Mr. Nachiyappa Gounder, to go round and tell the mirasidars that the road is of no importance whatsoever. I imagine he would not have a very good reception. Apart from the rice supplies, I should like to point out that of such products as come down this road from the interior, particularly tea and cardamom, a large quantity is consumed in this country and not exported. Therefore, I maintain that probably this road has as much importance, if not more, than any other road in South India, and is a most important channel of internal trade; and therefore should be encouraged in every way possible. I need not enlarge on the fact that the actual expenditure is provided out of the Road Development Fund, and therefore does not fall on the finances of this Presidency. The only item which does

[Mr. W. K. M. Langley] [30th January 1936]

fall on anybody is the item of recurring expenditure. But as the Madura District Board, who are a singularly independent body, have expressed themselves as quite ready to meet that expenditure, I do not think it is for us to question their wisdom. I support very strongly the motion for this particular grant."

5 p.m. * Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, I desire to associate myself with all that has been said by my hon. Friend, Mr. Langley, in support of this grant. Ever since 1926, this matter has been coming up in some shape or other. If there is one proposal regarding which the two Ministries which have alternatively been in office can lay claim for credit, it is this proposal. I believe it is Dr. Subbarayan's Ministry when it was in power in 1927 that invited the District Board of Madura to contribute half the cost and said that the Government would be prepared to meet the other half for the purpose of putting this important road in good condition. I lay emphasis on the importance of this work for certain other reasons also, in addition to those mentioned by my hon. Friend Mr. Langley. It is not only important for the planters of the Travancore State, but also important to the villagers in the western part of the Madura district, which is so thickly populated and which is suffering from lack of proper means of communication. The road is in a country which is in the neighbourhood of mountains and subject to very heavy monsoon. This road is very essential both from the point of view of the country cart traffic and that of the bus traffic. The traffic is the heaviest in the district. This road is more useful than even the district portion of the trunk road from Madras to Cape Comorin, because parallel to this trunk road the railway line runs. But this road runs away from the railway line and proceeds into the Travancore State. But for this road, the trade of the country would suffer considerably, and communication will equally suffer. The amount to set right this road has been sanctioned after very many personal inspections by the superior engineers who are concerned and after very careful consideration. I believe Mr. Nachiyappa Gounder will be good enough to withdraw his objection to the grant in view of the need for putting this road in proper condition for the benefit of the people as well as the efficient functioning of the internal trade of the country and of the urgent necessity for the grant."

* The Hon. the RAJA OF BOBBILI:—"Sir, it has been asked why in spite of the objection by the Finance Committee to pass this grant the Government have come forward with this demand. The main point is that this road is the only means of communication in that part of the Madura district with the Travancore State. The Government have received reports to the effect that unless immediate attention is paid to undertake substantial repairs to this road, it may not be safe both for motor vehicles and bullock carts during all seasons. As a matter of fact, owing to the inability of the district board adequately to maintain the road during the last few years—the board is there only in name—it has become impassable for traffic in certain places. This point has been considered by the board of communications and it has received

30th January 1936] [The Raja of Bobbili]

the sanction of the Government of India. I hope the Council would not hesitate to give its support to this grant.

"As regards the second cut motion, I regret to find that my hon. Friend, Mr. Nachiyappa Gounder, without sufficient data or justification, has said that grants are not being distributed impartially. The point is that we always give preference to works on trunk roads. He has gathered some information from the papers which he has read out, and said that particular districts have during the last few years received larger grants than some other districts in the Presidency. It only means that those particular districts have been completely neglected in the past. It does not mean that their works have been given preference.

"Another point my hon. Friend stated was that this road did not find a place in Mr. Vipin's report, and therefore he concludes that the work is not urgent. In fact, these two works have been considered so urgent that Government have decided to take them up separately before the report could be got ready and published, and this work has received the sanction of competent authorities long before the drafting of Mr. Vipin's report was completed. As regards other works, before the end of this meeting of the Council, the Government will place before hon. Members a full and comprehensive report. It is proposed to undertake during the next few years, a definite programme of the works mentioned in Mr. Vipin's report. It cannot be said with any sense of justice that because a particular work in the report which has just seen the light of day has not been sanctioned, no other work should be sanctioned.

"Another point I want to make clear is in regard to the many items about which we received questions from hon. Members of this House. It is asked why in one district a number of works has been sanctioned while in another district only a few works have been sanctioned. The real reason is that the Government are unable to come up before the Council and ask for more grants because in many cases there is no reasonable certainty of the money which is sanctioned being spent expeditiously. They have naturally to give preference to those district boards which come up to Government ready with sanction by competent authority. Therefore, if one district gets more than another, it is because it is more prompt than the other in coming up before the Government with the necessary materials.

"As regards the Vizagapatam district, I do not see why because I happen to be a Minister from that district—my district should be neglected. As a matter of fact, I may state for the information of the hon. Member who raised these questions that most of those items which he has read out to the House are works undertaken in the Vizagapatam district even long before I became Minister. With these words, I hope the Council will unanimously accept the demand."

Mr. K. A. NACHİYAPPA GOUNDER:—"I should like to say a few words."

The Hon. the PRESIDENT:—"There is no right of reply at all. Is the hon. Member going to withdraw his cut motion?"

[30th January 1936]

Mr. K. A. NACHIYAPPA GOUNDER:—"I have no objection to withdraw the cut motions."

The cut motion was by leave withdrawn.

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

'that Government be granted a further sum not exceeding Rs. 200 under "Grant XXXI—Civil Works—Grants-in-aid—Transferred".'

The motion was put and carried and the grant made.

The Hon. the PRESIDENT:—"The House will now adjourn and meet again at 11 a.m. to-morrow."

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

^a † 1 Notification regarding the bifurcation of North Arcot District Board.

^b * 2 Notification regarding the exemption of certain motor vehicles from payment of tax (G.O. No. 4583, L. & M., dated 7th November 1935).

^c * 3 Notification regarding the reduction of motor tax on certain cars belonging to Bunganapalle State.

^d * 4 Scheme Report containing the proposals for the resettlement of certain villages in Coonoor and Ootacamund taluks.

^d * 5 Scheme Report for the settlement of certain villoges of the Gudem and Golugonda taluks of Vizagapatam district.

^e * 6 List of posts on Rs. 500 per mensem and above created during the quarter ending 30th September 1935.

^f * 7 Notification regarding supersession of Chirala Municipality.

^d * 8 Scheme Report containing the proposals for the resettlement of the hill villages in the Southern taluks of Salem district.

^d * 9 Report of the Public Accounts Committee on the accounts of 1933-34.

^g * 10 Notification, dated 7th January 1936, regarding bifurcation of the Ganjam District Board.

D. K. V. RAGHAVA VARMA,
Acting Secretary to the Legislative Council.

* Sent by post.

† Laid on the table on 11th November 1935.

^a Printed as Appendix XV on page 245 infra.

^b Printed as Appendix XVI on page 246 infra.

^c Printed as Appendix XVII on page 246 infra.

^d Printed separately.

^e Printed as Appendix XVIII on pages 246-247 infra.

^f Printed as Appendix XIX on page 248 infra.

^g Printed as Appendix XX on page 248 infra.

30th January 1936]

APPENDIX I.

[Vide answer to question No. 594 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 30th January 1936, page 135 supra.]

Statement.

Name of officer.	Amount of travelling allowance drawn.
RS. A. P.	
1 Assistant Director of Public Health (Epidemics)	3,086 8 0
2 Assistant Director of Public Health (Vaccination)	2,264 7 0
3 Assistant Directress of Public Health (Maternity and Child Welfare).	1,498 0 0
4 Assistant Director of Public Health (Vital Statistics)	Post vacant during the year.
5 Assistant Director of Public Health (Professor of Hygiene)	Nil.
Number of places visited.—See below.	

Number of places visited.

Districts.	Municipalities.
<i>Assistant Director of Public Health (Epidemics).</i>	
West Godavari, East Godavari, Vizagapatam, Ganjam, Vizagapatam.	
Kistna and the Nilgiris.	
Tanjore, Tinnevely, and South Arcot	Berhampur.
South Arcot, Tanjore, Madura, Ganjam, Vizagapatam, and Kistna.	Vizianagram and Bezwada.
Coimbatore, Salem, North Arcot and Chingleput	
Tanjore and South Arcot	Chidambaram and Villupuram.
Vizagapatam, Ganjam, Vizagapatam Agency and East Godavari.	Vizianagram and Cocanada.
Tanjore and South Arcot	
Chingleput and Tanjore	
South Arcot, Trichinopoly, Tanjore, Chingleput and Kistna.	Tanjore, Trichinopoly and Srirangam.
Malabar and Madura	
Tinnevely, Ramnad and Tanjore	
Nellore and Vizagapatam	Nellore.
North Arcot, Salem and Coimbatore	Vaniyambadi.

Assistant Director of Public Health (Vaccination).

North Arcot, Kurnool and Guntur	Nandyal.
The Nilgiris	Coonoor.
Cuddapah	Proddatur and Cuddapah.
Ramnad, Tinnevely and Madura	
Coimbatore and Salem	Coimbatore.
Nellore, Guntur and East Godavari	
Chittoor and North Arcot	
Ganjam, Vizagapatam and East Godavari	
Chingleput, Madura and Trichinopoly	Periyakulam, Palni and Kodaikanal.

[30th January 1936]

Districts.	Municipalities.
<i>Assistant Directress of Public Health (Maternity and Child Welfare).</i>	
Chittoor, North Arcot and Chingleput	Trichinopoly and Coimbatore.
Ramnad, Trichinopoly and Coimbatore	Masulipatam, Ellore and Cocanada.
Kistna, West Godavari, East Godavari and Vizagapatam.	Cuddalore, Chidambaram and Mayavaram.
South Arcot and Tanjore	Coimbatore
Coimbatore	Tanjore
Kistna and West Godavari	Tirupati.
Trichinopoly, Ramnad, Madura, Coimbatore and Salem.	Coimbatore.

APPENDIX II.

[Vide answer to question No. 598 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 30th January 1936, page 139 supra.]

List of Weavers' Co-operative Societies.

1. The Iyengarkulam Anjaneya Co-operative Society, Chingleput district.
2. Ramasastri Spinners' and Weavers' Co-operative Society, Gudlavalleru, Kistna district.
3. Salem Weavers' Co-operative Society, Ltd., Salem.
4. The Coimbatore Devanga Weavers' Co-operative Society, Coimbatore.
5. Gudur Weavers' Co-operative Society, Kurnool district.
6. Devikapuram Kasba Co-operative Society, North Arcot district.
7. Tanur Weavers' Co-operative Society, Malabar district.
8. Pantalayini Weavers' Co-operative Society, Malabar district.
9. Sri Kovai Weavers' Co-operative Society, Coimbatore.
10. Madura Sourashtra Co-operative Bank, Ltd., Madura.
11. Takkolam Weavers' Co-operative Society, North Arcot district.
12. Pallikonda Weavers' Purchase and Sale Society, Ltd., North Arcot district.
13. Adoni Swakula Sali Co-operative Purchase and Sale Society, Ltd., Bellary district.
14. Karimpuzha Weavers' Co-operative Society, Malabar district.
15. Karukkupettai Weavers' Co-operative Society, Ltd., Chingleput district.

[30th January 1936]

APPENDIX III.

[Vide answer to question No. 603 asked by Mr. M. S. Sreshta at the meeting of the Legislative Council held on the 30th January 1936, page 141 supra.]

Serial number and name of municipality.	Name of Commissioner.	Salary.		Conveyance allowance.
		Pay.	Special pay.	
		RS.	RS.	RS.
1 Anantapur ..	B. Lakshmana Pillai, B.A., B.L.	125	..	15
2 Hindupur ..	C. Narasimham, B.A. (Hons.), B.L.	175	..	20
3 Tadpatri ..	B. Mallappa	200	..	20
4 Gudiyattam ..	V. S. Viraraghavayya, B.A., B.L.	125	..	15
5 Tirupattur ..	D. Thangiah, B.A. .. .	135	..	15
6 Tiruvannamalai ..	S. N. P. Arumuga Kaviraj, M.A.	130	..	15
7 Vaniyambadi ..	J. I. Arputhanathan, B.A., B.L.	155	38½	15
8 Vellore ..	K. Ramaswami Mudaliyar ..	175	..	15
9 Walajapet ..	.. .. .	150	37½	20
10 Chidambaram ..	K. Govindarajulu Nayudu, B.A.	220	55	20
11 Cuddalore ..	T. Gopala Mudaliyar .. .	122	30½	15
12 Villupuram ..	S. Srinivasachari .. .	175	..	20
13 Adoni ..	A. Raghava Reddi, B.A. .. .	280	50	20
14 Bellary ..	B. Audiseshayya Pantulu, B.A.	190	35	15
15 Hospet ..	W. Srinivasa Rao .. .	125	..	15
16 Chingleput ..	Saiyyid Ahmad Sahib .. .	120	30	15
17 Conjeeveram ..	C. P. Madhava Menon, B.A.	125	..	15
18 Saidapet ..	K. Ramalinga Mudaliyar, B.A.	125	..	15
19 Chittoor ..	S. Krishnayya Chetti, B.A., B.L.	125	..	15
20 Tirupati ..	K. Venkatadri Chowdhari, B.A.	600	100	40
21 Coimbatore ..	H. C. M. McLaughlin .. .	175	43½	15
22 Dharapuram ..	R. Krishnamurti Ayyar, M.A.	155	..	15
23 Erode ..	S. Ramadoss Nayudu .. .	125	..	15
24 Pollachi ..	S. Kuppuswami Mudaliyar ..	125	..	15
25 Tiruppur ..	R. Maradamuthu Mudaliyar ..	125	..	15
26 Udumalpet ..	T. Damodaran Nayar .. .	125	..	15
27 Cuddapah ..	A. Varadarajulu, B.A. .. .	125	..	15
28 Proddatur ..	S. Sitaramayya, B.A., L.T.	175	..	20
29 Berhampur ..	C. Vengala Rao, B.A., B.L.	100	..	15
30 Chicacole ..	G. Rangayya Pantulu .. .	125	..	15
31 Parlakimedi ..	Rash Behari Patnaik, B.A., B.ED.	250	50	20
32 Cocanada ..	C. Chella Rao .. .	125	..	15
33 Peddapuram ..	M. A. Rahman, B.A. .. .	..	..	..
34 Rajahmundry ..	.. .. .	205	..	20
35 Ellore ..	A. V. Krishna Rao Nayudu ..	100	25	15
36 Palakole ..	.. .. .	240	50	20
37 Chirala ..	S. R. Jeparatnam, B.A. .. .	125	..	15
38 Guntur ..	P. S. Dharmaraja Ayyar, B.A.	125	..	15
39 Narasaraopet ..	I. Raja Rao Nayudu .. .	125	..	15
40 Ongole ..	S. Ankanna .. .	220	..	20
41 Tenali ..	G. Ratnam, M.A. (Columbia)	240	..	20
42 Mangalore ..	C. R. Karunakara Menon, B.A., B.L.	..	..	..
43 Bezwada ..	D. Thettravuswami Pillai, B.A.	380	50	20
44 Masulipatam ..	.. .. .	165	..	20
45 Kurnool ..	D. C. B. Venkata Rao .. .	135	33½	15
46 Nandyal ..	M. S. Jagannayakulu Nayudu, B.A.	250	..	20
47 Bodinayakanur ..	.. .. .	125	..	15
48 Dindigul ..	N. R. Sambandam Pillai, B.A.	160	40	15
49 Kodaikanal ..	T. E. Gomathinayakam Pillai	175	..	20
50 Madura ..	S. R. Sellaraj, B.A. .. .	700	100	40
51 Palni ..	A. Balasubramania Pillai ..	135	..	15
	J. P. Lasrado, I.C.S. .. .	..	..	..
	V. Venkatachalam Ayyar ..	..	..	..

[30th January 1936]

Serial number and name of municipality.	Name of Commissioner.	Salary.		Convey- ance allow- ance.
		Pay.	Special. pay.	
		RS.	RS.	RS.
52 Periyakulam ..	A. R. Lakshmana Ayyar ..	125	..	15
53 Calicut ..	S. Ramachandran ..	170	42½	20
54 Cannanore ..	M. Narayana Shenoy, B.A., B.L. ..	145	..	15
55 Cochin ..	P. A. Sankara Menon, B.A. ..	126	..	15
56 Palghat ..	N. Chinu Nayar, M.A. (Hons.) ..	165	41½	15
57 Tellicherry ..	R. V. Kamath ..	125	..	15
58 Nellore ..	K. Ramachandra Rao ..	175	..	20
59 Coonoor ..	F. W. Haughton, M.B.E. ..	450	..	40
60 Ootacamund ..	Saiyyid Muhammad Nakhuda Sahib, M.A., B.L. ..	550	100	40
61 Karaikudi ..	S. Sivaswami Ayyar, B.A. ..	155	38½	15
62 Sivakasi ..	K. P. M. Telakat ..	125	..	15
63 Srivilliputtur ..	K. Narayanaswami, B.A. ..	125	..	15
64 Virudhunagar ..	A. Krishnaswami Mudaliyar ..	165	41½	15
65 Salem ..	R. D. Paul, M.A. ..	600	100	40
66 Kumbakonam ..	A. S. Ramanatha Ayyar, M.A. ..	320	50	20
67 Mannargudi ..	V. Chendil Velayudha Nadar ..	125	..	15
68 Mayavaram ..	Syed Muhammad Sahib, B.A., Dip. Econ. ..	155	38½	20
69 Negapatam ..	K. P. Kandaswami Pillai ..	300	..	20
70 Tanjore ..	Ghulam Nabi Sahib, B.A. ..	300	50	20
71 Tiruvarur ..	P. S. Venugopal Nayudu ..	125	..	15
72 Palamecottah ..	M. Minakshisundaram Pillai ..	235	..	20
73 Tinnevely ..	T. Purushothama Mudaliyar ..	150	37½	20
74 Tuticorin ..	C. Amrita Ganesa Mudaliyar, B.A. ..	165	41½	20
75 Srirangam ..	V. D. Shanmugha Mudaliyar ..	125	..	15
76 Karur ..	K. Rajamani, B.A. ..	125	..	15
77 Trichinopoly ..	K. Rama Varma Raja, B.A. ..	600	100	40
78 Anakapalle ..	S. Appalaswami Nayudu ..	125	..	15
79 Bimlipatam ..	K. Narasimhaswami Pantulu ..	100	..	15
80 Vizagapatam ..	K. Sanyasi Raju, B.A., B.L. ..	400	..	40
81 Vizianagram ..	C. Sangam Babu, B.A. ..	160	40	15

APPENDIX IV.

[Vide answer to question No. 604 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 30th January 1936, page 143 supra.]

G.O. Ms. No. 4966, L. & M., dated 2nd December 1935.

READ—the following papers:—

From the Commissioner, Coimbatore Municipality, No. 504,
dated 28th September 1935.

Endorsement of the Chairman, dated 2nd October 1935.

Order—Ms. No. 4966, L. & M., dated 2nd December 1935.

The Commissioner of the Coimbatore Municipality is informed that the maximum limit of salary and allowances for Commissioners laid down in clause (a) of sub-section (6) of section 12-C of the Madras District Municipalities Act, 1920, refers to the pay of the officer and that it does not include the leave and pensionary contribution which

[30th January 1936]

the municipal council has to pay in respect of an officer. The payment of transit pay admissible to a Government servant on reversion from foreign service, together with his leave and pensionary contributions is a contingent liability and the section does not prohibit a municipal council from paying the above charges due to an outgoing Commissioner in addition to the expenditure incurred on the incumbent in office.

(By order of the Government, Ministry of Local Self-Government)

T. B. RUSSELL,
Secretary to Government.

To the Commissioner, Coimbatore Municipality (through the Chairman).
" Revenue Department.
" Finance Department.
" Examiner of Local Fund Accounts.

APPENDIX V.

[Vide answer to question No. 610 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 30th January 1936, page 146 supra.]

G.O. No. 5210, L. & M., dated 13th December 1935.

In view of the fact that co-operative central banks are now holding large surplus funds which they are unable to use on profitable business, the Government have decided that all possible steps should be taken to reduce these surpluses. In modification of G.O. No. 2758, L. & M., dated 14th July 1932, and all previous orders on the subject, the Government direct—

- (1) that no local board or municipal council should make any fresh fixed deposit of any of its funds in any co-operative central bank until further orders;
- (2) that no local board or municipal council should renew its fixed deposits in these banks except with the previous sanction of the Registrar of Co-operative Societies and at such rate of interest not exceeding the prevailing market rate as may be approved by the Registrar; and
- (3) that no local board or municipal council should lodge money in current account with these banks beyond the maximum limit which will be laid down for it by the Registrar.

2. If co-operative central banks offer to repay fixed deposits before maturity, the local bodies concerned are advised to receive them without loss of interest accruing up to the date of repayment.

3. Local boards and municipal councils may, without reference to Government, invest in the 20-year debentures of the Madras Co-operative Central Land Mortgage Bank, Limited, portions of their provident fund not exceeding in the aggregate one-sixth of the total amount at

[30th January 1936]

the credit of the fund, as already directed in paragraph 1 of G.O. No. 219, L. & M., dated 17th January 1933. They may invest all other surplus funds in the Imperial Bank of India and in terminable Government securities.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To all Presidents of District Boards.
,, all Presidents of Taluk Boards with copies for major panchayats.
,, all Chairmen of Municipal Councils.
,, all Collectors.
,, the Inspector of Municipal Councils and Local Boards.
,, the Registrar of Co-operative Societies (through Development Department).
,, the Examiner of Local Fund Accounts.
,, the Revenue Department.
,, the Finance Department.
,, the Development Department.

APPENDIX VI.

[Vide answer to question No. 621 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 30th January 1936, page 152 supra.]

An extract of paragraph III (iii) of the G.O. No. 773,
Revenue, dated the 2nd May 1933.

Contribution from ryots—Paragraph 73 of the report.—The Government accept Mr. Leach's suggestions. The Board of Revenue is requested to issue instructions to Collectors to bear in mind the possibility of demanding contributions from ryots towards the cost of repairs in cases of the kind referred to by Mr. Leach.

An extract of paragraph 73 of Mr. Leach's report.—It is in the last of these three ways that the burden on the State might possibly be lessened by casting a part of it upon the ryots. In some districts, such as Chittoor and North Arcot, it is not uncommon for the Collector to require the ryots to pay a contribution towards repairs; in others this is very rare. There was at one time a rule that an estimate for repairs should not exceed a certain number of years' revenue under the tank; in such cases unless the ryots contributed to the cost the repairs were not done. The rule was a bad one and I do not suggest its revival. Nor do I suggest any hard and fast rule, such as that of the one-fourth contribution in Mysore. But there are cases where the demanding of a contribution is not unreasonable; for instance when it is proposed to repair a sluice which does not drain the tank properly, so that the ryots have to bale water from the bed into the sluice when supplies are low, it is reasonable that they should make some contribution to a re-arrangement of the sluice that will save them that trouble. Or when an earth bund is faced with a stone revetment, so that the labour under kudimaramat on maintaining the bund in good order is diminished

30th January 1936]

and the danger of a breach is insured against, this is a legitimate ground for a contribution. Others arise when a pakka arrangement is made for draining water into a river channel in place of korambus and open head: or when the cost of repairing a tank is so high in proportion to the revenue derived from it that the Collector might properly hesitate to incur it unless the ryots show by a contribution that they are so desirous of having the repairs done that they are willing to pay for them.

I am aware that the business of obtaining payment from ryots is troublesome and slow. But no great harm will come of a year's delay in cases of the kind suggested, and meanwhile, especially if there is less money to spend in future on minor irrigation works, there will be other works on which the grant can be fully spent. And it appears to be a sound method of retrenchment to relieve the State in some cases of some portion of the burden, which it has perhaps too generously assumed, by requiring the ryots to take their share.

APPENDIX VII.

[Vide answer to question No. 622 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 30th January 1936, page 153 supra.]

(1)

Statement relating to candidates selected for appointment as clerks
in the Madras Ministerial Service.

Serial number and name of district.	Particulars relating to		
	Number selected, 1931.	Number selected, 1932.	Number selected, 1934.
1 Ganjam	41	10	26
2 Vizagapatam	60	17	10
3 East Godavari	47	9	20
4 West Godavari	37	5	8
5 Kistna	38	9	10
6 Guntur	51	16	19
7 Bellary	55	14	16
8 Kurnool	43	23	15
9 Anantapur	42	7	8
10 Cuddapah	33	6	5
11 Chittoor	49	7	16
12 Nellore	49	17	22
13 Chingleput	66	20	20
14 North Arcot	68	17	18
15 South Arcot	50	14	12
16 Salem	76	18	31
17 Tanjore	100	49	8
18 Trichinopoly	63	32	17
19 Madura	61	29	15
20 Ramnad	58	25	12
21 Tinnevely	65	17	23
22 Coimbatore	87	15	20
23 The Nilgiris	40	6	6
24 Malabar	182	26	2
25 South Kanara	51	38	10
Total	1,512	446	369

[30th January 1936]

(2)

Statement relating to candidates selected for appointment as typists and steno-typists in the Madras Ministerial Service.

Serial number and name of district.	Particulars relating to		
	Number selected, 1931.	Number selected, 1932.	Number selected, 1933.
1 Ganjam	1	1	2
2 Vizagapatam	5	3	5
3 East Godavari	6	3	..
4 West Godavari	5	2	2
5 Kistna	4	3	3
6 Guntur	6	6	3
7 Bellary	1	3	3
8 Kurnool	5	3	4
9 Anantapur	3	2	2
10 Cuddapah	3	1	1
11 Chittoor	4	2	1
12 Nellore	4	..	2
13 Chingleput	5	1	4
14 North Arcot	4	3	2
15 South Arcot	5	2	1
16 Salem	3	3	6
17 Tanjore	7	10	2
18 Trichinopoly	7	6	3
19 Madura	5	3	4
20 Ramnad	8	5	..
21 Tinnevely	5	3	2
22 Coimbatore	6	3	4
23 The Nilgiris	4	6	1
24 Malabar	5	8	6
25 South Kanara	3	2	..
Total ..	114	84	63

APPENDIX VIII.

[Vide answer to question No. 634 asked by Mrs. A. Rukmani Lakshmipathi at the meeting of the Legislative Council held on the 30th January 1936, page 165 supra.]

G.O. Ms. No. 266, Development, dated 19th February 1935.

The Government agree with the Board of Revenue that, of the entire extent of the Kudiramoliteri reserve disafforested in 1924, an area of 350 acres should be set apart for the common use of the villagers and that the remaining area should be again reserved. In view, however, of the difficulties of the villagers in obtaining grazing for their cattle, the Government are pleased to accept the Board's recommendation that as an experiment the area may be thrown open to grazing for two to two months and a half during the monsoon season. The villagers should be distinctly warned that, if the concession is abused and damage is caused to the growth in the forest, it will be withdrawn.

(By order of the Governor in Council)

C. A. HENDERSON,
Secretary to Government.

To the Board of Revenue (Land Revenue and Settlement).
,, Chief Conservator of Forests (with enclosure).

[30th January 1936]

APPENDIX IX.

[Vide item IV on page 167 supra.]

EXPLANATORY NOTE.

Demands for excess grants for the year 1933-34.

(A)

EXCESS UNDER GRANT X—SECRETARIAT AND HEADQUARTERS
ESTABLISHMENTS—RESERVED.

	RS.
Final grant	2,29,07,900
Actuals	2,29,09,937
Excess ..	2,037

The excess was less than .01 per cent of the final grant and was the net result of excesses and savings under the various sub-heads in the grant.

The excess over the final modified appropriation occurred mainly under the following heads:—

Sub-head. (1)	Excess. (2) RS.	Reasons for the excess. (3)
22. General Administration— District Administration— m. General Establishments— A. Collectors and Magistrates— 2. Pay of Establishments ..	6,597	Savings anticipated on the basis of actuals up to nine months did not materialize owing to changes in personnel and grant of leave.
3. Allowances and Honoraria ..	4,164	Excess occurs under travelling allowance due to transfers and more extensive touring.
D. Treasury establishments— 2. Pay of establishments ..	11,173	Due to changes in personnel and grant of leave.
n. Subdivisional establishments— A. Pay of officers ..	2,791	The excess could not be foreseen.
B. Pay of establishments ..	2,778	
a. Other establishments— A. Taluk establishments— 1. Pay of establishment ..	20,361	Due to changes in personnel and grant of leave.
2. Allowances ..	10,656	
5. Contingencies ..	4,430	Occurs under travelling allowance which is of a fluctuating character. Mainly under service postage and telegrams which could not be foreseen.

[30th January 1936]

These and other excesses of less amounts were covered by savings under other sub-heads except to the extent of Rs. 2,037 or .009 per cent for which an excess grant is required.

The Public Accounts Committee has recommended that the demand for the excess grant be moved in the Legislative Council.

(B)

EXCESS UNDER GRANT XXXIII—PENSIONS—RESERVED.

	RS.
Final grant	64,00,800
Actuals	65,18,669
Excess ...	1,17,869

The excess is 1.9 per cent of the grant. It was the net result of excesses and savings which occurred mainly under the following sub-heads of the grant:—

Sub-heads of appropriation.	Excess (+) or Saving (—). RS.
(1) Superannuation and retired allowances—Payments to Madras Government pensioners	— 14,506
(2) <i>Deduct</i> —Amount on account of commercial departments	— 14,189
(3) Commuted value of pensions—Payments to other Governments	+ 96,473
(4) <i>Deduct</i> —Commuted value of pensions recovered from other Governments	— 73,281

It will be observed that the excesses occurred under items (3) and (4) above.

The reasons for the excesses are briefly as follows:—

Item (3).—The original estimate and the modified appropriation were based on the figures reported by the Accountant-General. The excess expenditure is due chiefly to the capitalized value of the Provincial share of Central pensions paid in Central treasuries being more than anticipated. The excess expenditure could not be foreseen owing to the fluctuating nature of the transaction accounted for under this sub-head.

Item (4).—The recoveries from other Governments on account of the commuted value of the Central Government share of pensions paid in Provincial treasuries are shown under this sub-head and they are adjusted periodically by the Accountant-General. There are no reliable data for fixing the estimates. The Accountant-General who was consulted in the matter was not sure of the estimate framed by him. The modified appropriation was fixed with reference to the actuals of 1932–33. The actual recoveries were less than anticipated. Hence the variation in the actual minus expenditure under this head. This could not be foreseen.

The Public Accounts Committee has recommended that the demand for the above excess grant be moved in the Legislative Council.

8th January 1936.

G. T. H. BRACKEN.

[30th January 1936]

APPENDIX X.

[Vide item V (1) on page 170 supra.]

EXPLANATORY NOTE.

- (1) PAYMENT OF TRAVELLING ALLOWANCE TO THE MEMBERS OF A COMMITTEE TO BE APPOINTED TO EVOLVE AN AGREED SCHEME FOR ENLARGING THE SCOPE OF THE HINDU RELIGIOUS ENDOWMENTS ACT SO AS TO INCLUDE MUSLIM ENDOWMENTS ALSO.

Grant number.	Head of account.	Item of expenditure.	Amount of supplementary grant required in 1935–36. RS.
(1)	(2)	(3)	(4)
XI. Ministers—Civil Secretariats and Miscellaneous—Transferred.	2. V General Administration—Ministers, Civil Secretariats and Miscellaneous—Transferred—Civil Secretariats—Local Self-Government Department—Other charges.	Travelling allowance for members of a Committee to be appointed.	1,200

Explanatory note.

The Government have had under their consideration the question of undertaking legislation for the better administration and control of Wakf properties. Two private Bills on the subject have been introduced in the Legislative Council. These provide for the constitution of a separate Board for Wakf properties on the lines of the Board constituted under the Madras Hindu Religious Endowments Act, 1926. Complete information in regard to the extent of the Wakf properties in the Presidency and their annual income is not available, but from the information so far available and the past experience in regard to the working of the Madras Hindu Religious Endowments Act, the Government are inclined to think that the income from contributions levied from Wakf properties will not be sufficient to meet the expenditure involved in the creation of a separate Board of Commissioners for Muslim endowments. In their view the most practical solution of the problem would be to constitute a single Board to supervise the administration of both Hindu and Muhammadan religious endowments and they understand that this proposal has the support of the Muslim members of the Legislative Council. In order to examine the proposal in detail and to evolve an agreed scheme for enlarging the scope of the Hindu Religious Endowments Act so as to include Muslim endowments also, the Government have decided to appoint a Committee

[30th January 1936]

consisting of members of both the Hindu and Muhammadan communities as shown below:—

M.R.Ry. A. Ranganatha Mudaliyar, M.L.C.
 Khan Bahadur Yahya Ali Sahib Bahadur, M.L.C.
 Mr. Basheer Ahmed Sayeed, M.L.C.
 S. M. K. Beyabani Sahib Bahadur, M.L.C.
 Khan Bahadur Mahmud Schamnad Sahib Bahadur, M.L.C.
 M.R.Ry. A. Kondappa Garu, President, Hindu Religious Endowments Board.
 Diwan Bahadur P. Narayana Rao Nayudu Garu, retired District Judge.
 Rao Bahadur R. Subbayya Nayudu, Joint Secretary to Government, Local Self-Government Department.

It was not possible to foresee the constitution of this Committee when the budget estimate for 1935-36 was framed and no provision has therefore been made in the Civil Budget Estimate for expenditure on the payment of travelling allowance to the members of the Committee. It is not possible to meet the expenditure from the existing budget provision. As this expenditure should be treated as one on a *New service* and the Committee can be appointed only after necessary funds are voted by the Legislative Council, it is proposed to move a demand for a supplementary grant of Rs. 1,200 under 'Grant XI. Ministers, Civil Secretariats and Miscellaneous—Transferred' to cover the anticipated expenditure in the current year.

APPENDIX XI.

[Vide item V (2) and (3) on pages 176 and 182 supra.]

EXPLANATORY NOTE.

(2) & (4) EMPLOYMENT OF ADDITIONAL STAFF IN THE OFFICES OF THE SANITARY ENGINEER AND THE CHIEF ENGINEER FOR ELECTRICITY FOR WORK CONNECTED WITH THE CONTROL OF THE PROPOSED SERVICES OF MUNICIPAL AND ELECTRICAL ENGINEERS.

Grant number.	Head of account.	Item of expenditure.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)	(4)
XVI. Electricity—Reserved.	30. R. a. Scientific Departments—Hydro-Electric Survey—Reserved—B. Pay of Establishments—Voted.	One upper division clerk on Rs. 55—70 plus Presidency allowance.	Rs. 100
XX. Public Health—Transferred.	33. a. Public Health Establishments—Transferred—C. Sanitary and Deputy Sanitary Engineers—2. Pay of Establishments—Voted.	One upper division clerk on Rs. 55—70 plus Presidency allowance. One lower division clerk on Rs. 30—55 plus Presidency allowance.	100

[30th January 1936]

Explanatory note

The Government have had under consideration the question of improving and revising the existing arrangement under which Municipal Engineers and Electrical Engineers are appointed by Municipal Councils. These appointments are now treated as isolated posts not included in any regular service. In the interests of the efficient administration of the Engineering and Electrical Departments of Municipal Councils, the Government propose to constitute these officers into two regular services, to be named the Madras Municipal Engineering Service and the Madras Local Authorities Electrical Engineers Service. The cost of the services will be met entirely by the Municipal Councils concerned. The two services will be placed under the control of the Sanitary Engineer and the Chief Engineer for Electricity respectively. For dealing with the additional work involved in their offices the Sanitary Engineer and Chief Engineer for Electricity have asked for the following additional staff:—

Sanitary Engineer.

One clerk on Rs. 70—5/2—85—7½/2—100 plus Madras House Allowance.

One clerk on Rs. 30—3/2—45—2/2—55 plus Presidency Allowance.

Chief Engineer for Electricity.

One Assistant Engineer (Electrical) on Rs. 200—500.

Two Upper Division clerks on Rs. 55—70 plus Presidency Allowance of Rs. 6½.

One Lower Division clerk on Rs. 30—55 plus Presidency Allowance of Rs. 6½.

One typist on Rs. 30—55 plus Presidency Allowance of Rs. 6½.

Three peons on Rs. 12—17 plus Presidency Allowance of Rs. 2½.

The Government after a careful consideration of the necessity for the employment of the above staff propose to sanction the staff specified below temporarily for a period of two years:—

Office of the Sanitary Engineer.

One Upper Division clerk (Rs. 55—70 plus Presidency Allowance of Rs. 6½).

One Lower Division clerk (Rs. 30—55 plus Presidency Allowance of Rs. 6½).

Office of the Chief Engineer for Electricity.

One Upper Division clerk Rs. 55—70 plus Presidency Allowance of Rs. 6½).

As the expenditure should be treated as one on a *New service*, it is proposed to move demands for supplementary grants for token sums of Rs. 100 each under "Grant XVI—Electricity" and under "Grant XX—Public Health" respectively. The small expenditure anticipated in the current year will be met from the sanctioned appropriations under the respective grants.

[30th January 1936]

APPENDIX XII.

[Vide item V (4) on page 183 supra.]

EMPLOYMENT OF ADDITIONAL STAFF IN THE MEDICAL COLLEGE, VIZAGAPATAM, AND THE KING GEORGE HOSPITAL, VIZAGAPATAM.

Grant number.	Head of account.	Item of expenditure.	Amount of suppl. mentary grant required in 1935-36.
(1)	(2)	(3)	(4)
			RS.
XIX, Medical— Reserved and Transferred.	32. c. Medical—Medical Colleges and Schools— A. Medical Colleges— 1. Pay of officers— Voted—Tempo- rary.	One Curator in Pathology (Rs. 220—30/2—340). Four Tutors, Clinical (Rupees 200—25/2—300)— 1. Medical Registrar and Tutor. 2. Surgical Registrar and Tutor. 3. Assistant to Anæsthe- tist. 4. Assistant to the Lec- turer in Ear, Nose and Throat diseases.	
	2. Pay of establish- ments—Voted— Temporary—	Two demonstrators (Medical) Rs. 95 each (for Anatomy and Physiology depart- ments). Two demonstrators (Non-Medical) Rs. 55 each for Physics and Chemistry. Two laboratory atten- dants (Rs. 19— 2/2—25—1/2—30) (for Chemistry and Biology departments).	100

Explanatory note.

The medical degrees of the Andhra University have not yet been recognized by the British Medical Association and by the Medical Council of India. About the end of last year, the Medical Council of India deputed their Inspectors, to inspect and report about the nature of the medical instruction and the examinations conducted in the Vizagapatam Medical College, with a view to decide about the recognition of the medical degrees conferred by the Andhra University. The Inspecting Officers completed their inspection and submitted their report to the Medical Council of India. The Medical Council has decided to refuse recognition of the Vizagapatam Medical College for one year and to consider the matter then, only if the Andhra University provided sufficient evidence of having put their house in order. The Director-General, I.M.S., has stated that the Council cannot be expected

30th January 1936]

to give any assurance on the subject of recognition and that they can only take up the position that recognition will be accorded when the demands made by them have been fulfilled.

2. The report of the Inspecting Officers shows that there are certain essential defects and deficiencies in the staff, buildings, etc., of the Vizagapatam Medical College and the King George Hospital which should be corrected if this Medical College and Hospital are to work satisfactorily. To remedy the defects pointed out by the Inspectors, the Surgeon-General, in consultation with the authorities of the Andhra University, has submitted a programme of improvements to the College and the Hospital. The ultimate approximate cost likely to be involved in giving effect to the complete scheme is estimated to be as under:—

Non-recurring—Over Rs. 16 lakhs.

Recurring—Rs. 1.50 lakhs per annum.

The Government have after careful consideration decided that the Vizagapatam Medical College should be retained and that the Surgeon-General's programme of improvements be generally accepted subject to detailed examination.

3. The Surgeon-General has now submitted proposals for additional staff to be employed immediately as part of the scheme of improvements generally accepted by Government. The additional staff now asked for is as follows:—

Department.	Staff proposed by the Surgeon-General.	Scale of pay.
		RS.
Physics	One demonstrator (non-medical) ..	55
Chemistry	Do. ..	55
	One laboratory attendant	19—2/2—25—1/2—30
Biology	One demonstrator (non-medical) ..	55
	One laboratory attendant	19—2/2—25—1/2—30
Anatomy	One demonstrator (medical)	95
Physiology	Do.	95
Pathology	One Curator (grade of non-clinical Tutor or Assistant).	220—30/2—340
Medicine	One Medical Registrar and Tutor (grade of clinical Tutor or Assistant).	200—25/2—300
Surgery	One Surgical Registrar and Tutor (grade of clinical Tutor or Assistant).	200—25/2—300
	One Assistant Anæsthetist (grade of clinical Tutor).	200—25/2—300
Ear, Nose and Throat.	One Assistant to Lecturer (grade of clinical Tutor or Assistant).	200—25/2—300

The Government have carefully scrutinized the Surgeon-General's proposals. They do not consider that the additional non-medical demonstrator on Rs. 55 per mensem proposed for the Biology Department is necessary at present. The rest of the staff is necessary. It is proposed to sanction the additional staff from 1st February 1936 on a

[30th January 1936]

temporary basis for one year to begin with. The expenditure during the current year is estimated at Rs. 1,400 while the ultimate cost for one full year will be Rs. 20,300. It is proposed to move a demand for a supplementary grant for a token sum of Rs. 100 under "Grant XIX—Medical—Reserved and Transferred" and to meet the balance of Rs. 1,300 from savings resumed and held under the grant.

The proposal was not recommended by the Finance Committee at its meeting held on the 6th January 1936. The Government have, however, decided to move the demand for supplementary grant in the Legislative Council.

APPENDIX XIII.

[Vide item V (5) on page 208 supra.]

(5) (a) ACQUISITION OF A BUNGALOW AND IMPROVEMENTS THERETO FOR USE AS RESIDENCE BY THE COLLECTOR OF SOUTH KANARA.

Grant number.	Head of account.	Item of expenditure.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)	(4)
			RS.
XXIX. Civil Works—Reserved and Transferred.	41. a. Civil Works—Transferred—Original Works—Buildings—F. General Administration.	Acquisition of a bungalow with compound in Mangalore for use as residence for the Collector of South Kanara and improvements to the building.	100

Explanatory note.

The Collector of South Kanara has not been provided with a Government bungalow for his residence. He is living in a private bungalow at Mangalore which has been in the occupation of successive Collectors for a very long time. It is a comfortable and sufficiently commodious bungalow in an excellent, elevated and airy situation. The property is owned by three or four persons. Attempts were made in the past to have the building put in proper repair so that the Government might take a long lease of it for use as the Collector's residence; but owing to the divided ownership of the property and persistent litigation among the several owners no settlement could be reached. A proposal to acquire the bungalow at present occupied by the Collector with a compound of 11.30 acres and the tree growth thereon at an estimated cost of Rs. 79,000 as detailed below, was therefore placed before the Finance Committee in 1929 as a Part II Scheme for 1929-30:—

	RS.
Acquisition of the bungalow with a compound of 11.30 acres and the tree growth thereon	55,000
Repairs	24,100
Total	79,100

[30th January 1936]

The Committee, however, did not recommend the scheme for adoption as it considered that the cost of acquisition was too great, that it was not worth while spending so much money on an old bungalow that would be a perpetual source of expense and that it would be better to build a new bungalow instead. It has since been reported by the Executive Engineer, West Coast Division, that the foundations and masonry are perfectly sound and the roof timbers were also renewed a few years ago.

Recently the Collector of South Kanara brought to the notice of the Government that a suit has been filed against him by a person, who has obtained an interest in a share of the property belonging to one of the owners of it, for the recovery of arrears of rent which the Collector had already paid as usual to the person owning the share in question. It is unsatisfactory for the Collector of a district to be at the mercy of private landlords and the Government consider that it is essential that he should be provided with Government quarters. There is no other suitable bungalow at Mangalore which could be taken on lease for the residence of the Collector and the question of acquiring the bungalow now occupied by him under the Land Acquisition Act was therefore reconsidered.

It is now estimated that the cost of acquiring the bungalow with its compound of 23.99 acres and the tree growth thereon and putting it in proper repair will be Rs. 48,557, as shown below:—

	RS.
Capitalized rent (10 months at Rs. 160 × 20)	32,000
Value of trees in compound	2,000
Add 15 per cent for compulsory acquisition	5,100
Add cost of 1935 veranda renewal	2,027
Add cost of lead-in electric wires to house paid by the Collector personally	220
	41,347
Repairs	7,210
Total	48,557

The decrease in the present estimate as compared with that made in 1929 is due to the fact that the land has not been separately valued and the cost of acquisition has been calculated at the rental value capitalized at 20 years purchase, since the rent paid by the tenant gives him the user of the bungalow and the whole of the compound.

It is accordingly proposed to divert for the purpose of acquiring the bungalow with its compound a sum of Rs. 41,340 from the provision made in the Civil Budget Estimate for the current year under the above head of account and to move a demand for a supplementary grant for a token sum of Rs. 100 under "Grant XXIX—Civil Works—Works—Reserved and Transferred."

30th January 1936]

(5) (b) PURCHASE OF THE OLD MUNICIPAL HOSPITAL BUILDINGS AND SITE, COIMBATORE.

Grant number.	Head of account.	Item of expenditure.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)	(4) RS.
XXIX—Civil works—Works—Reserved and Transferred.	41. a. Civil Works—Transferred—Original works—Buildings—R. Civil works.	Purchase of the old Municipal Hospital buildings and site, Coimbatore.	100

Explanatory note.

In 1872, the old hospital buildings at Coimbatore were transferred together with the site to the Municipal Commissioners of that town. When the new hospital buildings were constructed, the Municipality arranged for the sale of the old buildings but the Government ordered the Collector in 1910 to take charge of the property, as it was only held in trust by the Municipal Council and it was right that it should revert to Government on its ceasing to be used for hospital purposes. In 1911, the Government ordered the Collector to hand over the buildings and the site to the Education department for the location of the offices of that department. The Municipal Council then represented that a portion of the site was purchased by the Council and five of the buildings were constructed by it and that certain improvements to the old buildings had been carried out by it and requested to be compensated on that account. The claim was examined and the Council was informed that as the expenditure was met not out of municipal funds but out of an endowment, of which it was only the trustee and which subsequently ceased to exist, it could not reasonably claim compensation. The Council then stated that as it was the trustee of the funded capital referred to, the Government should hand back the buildings to it to be used for public purposes. The question was examined thoroughly and the conclusion arrived at was that as regards the additional site and buildings the Government had no claim to resumption, but that as regards the old site and buildings they had a valid claim. In the circumstances it was decided to come to an understanding with the Municipal Council and with its consent, the Government alienated the whole property to the Coimbatore College Committee to be used for the purposes of the College and for a hostel subject to the condition among others that the Government could resume the buildings and site in the event of their being put to use for other than the purposes of the College. The College was taken over by Government in 1919 with all its assets and liabilities as they stood on 9th June 1919.

In 1930 the medical school at Coimbatore was closed and the Government ordered that the buildings newly constructed for the school should be utilized by the Arts College. The old hospital buildings which were occupied by the Arts College thus fell vacant and these buildings were utilized as Government offices.

[30th January 1936]

The Municipality has now claimed possession of the site and buildings on the ground that they have ceased to be used for the purposes of the College and has issued a suit notice claiming possession. As there was some substance in part of the claim made by the Municipality and as the case for the Government for part of the property was weak, it was decided to explore the possibility of a compromise with the Council. After some correspondence it was finally decided to acquire the property by paying to the Municipal Council the value of the buildings it had constructed subsequent to the transfer in 1872 of the main building.

The Chief Engineer was asked to submit a valuation statement of the buildings put up by the Municipality. He reported that besides the main central building there are at present only three other buildings which were built by the Municipality on land acquired by that body and that their present value after allowing for depreciation and including the value of the site might be put at Rs. 20,775. The Municipality however claimed Rs. 35,000. It was considered that the best solution was not to insist on the Chief Engineer's valuation but to buy out the Council by offering a compromise price of Rs. 27,500 in full and final settlement of all its claims. The Municipal Council was accordingly addressed, and it has accepted the offer made.

It is proposed to meet the amount from the savings available in the current year under the head "41. a. Civil Works—Provincial—Transferred—R. Civil Works," and to move a demand for a supplementary grant for a token sum of Rs. 100 under "Grant XXIX—Civil Works—Works—Reserved and Transferred."

(5) (c) ADDITIONS AND ALTERATIONS TO THE GOVERNMENT HOUSE, GUINDY.

Grant number.	Head of account.	Item of expenditure.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)	(4) RS.
XIX—Civil Works—Works—Reserved and Transferred.	60. Civil Works—Not charged to Revenue—Reserved—Residences of Governor—Original Works—Buildings—General Administration.	Government House, Guindy—Additions and alterations.	100

Explanatory note.

The Madras Government have decided that the Government House at Madras should be retained as the permanent residence of His Excellency the Governor of Madras and that at Guindy, as his weekend residence. The Government House at Guindy is too large and

30th January 1936]

straggling to suit the purpose for which it is intended. It consists of three large blocks connected together on each of the two floors by long passages and constructed at different ground levels. In spite of its size it provides accommodation for a very small number but requires a large number of servants to run it. This is due to the unnecessarily large area covered by the house and to the disjointed manner of its construction. The living rooms are of inconvenient size; some are too large while others are too small. It is therefore proposed to carry out certain additions and alterations at an estimated cost of Rs. 1,00,000 so as to make the house a small and economical week-end residence.

2. In 1930 an expenditure of Rs. 1 lakh was sanctioned by the Secretary of State for sanitary installation, drainage arrangements, etc., in Government House, Guindy. The expenditure has not been incurred as it was considered later that the scheme would be uneconomical in view of the condition of the house.

3. After the improvements have been carried out it is proposed to utilize some of the existing buildings as residences for Government officers.

4. As the Government desire that the improvements to the Guindy Government House should be carried out without delay, it is proposed to move a demand for a supplementary grant for a token sum of Rs. 100 so that the work may be started in the current year. Any additional funds found necessary in the current year will be found by reappropriation within "Grant XXIX." Provision for necessary funds in 1936-37 will be made in the Budget Estimate for that year.

5. The sanction of the Secretary of State has been obtained to the proposed additions and alterations to the Government House at Guindy.

6. The proposed expenditure on improvements to the Government House, Guindy, is attributable to 'Reforms' and it is legitimately debitable to 'Capital,' along with the other items of expenditure of a similar nature necessitated by the inauguration of the Reforms, all of which combined are estimated to cost over Rs. 5 lakhs. It is accordingly proposed to debit the expenditure in this case to the head '60. Civil Works—Not charged to Revenue—General Administration,' and to move a demand for a supplementary grant for a token sum of Rs. 100 under "Grant XXIX—Civil Works—Works—Reserved and Transferred."

[30th January 1936]

APPENDIX XIV.

[Vide item V (6) on page 215 supra.]

(6) (a) SPECIAL REPAIRS TO THE ROAD FROM KODAIKANAL ROAD STATION TO KURUVANATH IN THE MADURA DISTRICT.

Grant number.	Head of account.	Item of expenditure.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)	(4)
			RS.
XXXI.—Civil Works —Grants-in-aid— Transferred.	41. Civil Works—Transfer. road—Grants-in-aid—g.G. Central Road Develop- ment Account—Com- munications.	Special repairs to the road from Kodai- kanal road station to Kuruvanath.	100

Explanatory note.

The second-class road from the Kodaikanal road station to Kuruvanath via Periyakulam and Theni in the Madura district (about 70 miles in length) carries very heavy through traffic from and to Travancore including much of the estate produce of the Travancore planters. It is also the direct means of reaching the head works of Periyar. The road is reported by the Superintending Engineer to be in a very bad condition. The Government have also received complaints on the subject from the United Planters' Association of Southern India. The President, District Board, Madura, considers that special repairs to the entire stretch of the road should be carried out urgently. The cost of the work is estimated at Rs. 2,12,500. The expenditure is beyond the means of the Madura District Board and it is therefore proposed that it should be met from Road Development Fund. The South Indian Railway which was consulted in the matter has no objection to the proposal. The Provincial Board of Communications before which the matter was placed also approved of the proposal on the understanding that measures should be taken to see that the road does not again deteriorate for want of proper maintenance, the intention being that the District Board should be asked to give an assurance that it will maintain the road properly in future. The District Board which was consulted in the matter has given the necessary assurance. The Government of India have sanctioned the debit of the cost of the special repairs of the road in question to this Government's share in the Road Development Account. In view of the urgency of the work it is proposed to start the work in the current year itself. The amount required in the current year for the purpose is Rs. 30,000. There is however no provision for the work in the budget for this year. It is proposed to meet the amount (Rs. 30,000) from the savings out of the current year's allotments for other road and bridge works financed from the Road Development Fund and to move a demand for a supplementary grant for a token sum of Rs. 100 under "Grant XXXI—Civil Works—Grants-in-aid—Transferred."

30th January 1936]

The proposal was not recommended by the Finance Committee at its meeting held on the 6th January 1936. The Government have, however, decided to move the demand for supplementary grant in the Legislative Council.

(6) (b) DIVERSION OF THE GREAT NORTHERN TRUNK ROAD VIA VIZIANAGRAM, NELLIMERLA AND JAGANNADHARAJUPURAM IN THE VIZAGAPATAM DISTRICT.

Grant number.	Head of account.	Item of expenditure.	Amount of supplementary grant required in 1935-36.
(1)	(2)	(3)	(4)
XXXI—Civil Works—Grants-in-aid—Transferred.	41. g. Civil Works—Transferred—Grants-in-aid—(1) G. General Road Development Account—Communications.	Diversion of the Great Northern Trunk Road via Vizianagram, Nellimerla and Jagannadharajupuram in the Vizagapatam district.	Rs.
	(2) A. Grants to local bodies for trunk roads.	Increased maintenance grant on account of the above diversion.	

Explanatory note.

With a grant from the Road Development Fund, the Vizagapatam District Board undertook the construction of a bridge across the Champavathi river near Nathavalasa at mile 88/4-5 of the Great Northern Trunk Road at an estimated cost of Rs. 4.42 lakhs. When the bridge was nearing completion it was washed away by floods on the 14th October 1931. In connexion with the question of reconstructing the bridge a suggestion was made that the section of the trunk road lying between Modavalasa and Jagannadharajupuram might be diverted and taken along the Bimlipatam-Vizianagram road to Vizianagram and thence to Nellimerla and Jagannadharajupuram. The alignment of the trunk road as suggested will benefit the heavy traffic now passing through Vizianagram and at the same time obviate the necessity for a new bridge at Nathavalasa. Another advantage of the new route is that it will connect the Great Northern Trunk Road with the Vizianagram-Central Provinces Road. It will, however, be necessary to construct bridges or road dams at Nellimerla and at other unbridged crossings on the road from Nellimerla to Jagannadharajupuram. The diversion proposed will increase the length of the trunk road by ten miles and one furlong and will involve a recurring additional expenditure from Provincial Funds of Rs. 5,770 per annum on maintenance. The payment of this additional maintenance grant will, however, commence only after the work is completed. The Road Committee of the Vizagapatam District Board and the Collector of Vizagapatam are in favour of the adoption of the new route suggested above. The Provincial Board of Communications before which the proposal was placed has approved of the proposal and the Government of India have also sanctioned the debit of the expenditure

[30th January 1936

involved (Rs. 3,75,000 as originally estimated) to the Road Development Account. The total cost as now estimated is Rs. 5,22,000 as shown below:—

Items.	RS.
(i) Construction of a bridge across the Champavathi river near Nellimerla	4,62,000
(ii) Construction of a bridge across the Kondavalasagedda	25,000
(iii) Construction of a bridge across the Palavalasagedda	15,000
(iv) Improvements to existing culverts and construction of new culverts	10,000
(v) Widening and realigning the existing Nellimerla-Ranasthalam Road	10,000
Total	5,22,000

There is, however, no specific provision for the work in the current year's budget. It is proposed to start the work in the current year itself and to meet the expenditure from the savings in the allotments for this year for other road and bridge works from the Road Development Fund by moving a demand for a supplementary grant for a token sum of Rs. 100 under "Grant XXXI—Civil Works—Grants-in-aid—Transferred."

APPENDIX XV.

[Vide item VI (1) on page 222 supra.]

NOTIFICATION.

Fort St. George, November 8, 1935.

No. 1382.—Whereas in the opinion of the Governor acting with Ministers, the area comprised within the jurisdiction of the District Board of North Arcot cannot, after the abolition of taluk boards, be conveniently administered by a single district board:

Now, therefore, in exercise of the power conferred by sub-section (2) of section 3-A of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), the Governor acting with Ministers is hereby pleased to declare that, with effect on and from the 1st December 1935, the local areas specified in Schedules A and B below shall be districts for the purpose of the said Act, and to name them as the Vellore district and the Tiruvannamalai district respectively.

SCHEDULE A.

The revenue taluks of—

- (i) Tirupattur.
- (ii) Gudiyattam.
- (iii) Vellore.

- (iv) Arni.
- (v) Wallajah.
- (vi) Arkonam.

SCHEDULE B.

The revenue taluks of—

- (i) Cheyyar.
- (ii) Wandiwash.
- (iii) Tiruvannamalai.

- (iv) Chengam.
- (v) Polur.

T. B. RUSSELL,
Secretary to Government.

30th January 1936]

APPENDIX XVI.

[Vide item VI (2) on page 222 supra.]

NOTIFICATION.

Fort St. George, November 7, 1935

(G.O. No. 4583, L. & M.).

No. 1395.—In exercise of the powers conferred by sub-section (1) of section 11 of the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), the Governor acting with Ministers is hereby pleased to exempt from payment of the tax leviable under the said Act the following motor vehicles of the Government of French India:—

- (1) One motor vehicle used by the Chief of Police.
- (2) One motor cycle used by the Commissioner of Police.
- (3) One motor vehicle used by the Chief of the Public Works Service.

T. B. RUSSELL,
Secretary to Government.

APPENDIX XVII.

[Vide item VI (3) on page 222 supra.]

NOTIFICATION.

Fort St. George, October 21, 1935

(G.O. No. 4304, L. & M.).

In exercise of the powers conferred by sub-section (1) of section 11 of the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), the Governor acting with Ministers is hereby pleased to reduce by one-third the tax payable under the said Act for any quarter in respect of motor vehicles not plying for hire and belonging to *bona fide* residents of the Banganapalle State.

T. B. RUSSELL,
Secretary to Government.

APPENDIX XVIII.

[Vide item VI (6) on page 222 supra.]

FINANCE DEPARTMENT.

LIST OF POSTS ON Rs. 500 PER MENSEM AND ABOVE CREATED
DURING THE QUARTER ENDING 30TH SEPTEMBER 1935.

Department and designation of the post.	Pay per mensem. Rs.	Period of tenure.	Remarks.
(a) PERMANENT.			
	Nil.		
(b) TEMPORARY.			
(i) Extension of previous sanctions.			
Public (Special) Department— Additional Sessions Judge, West Tanjore.	Pay in the regular line.	From 8th September to 31st October 1935.	....

[30th January 1936]

Department and designation of the post.	Pay per mensem. Rs.	Period of tenure.	Remarks.
(i) Extension of previous sanctions—cont.			
Law Department— Additional District Munsif, Tinnevely.	Indian Civil Service cadre.	One year from 3rd July 1935.	....
Additional District Munsif, Chittoor.	Do.	Six months from 3rd July 1935.	....
Additional Sub-Judge, Tenali.	650	One year from 1st August 1935.	....
Additional Sub-Judge, Coimbatore.	650	One year from 1st October 1935.	....
Public Works and Labour Department— Public Works Department Superintending Engineer.	1,750—2,150	.. Till the end of March 1936.	For the charge of Dowlaishwaram Circle.
Finance Department— Additional Temporary Assistant Secretary.	500—50—800	.. For the period from 1st August 1935 to 31st March 1936.	Post created in connexion with the examination of financial implications arising out of Reforms.
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.	From 1st July to 4th November 1935.	....
(ii) Posts newly created.			
Public (Special) Department— Headquarters Sub-Collector and District Additional Magistrate, Ganjam.	Pay in the regular line.	For six months from 10th August 1935.	....
Sub-Collector, First Grade.	Pay at Rs. 1,350 per mensem in the senior time-scale of the Indian Civil Service.	From 21st August 1935 to the end of the Simla Session of the Legislative Assembly.	M.R.Ry. Rao Bahadur A. A. Venkatarama Ayyar Avargal was placed on special duty of a nominated member of the Legislative Assembly.
Officer on special duty	Pay at Rs. 1,500 per mensem.	From 26th August 1935 to the end of the Simla Session of the Legislative Assembly.	M.R.Ry. Diwan Bahadur R. V. Krishna Ayyar Avargal was placed on special duty as a nominated member to the Legislative Assembly.
Collector	 Pay in the regular line.	From 5th September 1935 to the end of the Simla Session of the Council of State.	Mr. P. Macqueen, I.C.S., was placed on special duty as a nominated member of the Council of State.
Law (General) Department— Additional District Munsif, Negapatam.	Indian Civil Service cadre.	Six months from the date of commencement of the judicial training of Mr. N. D. Krishna Rao, I.C.S.	....
Additional District Munsif, Calicut.	Do.	Six months from the date of commencement of the judicial training of Mr. Sivaramakrishnan, I.C.S.	....
Public Works and Labour Department— Public Works Department Executive Engineer.	625—1,375	 For eighteen days.	.. To enquire into certain accounts irregularities in the Buckingham Canal subdivision.
Do.	625—1,375	 For eighteen months.	.. Localization of second-crop zones in Godavari Eastern and Central deltas.

30th January 1936]

APPENDIX XIX.

[Vide item VI (7) on page 222 supra.]

NOTIFICATION.

Fort St. George, December 9, 1935

(G.O. Ms. No. 5069, L. & M.).

No. 1556.—The administration of the Chirala Municipality has been unsatisfactory and the Chairman and the Councillors do not have sufficient civic sense to carry on the functions of the Council satisfactorily. The Government are therefore of opinion that the Council as at present constituted is incompetent to perform the duties imposed on it by law. They therefore direct under sub-section (1) of section 41 of the Madras District Municipalities Act, 1920, that the Chirala Municipal Council be superseded for a period of two years.

T. B. RUSSELL,
Secretary to Government.

APPENDIX XX.

[Vide item VI (10) on page 222 supra.]

NOTIFICATION.

Fort St. George, January 7, 1936.

No. 10.—Whereas in the opinion of the Governor acting with Ministers, the area comprised within the jurisdiction of the Ganjam District Board cannot, after the abolition of taluk boards, be conveniently administered by a single district board, and whereas it is desirable that the portions of the said area which will be transferred to the new Orissa Province and those which will be retained in the Madras Presidency shall be constituted into separate districts for the purposes of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920):

Now, therefore, in exercise of the power conferred by sub-section (2) of section 3-A of the said Act, the Governor acting with Ministers is hereby pleased to declare that, with effect on and from the 20th January 1936, the local areas specified in Schedules A and B below shall be districts for the purpose of the said Act and to name them as the Ganjam district and the Chicacole district, respectively.

SCHEDULE A.

That portion of the existing local fund district of Ganjam which comprises—

(1) the revenue taluks of

(i) Gumsur;

(ii) Aska;

(iii) Surada;

(iv) Kodala;

(v) Chatrapur; and

(iv) Ichapur (comprising only the estates of Surangi, Jarada, and Chikat—Bit I);

(2) the revenue taluk of Berhampur, except the portion lying to the south of a line drawn from Sonapur on the coast passing north of the Surla Salt Factory to Purnhottapur on the Grand Trunk Road; and

(3) a portion of the Parlakimedi estate including Parlakimedi town, lying north of a line drawn just to the south of the Gunpur-Parlakimedi Railway from the point where the railway enters the estate at its north-west corner to the point where the railway crosses the Mahandranaya river and from there east by north, to the north-eastern corner of the estate.

SCHEDULE B.

The portion of the existing Ganjam Local Fund district not included in the portion described in Schedule A above.

T. B. RUSSELL,
Secretary to Government.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Friday, the 31st January 1936.

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, K.C.I.E., C.S.I., I.C.S., The Hon. Sir Charles.
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.
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.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Sri A. V.
Boag, C.I.E., I.C.S., Mr. G. T.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Foulkes, Mr. G. F. F.
Gopalaswami Mudaliyar, Diwan Bahadur M.
Harischandrudu Nayudu, Mr. A.
Indrayya, Mr. C.
Iswaran Pillai, Mr. I. C.
Jagannatha Raju, Rao Bahadur G.
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.
Kolanda Reddi, Rai Sahib C.
Koti Reddi, Mr. K.
Krishnamurti, Rao Bahadur D.
Krishnan, Mr. C.
Kumararaja of Venkatagiri, The.
Langley, Mr. W. K. M.
Madanagopal Nayudu, Mr. R.
Maharaja of Parlakimedi, The.
Maharaja of Venkatagiri, The.
Manikkavelu Nayakar, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur T. M.
Moses, Mr. P. C.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Muniswami Pillai, Rao Sahib V. I.
Muthiah Chettiyar of Chettinad, Raj Kumar M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Rao Bahadur Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Rao Sahib D. V.
Natesa Mudaliyar, Diwan Bahadur C. Palat, Mr. R. M.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Petro, K.C.I.E., Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Pattagar of Palayakottai.
Peddi Raju, Mr. P.
Pocker Sahib Bahadur, Mr. B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Diwan Bahadur T. A.
Ramalinga Reddi, Mr. C.
Ramamurti, Rao Sahib Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Rameswara Rao, Mr. G.
Ranganatha Mudaliyar, Mr. A.
Rangaswami Reddi, Mr. M. B.
Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Reid, Mr. D. M.
Rukmani Lakshmiipathi, Mrs. A.
Russell, I.C.S., Mr. T. B.
Schannad Sahib Bahadur, Khan Bahadur Mahmud.
Scott Brown, I.C.S., Mr. W.
Sesha Reddi, Rao Bahadur B. P.
Shetty, Mr. A. B.
Siva Raj, Rao Sahib N.
Smith, Mr. J. M.
Sreshtha, Mr. M. S.
Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Diwan Bahadur R.
Sriramulu, Mr. G.
Subbarayan, Dr. P.
Subrahmanya Chetti, Rao Sahib P.
Subrahmanya Bhatt, Mr. U. C.

[31st January 1936]

PRESENT—cont.

Sundara Rao Nayudu, Mr. T.	Venugopal Nayudu, Rao Bahadur R. K.
Syed Tajuddin Sahib Bahadur, Khan Sahib.	Yahya Ali Sahib Bahadur, Khan Bahadur.
Thangal, Mr. P. M.	Yakub Hasan Sahib Bahadur.
Thomas, Mr. Daniel.	Zamindar of Bodinayakkanur, The.
Uzielli, C.I.E., I.C.S., Mr. H. R.	Zamindar of Kirlampudi, The.
Vasudeva Pillai, Mr. V. G.	

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Electricity

Representations in favour of Government undertaking the distribution of electricity in Wallajah taluk.

* 636 Q.—MR. V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Law Member be pleased to state—

(a) whether it is a fact that the Wallajah Municipality has passed a resolution requesting the Government to undertake distribution themselves on behalf of the municipality;

(b) whether the Government have refused the grant of licence to private licensees in the Wallajah taluk;

(c) whether the Government have received representations from the agriculturists of the Wallajah taluk requesting them to undertake the distribution of agricultural load direct; and

(d) whether representations have been received protesting against the grant of licences to private people in the said area?

A.—(a) Yes, but it previously supported the application of a company.

(b) The question is still under consideration.

(c) & (d) Yes.

MR. ABDUL HAMEED KHAN:—“May I know, Sir, whether it is not very contradictory that after establishing a municipal electrical engineering service, Government should go against the wishes of the municipalities whenever they make a demand of this kind?”

THE HON. SIR K. V. REDDI NAYUDU:—“I don't quite follow the question of the hon. Member. The municipal electrical engineer will deal with the supply of electricity in the town. I do not think the question refers to that; it refers to the Wallajah taluk.”

RAO SAHIB V. I. MUNISWAMI PILLAI:—“May I know whether there is any agreement between Wallajah taluk and the Electric Supply Company with regard to the supply of electricity?”

THE HON. SIR K. V. REDDI NAYUDU:—“I have no information.”

MRS. A. RUKMANI LAKSHMIPATHI:—“May I know whether it is a fact that the Government offered to supply electricity to this municipality?”

[31st January 1936]

THE HON. SIR K. V. REDDI NAYUDU:—“I am not quite sure whether it was formally offered. I have stated before that if a municipality or district board is ever willing to undertake the distribution, preference will be given to it.”

MR. BASHEER AHMED SAYEED:—“May I know whether the previous support of the municipality to the company has in any way altered the position so far as the Government is concerned?”

THE HON. SIR K. V. REDDI NAYUDU:—“The resolution itself was passed recently, I believe.”

MR. BASHEER AHMED SAYEED:—“I would like to know from the Hon. the Law Member as to whether the resolution that was passed by the Wallajah Municipality has in any way changed the policy of the Government in regard to the matter under consideration?”

THE HON. SIR K. V. REDDI NAYUDU:—“That question has not at all been considered.”

Refusal of licence to private bodies for distribution of Mettur power in the North Arcot district.

* 637 Q.—MR. V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Law Member be pleased to state whether the Government have finally decided to refuse licences for distributing Mettur electric energy in the North Arcot district except in the taluks where licences had already been granted?

A.—The Government have rejected one such application for a licence and have not yet passed final orders on another similar application, pending receipt of the reply to a reference made to the applicant.

Prisons and Prisoners

Observance of Ramzan by the Muslim convicts in jails.

* 638 Q.—K. P. V. S. MUHAMMAD MEERA RAVUTTAR Bahadur: Will the Hon. the Law Member be pleased to state—

(a) the number of Muslim convicts (males and females) in each jail;

(b) the number of convicts who observed fasting during the month of Ramzan in each jail; and

(c) whether the Hon. the Law Member will be pleased to issue orders to give rice diet to such of the convicts as observe fasting?

A.—(a) There were 2,564 Muslim convicts (2,483 males and 81 females) confined in the various jails of this Presidency in 1934. Information for the year 1935 and separately for each jail is not available.

(b) The Government have no information.

[31st January 1936]

- (c) Convicts are given the class of diet recommended by the convicting courts and the court's classification is not changed except on medical grounds. The Government do not propose to relax the rules regarding jail dietary in favour of convicts who observe fasts.

Mr. ABDUL HAMEED KHAN:—"I take it, Sir, that the policy of the Government in punishing offenders is more with a view to their reformation than for mere conviction and punishment. In such circumstances may I know whether the Government will not consider it advisable to afford prisoners belonging to different classes and communities, facilities which will enable them to live, even during the period of incarceration, such as giving them rice diet when they are fasting?"

The Hon. Sir K. V. REDDI NAYUDU:—"Other circumstances will have also to be considered in deciding this. Supposing for instance, every Hindu wants a particular kind of rice, say, on Ekadasi day, it would not be possible for Government to give it because there are so many Hindu festivals; in any particular place any action taken by Government should be consistent with the rules. If in regard to any particular community, be it Muslim or Hindu, the officers recommend that a particular kind of food be given, certainly, the Government will do it. There is also the question of finance."

Mr. BASHEER AHMED SAYEED:—"May I know whether the Government will examine the question in view of the fact that the Ramzan lasts for one month and it is very essential that during this period facilities with regard to diet should be given in conformity with the rules? I would like to know whether the Government will have the question examined as to how far it is possible to afford such facilities?"

The Hon. Sir K. V. REDDI NAYUDU:—"I have no objection."

S. M. K. BEYABANI SAHIB BAHADUR:—"Will not the giving of a particular diet to the Muslim convicts be more economical because they take only one meal during this period?"

The Hon. Sir K. V. REDDI NAYUDU:—"I think that will be covered by my promise to examine the question. I can say nothing more than that."

Irrigation

Publication of the reports regarding the deepening of the Valappar and the construction of a calingula.

* 639 Q.—Mr. K. S. SIVASUBRAHMANYA AYYAR: Will the Hon. the Member for Revenue be pleased to lay on the table of the House—

(a) copy of the reports accompanying the estimates for "deepening the river Valappar and constructing a calingula across the same and constructing a calingula across Nadagudi drainage" with crest levels of the different portions of the body walls of the dams and the top level of the dam stones fixed in the dams;

31st January 1936]

(b) copy of the front and rear water-level readings of the river Valappar and of the river Puttar at the Puttar-Vellar head and of the river Valappar at the in-fall of Nadagudi drainage; and

(c) copy of the rules and regulations in force at present at Puttar-Valappar head?

A.—(a) The reports^a accompanying the estimates are appended.

The crest levels are as follows:—

Crest of the masonry calingulah across the Nadagudi drain under construction	37.60
Level of the top of dam stones	40.18
Crest of the body wall of the dam across the Velappar	40.80
Level of the top of dam stones	41.80

(b) The water readings from the beginning of the irrigation season up to 12th December 1935 from the rivers Puthar and Velappar at the Puthar-Velappar head are available, but the Government do not think that any useful purpose will be served by placing the statements of readings on the table of the House. The water readings of the Velappar at the infall of the Nadagudi drainage are not available as there is no gauge fixed in the Velappar at present.

(c) Supplies to the two rivers Puthar and Velappar are regulated in proportion to the ayacuts under them, which are roughly in the ratio of 3:5. The number of vents in the two regulators is also in the same ratio.

Measures for preventing the silting up of the Valappar.

* 640 Q.—Mr. K. S. SIVASUBRAHMANYA AYYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the anticipated drop of nearly 2.5 feet in the normal supply level of the Valappar at the in-falls of Nadagudi drainage has been effected by the improvements hitherto executed under the orders of the Chief Engineer;

(b) whether it is a fact that the deepened bed of the Valappar is getting silted up with sand very quickly;

(c) if the answer to clause (b) be in the affirmative, whether the Government propose to devise measures to prevent such silting up;

(d) the steps the Public Works Department propose to take to keep the normal supply level of the Valappar below 39.26 at all times;

(e) whether the authorities of the Public Works Department have suggested in the interests of Nadagudi drainage that the water-level above the calingula across the drainage should not be raised above the top of the dam stones fixed in the calingula; and

^a Printed as Appendix I on pages 317-318 infra.

[31st January 1936]

(f) whether steps would be taken to enforce the maintenance of the stipulated level of water above the calingula across the Nadagudi drainage and to avoid the conflict of interests (Irrigation and Drainage) due to the erection of the dam?

A.—(a), (b) & (d) The work “improving the defective drainage of Nadagudi lands—Estimate Rs. 8,000 ” was started only this year and in its present incomplete stage it is not possible to express any opinion as to the results of the improvements.

(c) The question does not arise.

(e) & (f) It will be possible to restrict drainage flow level to the top of dam stones on the calingula of Nadagudi drain only in the south-west monsoon period, but not in the north-east monsoon, as an M.F.L. of 42.30 is anticipated over the calingula. But at this period of rains the head of Valappar is completely controlled and supply reduced or cut out in the river. Under these conditions, the depth of flow in the Nadagudi drain will be considerably reduced. This procedure has actually been adopted this year in order to give maximum drainage relief.

Failure of freshes in the Mamandur tank, North Arcot district.

* 641 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) the extent and capacity of the Mamandur tank in the North Arcot district;

(b) under what classification this tank comes;

(c) the extent of the ayacut under the tank and the income therefrom;

(d) the extent of remission given to the ayacutdars during the last six years (yearwar and the reason therefor);

(e) how many months per year was this tank dry during the last six years; and

(f) whether there are any proposals for the examination of the question of re-classifying these tanks according to their present actual capacity and condition?

A.—(a) Extent—1,413.94 acres.
Capacity—1,800 mill. c.ft.

(b) First-class source.

(c) Extent—4,044.13 (Government and inam).
Assessment—Rs. 38,061 (Government and inam).

31st January 1936]

(d)—					Year.	Extent of remission.	Reasons.
(Fasli)						RS.	
1339	..	..	..	..		10,236	Inadequate supplies
1340	..	..	..	..		No remission.	....
1341	..	..	..	..		Do.	....
1342	..	..	..	..		Do.	....
1343	..	..	..	..		17,898	Inadequate supplies.
1344	..	..	..	..		13,696	Do.

(e) Two months in 1930.

Nil in 1931 and 1932.

Two months in 1933.

Three and a half months in 1934.

Five and a half months in 1935.

(f) None at present.

Land Revenue Administration

Communication of the order of transfer to Deputy Collectors concerned.

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

(a) whether a copy of the transfer order is sent direct to the Deputy Collector concerned whenever transfers of such officers are made from one station to another;

(b) if the reply be in the negative, why this sort of courtesy is refused even to such officers of the gazetted rank; and

(c) whether it is not the policy of the Government to intimate their officers and servants sufficiently early when they are transferred from one station to another?

A.—(a) No, except when the officer concerned is on leave.

(b) The question is not one of courtesy but of office routine. The Collector of the district to which the officer is transferred has to post him to a particular division of the district, and the officer has therefore to obtain his orders from the Collector.

(c) Orders regarding transfers are ordinarily issued in good time. The orders are published in the gazette and in the newspapers.

Amendment of section 48 of the Revenue Recovery Act.

* 643 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Member for Revenue be pleased to state with reference to the assurances given by the Hon. Member in reply to the adjournment motion moved on 29th October 1935 regarding arrest and imprisonment for non-payment of land revenue, whether he has examined the question of the deletion or amendment of section 48 of the Revenue Recovery Act and, if so, with what result?

A.—The question is under examination.

[31st January 1936]

Retrospective effect to the Press Communiqué regarding the non-imposition of enhanced resettlement rates.

* 644 Q.—Rai Sahib C. KOLANDA REDDI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government communiqué of 12th December 1935 stating that they will not impose percentage enhancement consequent upon resettlements will apply retrospectively to Kistna district too; and

(b) if not, why not?

A.—(a) No.

(b) The Press Communiqué relates only to future resettlements.

Mr. P. PEDDI RAJU:—“ May I know, Sir, if the Government will consider the question of removing this enhancement in cases of districts which are resettled after 1930? ”

The Hon. Sir CHARLES SOUTER:—“ The Government have already considered that question, and they have decided that this applies only to future resettlements.”

Retrospective effect to the policy of the Government regarding the levy of resettlement rates.

* 645 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 present policy of the Government is that no enhancement in the rates of assessment will be made as a result of resettlement and decision will be left over to the Government of the future;

(b) if so, to which of the districts the benefit of such a policy has been given;

(c) whether there are any proposals for giving retrospective effect to such a policy at least to such areas about which resettlement orders have been passed in the course of this year 1935; and

(d) if so, what they are?

A.—(a) Yes.

(b) The policy will be applied to areas for which resettlement proposals are submitted for the orders of the Government in future.

(c) & (d) No.

Proposals for the non-imposition of resettlement rates in the southern taluks of Salem district.

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

(a) whether there are any proposals for not giving effect to the increase of assessment in the six southern taluks of Salem district, and other parts of the province where resettlement has been given effect to and incremental remission ordered, during the current fasli on account

[31st January 1936]

of the present policy of Government that no increase in assessment will be made as a result of resettlement, and the Government of the future will be allowed to tackle this vital question; and

(b) if so, what they are and when orders are likely to be passed in the matter?

A.—There are no such proposals.

Progress of the resettlement operations in the northern taluks of the Salem district.

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

(a) at what stage the resettlement operations in the northern taluks of the Salem district now are; and

(b) when the scheme report is likely to be published?

A.—The attention of the Hon. Member is invited to the answer given to clause (a) of question No. 76 at the meeting of the Legislative Council on the 6th August 1935. The Government have no further information.

Progress of the resettlement operations in the hill villages in Salem district.

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

(a) at what stage the resettlement operations in the hill villages in Salem district now is; and

(b) when the scheme report therefor is likely to be published?

A.—The scheme report for the resettlement of the hill villages in the Salem district has been published as a special supplement to the *Salem District Gazette* for December 1935. Copies of the scheme report have been sent to the members of the Legislative Council.

Local Self-Government

Municipalities which passed vote of censure on their Commissioners.

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

(a) whether any of the municipalities have passed vote of censure on their Commissioners;

(b) if so, what those municipalities are;

(c) when such resolutions were passed and what orders have been passed by the Government in the case of each; and

(d) whether the copies of the resolution and the orders passed thereon will be placed on the table?

[31st January 1936]

- A.—(a) The Madras District Municipalities Act, 1920, does not provide for the passing by municipal councils of a vote of censure on their Commissioners. The hon. Member apparently refers to the resolution passed by certain municipal councils recommending the removal of their Commissioners under the powers vested in them under sub-section (4) of section 12-C of the Act.
- (b) Tinnevely, Coimbatore, Palni and Ellore municipalities. The Tanjore Municipal Council passed a resolution asking for the transfer of its Commissioner which was not in the terms of section 12-C of the Act.
- (c) & (d) The Tinnevely Municipal Council passed the resolution on 16th May 1934, the Coimbatore Municipal Council on 1st March 1935, the Palni Municipal Council on 5th August 1935 and the Ellore Municipal Council on 28th September 1935. In pursuance of these resolutions, the Government under section 12-C of the Madras District Municipalities Act, 1920, replaced the Commissioners of these municipalities by the appointment of other officials. The resolution of the Tanjore Municipal Council was not complied with, but the Commissioner in question has since been reverted to Government service. Copies of the resolutions and of the orders of Government issued thereon are placed on the table of the House.^a

Representation of Vannikula Kshatriyas in the cadre of Municipal Commissioners.

* 650 Q.—Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur: Will the Hon. the Minister for Local Self-Government be pleased to state—

- (a) the names of all Municipal Commissioners (since the question on the subject was answered last time) and the community to which they belong, also where they are working; and
- (b) the number of Vannikula Kshatriyas employed as Municipal Commissioners and also their names?

A.—(a) A statement^b showing the particulars relating to the fresh appointments of Commissioners, subsequent to question No. 380 answered on the 1st November 1935, is appended.

- (b) The Vannikula Kshatriya is a sub-sect of the non-Brahman (Hindu) community and the total number of non-Brahman (Hindus) now working as Commissioners is forty-five.

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—“ May I know, Sir, who is the recommending authority for this particular appointment? ”

^a Printed as Appendix II on pages 318-320 infra.

^b Printed in Appendix III on page 320 infra.

31st January 1936]

The Hon. the RAJA OF BOBBILI:—“ The Government themselves have prepared certain lists of suitable candidates. Whenever vacancies arise selection is made out of them.”

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—“ May I know whether any candidate from the community applied for appointment? ”

The Hon. the RAJA OF BOBBILI:—“ I cannot answer the question, because the Vanniyakula Kshatriya is a sub-sect of the non-Brahman community and no separate representation is given to sub-sects.”

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—“ In what order does the community stand for such appointments? ”

The Hon. the RAJA OF BOBBILI:—“ Certainly if eligible candidates are available they will be appointed.”

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—“ Does it mean that they should be B.As. or M.As.? ”

The Hon. the RAJA OF BOBBILI:—“ For many of these appointments there is no direct recruitment. Government servants and employees of Local Boards and Municipal Councils in active service are selected for these posts.”

Rao Sahib V. I. MUNISWAMI PILLAI:—“ May I know whether any application has been received during the last year from Vanniyakula Kshatriyas? ”

The Hon. the RAJA OF BOBBILI:—“ I am not aware of having received any application.”

Alleged interference of Government with the Tanjore District Board in regard to consideration of supplemental subjects.

* 651 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 interfered with the Tanjore District Board in the latter's consideration of supplemental subjects at a meeting of that board, before it was bifurcated;
- (b) what the reasons were that prompted the Government to interfere in such a way;
- (c) on whose representations the matter was taken up; and
- (d) whether a copy of the representations made as well as a copy of the order thereon will be placed on the table?

A.—(a) & (b) The Government called upon the old Tanjore District Board before bifurcation to show cause why certain resolutions passed at its meeting held on 1st October 1934 should not be cancelled for the reason that the members were not given the statutory ten days' notice of the subject-matter of the resolutions. After considering its reply they decided not to cancel the resolutions as the Board had regularized the resolutions by having them confirmed at a subsequent meeting.

[31st January 1936]

- (c) & (d) The Government consider that no useful purpose will be served at this distance of time by furnishing the information required or by placing on the table the representation and the Government Order passed thereon.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, whether the publishing of the representations and Government Order thereon by placing them on the table will not serve as a guidance for other district boards in such matters? "

The Hon. the RAJA OF BOBBILI:—" I don't quite follow the hon. Member. Government have stated that they have inquired into the matter, because the required notice has not been given in the previous instance."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know whether in case of supplemental agenda also the notice of ten days is necessary? "

The Hon. the RAJA OF BOBBILI:—" It is quite necessary according to the Act."

Lack of qualifications prescribed on the part of the Supervisor, Works Department, Chingleput Municipality.

* 652 Q.—Mr. P. RATNAVELU THEVAR: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that a person not possessing all the qualifications required under the rules for appointment as a supervisor has been appointed as Supervisor in the Public Works Department of the Chingleput Municipality;

(b) whether he has been recommended to be exempted from the prescribed qualifications by the said municipality; and

(c) whether the municipality was advised by the Sanitary Engineer to Government to apply for such exemption?

A.—(a) A candidate not possessing the prescribed qualifications has been appointed as temporary engineer in the Chingleput Municipality in connexion with the execution of the Municipal Drainage Scheme.

(b) Yes.

(c) Yes. The Sanitary Engineer considered that he was the only suitable candidate among the applicants.

Mr. BASHEER AHMED SAYEED:—" May I ask whether the post was advertised for before the appointment was made? "

The Hon. the RAJA OF BOBBILI:—" I believe it has been."

Mr. BASHEER AHMED SAYEED:—" May I know to which community the candidate who has been appointed belongs? "

The Hon. the RAJA OF BOBBILI:—" I have not got the information."

Mr. BASHEER AHMED SAYEED:—" May I know whether this employee has put in any previous service in the district board? "

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

31st January 1936]

Bifurcation of the Ganjam District Board.

* 653 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 Ganjam District Board is being bifurcated;

(b) if so, whether the Government have taken into consideration the fact that a good portion of Ganjam district will go to the new Province of Orissa owing to the impending new Reforms;

(c) whether the bifurcation is made to suit the convenience of transferring away the portion to be added to the new Orissa Province;

(d) what the annual normal income and expenditure of the Ganjam District Board are;

(e) what the headquarters would be of the bifurcated District Boards of Ganjam and what the anticipated normal income and expenditure of the bifurcated District Boards of Ganjam district are; and

(f) how many district boards are likely to survive in the districts of Ganjam and Vizagapatam after portions of the district have been transferred to the new Orissa Province and what they are?

A.—(a) The old Ganjam District Board was bifurcated with effect from the 20th January 1936.

(b) Yes.

(c) The bifurcation was ordered mainly in view of the transfer.

(d) A. General account—

	RS.
Normal receipts after deducting contribution to Elementary Education Fund ...	9,20,250
Normal expenditure	8,85,000
B. Elementary Education account—	
Normal receipts (including contribution from general funds)	4,25,920
Normal expenditure	4,16,000

(e) Chatrapur and Chicacole. The normal budgets of the proposed district boards have been received from the Inspector of Municipal Councils and Local Boards and are under the consideration of Government.

(f) Three.

Programme of bifurcation of district boards during the year 1936.

* 654 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state what the districts are which are to be bifurcated in the near future and in the course of 1936?

A.—Attention is invited to the Press Communiqué, dated 15th January 1936, on the subject.

[31st January 1936]

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know whether any definite programme has been laid down with regard to the districts that are to be taken up shortly for bifurcation? "

The Hon. the RAJA OF BOBBILI:—" Each district will be examined and then a decision taken."

Mr. K. A. NACHIYAPPA GOUNDER:—" How many districts have so far been taken up for examination? "

The Hon. the RAJA OF BOBBILI:—" I have stated in answer to a previous question that four districts in Northern Circars and three districts in the South were taken up some time back. Since then no further district has been taken up, and Government are examining the position with reference to all the district boards."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—" Is it not necessary to bifurcate all the district boards in view of the fact that taluk boards have been abolished and it is practically impossible for one man to carry on the administration of a district board? "

The Hon. the RAJA OF BOBBILI:—" I am afraid I cannot answer a general question like that. We shall consider the conditions of each case."

Mr. K. A. NACHIYAPPA GOUNDER:—" What are the four districts in the northern area and the three in southern area which are mentioned by the Minister? "

The Hon. the RAJA OF BOBBILI:—" They have been stated more than once on the floor of the House. The four districts in the North are, West Godavari, East Godavari, Kistna and Nellore. The three districts in the South are, Coimbatore, Malabar and the Nilgiris."

Mrs. A. RUKMANI LAKSHMIPATHI:—" May I know whether these districts are financially fit to be bifurcated? "

The Hon. the RAJA OF BOBBILI:—" The examination has not yet been concluded; we are examining the question."

Mr. K. KOTI REDDI:—" Is there any proposal to appoint a special officer to examine the financial aspects of the question? "

The Hon. the PRESIDENT:—" The answer is there."

Mr. K. KOTI REDDI:—" May I know if a senior civilian will be appointed in order to examine the financial conditions of the district boards? "

The Hon. the RAJA OF BOBBILI:—" A member of the Provincial Civil Service will be appointed."

Mr. K. KOTI REDDI:—" Is it not preferable to appoint a senior Civilian in a matter like this, a European Civilian? "

The Hon. the RAJA OF BOBBILI:—" Government feel that the matter can be well attended to by a member of the Provincial Civil Service."

31st January 1936]

Proposals for the bifurcation of the district boards in the Ceded districts.

* 655 Q.—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the Hon. the Minister for Local Self-Government be pleased to state whether there are proposals to bifurcate the district boards of the Ceded districts?

A.—No. Attention is however invited to the Press Communiqué, dated 15th January 1936, regarding bifurcation of district boards.

Postponement of the election of President of the District Board, South Kanara.

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

(a) when the elections to the District Board of South Kanara were held;

(b) whether a meeting of the elected Members was convened to elect the President;

(c) if not, why it has not been held and at whose instance and under what provision of law has the election of the President been held up; and

(d) whether the Collector of South Kanara has reported against the holding of the election of the President; if so, whether the Hon. Minister will be pleased to place a copy of the same on the table of the House?

A.—(a) Elections to all but one circle were held in November 1935.

(b) No.

(c) & (d) The Government in consultation with the Collector, considered it desirable to postpone the election till all the seats on the Board had been filled and instructed the Collector accordingly.

Mr. U. C. SUBRAHMANYA BHATT:—" May I know what the reasons are that made the Government not to hold the election to the presidency? "

The Hon. the RAJA OF BOBBILI:—" The Government felt that the vacancy in one of the circles should also be filled before the election is held."

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether an ordinary meeting of the board has not been called to transact ordinary business? "

The Hon. the RAJA OF BOBBILI:—" The hon. Member is no doubt aware that an ordinary meeting was called for before this vacancy was filled up."

Mr. T. C. SRINIVASA AYYANGAR:—" May I know whether it is the intention of the Government that in every case when even one seat remains to be filled, the presidential election should be postponed, or is it only in special contingencies? "

[31st January 1936]

The Hon. the RAJA OF BOBBILI:—"The Government have never held that an election when one vacancy remains unfilled is invalid. Each case has to be considered on its merits. In this case the Government considered that an opportunity should be given to voters in this circle to send their candidate."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I ask whether any petition was received praying that the election to the presidentship should be postponed on account of a vacancy pending?"

The Hon. the RAJA OF BOBBILI:—"That I cannot say. A number of petitions were received on the point."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"May I know what the report of the Collector on this point is?"

The Hon. the RAJA OF BOBBILI:—"It is not desirable to state what exactly the Collector has reported. The answer says that the Government have in consultation with the Collector come to this decision."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Besides the reason given, are there any special considerations that induced the Government to decide that the president should not be elected till all the seats are filled?"

The Hon. the RAJA OF BOBBILI:—"The special consideration is that the Government felt that they should not encourage the practice of holding up elections by injunction petitions unless and until the Act or the rules have been violated by the election authorities."

Mr. BASHEER AHMED SAYEED:—"May I know how long this administration has been in charge of the Collector?"

The Hon. the RAJA OF BOBBILI:—"I cannot give the exact date; probably it was a date in November."

Strength of staff sanctioned for each district board.

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

(a) what the strength is under various categories such as secretary, manager of the Engineer's office, superintendents, accountants, upper division clerks, lower division clerks, attenders, and peons which was originally allowed to each district board by the Government after they took power for regulating those establishments; and

(b) how many posts in each variety they have since sanctioned in addition, to each district board and what the special reasons are for doing so?

A.—The information asked for is not readily available. The Government consider that the public interests served by furnishing the information will not be commensurate with the time and labour involved in collecting it.

31st January 1936]

Mr. K. A. NACHYAPPA GOUNDER:—"May I ask whether this information could not be collected from the records available with the Government?"

The Hon. the RAJA OF BOBBILI:—"The existing establishment has been fixed as the normal schedule of establishment. There have been occasional changes and therefore it would not be possible to readily collect this information."

Settlement of the pension and provident fund accounts of the ex-taluk board clerks.

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

(a) whether the pension accounts of the ex-taluk board clerks have been settled and they have been put on the provident fund scheme; and

(b) if so, from which date and whether a copy of the order passed in the matter will be placed on the table?

A.—The attention of the hon. Member is drawn to G.O. No. 1510, L. & M., dated the 15th April 1935, a copy of which has already been laid on the table of the House [vide question No. 60 (starred) answered on the 6th August 1935], and to G.O. No. 4099, L. & M., dated the 7th October 1935, a copy * of which is now laid on the table of the House. With reference to these orders the pension papers of the pensionable employees of late taluk boards are being forwarded by the presidents of district boards concerned to the Accountant-General for scrutiny and audit certificate.

Modification of the scale of pay of pandits employed in schools under district boards and municipalities.

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

(a) whether orders have been passed modifying the scale of pay of pandits employed in the schools under the district boards and municipalities;

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

(c) whether the matter of regulating the pay of pandits who are not holders of titles or proficiency certificates but who have been exempted in G.O. No. 1064, dated 12th March 1927, has been considered;

(d) if so, what the scale of pay allowed to such pandits is;

(e) whether representations have been received from such pandits employed in the Municipal High School at Gudiyattam in North Arcot district; and

(f) if so, what orders have been passed thereon, and whether a copy of it will be placed on the table?

* Printed as Appendix IV on page 321 infra.

[31st January 1936]

A.—(a) Yes.

(b) G.O. No. 3395, L. & M., dated the 20th August 1935, was placed on the table in reply to question No. 285 answered on 30th October 1935.

(c) & (d) The matter is under consideration.

(e) Yes.

(f) It is under consideration.

Mr. G. RAMESWARA RAO:—“ May I know whether petitions were received from some of the pandits who had been appointed before 1926 complaining that they were unjustly treated as they were declared ineligible for the higher scale? ”

The Hon. the RAJA OF BOBBILI:—“ No representations have been received.”

Mr. G. RAMESWARA RAO:—“ Is it not a fact that these pandits who have been doing their work well for over 20 years have been made ineligible for the present scale of pay on the ground that they have no titles? ”

The Hon. the RAJA OF BOBBILI:—“ It is not a question of titles. The latest rules are that if they undergo a course of studies which is equivalent to that of a graduate, the remuneration should be commensurate with that qualification. In view of these considerations, the Government have decided to raise the scale of pay of those who fulfil the qualifications fixed under the latest orders.”

Mr. BASHEER AHMED SAYEED:—“ May I ask whether the Government will not reconsider their orders in view of the hardship caused to the employees? ”

The Hon. the RAJA OF BOBBILI:—“ There is absolutely no hardship caused.”

Mr. P. PEDDI RAJU:—“ Are the Government aware that there was a time when the Universities did not grant titles and there were no institutions giving training to the pandits? If so, do not the Government consider that these people deserve special consideration in view of their long service and all that? ”

The Hon. the RAJA OF BOBBILI:—“ I do not see why they alone deserve special consideration. If that rule is to be extended, every employee would deserve special consideration.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ How long the representations referred to in clause (e) have been pending disposal? ”

The Hon. the RAJA OF BOBBILI:—“ Some representations were originally received and Government have passed orders on them. Further representations have since been received to extend the benefit to all pandits. I cannot give the exact date when they were received.”

31st January 1936]

Mr. T. C. SRINIVASA AYYANGAR:—“ May I ask whether the Hon. the Minister is not aware that the literary equipment of some of the older pandits in service is in no way inferior to the equipment of the modern pandits having titles? ”

The Hon. the RAJA OF BOBBILI:—“ I am not competent to speak on the merits of individual cases. But the question is that the old pandits are drawing their old scales of pay.”

Constitution of a panchayat for Kodumudi, Coimbatore district.

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

(a) whether a panchayat has been constituted for Kodumudi in Coimbatore district;

(b) if so, when;

(c) if not, why the matter is kept pending and when it is likely to be constituted; and

(d) if it has been constituted, what the annual receipts and charges are of that panchayat as per budget estimates for the year 1935–36?

A.—(a) & (b) The Government understand that the Inspector of Municipal Councils and Local Boards has constituted a panchayat for Kodumudi in pursuance of his order, dated the 5th December 1934.

(c) Does not arise.

(d) No information is available.

Report of the Special Officer appointed to formulate proposals for road development.

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

(a) whether the Special Engineer for Road Development, Mr. Vipin, has made his report regarding proposals for the construction of bridges and roads and improvements thereto;

(b) if so, what the proposals are in regard to each district and what the estimated cost is of the proposals for each district;

(c) whether it is a fact that it is proposed that the funds of the Road Development Board are to be used on roads which would not compete with railways;

(d) if so, whether the question of improving the trunk road from Mangalore northwards and bridging all the rivers has been considered;

(e) what amounts have been spent on trunk roads in each district of this Province during each of the last three years;

(f) whether it is a fact that the recommendations of the Special Engineer will be referred to the Road Board for their opinion;

(g) if so, who the members of the Road Board are; and

(h) what steps have been taken to represent the interests of South Kanara on this Board?

[31st January 1936]

- A.—(a) Yes.
 (b) The information required is contained in the report which has been published and placed at the disposal of the Press.
 (c) Not necessarily.
 (d) No. The comprehensive scheme of road development prepared by the Special Engineer for Road Development includes proposals for a road to connect Calicut with Coondapoor and thence to the Bombay Presidency frontier and also for the bridging of certain rivers and streams in the South Kanara district. These proposals will be considered by Government along with the comprehensive scheme.
 (e) A statement^a showing the amount spent by local bodies on trunk roads during the three years ending 1933–34 is laid on the table. Figures for 1934–35 for all the local bodies are not available.
 (f) Yes.
 (g) A list^a of the members of the Board of Communications (which has taken the place of the old Road Board) is appended.
 (h) The interests of local bodies are represented by three members, of whom the President, District Board, Malabar, is one. There is no separate representation for each district.

Sanitary Engineering

Tap-rate system of water charges in mufassal municipalities.

* 662 Q.—Mr. C. BASU DEV: Will the Hon. the Minister for Local Self-Government be pleased to state—

- (a) what is the present method of charging for water-supply in mufassal municipalities;
 (b) whether it is a fact that in mufassal municipalities, there is a wholesale change from metering to tap-rate system; if so, why;
 (c) whether the Government have approved of such a change to tap-rate system; if so, on what grounds; and
 (d) whether the water meters in mufassal municipalities have not been found to be inaccurate in recording consumption of water?

A.—(a) The Government have issued model by-laws relating to house connexions for adoption by municipal councils which have introduced house-connexion schemes. These by-laws require that every house to which supply is given should be provided with a meter, and that charges should be fixed for supply in excess of the free allowance provided for in them. The free allowance is permitted only in the case of water supplied for domestic purposes. In the case of water supplied for non-domestic purposes, all

^a Printed as Appendix V on pages 322–324 infra.

31st January 1936]

water is charged for in accordance with the rates fixed in the by-laws and no free allowance is permitted; but to compensate for this and in the case of certain institutions such as mosques, temples, etc., some municipalities charge a low or even nominal rate for the water consumed for non-domestic purposes in such institutions.

- (b), (c) & (d) Out of the 29 municipalities which have introduced house connexion schemes, only the following eight municipalities have so far adopted the tap-rate system:—

- | | |
|-------------------|-----------------|
| (1) Adoni. | (5) Erode. |
| (2) Ellore. | (6) Vellore. |
| (3) Bezwada. | (7) Coimbatore. |
| (4) Trichinopoly. | (8) Negapatam. |

Even in these eight municipalities, tap-rate system is not permitted in the case of water supplied for non-domestic purposes.

The Government have permitted local bodies to adopt the tap-rate system or the meter system according to their choice. The main reasons for this change are:—

- (1) the meters easily get out of order,
- (2) they are liable to be tampered with,
- (3) they require more expert supervision than what they are likely to receive ordinarily in the municipality, and
- (4) they are expensive to buy and expensive to maintain in good order.

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask, Sir, why the Government are compelling the mufassal municipalities to meter every house when metering has been given up in the city? ”

The Hon. the RAJA OF BOBBILI:—“ Because the rules in the municipalities require it. Those municipalities that have adopted the tap-rate system should meter their connexions.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ If I understand the Hon. the Minister aright, he says that the municipalities are given the option to levy the tap-rate or fix meters? ”

The Hon. the RAJA OF BOBBILI:—“ In specific cases, the Government have agreed that the tap-rate system may be tried.

Mr. V. M. RAMASWAMI MUDALIYAR:—“ Is the Hon. the Minister aware of a recent decision by a court of law that levy of tap-rate is not authorized by the District Municipalities Act, if so, whether the Hon. the Minister has under consideration suitable amendments to the Act? ”

The Hon. the RAJA OF BOBBILI:—“ The Government propose to bring up amendments in the near future.”

[31st January 1936]

Expert opinion regarding the introduction of water meters in the Madras City Municipal Act Amending Bill.

* 663 Q.—Mr. C. BASU DEV: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) with regard to the proposal in the Madras City Municipal Act Amending Bill whether any expert was consulted about the wholesale introduction of water meters in the City of Madras; if so, who he is and what his opinion is;

(b) what the probable total cost is of supplying meters in Madras and what the expected revenue is to the Corporation of Madras consequent upon such introduction;

(c) whether the Government are aware that in Madras there are varying levels affecting the flow of water;

(d) whether the Government have ascertained the effect of the rate of the flow of water upon the recording of water meters;

(e) whether the Government have considered any proposal to increase the water-supply to Madras by increasing the catchment area of the Red Hills tank; and

(f) what the probable cost is of such increase of the catchment area?

A.—(a) No.

(b) The total cost of purchasing and fixing meters is Rs. 7,20,000 and the net revenue expected from them after deducting annuity and sinking fund charges and charges for repairs, maintenance, etc., is Rs. 2,34,000.

(c) & (d) The Government have no information.

(e) No.

(f) Does not arise.

Appointment of the staff for the preparation of plans and estimates relating to the Salem drinking water-supply scheme.

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

(a) whether the staff for the preparation of plans and estimates in connexion with the drinking water-supply to Salem town from the Mettur Reservoir, has been appointed, and if so, when;

(b) how many persons the staff consists of; and

(c) at what stage the work now is and when it is likely to be finished and brought ready for launching the scheme?

A.—(a) to (c) The Government have already issued orders sanctioning the employment of the following special staff for the preparation of plans and estimates for the Salem Water-Supply Scheme:—

One draughtsman for nine months at Rs. 90 a month.
Two draughtsmen for nine months at Rs. 50 a month each.

31st January 1936]

One tracer for six months at Rs. 28 a month plus Rs. 2-8-0 Presidency allowance.

One typist for one month at Rs. 30 a month plus Rs. 6-8-0 Presidency allowance.

No staff has however been actually appointed pending the selection of suitable candidates by the Madras Services Commission.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask when the order sanctioning the appointments was passed? "

The Hon. the RAJA OF BOBBILI:—" I cannot give the exact date. It was a couple of months back."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know in what stage the preparation of the plans and estimates is? "

The Hon. the RAJA OF BOBBILI:—" There has been no further progress, because, as far as I can recollect, the required staff has not yet been appointed."

Education

Appointment of Physical Directors as per recommendations of the Beasley Committee and the Champion Committee.

* 665 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) the number of Physical Directors recommended to be appointed by the Beasley Committee and the Champion Committee on Physical Education; and

(b) the number of full-time officers now in charge of Physical Education work, the duties assigned to them and in the schools visited by them in a year?

A.—(a) The reference is apparently to the staff for supervision. The Beasley Committee recommended the employment of five or six Physical Directors for the Presidency while the Champion Committee suggested the employment of one Physical Director for every two districts.

(b) There is only one full-time officer, the Assistant Physical Director. His work has not been defined in any Government Order. The number of schools visited by this officer in the year 1934-35 was 63.

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask the Hon. the Minister for Education whether the Government have any proposal to give a separate grant for equipments for games and for physical culture in schools? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is no such proposal under consideration now."

[31st January 1936]

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask how the appointment of physical instructors will then facilitate the promotion of physical culture? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It can be promoted without grants from Government."

Proposals for the better organization and supervision of physical education in schools.

* 666 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Education and Excise be pleased to state whether the Government have under consideration any proposals for the better organization and supervision of physical education work in schools?

A.—None at present.

Mrs. A. RUKMANI LAKSHMIPATHI:—" May I know whether the Government are aware of the recommendations made by the Champion Committee? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" They are aware of the recommendations of two committees."

Mr. BASHEER AHMED SAYEED:—" May I ask how the Government propose to give effect to their recommendations to improve physical education and instruction? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The Government have already taken action so far as funds permit and further action will be taken as and when funds permit."

Excise

Opening of new arrack shops in Salem district during 1936-37.

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

(a) how many new arrack shops are proposed to be opened in each of the Revenue divisions in Salem district for the coming year 1936-37;

(b) what the reasons are for opening such new shops;

(c) what the resolutions passed by the Excise Advisory Committee of each area are in the matter of opening new shops; and

(d) whether copies of these resolutions will be placed on the table?

A.—The Government have no information. The Commissioner of Excise, who has power to open new shops, has however issued instructions to Collectors to formulate and place before the Excise Advisory Committees and Excise Licensing Boards definite proposals for opening new shops in localities where illicit distillation or admixture is rife or illicit sales have been

[31st January 1936]

found to exist. The opening of new shops is one of the measures which have been taken to check the development of illicit distillation and kindred offences against the Abkari laws which have assumed serious proportions in recent years.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask whether it is the policy of the Government to open new shops with a view to put down illicit distillation and not to have effective supervision? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" That is a matter left to the Collectors, the excise advisory committees and the excise licensing boards. They have to decide whether the opening of new shops will be necessary for preventing illicit distillation."

Mr. G. R. PREMAYYA:—" I want to know if the Hon. Minister still upholds the old policy of prohibition in 20 years? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think that arises here at all."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask whether it is not necessary that instructions should be issued to the Commissioner and Collectors on an important matter like this? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" They certainly know it as well as we do."

Rao Sahib V. I. MUNISWAMI PILLAI:—" May I ask whether there were representations from the people of the locality objecting to the opening of new shops? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Not so far as I am aware, Sir."

Mr. G. RAMESWARA RAO:—" May I know whether in the case of shops declared to have been permanently closed, the Government are reopening them without consulting local opinion? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No, except in one case."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the existence of illicit sales is due to want of sufficient number of shops or slackness on the part of the excise officers? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It may be due to both or either."

Mr. G. RAMESWARA RAO:—" May I ask the Hon. Minister whether it is a fact that shops are again proposed to be re-opened in two places in the Anantapur district? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I have no information."

Mr. G. RAMESWARA RAO:—" May I request the Hon. Minister to look into the matter and consult public opinion? "

[31st January 1936]

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"As the answer says, opening of new shops is left to the Excise advisory committees and the Collector."

Mr. K. KOTI REDDI:—"May I know whether illicit distillation may not be due to the costliness of Government liquor?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"If it is the hon. Member's idea that liquor should be made cheap and consumption increased, I must take exception to that policy."

Medical Administration

Special qualifications of the incumbents filling the chair of Bacteriology in the Medical Colleges.

* 668 Q.—Mr. P. RATNAVELU THEVAR: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether there is a special cadre in the Medical Colleges to teach Bacteriology;

(b) if so, when it was created, and for what reasons;

(c) whether any qualifications are prescribed for that post; if so, what the qualifications are;

(d) who the present members in that cadre are and what their ranks are; and

(e) what their qualifications were at the time of their appointment and whether they have acquired any additional qualifications since then?

A.—(a) & (b) There is no special cadre for the teaching of Bacteriology in the Medical Colleges, Madras and Vizagapatam. The posts of professors and assistant to the professors employed in the teaching of Bacteriology at the Colleges are included in the cadre of the Madras Medical Service (General Branch)—Men's section. A whole-time post of professorship in Bacteriology in the Medical College, Madras, was created in 1928 as it was considered that the arrangement under which one of the Assistant Directors in the King Institute, Guindy, was entrusted with the teaching of Bacteriology was unsatisfactory. The post of Professorship in Bacteriology and Hygiene in the Vizagapatam Medical College was created in 1925 on the opening of the third-year class in that college. In 1931, the professor was relieved of his work as lecturer in Hygiene.

(c) No special qualifications have been prescribed, but appointments to the posts are restricted to persons who possess special qualification or who have been specially trained for Bacteriological work.

31st January 1936]

(d) The officers at present employed in teaching Bacteriology at the Medical Colleges, Madras and Vizagapatam, are—

(1) M.R.By. S. Ramakrishnan Avargal, Professor, Medical College, Madras.

(2) „ C. Ramamurthi Avargal, Professor, Medical College, Vizagapatam.

(3) „ P. S. Natesan Avargal, Assistant to the Professor, Medical College, Madras.

(4) „ N. Govindan Pandalai Avargal, Assistant to the Professor, Medical College, Vizagapatam.

(e) The qualifications possessed by the officers mentioned in the answer to clause (d) at the time of their appointment were as follows:—

(1) L.M.S. (Mad.), L.R.C.P. & S. (Edin.), D.T.M. & H. (Lond.)

(2) B.A., M.B.B.S., B.S.Sc. (Mad.)

(3) M.B.B.S. (Mad.)

(4) M.B.B.S. (Mad.)

The first two have not acquired any additional qualification after their appointment to the post.

No. (3) was appointed to the post in August 1933 and has not acquired any additional qualification since then.

No. (4) while holding the appointment was deputed to the School of Tropical Medicine, Calcutta, and he passed the D.T.M. (Cal.). In 1934, he took the M.D. degree (Tropical Medicine) of the Madras University.

Construction of a suitable building for the Queen Alexandra Hospital for Women at Salem.

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

(a) whether provision is being made in the Civil Budget Estimates for the year 1936–37 for providing new and suitable buildings to the Queen Alexandra Hospital for Women at Salem;

(b) whether any reference has been received from the District Medical Officer by the Surgeon-General, or from the Surgeon-General by the Government pressing the necessity for early construction of the said buildings;

(c) if so, whether a copy of each will be placed on the table; and

(d) what the number is of maternity cases in the said hospital in each month since June 1935, and what the number is of beds provided there?

[31st January 1936]

A.—(a) No.

(b) Yes; but there are other schemes too, equally or even more urgent, which could not be taken up for want of funds.

(c) No.

(d) A statement ^a is laid on the table.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know from the Hon. Minister when it is likely to be taken up for construction? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot say anything about that."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask whether the construction of this building is not as urgent as the improvements to the Medical College at Vizagapatam for which an urgent supplemental grant was moved yesterday? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Comparisons are odious; but I can say for the information of the hon. Member that this scheme has been placed by the Surgeon-General very low on the list of new schemes that have to be undertaken."

Inadequacy of accommodation in the Victoria Caste and Gosha Hospital, Triplicane.

* 670 Q.—Mrs. K. ALAMELUMANGATHAYARAMMA: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) what the number is of confinement cases at the Government Victoria Caste and Gosha Hospital per year for the last five years;

(b) how many beds are provided for confinement cases for—

(i) Hindus,

(ii) Muhammadans, and

(iii) others;

(c) how many patients are there who are not provided with beds and what their number is per day;

(d) whether there is separate accommodation for clean and septic delivery cases; and

(e) if not, whether it is the intention of the Government to provide more accommodation for the patients in the case of clean and septic cases?

Year.						Number of confinement cases.
A.—(a) 1930	...	...	...	...	...	1,945
1931	...	...	...	...	...	1,874
1932	...	...	...	...	...	1,990
1933	...	...	...	...	...	2,082
1934	...	...	...	...	...	2,255

(b) (i) & (iii) together—Sixteen beds in the wards plus twelve beds in the veranda.

(ii) Five beds in the wards.

^a Printed as Appendix VI on page 325 infra.

31st January 1936]

(c) Average number of patients not provided with beds per day is 23.

(d) No.

(e) Yes. The Surgeon-General has been asked to scrutinize the approximate plans and estimates which have been prepared for the construction of additional wards to provide more accommodation for clean labour and surgical cases.

Mr. BASHEER AHMED SAYEED:—" May I know in what stage the proposals are and whether they have now been forwarded to Government? "

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

Mr. BASHEER AHMED SAYEED:—" May I know if the Hon. Minister will be pleased to expedite the proposals? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" As far as it is possible for me to do so, yes."

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

II.—MOTION UNDER STANDING ORDER No. 4 *RE* POSTPONEMENT OF ELECTION OF THE PRESIDENT OF THE SOUTH KANARA DISTRICT BOARD.

Mr. U. C. SUBRAHMANYA BHATT:—" Mr. President, under the proviso to Standing Order No. 4, I request I may be allowed half an hour after 5 p.m. to-day to enable me to raise a debate on a matter of urgent importance regarding the postponement of election of the President of the South Kanara District Board which was the subject-matter of question No. 656 answered to-day."

Mr. G. RAMESWARA RAO:—" I second it."

* The Hon. the PRESIDENT:—" I think there has been a sufficiently large number of supplementary questions upon this particular subject and it has been practically proved that the Hon. Minister has no further information to give upon this subject. This motion is not going to be a censure motion but it is going to be a motion for securing more information and for having a discussion. I do not think the subject is so urgent as to take half an hour of the time of the House for discussing it. I think Dr. Subbarayan has tabled some short notice questions which perhaps will be answered later on.

11-30
a.m.

III.—SELECT COMMITTEE ON AMENDMENTS TO STANDING ORDERS—ELECTION OF MEMBERS.

* The Hon. the PRESIDENT:—" I have to announce that the following candidates have been duly nominated for election to the Select Committee to amend Standing Orders Nos. 28, 30 and 55:—

- (1) The Hon. the Raja of Bobbili.
- (2) Dr. P. Subbarayan.
- (3) Mr. C. Ramalinga Reddi.
- (4) „ W. K. M. Langley.
- (5) „ K. P. Raman Menon.
- (6) Diwan Bahadur R. Srinivasan.

[The President] [31st January 1936]

“As the number of candidates nominated for election is equal to the number of vacancies to be filled, namely, six, I hereby declare the abovementioned members to be duly elected under Regulation II (4) of the regulations for the holding of elections by means of the single transferable vote.

“I nominate Mr. M. S. Sreshta, a Member of the panel of Chairmen, to be a member of the Select Committee.”

IV.—BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR CERTAIN PURPOSES (BILL No. 11 OF 1934).

* The Hon. the PRESIDENT:—“The House will now proceed to discuss the clauses of the City Municipal Act (Amendment) Bill. Hon. Members might remember that when we last adjourned we disposed of amendment No. 132. With that 132-A, 132-B and 132-C have been disposed of and also 133. Now we shall proceed to item 134 on the agenda.”

Diwan Bahadur A. APPADURAI PILLAI:—“From the list of amendments circulated to us you will find, Sir, that clause 5, section 6 (1) (4) and section 6 (2) are yet to be taken up.”

* The Hon. the PRESIDENT:—“I might remind the hon. Member that it has been decided that these sections ought to be taken up along with amendment No. 199. That is why I have not taken them up here. I request the hon. Member to move his amendment—item No. 134.”

Clause 96.

Section 171-B.

* Diwan Bahadur A. APPADURAI PILLAI:—“Mr. President, I beg to move the amendment standing in my name as follows:

‘Delete section 171-B.’

Sir, it will be remembered that section 171-A regarding metering of house connexions was subjected to a considerable amount of discussion and as a result of that discussion it was deleted. If section 171-A is deleted, 171-B follows suit and it should also be deleted and for the reasons already given in the case of section 171-A it was considered undesirable to impose an additional burden on private owners by providing for meters. It may be stated that the first paragraph of section 171-B which provides that ‘Where an owner or occupier applies for a connexion for the supply of water, he shall pay the cost of making such connexion as well as the cost of the meter, if any, and the charge for fixing it’ is necessary and should not be deleted. Sir, we find in section 169 of the original Act there was provision that ‘the cost of making the connexion and the cost or hire of meters shall be borne by the applicant and shall be recoverable in the same manner as the water and drainage tax’ but this has been replaced by a revised clause which deals as to how when the applicant is not the owner of the property the cost of supplying these meters should be adjusted. As a matter

31st January 1936]

[Mr. A. Appadurai Pillai]

of fact meters are provided in rare cases where they are found necessary as in the case of private residences under the rules now in force. It may be urged that paragraph (1) of this new section 171-B should remain since clause (4) of old section 169 has been deleted. To that extent I am prepared to agree, but I say that the rest of section 171-B which refers to the metering of private houses should be deleted as was done in the case of section 171-A. The Commissioner tells me that 171-B has no connexion with 171-A. I do not know how it has no connexion. Section 171-B which relates to the cost of making the connexion, etc., is necessary corollary to section 171-A. So I submit that section 171-B with the exception of paragraph (1) should be deleted. If the Commissioner says that 169 (4) found in the original Act has been deleted and it has been replaced by another section which has no bearing to the former and therefore it must be provided for in section 171-B, and that for this purpose paragraph 1 of section 171-B should be retained, I can see no objection. Beyond that I do not know what necessity is there for the rest of section 171-B. Clause (2) of section 171-B merely relates to providing connexions at the instance of the Commissioner and such things will be regulated by means of a bye-law framed under section 349. As a matter of course in private residences we find meters already provided for. For instance, in my house there is a meter provided at the cost of the Corporation. What we desire is that this state of affairs should be left undisturbed. Section 171-B which bears close relation to section 171-A should be deleted with the exception of paragraph 1.”

The motion was duly seconded.

* Diwan Bahadur C. NATESA MUDALIYAR:—“Of course section 171-A has been deleted from the Bill because that section related to compulsory metering of houses. So hereafter all houses will not be compulsorily metered. In the case of a few applicants who apply for connexions, there will be compulsory metering if you allow section 171-B to remain as it is. It reads:

‘Where an owner or occupier applies for a connexion for the supply of water, he shall pay the cost of making such connexion as well as the cost of the meter, if any, and the charge for fixing it.’

“So if you remove the words ‘as well as the cost of meter’, everything will be all right. I request the Raja Sahib to remove the words ‘as well as the cost of meter.’ If anybody wants water connexion hereafter and if he applies under section 171-B, his house will be metered, and those houses that have already taps will be exempted. So if those words ‘as well as the cost of meter’ are removed everything will be all right. The Hon. the Raja of Bobbili gave us concession under the previous section 171-A and I hope the same concession will be extended to us now also.”

* The Hon. the PRESIDENT:—“I am unable to follow the hon. the Mover of the amendment. Mr. Appadurai Pillai has not been quite definite as to the sub-clauses that he wants to be deleted, but has moved

11-45
a.m.

[The President] [31st January 1936]

for the deletion of the whole clause 171-B. Then as far as I understand Dr. Natesa Mudaliyar, he wants to delete the whole clause 171-B."

Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, when clause 171-A was deleted, we thought that metering of any sort was abandoned altogether. But on further consideration we found that was not the case. If the Hon. the Raja Sahib would now consent to delete the reference to metering and the cost of metering in this clause, we will gain our object. I would also request Mr. Appadurai Pillai to agree to my amendment."

* Diwan Bahadur A. APPADURAI PILLAI:—"Sir, I wanted that the whole of clause 171-B should be deleted. However if that was not acceptable, I proposed that sub-clause (1) alone might be retained while the other sub-clauses might be deleted. My contention was that clause 171-B should go inasmuch as clause 171-A has been deleted, for the simple reason that the provision made in 171-B has already been made in 169-A."

* The Hon. the RAJA OF BOBBILI:—"Sir, there seems to be some misunderstanding with regard to this amendment. When the Council dealt with this Bill last time it was agreed that clause 171-A which introduced compulsory metering of all houses should be deleted. Consequent upon that decision the other relevant sections have been examined carefully to see whether it is necessary to carry out any consequential amendments. It has been found that it is sufficient if section 172 is amended and I have also given notice of an amendment to that section yesterday. As far as 171-B is concerned the decision of the Council last time was only to delete the provisions of compulsory metering. But it was never intended that the Corporation should be deprived of the power of metering any house according to their by-laws. If clause 171-B is carefully read it will be seen that all that it says, is:

'Where an owner or occupier applies for a connexion for the supply of water, he shall pay the cost of making such connexion as well as the cost of the meter, if any, and the charge for fixing it * * *'

"The words 'if any' clearly show that in all cases metering is not compulsory and only when a connexion falls under the by-laws of the Corporation in this respect, the Corporation will have the power to fix a meter and recover the cost thereof. I understand that clause 171-B more or less follows the present by-laws of the Corporation and as they do not make the metering of every such connexion compulsory, I feel, Sir, the clause may remain as it is. I have therefore to oppose the amendment."

Mr. BASHEER AHMED SAYEED:—"Sir, I was myself unable to follow the arguments advanced by the hon. Member for the Indian Christian constituency. He seemed to be thinking that there was no necessity for section 171-B after clause 171-A had been deleted. Not at all. Whether section 171-A remained or whether it is deleted, all the same there is every necessity, logical necessity, for the retention of section 171-B. 171-B comprises three categories of cases: one is connexion and metering given on the application of the owner or the occupier

31st January 1936] [Mr. Basheer Ahmed Sayeed]

of a house; the second is connexion and metering done at the instance of the Commissioner; and the third is the case of the occupier having a right of recovery against the owner when the connexion and metering is done on his application. It is essential that the Corporation should be empowered to recover whatever it might have spent in this respect either at the instance of the Commissioner or at the instance of the owner or occupier. It is also essential that the occupier of the house should be enabled to recoup himself in case he has paid the cost of connexion and metering to the Corporation in default of the owner. Therefore this clause is not dependent to any extent upon section 171-A at all. Section 171-A has been deleted. 171-B gives power to the Commissioner to recover the cost of metering and connexion. Then there is a further advantage in retaining this section. It lays down that all sums payable under sub-section (1), sub-section (2) or sub-section (3) shall be recoverable in the same manner as the water and drainage tax. Hitherto there was no such provision. It is necessary in the interests of the finances of the Corporation that they should be enabled to recover the cost of connexion and metering in the same manner as the drainage or property-tax. This is a very comprehensive clause. It should not be deleted, but retained. As regards Dr. Natesa Mudaliyar . . ."

Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, I have been completely satisfied with the explanation given by the Hon. Minister."

Mr. BASHEER AHMED SAYEED:—"The cost of connexion cannot be given up; it must always be paid by the owner. That is the usual practice. The owner of a house who gets the benefit of the connexion given by the Corporation must pay the amount to the Corporation and the Corporation must be enabled to recover any expenditure that they might have incurred in this behalf . . ."

* The Hon. the PRESIDENT:—"The hon. Member is arguing even though Dr. Natesa Mudaliyar has been convinced."

* Diwan Bahadur A. APPADURAI PILLAI:—"Sir, I am sorry my contention has not been followed by the hon. Member. Either I have not made myself clear to him or he has not had the patience to understand me. He says that section 171-B provides for the recovery of the cost of connexion and metering. I pointed out that provision has been made for that already in sub-clause (4) of section 169. Unfortunately that section has been replaced by another section, which has no bearing on the question of recovering the costs. That was why I suggested that if necessary sub-clause (1) of section 171-B might be retained. I do not find any need for the rest of the section, because all that it covers has been provided for in the by-laws of the Corporation. That is my contention. If Dr. Natesa Mudaliyar is anxious to withdraw his amendment, I am not anxious to withdraw mine. I have carefully considered 171-B and deliberately put in my amendment."

* Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil of which the following is a summary:—

"Sir, I hope that Diwan Bahadur A. Appadurai Pillai will not withdraw his amendment. It is quite necessary. A good deal of inconvenience will be caused by metering the water connexions. It has

[Mr. P. C. Muthu Chettiyar] [31st January 1936]

been said that only new connexions will be metered and old ones will be left as they are. I do not understand what is meant by a new connexion. The word 'new' will require a lot of interpretation. Suppose a house takes a water connexion to-day and to-morrow owing to some repair and remodelling of the house the pipe line has to be diverted along a different path; will that be called a new connexion or an old connexion? Sir, we do not want metering in any shape or form. That was the decision of the Council on the last occasion. There should be no distinction between old and new connexions so far as dwelling houses are concerned. For, any water that is used in dwelling houses will be used only for domestic purposes. They will not use it for sailing ships and boats on it. But the case of gardens is different. Metering is necessary in their case. But no metering should be done in the case of dwelling houses. I hope that Dr. Natesa Mudaliyar will not change his mind. I am sure that Diwan Bahadur Appadurai Pillai's proposal will be acceptable to the House and will give all-round satisfaction. I urge that clause 171-B should be deleted."

Raj Kumar M. A. MUTHIAH CHETTIYAR of Chettinad:—"Sir, there is only one point which I would like the Hon. the Chief Minister to clear up before the amendment is put to vote. I understand that two issues are involved in this question: one is the question of compulsory metering of houses. I think Mr. Appadurai Pillai is afraid that the retention of this clause will mean the compulsory metering of all houses. I may assure him that that is not the case. The other question is whether the party concerned should be asked to pay for the meter. I think that this clause has not made the position clear. Sub-clause (1) says:

'Where an owner or occupier applies for a connexion for the supply of water, he shall pay the cost of making such connexion as well as the cost of the meter, if any, and the charge for fixing it.'

"When an owner or occupier applies to the Corporation that a meter may be fixed to his house connexion, I think he is bound to pay the cost of metering. That is what the sub-clause says. The second sub-clause says that where the Commissioner requires a particular house connexion to be metered, he should be empowered to collect the cost of metering from the owner or occupier. But at the same time if the Council of the Corporation passes a resolution that the Commissioner need not collect the cost of metering in such cases, then he would not do so. But in cases in which an occupier or owner voluntarily requests the Commissioner to fix a meter for his house connexion, then he will have to pay the cost of metering. I do not think it is the intention of this section to enable the Commissioner to collect the cost of metering in cases in which the Council of the Corporation by a resolution decides that the cost need not be collected, irrespective of the fact whether the initiative to have the connexion metered is taken by the Commissioner or the owner or occupier. Once these points are clearly agreed upon, we must amend this clause in such a way as to make it clear that the Corporation has the power to decide that the cost of metering need not be collected in certain cases. Even if the Corporation so decides, if the

31st January 1936] [Mr. M. A. Muthiah Chettiyar]

first sub-clause is retained as it is, the Commissioner is bound to collect the cost of metering from owners or occupiers who apply for metering of their house connexions. So we have to amend sub-clause (1) to make it consistent with the latter sub-clauses."

* MR. R. MADANAGOPAL NAYUDU:—"Sir, I am afraid the previous speaker has not put forward clearly the present state of affairs in the Corporation. Sir, nobody is going to ask the Corporation to meter his house connexion. Therefore that case may be completely ruled out. According to the by-laws framed under section 349 of the City Municipal Act, the Corporation is entitled to meter compulsorily the connexions of houses where there are more than two taps and also of bungalows where water is used or is likely to be used for gardens and non-domestic purposes. In these cases, a person who wants a connexion is asked to pay the charges of metering along with the charges of connexion before the connexion is given to him.

"If it is the desire of the Kumara Raja of Chettinad, ex-Mayor, that the cost of the meter need not be recovered from the person who wants such a connexion, I shall be very glad if the Government are prepared to accept it. There are two sorts of cases, one, the house which has necessarily to be metered because of the use of water for non-domestic purposes and on account of the fact that it has more than two taps. There is then the case of the house which the Commissioner has power to ask to be metered, because water is being wasted. When the house is metered, it will be too hard to ask the house-owner to pay for the meter. That is the second case provided for. I shall certainly be glad if the House will accept the amendment but I have my own doubts about it."

12
noon.

MR. T. C. SRINIVASA AYYANGAR:—"Sir, as a mufassal man, I find it difficult to follow the discussion. After I heard so many hon. Members, it appears to me that it is a question of language rather than of rules. I understand that the question of compulsory metering has been abandoned. I understand further that there are cases where in the discretion of the Commissioner or in certain circumstances, metering can be compulsorily made; it is not in the case of every one but in certain specific classes of cases. If, in cases where more than one tap is required for garden and other purposes, connexion is to be allowed, the house-owner has to pay the cost of metering. That, I think, is the question which is involved. As has been pointed out by the Hon. the Chief Minister—these words are repeated here, i.e., 'if and where metering is really necessary'—then alone the cost is recoverable; it does not connote any idea of compulsory metering in an unpractical way and recovery of the cost. That is what I understand. It is only appropriate that hon. Members should be enabled to follow the discussion here. I merely seek information; hon. Members who are conversant with the City Municipal affairs may be pleased to elucidate the matter further."

The amendment was put and lost.

[31st January 1936]

* Mr. C. BASU DEV:—"Sir, I had given notice of this amendment long before the Hon. the Chief Minister kindly consented for the deletion of section 171-A. The object of my amendment is to differentiate between two kinds of water-supply, one for domestic purposes and the other for non-domestic purposes. But in view of the fact that the Hon. the Chief Minister's consent was given on the understanding that the present powers of the Corporation to meter such houses at their discretion will be retained, I do not think I will be justified in moving these amendments. I therefore do not move these amendments."

Clause 96 as amended was put and carried.

Clause 97 (i) (a).

Section 172.

* The Hon. the RAJA OF BOBBILI:—"Sir, I beg to move the following amendment:

'In new clause (b) of sub-section (1) of section 172, omit the words, figures and letter "section 171-A or of."'"

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

The amendment was put and carried.

* Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, I beg to move the following amendment:—

'(1) In sub-section (1) of section 172 of the Act, for the word "may" in line 1, substitute the words "shall not."

'(2) For sub-section (1) (a), substitute the following:
(a) "unless the premises are unoccupied."

'(3) At the end of sub-section (1) (d), add the following words:
"such tax shall be recovered as any property-tax due."

'(4) In sub-sections (1) (e) and (f), for the word "if" substitute the word "except."

'(5) In sub-sections (1) (g), (h) and (i) for the word "if" substitute the word "except."

Sir, my object in moving this amendment is that under no circumstances water should be cut off from a premises. Water is necessary, Sir, whether the man pays his water-tax or not; a person should bathe, he should drink, he should clean his house. If you cut off the water-supply, how can the persons living in that house drink, bathe or clean the house? If a man does not pay the property-tax due on a house, are you preventing him from occupying that house? No, you only distrain the property; similarly if he does not pay the water-tax, you should not cut off the water-supply. You may take his property, distrain his property and collect the tax as you collect the property-tax. I am giving one instance. There was a house in Viraraghava Mudali street, Triplicane, where 500 people assembled for a marriage, but water was cut off exactly at the time when they were going to take their

[31st January 1936] [Mr. C. Natesa Mudaliyar]

food. How are these 500 people to wash their hands, drink water, etc. Immediately I telephoned to Diwan Bahadur Venkatanarayana Nayudu who was the Commissioner then; he came immediately and had the tap opened. Five hundred persons were saved that day. Water-supply should not be interfered with. As I said, even coffee-hotels should not be metered. Water-supply should not be interfered with because water is most essential; you can recover the water-tax by distraining the property. All that, you can do; but never cut off water-supply; that is my intention; that is why I move my amendment."

The motion was duly seconded.

Mr. K. P. RAMAN MENON:—"Sir, I wish to add a few words to what Dr. Natesa Mudaliyar has stated. I agree with him in thinking that, if water-tax has to be collected, it can be recovered just as you recover any other tax. Further, Sir, if water-supply is cut off, will it not make the place more insanitary, and the persons who are occupying the particular place liable to ill-health. Are you justified in making the particular locality insanitary, by stopping the water-supply? This aspect of the question may be considered in coming to a conclusion as to whether water should be stopped for failure of payment of dues of water-tax. That is a very strong argument in support of the position taken up by Dr. Natesa Mudaliyar."

* The Hon. the RAJA OF BOBBILI:—"Sir, this question was carefully considered in the Select Committee. It was felt that in the interest of the speedy collection of revenues by the Corporation, the existing provision should be retained. No doubt this power is given to the Corporation. I understand that, in actual practice, every attempt is made to collect the arrears before water-supply is actually cut off. I am sure that the actual instances where the executive authorities would have recourse to this section, will be very few. The existence of such a power would facilitate speedy collection. I do not see why the Corporation should be compelled to supply water to those who refuse to pay the tax due to the Corporation. I must therefore oppose this amendment."

Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, if the provision is to be used only in extreme cases, I have no objection to withdraw my amendment. But in some cases one man occupies the house and he goes away without paying his dues as water-tax; and then another man comes and occupies the house. Is he to be denied water? The Commissioner is here; I hope this provision in the Bill will be used in only extreme cases and that the Commissioner will be as lenient as possible. With these words I withdraw my amendment."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, it must be open to the other Members to oppose the withdrawal and to support the amendment; it is only then hon. Members would be able to give their votes properly."

* The Hon. the PRESIDENT:—"The mover of the amendment has already replied; now I have only to put the amendment to the vote of the House. If hon. Members are not very alert, it is not my fault."

[31st January 1936]

The amendment was put and lost.

Clause 97, as amended, was put and carried.

Clause 98.

Section 178.

12-15 p.m. * Mr. C. BASU DEV:—" Mr. President, Sir, I beg to move the amendment that stands in my name, i.e.—

'In sub-section (2) of section 178 of the Act, for the words "one hundred feet," the words "fifty feet" shall be substituted and sub-section (3) of section 178 of the Act shall be omitted.'

Sir, the object of my amendment is to make matters easy for house-owners in this city who may be called upon by the Commissioner to construct a drain leading from their houses to a place specified by the Corporation for the discharge of the sewage or dirty water.

"Sir, most of the richer quarters are very adequately supplied with a net-work of drains; it is only in the poorer and slum areas that drains are not to be found near the houses. If poor people are asked to construct drains over a length of 100 feet, it will, in my opinion, work a great hardship on them. In order to minimize such hardship, I suggest the acceptance of this amendment, so that owners can only be asked to construct drains for not more than 50 feet, leaving it to the Corporation to complete the remaining length if any of the drain. With these words, Sir, I move the amendment."

Diwan Bahadur A. APPADURAI PILLAI:—"I second it."

* The Hon. the RAJA OF BOBBILI:—"Sir, this question has also been carefully considered by the Select Committee and it was decided that the existing provision should be retained. The hon. Member who moved this amendment has not quoted any case where there has been any real hardship in the working of this section. I do not therefore see why we should change the present state of affairs. I have to oppose the amendment."

Mr. BASHEER AHMED SAYEED:—"Sir, the Hon. Minister has opposed the amendment already, and I may also be permitted to add that the amendment is not in the interests of sanitation or of the persons who will be affected by this amendment. If within 100 feet from the house there is a drain, then the section calls upon the owner or the occupier to have a connexion with the Corporation drain; but if the Commissioner is to call upon an owner or an occupier to do so only if there is a drain within 50 feet from the house, it would mean that we will be adding to the insanitary condition of the area. In other words, all those houses that are not within 50 feet from the drain will have no connexion, and the result will be that water will stagnate and cesspools will be formed. On the other hand, my friends like Diwan Bahadur Natesa Mudaliyar and others have been stating that cesspools

31st January 1936] [Mr. Basheer Ahmed Sayeed]

must be got rid of. If we are to do that, we must naturally increase the distance from 100 to 200 feet and more. This amendment is therefore a retrograde step from the point of view of the sanitation of the city."

* Mr. C. BASU DEV:—"Mr. President, the hon. Member who has just sat down does not seem to have heard my speech correctly and followed it to the very end. I said that the maximum length over which an owner may be asked to construct the drain should be 50 feet and nothing more. In fact, I said that the drain for the remaining distance if any should be constructed by the Corporation. I never said . . ."

Mr. BASHEER AHMED SAYEED:—"But the amendment is not that."

* Mr. C. BASU DEV:—"Will my hon. Friend see the list of amendments? He will notice that further down I have given notice of another amendment which will complete the idea of my present amendment. In moving this amendment, I have made it quite clear that the object is not to leave the dirty water to stagnate, but to make the Corporation do its part of the duty by constructing the drain over and above 50 feet.

"The Hon. the Chief Minister stated that I had not quoted any cases of hardship. I am afraid, Sir, I am not in a position to quote cases of that kind but I can distinctly visualise the hardship but as I said at the beginning, the bulk of the people who will be affected by this provision are the poorer people, and I am sure they will certainly feel it hard to meet the cost of such construction. If the Commissioner who is here will kindly tell us in a detailed manner what exactly is the case at present and if in his opinion the present provision does not entail any hardship on the poorer people, I am prepared to withdraw my amendment."

Mr. R. MADANAGOPAL NAYUDU:—"Mr. President, Sir, the practical difficulty in accepting the suggestion of my friend Mr. Basu Dev which I want to point out is that the Corporation has no power under the Act to do construction work on private lands. The cost may be surcharged if any building is erected on private land. Therefore, the construction of 50 feet of drain on private land is beyond the provisions of the Act. Even if this amendment is now accepted, I think it will be *ultra vires* of the powers of the Corporation, and I do not think this Council will legislate beyond the provisions of the City Municipal Act. At any rate, I do not think that is the intention of the mover. As it is, Sir, it will not be competent for the Corporation to spend any money on the construction of such drains."

Mr. C. BASU DEV:—"All the drains are not on private land."

Mr. BASHEER AHMED SAYEED:—"Is my friend entitled, Mr. President, to talk twice?"

[31st January 1936]

* The Hon. the PRESIDENT:—"The hon. Member was, I thought, going to withdraw, but he seems to make a speech."

"I shall now put the amendment to the vote of the House."

The amendment was put and lost.

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, I move that—

'In sub-section (3) of section 178 of the Act in line 7, for the words "a closed cesspool or other" substitute the words "any sanitary".'

Sir, this question also has been discussed in the Committee; but I want to impress on the Hon. the Chief Minister that there is no necessity at all for cesspools in the City of Madras. Nowhere in any civilized country are these cesspools encouraged. They have now transplanted a chapter from the Calcutta Municipal Act on cheris, in this Bill. But there the word 'cesspool' never occurs. I consulted the sanitary authorities such as the Director and an Assistant Director of Public Health. Both of them said that 'cesspool' is not a desirable way of disposing of sewage. When there is a cesspool in front of a house, dirty water accumulates. Even if it is a closed cesspool, little boys take away the lid most probably to commit nuisance inside, and mosquito breeds in the cesspool. Again, when emptying the cesspool water into the sewage carts—they may be closely sealed carts—sewage water is spilt on the floor. The whole place is made dirty and then again when the cart is dragged, dirty water is spilt on the road. The whole process is nasty from beginning to end. I therefore request the Hon. the Chief Minister to consult the Director of Public Health in this matter. Cesspools must be avoided, and we should not have even a single cesspool in the city, if we are really a civilized people supposed to be in perfectly sanitary surroundings."

* Mr. D. M. REID:—"Mr. President, I think there will have to be a consequential amendment in the same sub-section, some lines further on where also the word 'cesspool' occurs—of course if this amendment is to be carried. I suggest that such an amendment may also be considered now."

"As regards my friend's amendment, though I heartily reciprocate his sentiments, I am not in favour of the proposal, because I think the present method is the more practical way of enforcing a proper disposal of the sewage . . ."

* The Hon. the PRESIDENT:—"May I point out to the hon. Member that the amendment has not yet been seconded?"

Mr. V. M. RAMASWAMI MUDALIYAR:—"I second the amendment, Sir."

* Mr. D. M. REID:—"Sir, this is a matter in which there can be no very strong feeling either way; we only want to do what is really best in the interests of sanitation. As far as I can see, the question

31st January 1936] [Mr. D. M. Reid]

which this House has now to decide is: what is the position of a house situated, say, some 200 feet from a road where there is a public drain and up to which naturally a landowner will often not be willing to erect a drain? If it is proposed to permit of a cesspool being constructed in such cases—and I think Mr. Natesa Mudaliyar will agree that there can be good cesspools from the point of view of sanitation—the danger is that it will not be kept in a decent condition, or rather that it will be badly kept. It must be kept in such a way that the sullage could not go into the adjoining land. I feel that if these cesspools are properly kept and looked after, they are an excellent way of getting rid of the sewage water."

* Mr. T. SUNDARA RAO NAYUDU:—"Sir, what my hon. Friend Mr. Natesa Mudaliyar stated has a great deal of force, but as a matter of practical politics, I do not know where it will end if we are to take away these cesspools. At present, Sir, in the City of Madras, if we take away these cesspools and insist upon every house-owner to fix any other sewage plant, the result will not be quite satisfactory. I think there are to-day in the city about 7,000 to 8,000 cesspools. If we take away these cesspools and ask all the 7,000 and odd houseowners to construct some other sewage plant for disposing of the sewage water from their houses, it will be working a very serious hardship on them. At the same time, I deprecate the idea of having cesspools in front of houses. The present practice is this: the sewage cartman comes there, opens the cesspool, pours the water into the cart, leaves the lid open and goes away and as a result mosquitoes begin to breed and we find it absolutely impossible to keep the surroundings in a perfectly sanitary condition. However vigilant the Commissioner of the Corporation may be, he will not be able to deal with the menial servants of the Corporation properly. Their civic conscience is not so great as to make them do their duties automatically and close the cesspools with their lids after the water is poured out into the carts. I therefore suggest that for the present we can leave the provision as it is and request the Commissioner provisionally to see that wherever there is a cesspool now, the house-owner is insisted on to have some other sewage disposal plant constructed. At present it is not advisable to take away these cesspools and make the place more insanitary than now. With these words, Sir, I oppose the amendment."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Mr. President, I do not know whether the hon. Mover of the amendment, Dr. Natesa Mudaliyar, has seriously thought about the consequences of his amendment. Mr. Sundara Rao Nayudu has just pointed out that there are about seven or eight thousand cesspools in the town and unless the Corporation provide an effective system of drainage they should remain as they are at present. If any other effective system of drainage is introduced then it may be all right. According to the amendment of my hon. Friend Dr. Natesa Mudaliyar, the Commissioner has to call upon the owner of the house to provide sanitary or other sewage plant. We do not know what the cost of the 'other sanitary' or other

12-30
p.m.

[Mr. C. S. Ratnasabhupati Mudaliyar] [31st January 1936]

sewage plant will be. Probably it may be several hundreds or several thousands of rupees. If you ask the house-owner to remove the cesspools and provide some other sanitary sewage plant, how will it be possible for a poor owner to provide it at such a cost? Because there is no other system of drainage he has been provided with a cesspool and if he is asked to close it down and substitute it by other sanitary or sewage plant, what can he do? Is he to provide a small pump in front of his house to dispose of the matter by working the pump; and then what will be the cost of such a scheme for a poor house-owner and where will the water be let out finally? I think it will only be inflicting a hardship on these several thousand owners if they are asked to make such an arrangement in front of their houses."

Mr. BASHEER AHMED SAYEED:—"Mr. President, Sir, there is another aspect of the matter which I would like to impress upon the House in connexion with this amendment. That is, I would invite the attention of hon. Members to read the earlier portion of this section. The cesspools are an unavoidable necessity; and it is not that they have been kept there by way of luxury. If in the opinion of the Commissioner any premises are without sufficient means of effectual drainage, then the cesspool is brought into existence. In the second place, no part of the premises should be situated within 100 feet of a public drain or other place set apart for the disposal of drainage. Then only the Commissioner is called upon to construct a closed cesspool or other sewage disposal plant. Now, what the hon. Mover of the amendment seeks to achieve is only this. I do not see why there should be any difficulty for the Commissioner of the Corporation to call upon the owners to provide sanitary or sewage disposal plant; and nothing prevents the Commissioner from providing such sanitary arrangements at all. The very fact that the Corporation does anything will imply that it is subject to the sanitary and healthy condition of the locality. I do not see that any purpose will be served by this amendment. Cesspools were devised as a temporary measure before the area was improved or before underground system of drainage was carried into effect in a locality. If the cesspools are going to be abolished and if sanitary or sewage disposal plant is to be installed in its place, in the interval there will be a lot of nuisance committed with the consequent ill-health in the locality. Then, Sir, does my hon. Friend, the Member for the City of Madras, who is always a friend of the poor, imagine what the cost of installing such a sanitary or sewage disposal plant would be? As a matter of fact, the places that will be affected by this amendment are after all a small area where poor people live, and if you are going to ask these poor people to put up such a plant, the cost would be enormous and it will be a great hardship to them indeed. And, even if there is no hardship, I do not see that there is anything in the section which prevents the Corporation from putting up or creating a device for the satisfactory disposal of sewage. I would therefore suggest that as a temporary and unavoidable necessity these closed cesspools must be kept on and if they are abolished, it will land us in very many difficulties particularly in regard to sanitation and public health."

31st January 1936]

[Mr. Basheer Ahmed Sayeed]

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, I would like to support very heartily what has been stated by my hon. Friend, Diwan Bahadur Ratnasabhupati Mudaliyar. If instead of the words 'cesspool,' the words suggested by Dr. Natesa Mudaliyar are introduced, it will be hard on some of the residents of the City of Madras. There are localities where the drainage arrangements have not been extended or taken up. For instance, there are places like Kilpauk and Chetpat, where drainage arrangements have not been made by the Corporation. If you take my own case, there is a cesspool in my house, it is very much neglected except for the Corporation man who comes there once in six months to clean it; and we are threatened with prosecution for rearing mosquitoes. So long as drainage arrangements are not made, the cesspool is a necessity. If, instead of the words 'cesspool' the words 'sanitary or other sewage disposal plant' are substituted, we do not know what new arrangements Corporation may turn up any fine morning and demand. It will really work a hardship on the poor owners of houses if this amendment is accepted. Here I wish to quote an instance. The Commissioner of the Corporation issued an order last year or so that all the houseowners should put up small bunks just in front of their houses so that the scavengers might deposit the night soil in them, and we houseowners had to knock down a portion of our compound walls for erecting these small bunks for the scavengers to use them. The result was that the whole line of houses have got these bunks. The moment the man comes out of the house, he feels nothing but the stench which causes great inconvenience. But, Sir, unfortunately or fortunately, these bunks are not now used and no scavenger keeps the tub there. I therefore think that the section in the Act should be allowed to remain as it is, because the cesspool is a necessity until at any rate the drainage system is extended to some of the outlying parts of the town. I would join hands with my hon. Friend, Diwan Bahadur Ratnasabhupati Mudaliyar and Mr. Basheer Ahmed and ask Dr. Natesa Mudaliyar to drop his amendment."

* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"Sir, I think, my hon. Friend is wrong when he says that the Corporation has ordered that the night soil should be deposited in such bunks. The order refers to refuse. The fact is that the house-owners and occupiers deposit refuse into dust bins so as to make it easier for the conservancy carts to gather it. . . ."

* Diwan Bahadur A. APPADURAI PILLAI:—"On a point of personal explanation, Mr. President. Probably the Commissioner is not aware of it, and if he will only come with me I shall show him a number of such bunks which have been constructed along the Poonamallee High Road. As a matter of fact those bunks remain unused; and I believe it is within the knowledge of the Hon. the President also that in the

Poonamallee Road there are a number of such bunks. We have been asked to construct them though they remain unused. I do not refer to dust bins that are provided in front of our houses"

[Mr. A. Appadurai Pillai]

[31st January 1936]

* The Hon. the PRESIDENT:—"Order, order, points of explanation must be rather short."

* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"Sir, I still feel that my hon. Friend is not correct. However, I accept his invitation to go with him to inspect such places."

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, as I stated in the beginning, we discussed the point in the Select Committee. Because I wanted to impress upon the Hon. the Chief Minister the necessity for lessening the number of cesspools I moved this amendment. The Director of Public Health and the sanitary authorities are against this; but as regards the point raised by my hon. Friend, Mr. Reid, I can only tell him that there are various ways of disposing of the sewage in big towns. For instance in Diwan Bahadur Venkatanarayana Nayudu's house, there is a big septic tank system existing and so in other bungalows also they can do like that. Then as regards the observations of other hon. Members, namely, what should be done in places where there is no underground drainage system, I would ask them, what is it they were doing when there was no such system previously in the City of Madras. Then there were only the side drains. Even now I think instead of these cesspools, the erection of any sanitary sewage disposal such as even side drains in the places where there are no underground sewers will be a satisfactory thing to do. It is not such a big thing as Mr. Ratnasabhapati Mudaliyar thinks. If the poor owners are not able to do it, let the Corporation do it, by taking up the work on behalf of the owner and then realizing the cost in instalments as they do at present in the case of flush-out latrines. Anyhow, cesspools ought not to be continued. (Even now, I am of the opinion that it is a disgrace to the Corporation to have cesspools especially in a civilized Corporation as the City of Madras. The Local Government may spend as much as possible to see that other ways are introduced instead of the cesspools. I hope our Commissioner will consult the Director of Public Health and others to see how best to dispose of the sewage without these cesspools. I leave it to the Hon. the Chief Minister to give us as much money as possible so that these cesspools may be displaced by other sanitary arrangements. All I want is that our city should be as sanitary as possible. I withdraw my motion."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, if I rise to speak, it is not on the motion itself, but on the way in which amendments are put forward and immediately withdrawn. It puts us all in an embarrassing position. We do not know how an amendment is going to be dealt with in this House. Arguments are adduced in favour of an amendment. After the reply, when the mover of the amendment withdraws, arguments are advanced in favour of the amendment, but still he says the amendment is withdrawn. In that state of affairs, it is difficult for us to follow the discussion. I therefore formally oppose the motion for withdrawing the amendment."

31st January 1936]

[Mr. T. S. Ramaswami Ayyar]

* The Hon. the PRESIDENT:—"I will now put the amendment to the vote of the House. The question is—

'In sub-section (3) of section 178 of the Act, in line 7, for the words "a closed cesspool or other," substitute the words "any sanitary".'

The motion was put and lost.

Clause 98 was put and carried.

Clause 99.

Section 179.

* Rao Bahadur P. C. MUTHU CHETTIYAR (Tamil):—"I move—
'Omit clause 99.'

"செக்ஷன் 179 ஐ ஒமிட் செய்யவேண்டுமாய் அமெண்டுமெண்டு. பளாக்கா யுள்ள ஸ்டோர் வீடுகளில் பொதுவாக டிரையினேஜ் கட்டவேண்டியதாக கமிசனர் தீர்மானித்தால் அந்த சிலவை சொந்தகாரரிடம் வரி வசூலுக்கு ஒப்பந்தம் வசூலிக்கவேண்டுமாய் சிலகட்டு கமிட்டியார் சிபார்சு செய்திருக்கிறதை நியாய மில்லை என நினைக்கிறேன். 12-45 p.m.

"பளாக்காகவோ ஸ்டோராக கட்டுவதால் அதற்கு வரிகளை கார்புரேசனில் விதித்து உங்களுக்கு வசூலிக்க ஏதுவாகிறது. பப்ளிக் ஸ்டீட்டில் எப்படி டிரையினேஜ் கட்டுவதுபோல் பொது காரியமான டிரையினேஜ் கார்புரேசனில் தான் கட்ட வேண்டுமே தவிர பிரைவேட் என்பதற்கு வித்தியாசம் காட்டப்படாது. இது முன் ஆக்ட்டிலும் இல்லை என எண்ணுகிறேன். இந்த மாதிரி ஸ்டோராக கட்டிவிடுவது பெரும்பாலும் ஏழைகள் குடியிருக்கவே உபயோகமாயிருக்கும்."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

The Hon. the RAJA OF BOBBILI:—"The amendment of my hon. Friend is to omit clause 99. In his speech moving the amendment he wants to confine it to the portion relating to recovery. I think such a power is necessary to recover the cost of any work. I oppose the amendment."

Mr. R. MADANAGOPAL NAYUDU:—"One thing I want to make clear. Mr. Muthu Chettiyar has stated that the houses of the poor should also be given drains. No Corporation or other public body would oppose such a thing. The reference to the Commissioner constructing and recovering the cost is in regard to work in the private land. Therefore the cost is made recoverable by the Commissioner. The Corporation is not bound to provide sewers in private lands."

The amendment was put and lost.

* Mr. C. BASU DEV:—"I beg to move—

'Insert the following as section 179-A:—

"The Corporation shall provide and maintain a system of drains which shall be not further than 50 feet from any premises in the city and wherever such a distance cannot be kept, the

[Mr. C. Basu Dev]

[31st January 1936]

Corporation shall at its own cost construct the portion of the drain in excess of the 50 feet to effect connexion between the premises and the Corporation drain."

Sir, to me it seems that this amending Act is making provisions fastening more and more obligations and liabilities on the citizens without an equal burden of obligations on the part of the Corporation. The Corporation collects taxes by coercive measures even. If the Corporation had any claim or hopes for any claim for civilization it must have a perfect system of drains to drain away the dirty water. No drain can be more than 50 feet farther from any house in the city. That, I think, is a simple proposition with which my hon. Friend the expert Member, the Commissioner of the Corporation, the Mayor, the ex-Mayor of the Corporation of Madras and the councillors will agree. If they agree I do not think there will be any difficulty in accepting the motion."

Rao Bahadur P. C. MUTHU CHETTIYAR:—"I second it."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"I am sorry I have to oppose the motion of Mr. Basu Dev. I was in favour of reducing the distance from 100 to 50 feet. Corporation will have to build drains even when the houses are in far off places. If in an area measuring 10 or 15 acres a hut is constructed in a corner and sullage water stagnates, if this amendment is passed, it will make it obligatory on the Corporation to provide the drain at public cost to help a single individual. So I oppose the amendment."

* Mr. T. SUNDARA RAO NAYUDU:—"Mr. President, Sir, the idea that prompted my hon. Friend Mr. Basu Dev is no doubt very good. I wish this resolution is carried and put into practice. But let us see if this can be put into practice at all. If this resolution is carried and if the Commissioner is asked to execute work according to the resolution that is to be passed the commitment of the Corporation will be so great that we shall have to either raise the tax or come to the Government for contribution either whole or in part. In my estimate if this resolution is passed the Corporation may have to spend about 10 to 15 lakhs of rupees to see that every house is provided with a drain which is at least 50 feet from its sewage outlet. My hon. Friend, Mr. Ratnasabhapati Mudaliyar, has already stated that every bungalow will insist on its drain being connected at the cost of the Corporation. There are 160 cheris in Madras in private lands and every bungalow in Kilpauk and Adyar is so far away from the road and if every house-owner can compel the Corporation to bring the main sewage drain within 50 feet from his outlet the cost which the Corporation may have to incur will be enormous. So I oppose the motion."

* The Hon. the RAJA OF BOBBILI:—"I understand the hon. Member had it as part of a scheme to insist that the Corporation should spend public monies to construct drains on private lands. The previous amendment has been lost. I think the same arguments

[31st January 1936]

[The Raja of Bobbili]

which were advanced in that case apply equally to this. The principle involved is the same, viz., whether public money should be spent to construct drains on private lands or whether owners of lands should not themselves undertake the expenditure. Moreover it will mean an enormous drain on the resources of the Corporation. They will hardly be able to bear it if we make any statutory provision of this kind. As I find it impracticable I have to oppose this amendment."

* Mr. C. BASU DEV:—"I would like to say a few words. I would like to clear some misunderstanding given expression to by my friends. The distance of the road or the drain from bungalows of 15 and 16 acres was referred to. The distance between the Corporation drain and the compound wall is the distance I or any reasonable person can mean. In the case of the cheris I do not think we should grudge the poor men the luxury of a drain constructed at the cost of the Corporation. This amendment will certainly go further than the amendment disposed of a few minutes ago. It is not my intention to press if the Hon. the Chief Minister is not willing to accept. I am obliged to point out that in the amending Act they are only increasing obligations on the tax-payer and not on the Corporation. I therefore beg leave to withdraw my amendment with the suggestion to the Commissioner that at least in future they will take early steps to see that the work is done as perfectly as possible and with as little inconvenience and cost to the tax-payer."

The motion was, by leave, withdrawn.

Clauses 99 and 100 were put and carried.

* The Hon. the PRESIDENT:—"Being Friday, the House will now adjourn and meet at 3 p.m."

(After Lunch—3 p.m.)

Clause 101.

* The Hon. the PRESIDENT:—"Clause 101 is for the vote of the House."

Clause 101 was put and carried.

Clauses 102 and 103.

Clauses 102 and 103 were also put and carried.

Clause 104.

Section 194.

* Diwan Bahadur A. APPADURAI PILLAI:—"I beg to move—

'In section 194 (1) (iv), add at the end the following words:—
"and sewage water".'

In the proposed section 194 (1) (iv), provision is made for the removal of filth. I suggest, Sir, that by the addition of the words 'sewage water' arrangements may be made for the removal of sewage

[Mr. A. Appadarai Pillai] [31st January 1936]

water also by means of covered vehicles or vessels. This is dependent upon the retention of the 'cess-pool' by the amendment just now passed by the House in dealing with sub-section (3) of section 178. This is a very small amendment, Sir."

* The Hon. the PRESIDENT:—"There is no seconder to the amendment. It falls through."

Clause 104 was put and carried.

Clause 105.

Section 202.

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, my amendment is—

'In the new sub-section (3) (c) of section 202, omit the words "except for the purpose of deodorizing or disinfecting the filth".'

This is not a very important amendment. Only the language is not happy here. Before moving the amendment, I request permission to say that if the answer to be given by the Hon. Minister is satisfactory to me and I am convinced that there is no need for the amendment, I will withdraw it. So, I request the House and yourself, Sir, to permit me to withdraw it so that objections may not be taken. Sub-section (3) (c) says: 'deposit rubbish in any vehicle or vessel intended for the removal of filth except for the purpose of deodorizing or disinfecting the filth.' That is the language used. We do not deposit rubbish for the purpose of deodorizing or disinfecting, but may deposit some disinfecting substance for deodorizing. So, I think those words should be omitted. I hope the Government will accept my amendment or will change the wording as they like."

Mrs. K. ALAMELUMANGATHAYARAMMA seconded the motion.

* The Hon. the RAJA OF BOBBILI:—"Sir, section 202 of this Act follows the corresponding provision in the Madras District Municipalities Act. The idea is to use any suitable rubbish for depositing on the filth to prevent any smell emanating or to reduce smell. I do not see any objection to the wording as it stands in the Bill. I therefore oppose the amendment."

Diwan Bahadur C. NATESA MUDALIYAR:—"I am not pressing my amendment, Sir. But I request the Government to make the language better at least after some time."

The amendment was by leave withdrawn.

Clause 105 was then put and carried.

* The Hon. the PRESIDENT:—"I will put clauses 106, 107 and 108 to the vote of the House."

Clauses 106, 107 and 108 were put and carried.

31st January 1936]

Clause 109.

New section 214-A. .

* Rao Bahadur P. C. MUTHU CHETTIYAR moved—

'to omit new section 214-A.'

In doing so, he spoke in Tamil and the following is an English rendering of the same—

"As I understand this section, it deals with the damage caused to roads in the process of loading, unloading or depositing excessive weights thereon. The cost of the damage so caused is to be recovered from any person causing the damage on a certificate issued by an officer not below the rank of an Executive Engineer. My contention is that the section should be omitted for this reason. Loading and unloading weights in a public road is a necessity, and the people concerned in the process are generally labourers and not the owners of the articles themselves. Sometimes big companies take their goods in rubber tyred vehicles. All cannot afford it. Ordinarily, when labourers are employed in the process of loading or unloading goods, some damage to the road may be caused. Nobody will spoil the road purposely. Such being the case, it is not known from whom the cost of damage is to be recovered. Is it from the loader or unloader, or the owner of the goods or the man who actually caused the damage? Sometimes, a cart on account of some defect may give way in the middle of a road, causing some damage to the road by making a pit or hole. In that case, what is to be done? Then, this section will affect more the coolies employed in taking the load. Thus this is a terrifying section more to the labourers, and it will only increase litigation. The Corporation may say, 'We have put lights on the road and the lights have been damaged by a crashing vehicle,' and claim damages. Such a damage is incidental. Many people have suffered personal injury on Corporation roads by tripping on uneven ground or protruding stones and thus losing probably a toe. There is nobody to pay damages in such a case. Even without the knowledge of the labourer, some damage may be caused to the road. In all cases of damage, only the intention must be the test. So, I leave it to my learned friends in the House to take note of the effects of this section. The section is not definite. For these reasons, I move my amendment."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"I rise to second the amendment moved by my friend, Mr. Muthu Chettiyar. As we see in Madras city, most of this heavy traffic is carried either by motor-lorries or by labourers who are owning carts of their own. In the Godown street and other places where there is heavy traffic I find most of the coolies own their own carts and do this kind of work. By this provision we would be giving a handle to the executive authorities of the Corporation to take to task these poor people for taking heavy loads in their carts. I think there is already a provision in the Police Act to check or to bring to book all those people who go against the rules of

[Mr. V. I. Muniswami Pillai] [31st January 1936]

traffic. If this clause is accepted I feel it will work a great hardship to the labouring classes. At a time when there is so much of unemployment, I do not think we will be wise in seeing that these poor people are also stranded. With these words, I second the amendment."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Mr. President, Sir, I have to oppose this amendment. This section does not contemplate interference in the cases of ordinary traffic, such as laden bullock carts. It is intended to meet extraordinary cases where on iron-tyred trolleys, heavy boilers and heavy machinery are taken on ordinary roads on a culvert or bridge situated across the road. I take it a bridge or culvert on the road is included in the definition of the word 'road.' If it is not included, it may be taken as part of the road. If a boiler weighing about 25 tons is taken over a bridge intended to carry 10 ton load that bridge will collapse, and also will cause inconvenience to ordinary traffic. This section does not empower the Corporation to interfere with ordinary heavy-laden carts. It is only when the road is heavily damaged by the passing of a heavily-laden trolley or anything like that and after the Executive Engineer issues a certificate that the road has been spoiled because of the weight of the trolley or cart, that the Corporation can recover the cost. I can quote an instance that has happened in a mufassal municipality. A big factory is situated outside the municipal limits. A 25-ton steam-boiler was taken over a road by an iron-tyred trolley—I do not know what they call it in the engineering language—drawn by twenty pairs of bulls or about 500 coolies. They had not provided any iron sheet over the surface of the road with the result that the road was completely damaged for about four miles. The municipality applied for a certificate from the Executive Engineer and afterwards asked the company to pay the cost of repairing the roads which came to several hundreds. When a mill or a factory damages a road I think it but reasonable that such a damage should not be repaired at the cost of the general funds of the municipality or corporation, but it should be met by the owners of the mill or factory responsible for the damage. So it is in the interests of the Corporation and also of the ratepayers that this provision has been inserted here. So I have to oppose the amendment."

* Mr. W. K. M. LANGLEY:—"Sir, I take the same view as the last speaker. I am not seized of the reasons advanced by Mr. Muthu Chettiyar in support of his amendment. But his seconder, so far as I have understood him, seems to think rather illogically that the burden of payment for excessive traffic will fall on the labouring classes. As my hon. Friend, the Member from Coimbatore, has rightly pointed out, it is practically always borne by some large Corporation. I have many instances in my mind, very similar to those mentioned by the last speaker, of cases of very heavy boilers or heavy machinery being taken up to some very large project which is controlled by a corporation or by Government; and it seems to me that it is almost inconceivable that such a clause as this, if put into the Act, can possibly react, as my hon. Friend suggested against the poorer classes.

31st January 1936] [Mr. W. K. M. Langley]

"I shall just give an instance of one particular case which must be within his own memory. He must have seen, as I have, some three years ago, the enormous traffic passing from Ootacamund up to Glen-Morgan for the electrical scheme. This was all carried on large, eight-wheeled lorries, and no damage was done to the road at all. If it had not been attended to by some Government department, all this heavy traffic would have been carried by some contractor or other in country carts, and the condition of the road between Ootacamund and Pykara in that case could better be imagined than described. It is only reasonable that people who want to use the roads for purposes for which they are not ordinarily intended, should pay for any extraordinary damage which may be caused to such roads and it would be most unfair that the local authority which in the last resort is the general taxpayer himself should be called upon to meet any extraordinary cost involved in this extraordinary traffic. I beg strongly to oppose this amendment."

* The Hon. the RAJA OF BOBBILI:—"I am afraid my hon. Friends who moved and seconded this amendment for the deletion of the section have misunderstood the scope and purpose of this provision. This is certainly not intended to cover the normal traffic which we see on streets from day to day, but very extraordinary cases where heavy loads for which the streets are not intended are carried and great damage is done to the streets which have to be made good from the municipal funds. There is absolutely no risk of this provision being abused by the executive authorities. As a matter of fact, the section has been carefully examined, and if any such damage is caused the loss can be recovered only after a certificate issued by the Executive Engineer of the Government Public Works Department. I think in the public interests a provision of this kind is absolutely necessary. I have to oppose this amendment."

Mr. BASHEER AHMED SAYEED:—"I must really thank, Sir, the Government and the authors of this provision in the amending Bill. This was a long-felt necessity in the city of Madras, and it is but right that we should retain this provision. I don't see any case could be made out at all for the deletion of a provision like this. It is very necessary, seeing the way in which the roads are damaged and made to serve private ends and private purposes by those citizens whom I may call very irresponsible in the matter of upkeep and use of the roads. I have personal experience in the matter. (Mr. Abdul Hameed Khan: 'Angappa Naick street.') My friend reminds me of Angappa Naick street. That is not the only street in the city of Madras which has been abused thoroughly by this heavy traffic, extraordinarily heavy traffic which the road cannot bear. If any one of the hon. Members who is interested would go and visit one of the streets where such busy and heavy traffic is going on, they will see the deplorable condition of the roads where things are loaded, unloaded and deposited, and the way in which the wheels are made to run on the roads. I would say this certificate of the Engineer probably might be an impediment and perhaps it is to the advantage of the persons who are prone to abuse the

[Mr. Basheer Ahmed Sayeed] [31st January 1936]

roads. That itself will be an impediment in the way of the Corporation easily realizing the money that they will have to spend by way of extraordinary repairs to the road. Apart from that, I would be happy if this provision is made stricter in its application and be enforced with the least disability. The Executive Engineer's certificate is certainly a circumlocutory procedure. The Corporation has to communicate with the Engineer. The Engineer has to come and prepare the estimates through his surveyors and supervisors and all this will certainly be a long-winded and tedious process. There must be some safety for the other party who is concerned in it. I have a small amendment in order to make the section perfect. I think I shall be able to move that when it is reached. I think that section is necessary in the interests of the Corporation and the proper maintenance of the streets. My friends will visualize it if they go around and see Irusappa Maistri street, Angappa Naick street, Linghi Chetti street or any one of the streets in Georgetown. In the first place if we can really have any device or any legislation to prevent heavy traffic then probably it will be better. In the absence of any such legislation restricting the amount of load which can be carried in single-carts—bullock-carts or hand-carts—I think such a provision is necessary in the interests of the proper maintenance of roads in the city of Madras."

3-30 p.m. The amendment of Mr. P. C. Muthu Chettiyar was by leave withdrawn.

Mr. BASHEER AHMED SAYEED:—"Sir, as I said a little while ago, the object of my amendment which I now move is to insert the words 'loaded, unloaded or deposited' after the words 'such weight' and before the words 'or traffic' in line 15. This is only a verbal amendment intended to make the section read well."

Mr. ABDUL HAMEED KHAN:—"I second it."

* Mr. T. SUNDARA RAO NAYUDU:—"May I invite your attention, Sir, to the next amendment that stands in my name? That will carry out the intentions of the Mover much better. It reads: 'In lines 15 and 16 for the words "such weight or traffic has been conducted" the words "such damage has been caused" shall be substituted.' If my amendment is accepted it will fulfil the object of my hon. Friend."

* The Hon. the PRESIDENT:—"The hon. Member may move his amendment and then both the amendments can be discussed together and the more suitable one adopted."

* Mr. T. SUNDARA RAO NAYUDU:—"I move, Sir,—

'In lines 15 and 16 for the words "such weight or traffic has been conducted" the words "such damage has been caused" shall be substituted.'

The expression 'such weight or traffic' is not quite happy and is out of place in that particular line. It may be substituted by the words I have suggested."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

31st January 1936]

* Mr. D. M. REID:—"Mr. President, it appears to me that Mr. Basheer Ahmed's motion is more satisfactory than the one proposed by Mr. Sundara Rao Nayudu. It might be taken to imply that the road was deliberately damaged. If we adopt the first amendment we might avoid misunderstanding. I support it."

* The Hon. the RAJA OF BOBBILI:—"Sir, the question has been examined. The amendment of Mr. Sundara Rao Nayudu is an official amendment drafted in the Secretariat to improve the language of the section. I think if the House accepts it, the position could be made quite satisfactory. I would therefore request Mr. Basheer Ahmed to withdraw his amendment."

The amendment of Mr. Basheer Ahmed was by leave of the House withdrawn.

The amendment of Mr. Sundara Rao Nayudu was then put and carried.

* Mr. T. SUNDARA RAO NAYUDU:—"Sir, I move—

'In the proviso, for the words "any person against whom" the words "any person from whom" shall be substituted.'

This is also an official amendment."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 109 as amended was then put and carried.

Clause 110.

Section 218.

Mr. BASHEER AHMED SAYEED:—"I move—

'In sub-section (1) of section 218 of the Act, the words "or land occupied for residential purposes" be inserted after the word "street" in line 1 and the words "or situated on such land" shall be inserted after the word "street" in line 7.'

Sir, the object of this section is to give power to the Commissioner to order a certain work to be carried out or in default to carry it out himself. The section applies not alone to any street, but also to any land that is situated or abutting on such street. Mr. President, if you will please read the section you will notice this:

'If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved, or lighted to the satisfaction of the Commissioner, he may, by notice, require the owners or occupiers of such street . . .'

"Sir, private streets are more or less private lands and difficulty has been felt by the Corporation from time to time in the improvement of those streets which are not abutting on any public road but are situated in an area which is far away from public roads. The words 'private streets' no doubt mean private streets, but actually the Corporation has to deal with a large extent of land in which there are no private streets, but which has to be treated as private streets for the

D
V 211, 321 136
N 36.79

7/1/22

[Mr. Basheer Ahmed Sayeed] [31st January 1936]

purpose of improvement. The Corporation in 1924 appointed a committee to suggest amendment to this section and they made certain suggestions. They were pending consideration, and in the meanwhile this Bill was placed before the Corporation Council for its opinion and consideration. The Council pointed out that actually a private street is not a private street but only land belonging to a private party requiring improvement, but neglected by the owner even when called upon to do so by the Commissioner. In such cases it is necessary that the Commissioner should have power to carry out the improvement himself and recover the cost from the owner. If my amendment is not accepted the owners of such private lands will escape. So that in order to make the scope of the section wider and really benefit the Corporation in the direction of improvement of the slums, it is necessary that this amendment should be incorporated. The amendments when carried out in the section, the section will read thus:

'If any private street or land occupied for residential purpose or part thereof is not levelled . . . on such street or situated on such land . . .'

"As I said, I want that the scope of the section should be widened in order that lands also may be improved and not merely private streets. I suggest that this amendment is necessary in order that there may be a rapid improvement of slums."

The motion was duly seconded.

3-45 p.m. * Diwan Bahadur C. S. RATNASABHAPATHI MUDALIYAR:—"Mr. President, Sir, I am afraid this amendment is outside the scope of section 218. Section 218 gives power to the Corporation to improve private streets or parts thereof, to metal such streets if such streets are not metalled and to provide side drains or sewage drains. There is another section under which the Commissioner or the Corporation is given power to improve the lands over which cheris or houses have to be constructed. I think that section gives power to the Corporation only in cases where any land is low-lying or water-logged to raise such lands or to fill up the pits where they exist. I am afraid the amendment of this section as suggested by Mr. Basheer Ahmed will make the position worse and give greater powers to the Corporation which are not necessary."

* Mr. C. BASU DEV:—"I hope the House will thank the hon. Member from Coimbatore for pointing out that the amendment of Mr. Basheer Ahmed is out of place under this section. I must say that the amendment of Mr. Basheer Ahmed is more reactionary than the amendment contained in the amending Bill which is under discussion. Sir, it looks as if we are trying to help the authorities of the Corporation beyond all proportion and there is absolutely no necessity for it. One of the duties of the Corporation is to find good tenements for the poorer classes of people and the Corporation is trying to discharge their duties in their own way. In the Perambur area there is a large plot of land which is now being colonized by the Adi-Dravidas and the Labour Department which is trying to help them in this direction

31st January 1936] [Mr. C. Basu Dev]

are asked to meet the cost of the improvements and they are not able to get the same from the Government. Though there is a considerable plot of waste land available for the purpose of building tenements, owing to the indifference or reluctance of the Corporation, it is not made useful to the poorer classes who are working in the mills and most of whom belong to the depressed classes. If any owner or set of owners should apply to the Corporation to take over what they call private streets, it should be made incumbent upon the Corporation to take over those private streets and to effect all the improvements in that locality so as to enable the construction of suitable tenements for the poorer classes. I expected that such a provision would be incorporated in this amending Bill and that it would be made obligatory on the Corporation to take over all private streets and make the necessary improvements. The amendment of Mr. Basheer Ahmed seeks to fix the liability upon the poor owners of lands to make the necessary improvements which, if accepted by this House, would make their lives intolerable. I therefore very strongly oppose the amendment."

Mr. R. MADANAGOPAL NAYUDU:—"As has been pointed out already by my Friend Mr. Ratnasabhapat Mudaliyar, the section in the amending Bill relates only to private streets. I am afraid if we extend the power of the Corporation to take over private lands kept for residential purposes, it would mean that we are placing too much power in the hands of the Corporation and troubling the poor people who are in possession of those lands. There are other provisions in the Bill relating to health and sanitary condition of the locality which give power to the Commissioner and the Corporation to take over such streets or areas where insanitary condition prevails. But section 260 gives powers to the Corporation or the Commissioner by which they can ask the owners of any private streets to carry out any improvements which in their opinion are necessary, or where there is some trouble for the public to come in because of the absence of these improvements. A distinction ought to be drawn between private streets to which the public have recourse and lands used for residential purposes by people. People residing in those localities are interested in seeing that these lands are kept undisturbed. I feel therefore that this amendment is unnecessary."

Mr. BASHEER AHMED SAYEED:—"Sir, I am afraid that many of my Friends have not understood the scope of my amendment. I only implore them to realize that this city must grow and that it cannot be in the same stagnant condition in which it has been for ages. If the city is to be improved, one of the foremost duties of the Corporation is the removal of slums. It has been felt—I would only ask my hon. Friends to revive their memories—for a long time that if they want to effect any improvements in the city, they must spend their monies on lands, which cannot be strictly called lands owned by private owners. There are several grounds and there are any number of acres of such lands. Time and again it has been felt by the Corporation that they should lay their hands upon these lands, and they must be improved,

[Mr. Basheer Ahmed Sayeed] [31st January 1936]

and then they must come under a scheme of improvement. The section as it stands at present does not give any scope for the Corporation to stretch their hands on these lands and effect any improvement. Private streets are an anomaly in a city like this. Private streets are always unhealthy and insanitary and it is always very difficult for the Corporation to call upon the owners of those streets to improve them. The very sight of these streets is ugly. If a gentleman gets down from the harbour, he sees an ugly site. That site may not be unhealthy, but all the same it must be improved. The owner of the land lets it out to various tenants and realizes a large amount of money without effecting any improvements to that bit of land, so that in such cases the Corporation must be empowered to come forward with any scheme of improvement and then invest the money after telling the owner in the first instance that if he does not carry out the necessary improvements, they will carry out those improvements and recover the cost of the same from him. Private streets might be kept unhealthy and the buildings in those streets might be unarchitectural. It is for the purpose of avoiding all these and to carry out the necessary improvements that I am moving my amendment. Unless you are going to include also lands that are privately owned with private streets, there is no scope for the city to improve. I might invite the attention of the House to the recommendation of the Committee that was appointed in 1929 which suggested—

‘That in sub-section (1) of section 218 the words “private streets” might be substituted for the words “or occupiers”.’

“The Government agreed to have the words ‘private streets’ but instead of the words ‘occupiers’ they retained the word ‘owners.’

“So that, the Government felt it necessary even so early as 1929, when Mr. Boag was the Commissioner and had a hand in drafting these amendments, that these slums should be improved, and that the Corporation should be given power to improve these bits of lands. In so doing the Corporation will not incur any extra expenditure at all, but they will be able to recover the same from the owner. I therefore urge most earnestly that this amendment ought to be accepted. My hon. Friend from Coimbatore said that there are other sections which give powers to the Corporation. There are sections which give power only in cases where there is danger to health. But there may be some buildings in a street which are quite unarchitectural and do not conform to the rules of town-planning and things like that. I challenge the hon. Gentleman from Coimbatore to point out to me any sections which give power to the Corporation to interfere in such cases. Is there any section which lays the obligation on the private owner that in case he wants to erect some buildings on his land his plans would be approved only on condition that he raises the level of the land and makes provision for drainage and other things. Even in cases where you fix the responsibility upon the owners of private lands, such owners may neglect

31st January 1936] [Mr. Basheer Ahmed Sayeed]

them. Of course such lands may not be insanitary or unhealthy. I therefore submit that this amendment is very necessary and I would urge upon the House to accept it.”

The amendment was put and lost.

Clauses 110, 111 and 112, were put and carried.

Clause 113.

Section 222.

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil and moved the following amendment:—

‘Add at the end of sub-clause (ii) of section 222, the following words:—

“and after the words ‘reasonable compensation’ the words ‘taking into due consideration the cost of remodelling the whole or part of the structure’ shall be inserted.”’

The following is an English summary of his speech:—

“In the clause as it stands it is stated only ‘reasonable compensation.’ What is reasonable compensation is a very difficult matter to decide. The encroachment of 5 square feet might have been going on for 30 years, and the owner of the building might have added that in 25 square feet building. The Corporation may consider that if they gave compensation for 5 square feet, it would be a reasonable compensation. For this reason only I want to move my amendment which says ‘taking into due consideration the cost of remodelling the whole or part of the structure’.

“People usually encroach on nooks and corners and the encroachment goes on unobserved for years, for even thirty years. Then they or their successors in title may spend some money and build pucca buildings on the encroached portion in the hope and belief that the land would be theirs permanently. Therefore, I want that in fixing any compensation due consideration should be paid to the cost of remodelling the whole or part of the structure. Hence my amendment.”

Rao Sahib V. I. MUNISWAMI PILLAI:—“I second the amendment.”

* The Hon. the RAJA OF BOBBILI:—“Sir, I take it that when compensation is given the minimum cost of any alterations that are necessary are also taken into account. I understand that that portion of the section now proposed to be amended is not a new one and is already in existence in the Act and has been worked and no difficulty has been experienced. Therefore, I do not see any ground why we should try to meddle with the existing section. Moreover, if any person is dissatisfied with the decision as regards compensation, I presume he will have a right to go to a court of law. On these grounds I consider that the amendment is not necessary. It may also lead to difficulties. I therefore oppose the amendment.”

The amendment was by leave withdrawn.

Clauses 113, 114, 115 and 116 were put and carried.

[31st January 1936]

Clause 117.

Section 228.

* Mr. T. B. RUSSELL:—"Mr. President, I beg to move the amendment that stands in my name, namely,—

'For sub-clause (i), the following sub-clause shall be substituted, namely:—

"(i) In sub-section (1), for the words 'give names' the words 'give names or numbers' and for the words 'alter the name of any public street' the words 'subject to the approval of the Local Government, alter the name or number of any public street' shall be substituted; and"

The only result of the amendment is that the words 'or numbers' have been added in one place where they had been left out. To put them in, the clause has been redrafted."

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

* Rao Bahadur P. C. MUTHU CHETTIYAR:—"Sir, I beg to move that for sub-clause (i), the following sub-clause may be substituted:—

"(i) in sub-section (1), for the words "give names" the words "give names of gods or goddesses whose temples exist in that locality or numbers" shall be substituted; and before the words "alter the name of any public street" the words "subject to the approval of the Local Government" shall be inserted; and"

The hon. Member made a speech in Tamil of which the following is a summary:—

"Sir, we usually call these streets, street No. 4 or street No. 5 and so on. But we see that every street has a temple big or small with a god or goddess in it. Some streets have also mosques and churches. I suggest that instead of naming these streets Ramunni Menon street and so on, we may name them after these gods and goddesses and churches and mosques. If one god or goddess or church or mosque has got three or four streets under its jurisdiction, then we may give them numbers also in addition to the name of the god or goddess, etc. Many persons will have the same name and it will be difficult to find out. But there will be an addition to every god. I do not think there will be any objection to this proposal; if however there is any very great objection to this I will withdraw it."

Mr. H. M. JAGANNATHAM:—"I second it."

* The Hon. the PRESIDENT:—"I think that Mr. Muthu Chettiyar's amendment can be taken up only as an amendment to Mr. Russell's amendment. Then it will read like this:

"After the words "give names" in Mr. Russell's amendment insert the words "of gods or goddesses whose temples exist in that locality"

Both the amendments are for discussion of the House."

[31st January 1936]

* The Hon. the RAJA OF BOBBILI:—"Sir, I think I have to oppose the amendment of Mr. Muthu Chettiyar. Even now, as the amendment of Mr. Russell stands, it does not prevent any street being named after any god or goddess. But if we lay down any statutory provision like this, it may lead to serious difficulties and I do not think it is wise to tie the hands of the Corporation in this respect. I have to oppose the amendment of Mr. Muthu Chettiyar to Mr. Russell's amendment."

The Hon. the PRESIDENT:—"Mr. Basheer Ahmed has an amendment to this clause."

Mr. BASHEER AHMED SAYEED:—"I shall move it after this amendment is disposed of."

Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, so far as Mr. Russell's amendment is concerned, I am certainly prepared to agree to the first part of it as there is something to be said for shortening the names and in some cases for numbering the streets. But so far as vesting the power in regard to altering the names and numbers in the hands of the Local Government is concerned, I for one think that it is not a step in advance. Hitherto, it was within the power of the City Council to alter the names of the streets whenever they found that such alteration was absolutely necessary. No doubt it is true that there was a time when the Corporation changed the names of some streets and gave them the names of the sitting Councillors. But subsequently the Council themselves have put a ban on such a practice and thereafter names of sitting Councillors have not been given to streets. The Councillors fully realize that it is not an easy matter to change the name of a street, for it not only affects the residents therein, but it also affects the postal services. As the City Council fully realizes the very many disadvantages and difficulties in changing the existing name of a street, I do not think their hands should be tied in any manner whenever they think that it is absolutely necessary that the name of a street should be changed. The control of the Government need come in only when it is necessary but not in matters like this. It does not commit the Government to any expenditure, nor is any other responsibility of the Government involved in this matter. It is purely a responsibility of the City Council and they realize it fully well. They will discharge it in a proper manner. Simply because at a time when a certain Commissioner was in the Corporation it was found that the Councillors changed the names of the streets in the names of the sitting Councillors, we must not generalize from that and take away the existing right of the City Corporation. Besides, the Local Government is not expected to know what exactly are the requirements of a particular locality. It is the City Council and its executive who will know exactly what names should be given to streets and localities. In the circumstances I appeal to the Government to see their way to withdraw this part of their amendment and not take away the right which is at present possessed by the City Council."

[31st January 1936]

* The Hon. the PRESIDENT:—"I think Mr. Basheer Ahmed has to move his amendment now or not move it at all, because if the official amendment is passed there will be no place for his amendment."

Mr. BASHEER AHMED SAYEED:—"I think, Sir, that Mr. Russell has not brought in any new principle in his amendment; he has only changed the wording and put some words before and some words after. Anyway, I am prepared to move my amendment now, Sir."

* The Hon. the PRESIDENT:—"If the principle of getting the approval of the Local Government which is contained in the official amendment is voted upon by the House, then the hon. Member's amendment will be out of order."

Mr. BASHEER AHMED SAYEED:—"I will move my amendment now, Sir."

* The Hon. the PRESIDENT:—"The hon. Member's amendment may come in as an amendment to Mr. Russell's amendment."

Mr. BASHEER AHMED SAYEED:—"I move—

'For the words "subject to the approval of the Local Government" in Mr. Russell's amendment, substitute the words "by three-fourths majority of the members of the Council present and voting".'

4-15 p.m. That is my amendment, Sir. My main object in moving this amendment is this; in such a small matter as this, it is not necessary for the Government to interfere in the autonomy of the Corporation Council; it is a very trivial matter, the naming or altering the names of streets, not only in the exigencies of public interests but also with a view to satisfy the demands of the ratepayers who really require that there should be a change in the names of the streets in which they reside. The process by which these names are changed is not an ordinary one. I would like to invite the attention of the House to the procedure that is followed when changing a name, or giving a new name. Only when there is agitation on the part of the public or any responsible section thereof, the matter is taken up at all. Once there is agitation and representation is received almost with the recommendation in many cases of the councillor or councillors of the area in question, then the Commissioner invites the opinion of his officers and then the matter goes before the Committee, the Works Committee, which is concerned with this subject. The Works Department goes into the question thoroughly and if it feels justified there is a case for the change of the name, it recommends it to the Council. The Committee by itself is not authorized to change the name of any street. After the Committee considers it fully at a meeting, it goes before the Council for its decision. In the Council this question is passed as all other motions and subjects, by a majority of votes. When such is the present procedure, the occasions for changing names have been really few and far between. There have been cases in which changes have been made without much necessity. That, I think will not be argued to be sufficient cause for provoking the Government to

31st January 1936] [Mr. Basheer Ahmed Sayeed]

interfere in this matter and to say that any new name or alteration of an existing name should be done only with the approval of the Government.

"I shall view the question from the standpoint of the Government. After the Commissioner has put forward his proposal, after the Committee and the Council decide for or against it, do the Government want that the matter should come before the Local Self-Government Secretariat, pass all the stages from the clerk to the Secretary of the Department, and in case representation has been made by interested parties to the Hon. Minister, the Hon. Minister himself should consider the question and pass the order whether the Council should be empowered or not to change the name? It will involve enormous labour on the part of the Secretary of the Local Self-Government Department and of the Hon. Minister. I would ask the Government to realize whether it is worth while for them to take up the responsibility for giving a name to a street. Nothing is lost by any section of the public by the change of a name or by giving a new name. I would therefore say that the Government need not interfere in this matter; nor is it desirable in the interest of the Government and in the interest of the public that the Government should take upon themselves this power and responsibility. The Corporation of Madras is supposed to be an autonomous body at least in some respects. The Hon. Minister has time and again stated that there has been no policy of centralization. But this seems to be a very flagrant violation of even the little decentralization that exists and of the power that is vested in the Corporation. I would earnestly request him to accept my amendment not merely on the ground that it is against the canons of decentralization but also because it shows the greatest lack of confidence in the Corporation Council that has been created by the Government, in the Council that is administering the affairs of the Corporation. The Corporation has been entrusted with greater responsibilities in matters of finance, in matters of public health, in matters of education, in matters of water-supply and drainage. Could not the Government have confidence in the Council to manage and to administer this little affair, this tiny and trivial affair? Next year, the new Constitution will be introduced and the new Government is in formation would have ample confidence in the Corporation Council. If it is stated that the approval of the Government should be obtained, it will mean enormous labour for the Government and for the Corporation. What happens if the Corporation sends up a proposal and the Government consider it and veto it? Then it is loss of so much public time and money. From that point of view I say there can be no case for the Government saying that the alteration of street names should be subject to their approval.

"What is my proposal? My proposal is that, if the Government are so inclined, they can make it practically impossible for the Corporation Council to alter names as and when their fancy suits, and according to their whims and caprices. My amendment suggests that

[Mr. Basheer Ahmed Sayeed] [31st January 1936]

we should put it on as high a scale as possible. My amendment is to allow the alteration to be made when it is approved by three-fourths majority of those present in the Council at the time and voting. According to my suggestion, such a safeguard may be provided. I do not see why this matter should not be left in the hands of the Corporation, to alter names of streets in very important and urgent cases. Such a provision, I think, would be considered to be necessary, desirable and suitable. I implore the Government to consider the question with this safeguard, with this restriction of three-fourths majority voting for any change or alteration of the names of streets considered suitable and desirable. If my suggestion is accepted, the chance of changing any name unnecessarily, will be far remote, probably once in a blue moon; no change will at all occur. The Hon. Minister may take my assurance. As the Mayor of the Corporation has stated, we have imposed a restraint upon ourselves that we shall not unnecessarily and frequently change the names of existing streets, for no reason whatsoever. There are certain ugly names; there are certain names which have grown out of place and out of time; they require new orientation, or alteration, by a new name being substituted for an older name. In this case the Corporation must certainly be allowed some discretion to give the name that is most suitable to the occasion and times. I do not think that we should be considered as lacking so much in commonsense in the matter of alteration of names. I hope that the Government would be agreeable to my proposition; three-fourths majority of the members present in the Council would be sufficient to act as a check against any unnecessary alteration of names of streets. I would therefore request the Government to accept my amendment."

Rao Bahadur P. C. MUTHU CHETTIYAR:—"I second it."

Mr. K. KOTI REDDI:—"I think, Sir, that Mr. Basheer Ahmed's amendment seems to be a very sound one. I do not know why even this small discretion should not be given to a Corporation like the City Corporation, without being subjected to the approval of the Local Government. The Local Self-Government Department perhaps feels that it is more responsible to the public than the Madras Corporation. I doubt very much, whether the Local Self-Government Department is more responsible than any Municipal Council, much less the Madras Corporation. On the other hand I think that the Local Self-Government Department is much less responsible. The Local Self-Government Department has no other aim than to help its own party men. From the way in which the Local Self-Government Department is being administered, I do not think any Member of the Legislative Council who has been following carefully the methods that have been adopted by the Local Self-Government Department would like to entrust this power to the Department. Time will come when the administration of the Local Self-Government Department will be subject to the scrutiny of this House. I may mention only one instance, how in the matter of constitution of circles in the case of local boards, how in the matter of changing the circles for the benefit of its party men,

31st January 1936] [Mr. K. Koti Reddi]

no iota of responsibility has been shown by the Local Self-Government Department. I shall give only one instance for the benefit of the Legislative Council. Under these circumstances, I doubt whether this House would be willing to entrust this power to the Local Self-Government Department."

* Mr. T. B. RUSSELL:—"I suggest, Sir, that in the section before the House there is no mention of the Local Self-Government Department. The responsibility in this case as in other cases must rest with the Government and not with the Local Self-Government Department."

Mr. K. KOTI REDDI:—"I know, Sir, that only Government is mentioned; but it is the Local Self-Government Department that really takes action. Are we to understand that in this matter the whole Cabinet is going to decide whether there should be a change in the name of a street?"

The Hon. Sir K. V. REDDI NAYUDU:—"The Government always take the responsibility for the actions of the department. The final responsibility always rests with the Government and not with the department."

Mr. K. KOTI REDDI:—"I am glad to hear that the Government take the responsibility for what is done by the Local Self-Government Department. I say, Sir, that even then the Government should not be entrusted with this power. To return to what I wanted to say, I wanted to give one example. Probably my hon. Friend, the Leader of the House is not aware of how the Hon. the Chief Minister wanted to change and has changed some circles . . ."

* The Hon. the PRESIDENT:—"The hon. Member is not only importing more heat than necessary but he is also importing circles into the discussion; there must be a limit even for analogy."

Mr. K. KOTI REDDI:—"What I wanted to say is that this Council should not entrust this power to the Local Self-Government Department, which seems to think that the Madras Corporation is less responsible than itself. On the other hand I strongly feel that the municipal council, much more so the Corporation of Madras is more responsible than the Local Self-Government Department or the Government in its administration of Local Self-Government Department. I base my proposition on facts, facts which I believe, will clearly show to this hon. House that the Government ought not to be entrusted with any power of the kind contemplated. I would rather trust the Madras Corporation than the Local Government."

"I believe, Sir, that the Local Government have not, even in small matters, shown a fair or equitable temper and have done such acts of inequity that I am driven to the conclusion that we could rather entrust this power to the Madras Corporation than to the Local Government. It is therefore, Sir, that I am supporting the amendment moved by my hon. Friend."

[31st January 1936]

* The Hon. the RAJA OF BOBBILI:—"Sir, Mr. Basheer Ahmed, in moving his amendment, has prefaced his remarks with a statement that this is a trivial matter in which he considered the Government wanted to fetter the powers of the Corporation. I may state that on that very point I differ fundamentally from him; I feel that the changing of names of streets is not a trivial matter and there is a great deal to be said in favour of old associations and the sentiments of the people, apart from one's own convenience. I do not mean to say that the Corporation has been lightheartedly changing the names of streets; but what I say is that if one peruses the agenda for some of the Corporation meetings, one finds at least half a dozen resolutions given notice of for changing the names of streets. Government feels that this is a matter over which there should be some sort of check. It is not that in every case the matter will come up before the Government; but if there is a provision of this sort in the Act, resolutions would not be brought forward before the Corporation unless there are sufficient grounds for a change in the names of streets. I therefore consider that a provision of this kind is absolutely necessary and I oppose the amendment of my hon. Friend, Mr. Basheer Ahmed.

"I believe I have already spoken on the amendment of my Friend, Mr. Muthu Chettiyar and stated that I have to oppose it.

"Coming now to the remarks of my Friend, Mr. Koti Reddi, I am not surprised that he now finds that the administration of the Local Self-Government Department does not suit his own purposes and ends, and I do not wish to take up much time of the House in replying to his outburst so soon after his disappointments and defeats in his own district."

* The Hon. the PRESIDENT:—"I shall first put Mr. Muthu Chettiyar's amendment to the amendment of Mr. Russell, to the vote of the House.

The question is—

'After the words "give names," insert the words "of gods or goddesses whose temples exist in that locality."'

The amendment was put and lost.

* The Hon. the PRESIDENT:—"I shall put Mr. Basheer Ahmed's amendment to the amendment of Mr. Russell, to the vote of the House.

"The question is:—

'Substitute the words "by three-fourths majority of the members of the Council present and voting" for the words "subject to the approval of the Local Government".'

The amendment was put and lost.

* The Hon. the PRESIDENT:—"I shall now put Mr. Russell's amendment to the vote of the House, viz.:—

'For sub-clause (i) the following sub-clause shall be substituted namely—

"(i) In sub-section (1), for the words, 'give names' the words 'give names or numbers' and for the words 'alter

31st January 1936]

[The President]

the name of any public street' the words 'subject to the approval of the Local Government, alter the name, or number of any public street' shall be substituted; and ''

The amendment was put and carried.

Clause 117, as amended, was put and carried.

Clause 118.

Section 233.

* Rao Bahadur P. C. MUTHU CHETTIYAR:—"Mr. President, Sir, I move that—

'For sub-section (2) of section 233, the following shall be substituted:—

"(2) Every permission granted under sub-section (1) shall be free of charge and shall expire at the end of the year for which it is granted"'

He said in Tamil that the poor people could not afford to pay fees every year for getting licences for pandals inside their own houses. Is it a rent for the Corporation? Rupees 4 is noted in the clause. His amendment aimed at having the licences free of charge.

Mr. K. A. NACHIYAPPA GOUNDER seconded it.

[The Hon. the RAJA OF BOBBILI:—"Sir, it usual both in the Madras Corporation and in the mufassal municipalities to levy a fee for these structures. The Corporation at present derives a substantial income from this source, and if the amendment is accepted, it will mean a loss to the Corporation. If the Corporation is to control the putting up of these structures and inspect them for the purpose of granting licences, etc., it is desirable that it should have an opportunity of recouping the cost of such inspection, etc. I oppose the amendment."

The amendment was, by leave, withdrawn.

Clause 118 was put and carried.

Clauses 119 to 123.

Clauses 119, 120, 121, 122, 122-A and 123 were put and carried.

Clause 123-A.

New section 257-A.

* Mr. T. B. RUSSELL:—"Sir, I rise to move the amendment that stands in my name:—

'(i) For the first sentence of new section 257-A, the following sentence shall be substituted, namely:—

"The standing committee may, subject to the approval of the Council, decide whether any particular area is or is not a cheri or hutting ground as defined in clause (8-A) of section 3 and the decision of the standing committee shall, on such approval, be final;" and

[Mr. T. B. Russell] [31st January 1936]

(ii) *in line 8 the word 'may' shall be omitted.*''

In the Bill as originally, drafted, the approval of the Council after the decision of the standing committee, was not required; but the Select Committee considered that it was desirable that a provision should be introduced for the approval of the Council, and stated that the clause should be re-drafted so as to include such a provision. This amendment only makes such a provision."

Raj Kumar M. A. MUTHIAH (CHETTIYAR of Chettinad:—"I second it."

The amendment was put and carried.

4-45
p.m.

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, I beg to move the amendment standing in my name, namely:—

'Delete the proposed sections 257-C to 257-O.'

Sir, you will find that this relates to Chapter X-A dealing with Cheris or Hutting Grounds. This is a new chapter copied bodily from the Calcutta Act, which deals with 'bastis or hutting grounds,' so that the provisions of this chapter are entirely new to us. With a view to introduce this Chapter X-A opportunity has been taken to define 'Cheris or Hutting Grounds,' in section 3 (S-A) as follows:—

"Cheri" or "Hutting ground" means an area containing land occupied by, or for the purpose of, any collection of huts—

(a) *standing on a plot of land not less than two thousand four hundred square feet in area and bearing one number in the assessment books, or*

(b) *standing on two or more plots of land which are adjacent to one another and exceed in the aggregate four thousand eight hundred square feet in area.'*

In other words, Sir, only an area of about a ground in extent, i.e., 60 feet by 40 feet or 2,400 square feet, is supposed to be considered as a cheri or hutting ground. I have no quarrel with the steps taken to provide facilities and conveniences for the cheri people in this City. We know, the wretched condition in which these cheris are at present maintained. They are mostly owned by private owners who are not inclined to carry out any improvements suited to the occupants for their comfortable living. I had occasion, a couple of days ago, to see a cheri of this sort near Perambur. It is a place where there is an extensive cheri consisting of plots of land owned by brothers and partitioned by them. One of the owners has got 18 grounds and has let the cheri people to put up huts and sheds in all fantastic shapes and sizes wherever they chose without regard whatsoever to lighting or ventilation. The residents of this cheri have asked the owner to set right some difficulties or inconveniences and invariably the reply they got was, 'if you like you may live and if you do not like you may go away.' The cheri men who have been living there for generations, are not willing to easily quit the land, because the Tenants' Protection Act, gives them ample shelter. Under that Act, the tenant is at liberty to ask the owner of the land to sell the property to him, in which case, he can

31st January 1936] [Mr. A. Appadurai Pillai]

take it over put up a decent construction and make it comfortable and worth living. In the particular case I have mentioned, I found on enquiry that the owner and the tenants have been at loggerheads because the owner did not care to improve the cheri, nor would he part with the site on which the tenants have put up huts. He has been demanding a thousand rupees for a ground. This is an unconscionable rate, because even lands on Poonamallee High Road and on Mount Road hardly fetch a thousand rupees per ground. Even in Nungambakkam within my knowledge, the rates for sites are not valued more than a thousand rupees per ground. In this particular case, the owner has been demanding a thousand rupees a ground from these poor cheri residents, with the result that they are not in a position to pay such fabulous prices; and they are not willing to go out of the place because they have been living there for generations.

"Now, Sir, I welcome the provision in this chapter where the Corporation wants to step in and call upon the owner to set right these difficulties and to provide ordinary facilities for the residents living in these cheris. But, Sir, my point in moving the amendment before the House is that it is more the duty of the Corporation, and not of the private owner, to ask for the provision of new cheris and hutting grounds. It has been recognized on all hands that it is the duty of the local authority or the Government to provide suitable accommodation to citizens who are less favourably situated than their brethren who can afford to live comfortably. It is the primary duty of the local authority to come to the rescue of these citizens because in the welfare of the citizens at large and in the welfare of the cheri men, lies the welfare of the country and the welfare of the Government. Sir, going through the Council Library, I came across a book written by a famous authority, Sir E. D. Simon who once happened to be the Lord Mayor of Manchester. He has written several books on slum clearance and is an authority of very great repute on that subject. Please listen to what he says with reference to this question of slum clearance, or what obtains here, cheri clearance or cheri betterment. He says:—

'The Coalition Government did another revolutionary thing. They imposed on local authorities, for the first time, an obligation to provide for the whole of the working class housing need for their district, so far as it was not likely to be met by other agencies. Although a few thousand houses had been built by local authorities in prewar days, it is roughly true to say that the working classes had been housed by private enterprise. But in 1919 conditions were such that private enterprise could not possibly build houses for letting at a profit, and the Addison Act, although only passed on account of the emergency, was the beginning of a revolution in putting this duty on the shoulders of the local authorities. Now, after fifteen years, it has become an accepted part of public policy that housing, at least of the lower paid workers is the duty of local authorities.'

Sir, later on in the chapter under 'A Policy for the Future' Sir E. D. Simon declares in unmistakable terms after examining the pros and cons of this question:—

'The proper function of private enterprise is to build houses for the occupier-owner. A man who owns his own house looks after it better than anybody else; there are many strong and well-known arguments for occupier-ownership, and there is every reason why it should continue to be encouraged . . .'

'It is abundantly clear that Sir Hilton Young's policy is wrong; that the essential thing is to give local authorities every encouragement to proceed as fast

[Mr. A. Appadurai Pillai] [31st January 1936]

as possible with the building of new houses. The need is for houses to let at low rents, and the best thing would be if all the 200,000 new houses for many years to come could be built for letting at the lowest possible rent.

Sir, I cannot quote a better authority on this matter than Sir E. D. Simon.

“Sir, in the first place, the provisions that are sought to be introduced into this Chapter would defeat the very object for which they are intended, for the simple reason that no owner of the ordinary run of these cheris would be in a position to invest a large amount of money for the requirements of these cheris as are visualized in the new sections, namely, clauses 257-C to 257-O. For instance, if we take the case of a two-ground cheri, we find that according to the section, power is given to the Commissioner to call upon the owner of a cheri of not less than 4,800 square feet in extent, to put his house in order by effecting improvements to the cheri in the shape of providing electric lights, flush-out latrines, proper streets, play grounds and things of that kind which are the everyday requirements of these people. Well, Sir, no owner will cheerfully come forward to undertake that responsibility. Moreover, Sir, in a two-ground cheri, the owner might be getting from say, 10 or 12 huts, somewhere about five or six rupees by way of rent—generally the monthly rent for such small huts or sheds will not be more than eight annas per month per hut. For putting up electric lights, providing drainage, etc., according to the new sections that we have just now passed, the responsibility is placed upon the owner; and for this purpose he has to invest somewhere about a thousand rupees on a two-ground cheri. What will be the return that he can expect from this investment? The cheri people would not be inclined to pay more than eight annas which they have hitherto been paying from the time of their forefathers; and even if they are compelled to pay another four annas, it will come to only 12 annas per month per hut; and this would not be a proper return for the man who invests a sum of Rs. 1,000. What will be the result. He would not undertake the improvements suggested by the Corporation. As I stated before, that is a provision which would defeat the very purpose for which it was intended. It is with this object in view that I have moved my amendment. Of course I might be asked to state whether there should not be such a provision asking owners of existing cheris to effect improvements to them. I do realize that and I very much wish that the Corporation should be empowered to have some authority to enforce rules of sanitation and things of that kind on the owners of cheris. For that there is section 257-B . . .”

The Hon. the PRESIDENT:—“May I know for how long the hon. Member is likely to speak?”

Diwan Bahadur A. APPADURAI PILLAI:—“Another 20 or 30 minutes, Sir.”

The Hon. the PRESIDENT:—“The House will now adjourn and meet again at 11 a.m. to-morrow.”

D. K. V. RAGHAVA VARMA,
Acting Secretary to the Legislative Council.

31st January 1936]

APPENDIX I.

[Vide answer to question No. 639 asked by Mr. K. S. Sivasubrahmanya Ayyar at the meeting of the Legislative Council held on the 31st January 1936, page 253 supra.]

(i)

Report to accompany the estimate for improving the defective draining of Nadagudi lands.

Amount of estimate—Rs. 8,000.

For effective drainage of Nadagudi lands, the lowest level of which is 40.04, it is proposed to lower the N.S.L. in the river Velappar at infall of Nadagudi drainage sluice on the right bank at 74 miles 2 furlongs 590 feet to plus 39.26, which is nearly 0.75 foot lower than the lowest land to be drained. This lowering of N.S.L. is found quite feasible by deepening the bed of the river from 100 feet above the Nadagudi drainage sluice, i.e., from 74 miles 2 furlongs 490 feet to Kanganlancheri sluice at 75 miles 1 furlong 330 feet and continuing the cutting for some distance lower down to meet the normal bed. There is no irrigation in this reach between Nadagudi drainage sluice and Kanganlancheri sluice.

2. N.S.L. as per remodelling proposals will be retained at Kanganlancheri sluice and lower down.

3. To effect a reduction in N.S.L. of 2.52 feet at 100 feet above the Nadagudi drainage sluice, a dam 60 feet long will be constructed across the Velappar at the above site. A length of 25 feet is found sufficient for carrying the N.S. discharge but as the river receives other drainages above the site of the dam it is considered advisable to have the dam proper 60 feet long to span the width of the river there.

4. The estimate provides also for the earthwork for deepening the river from 74 miles 2 furlongs 490 feet to 75 miles 6 furlongs.

5. The existing Nadagudi drainage sluice consists of 2 spans of 4 feet each. This is found insufficient and hence two additional spans of 4 feet each have now been provided for, for discharging the drainage water effectively. The cost of this has also been included in the estimate.

(ii)

Report to accompany the estimate for constructing a calingulah across the Nadagudi drainage channel at the junction of Thattathimoolai Pudu voikal.

Amount of estimate—Rs. 680.

The present Nadagudi drainage channel has to carry the drainage of Nadagudi block to the river Velappar. At the same time it has to serve also as an irrigation channel, carrying the water of Thattathimoolai Pudu voikal in the opposite direction. At present a mud dam is erected for diverting water for irrigation purposes. As this is a serious hindrance to drainage, it is proposed to construct a calingulah across

[31st January 1936]

the drainage channel, the crest of the body wall being kept at the bed level of the channel and the top of dam stones at a level suitable for command of the lands to be irrigated by it, which are to the east of the channel. Planks will be provided which will be put on when water level has to be raised for irrigation purposes and removed when drainage has to be passed. Water level at the dam will not be permitted to be raised, above the level of the top of dam stones.

APPENDIX II.

[Vide answer to question No. 649 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st January 1936, page 258 supra.]

I. TINNEVELLY MUNICIPALITY.

(a) *Copy of resolution of the Municipal Council, No. 643, dated 16th May 1934.*

“ This Council resolves and recommends to Government the immediate removal of M.R.Ry. C. Krishnaswami Ayyangar Avargal, Commissioner of this municipal council under clause (4), section 12-C of the District Municipalities Act as amended, at the special meeting convened for the purpose to-day on a requisition from Mr. S. Palaniyandi Mudaliyar and nineteen other councillors.

This Council requests the Chairman to forward the resolution of the Council immediately to Government so that it may be given effect to under law.”

(b) *Copy of G.O. No. 5308, L. & M., dated 10th December 1934.*

Under section 12-C of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), the Governor acting with Ministers is pleased to make the following appointments:—

- (1) M.R.Ry. S. Ramachandran Avargal, Manager, Office of the Inspector of Municipal Councils and Local Boards, Madras, to be the Commissioner of the Calicut Municipality; and
- (2) M.R.Ry. P. Ramaswami Ayyangar Avargal, B.A., Commissioner of the Calicut Municipality, to be the Commissioner of the Tinnevely Municipality, *vice* M.R.Ry. C. Krishnaswami Ayyangar Avargal, B.A., who will revert to the regular line as Tahsildar with effect from the date of his relief. [No. (1) to move first.]

II. COIMBATORE MUNICIPALITY.

(a) *Copy of resolution of the Municipal Council, No. 990, dated 1st March 1935.*

“ This Council expresses its want of confidence in the present incumbent Commissioner M.R.Ry. K. Rama Varma Raja Avargal and recommends to Government his removal.”

31st January 1936]

(b) *Copy of G.O. No. 1528, L. & M., dated 16th April 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 the following persons as the Commissioners of the municipalities noted against their names:—

- | | | |
|---|--------|------------------------|
| (1) Mr. H. C. M. McLaughlin (Deputy Collector), Commissioner, Trichinopoly Municipality | ... .. | Coimbatore. |
| | | [On relief by No. (2)] |

- | | | |
|--|--------|---------------|
| (2) M.R.Ry. K. Rama Varma Raja Avargal (Deputy Collector), Commissioner, Coimbatore Municipality | | Trichinopoly. |
|--|--------|---------------|

III. PALNI MUNICIPALITY.

(a) *Copy of resolution of the Municipal Council, No. 192, dated 5th August 1935.*

This Council resolves to recommend to Government under section 12-C (4) of the Madras District Municipalities Act for the immediate removal of the Commissioner M.R.Ry. T. E. Gomathinayagam Pillai Avargal as there is no confidence in him. This resolution should be communicated to Government at once.

(b) *Copy of G.O. No. 3599, L. & M., dated the 4th 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 the following persons as the Commissioners of the municipalities noted against their names:—

- | | | |
|---|--------|--------------------------|
| (1) M.R.Ry. T. E. Gomathinayagam Pillai, Commissioner, Palni Municipality | ... .. | Bodinayakkanur |
| (2) M.R.Ry. V. Venkatachalam Ayyar, Commissioner, Bodinayakkanur Municipality | ... .. | Palni. |
| | | (To join expeditiously.) |

IV. ELLORE MUNICIPALITY.

(a) *Copy of resolution of the municipal council, No. 453, dated the 28th September 1935.*

“ Whereas the Commissioner, Mr. R. S. Parthasarathi Rao, B.A., has been guilty of grave dereliction of duty both by way of commissions and omissions tending to the prejudice and detriment of the best interests of this municipality; whereas he has been systematically flouting the mandates of the Council reducing the council to a mere chimerical existence, whereas he has been guilty of flagrant breach of

[31st January 1936]

statutory provisions, rules thereunder, Government Orders and Government Memoranda; whereas he has proved himself to be an inefficient, incompetent and an unalloyed autocrat; whereas his conduct of municipal affairs has been tending to lack of discipline and order in the office, disharmony and constant friction between him and the municipal council, the two main organs of the municipal administrative machinery and to even financial loss to the municipality, this council is of opinion that his continuation in office would be detrimental to the best interests of the municipality, would further bring chaos into the whole municipal administration and would lead to loss of prestige and credit of the municipality and hence this council recommends to the Government under section 12-C, clause (4), of the Madras District Municipalities Act, that the Commissioner, Mr. R. S. Parthasarathi Rao, B.A., shall be forthwith removed from office.

This resolution shall be immediately communicated to the Government and the Collector, West Godavari district, Ellore."

(b) Copy of G.O. No. 4614, L. & M., dated the 8th November 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 make the following appointments:—

- (i) M.R.Ry. C. P. Madhava Menon, B.A., clerk, Development Secretariat, to be the Commissioner of the Conjeeveram Municipality, with effect from the date of taking charge.
- (ii) M.R.Ry. G. Ratnam, M.A. (Columbia), Commissioner, Conjeeveram Municipality, to be the Commissioner of the Tenali Municipality with effect from the date of taking charge.
- (iii) M.R.Ry. A. V. Krishna Rao Nayudu, Commissioner, Tenali Municipality, to be the Commissioner, Ellore Municipality, with effect from the date of taking charge.

[No. (i) to move first and join expeditiously.]

APPENDIX III.

[Vide answer to question No. 650 asked by Rao Bahadur Subadar-Major S. A. Nanjappa Bahadur at the meeting of the Legislative Council held on the 31st January 1936, page 258 supra.]

Name of Commissioner.	Community.	Municipality to which appointed.
M.R.Ry. V. S. Viraraghavaya, B.A., B.L.	Brahman	Gudiyattam.
" S. Srinivasachari ..	Do.	Villupuram.
" C. P. Madhava Menon, B.A.	Non-Brahman (Hindu).	Conjeeveram.
" G. Rangayya Pantulu ..	Brahman	Ohicacole.
" K. Narasimhaswami Pantulu ..	Do.	Bimlipatam.

[31st January 1936]

APPENDIX IV.

[Vide answer to question No. 658 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st January 1936, page 265 supra.]

G.O. No. 4099, L. & M., dated 7th October 1935.

READ—the following papers:—

G.O. No. 1510, L. & M., dated 15th April 1935.

From the Accountant-General, dated 16th August 1935,
No. P.V. 6-37 of 34-36/1231.

Order—No. 4099, L. & M., dated 7th October 1935.

The Accountant-General is informed that the service and emoluments of the pensionable employees of the late taluk boards from the date of abolition of the taluk boards, viz., 1st April 1934, to the date of termination of the period of notice of discharge, shall be counted towards pension and that the necessary contribution towards pension under article 802 of Civil Service Regulations, shall be paid on their behalf by the respective local boards up to and including the date of termination of the period of notice. Such of these employees who have been provided with appointments under the district boards should be allowed to subscribe to the provident fund only from the date of expiry of the notice period, notwithstanding anything to the contrary in paragraph 2 of G.O. No. 1510, L. & M., dated 15th April 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.
- „ the Accountant-General (through the Finance Department).
- „ the Finance Department.
- „ the Examiner of Local Fund Accounts.
- „ the Inspector of Municipal Councils and Local Boards.

[31st January 1936]

APPENDIX V.

[Vide answer to question No. 661 asked by Mr. M. S. Sreshta at the meeting of the Legislative Council held on the 31st January 1936, page 268 supra.]

(1)

Statement showing the amounts spent on trunk roads by local bodies during the three years ending 1933-34.

District Boards.

Name of district board.	1931-32.		1932-33.		1933-34.	
	Ordinary expenditure.	Capital expenditure.	Ordinary expenditure.	Capital expenditure.	Ordinary expenditure.	Capital expenditure.
	(2)	(3)	(4)	(5)	(6)	(7)
(1)	RS.	RS.	RS.	RS.	RS.	RS.
Anantapur	1,28,139	1,62,234	1,22,970	56,490	1,22,082	33,798
Arcot, North	1,01,385	52,710	94,841	1,25,115	94,193	78,073
Arcot, South	99,020	2,74,688	1,01,946	47,416	1,00,958	93,470
Bellary	69,867	4,925	75,131	2,548	69,886	16,205
Chingleput	1,20,500	78,369	1,51,074	6,240	1,24,212	1,405
Chittoor	96,499	1,21,629	96,164	93,223	92,390	20,294
Coimbatore	1,80,158	45,721	1,79,931	55,953	1,79,425	1,13,665
Cuddapah	52,447	25,959	52,530	15,774	52,610	27,636
Ganjam	76,891	1,82,483	77,024	10,870	73,403	2,651
Godavari, East	40,206	..	40,522	..	37,240	4,400
Godavari, West	43,462	1,56,835	42,874	1,132	45,005	3,361
Guntur	72,136	1,51,466	67,816	1,48,124	66,348	1,79,738
Kanara, South	62,935	50,902	50,522	22,552	64,978	25,221
Kistna	1,02,534	2,67,462	89,457	1,02,472	85,417	8,085
Kurnool	1,20,388	18,693	1,30,390	33,833	1,16,605	52,768
Madura	98,980	2,308	52,425	..	55,109	5,626
Malabar	94,320	2,09,974	79,250	1,82,406	74,675	1,37,152
Nellore	97,565	2,06,275	89,966	3,51,502	94,635	2,38,117
Nilgiris, the	44,635	..	53,133	..	51,064	2,86,232
Ramnad	41,149	186	25,129	219	22,832	1,726
Salem	1,24,227	10,597	88,502	4,853	86,270	10,418
Tinnevely	79,939	1,581	61,758	..	57,001	7,963
Trichinopoly	1,14,404	67,105	1,24,727	22,062	1,08,905	4,582
Vizagapatam	1,09,488	2,02,389	1,09,548	4,22,985	1,11,456	4,75,681

[31st January 1936]

District and name of municipality.	1931-32.		1932-33.		1933-34.	
	Ordinary expenditure.	Capital expenditure.	Ordinary expenditure.	Capital expenditure.	Ordinary expenditure.	Capital expenditure.
	(2)	(3)	(4)	(5)	(6)	(7)
(1)	RS.	RS.	RS.	RS.	RS.	RS.
Municipalities.						
Anantapur district—						
1 Anantapur	2,968	..	3,136	..	2,853	6,735
Arcot North district—						
2 Tiruvannamalai	3,070	..	3,042	..	3,171	6,216
3 Vaniyambadi	1,851	..	1,436	..	1,802	..
4 Vellore	5,870	11,691	5,745	28,139	9,232	20,347
5 Walajapet	1,236	..	1,241	..	1,369	..
Arcot South district—						
6 Cuddalore	1,530	..	1,926	..	1,730	..
7 Villupuram	1,218	..	1,250	..	1,201	..
Bellary district—						
8 Bellary	6,050	..	4,985	..	4,890	..
9 Hospet	2,511	..	2,214	..	2,464	..
Chingleput district—						
10 Chingleput	2,501	..	1,893	..	1,873	..
11 Saldapet	2,417	10,022	4,678	..	5,620	..
Chittoor district—						
12 Chittoor	4,443	..	3,901	..	4,283	..
Coimbatore district—						
13 Coimbatore	21,725	..	24,686	..	23,174	..
Ganjam district—						
14 Berhampur	1,487	..	1,638	..	1,582	..
15 Chicacole	..	..	951	..	1,059	..
Godavari East district—						
16 Rajahmundry	1,588	..	1,503	..	1,696	..
Godavari West district—						
17 Ellore	4,646	..	5,624	4,604	5,558	..
Guntur district—						
18 Guntur	4,953	..	3,949	..	5,317	3,173
19 Ongole	1,772	..	1,773	..	1,586	..
Kanara South district—						
20 Mangalore	3,950	..	3,938	..	4,297	..
Kistna district—						
21 Bezawada	8,556	..	9,035	..	8,369	..
22 Masulipatam	1,590	..	1,619	..	3,299	..
Kurnool district—						
23 Kurnool	2,729	..	1,968	..	2,736	..
24 Nandyal	3,337	..	2,453	..	3,895	..
Madura district—						
25 Dindigul	3,069	..	3,300	..	2,031	..
26 Madura	22,639	5,031	9,050	783	11,848	..
Malabar district—						
27 Calicut	14,846	..	15,641	..	15,561	..
28 Palghat	4,250	..	4,311	7,945	4,144	..
29 Tellicherry	2,262	..	2,461	..	2,453	..
Nellore district—						
30 Nellore	3,861	..	3,449	..	3,507	..
Nilgiris, the district—						
31 Ootacamund	2,809	..	4,651	..	6,177	..
Ramnad district—						
32 Virudunagar	..	..	1,837	..	4,208	..
Salem district—						
33 Salem	2,458	19,956	1,763	780	1,577	..
Tinnevely district—						
34 Palamcottah	2,313	..	2,457	..	2,475	42
35 Tinnevely	3,735	..	1,506	..	1,524	..
Trichinopoly district—						
36 Karur	4,178	..	4,640	..	5,036	..
37 Trichinopoly	6,851	..	5,963	..	6,883	..
Vizagapatam district—						
38 Anakapalle	4,589	..	4,619	..	4,840	..
39 Bhilipatam	919	..	988	..	1,025	..
40 Vizagapatam	7,723	..	8,026	..	6,485	..
41 Vizianagaram	928	..	998	..	907	..

[31st January 1936]

(2)

LIST OF MEMBERS OF THE BOARD OF COMMUNICATIONS, MADRAS.

President.

- 1 The Hon. the Minister for Local Self-Government.

Secretary.

- 2 The Secretary to Government, Local Self-Government Department.

Members.

- 3 The Chief Engineer, Public Works Department, General, Buildings and Roads.
- 4 The Commander, Royal Engineers, Madras district, Bangalore.
- 5 The Inspector-General of Police, Madras.
- 6 The Director of Agriculture, Madras.
- 7 The Chief Engineer for Irrigation.
- 8 Mr. R. M. Palat, M.A., Bar-at-Law, B.C.L., M.L.C., President, District Board, Malabar.
- 9 M.R.Ry. R. Shanmugha Rajeswara Sethupathy Avargal, Raja of Ramnad, President, District Board, Ramnad.
- 10 M.R.Ry. A. V. Bhanoji Rao Garu, M.L.C., Chairman, Municipal Council, Vizagapatam.
- 11 Major F. Church, M.B.E., Secretary, Automobile Association of Southern India, Kardyl Buildings, No. 1/18, Mount Road, Madras (nominee of the Automobile Association of Southern India).
- 12 Mr. A. E. C. Morris, Messrs. McKenzies, Limited, Burmah-Shell House, Esplanade, Madras (nominee of the Indian Roads and Transport Development Association, Limited, Madras).
- 13 Mr. G. L. Orchard, care of the Burmah-Shell Oil Storage and Distributing Company of India, Limited, Madras (nominee of the Madras Chamber of Commerce).
- 14 M.R.Ry. S. Krishna Ayyar Avargal, Manager, Messrs. Raval and Company, No. 8, Second-line Beach, Madras (nominee of the Southern India Chamber of Commerce).
- 15 Mr. F. G. Luker, Messrs. Addison and Company, Limited, Mount Road, Madras (nominee of the Madras Trades Association).
- 16 Lieut.-Col. C. H. Brock, O.B.E., V.D., 'Glenview,' Coonoor (Nilgiris) (nominee of the United Planters' Association of Southern India).
- 17 Mr. H. N. Colam, Agent, Madras and Southern Mahratta Railway Company, Limited, Park Town, Madras (nominee of the Madras and Southern Mahratta Railway Company, Limited).
- 18 Mr. C. A. Muirhead, Agent, South Indian Railway Company, Limited, Trichinopoly (nominee of the South Indian Railway Company, Limited).

31st January 1936]

APPENDIX VI.

[Vide answer to question No. 669 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 31st January 1936, page 276 supra.]

Number of maternity cases in the Queen Alexandra Hospital for Women at Salem since June 1935.

Month.	Number of labour cases.
June 1935	36
July 1935	52
August 1935	50
September 1935	48
October 1935	42

2. There are 21 beds in the hospital and all of these are meant as far as possible for maternity cases and gosha ladies who do not wish to be treated in the Headquarters Hospital.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Saturday, the 1st February 1936.

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, <i>Kt.</i> The Hon. Rai Bahadur Sir K. V.	Muniswami Pillai, Rao Sahib V. I.
Pannirselvam, The Hon. Rao Bahadur A. T.	Muthiah Chettiyar of Chettinad, Raj Kumar M. A.
Souter, <i>K.C.I.E.</i> , <i>C.S.I.</i> , <i>I.C.S.</i> , The Hon. Sir Charles.	Muthu Chettiyar, Rao Bahadur P. C.
Bracken, <i>C.S.I.</i> , <i>C.I.E.</i> , <i>I.C.S.</i> , The Hon. Mr. G. T. H.	Nachiyappa Gounder, Mr. K. A.
Raja of Bobbili, <i>K.C.I.E.</i> , The Hon. the Rajan, The Hon. Mr. P. T.	Nadimuthu Pillai, Mr. A. Pl. N. V.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.	Nanjappa Bahadur, Rao Bahadur Subadar-Major S. A.
Abdul Hameed Khan Sahib Bahadur.	Narasa Reddi, Mr. T.
Ahmed Meeran Sahib Bahadur.	Narasimhaswami, Rao Sahib D. V.
Alamelumangathayaramma, Mrs. K.	Natesa Mudaliyar, Diwan Bahadur C. Palat, Mr. R. M.
Annamalai Chettiyar, Mr. S. A. A.	Parthasarathi Ayyangar, Mr. C. R.
Appadurai Pillai, Diwan Bahadur A.	Patnaik Mahasayo, Sriman M. G.
Arasu, Mr. V. T.	Patro, <i>K.C.I.E.</i> , 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.
Beyabani Sahib Bahadur, S. M. K.	Premayya, Mr. G. R.
Bhanoji Rao, Sri. A. V.	Rajagopala Pillai, Mr. P. V.
Boag, <i>C.I.E.</i> , <i>I.C.S.</i> , Mr. G. T.	Ramakrishna Reddi, Mr. A.
Devadasan, Mr. M.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Dharmalingam Pillai, Rao Sahib V.	Ramalinga Reddi, Mr. C.
Foulkes, Mr. G. F. F.	Ramamurti, Rao Sahib Pandit Ganala.
Gopalaswami Mudaliyar, Diwan Bahadur M.	Raman Menon, Mr. K. P.
Harischandrudu Nayudu, Mr. A.	Ramaswami Ayyar, Mr. T. S.
Indrayya, Mr. C.	Ramaswami Mudaliyar, Mr. V. M.
Iswaran Pillai, Mr. I. C.	Rameswara Rao, Mr. G.
Jagannatha Raju, Rao Bahadur G.	Ranganatha Mudaliyar, Mr. A.
Jagannatham, Mr. H. M.	Rangaswami Reddi, Mr. M. B.
Javad Hussain Khan Sahib Bahadur, Khan Bahadur.	Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Jayaram Nayudu, Rao Sahib C.	Reid, Mr. D. M.
Jones, <i>I.C.S.</i> , Mr. C. E.	Rukmani Lakshmipathi, Mrs. A.
Kesavaramamurti Nayudu, Mr. K.	Russell, <i>I.C.S.</i> , Mr. T. B.
Kolanda Reddi, Rai Sahib C.	Schamnad Sahib Bahadur, Khan Bahadur Mahmud.
Krishnamurti, Rao Bahadur D.	Scott Brown, <i>I.C.S.</i> , Mr. W.
Krishnan, Mr. C.	Sesha Reddi, Rao Bahadur B. P.
Kumararaja of Venkatagiri, The.	Shetty, Mr. A. B.
Langley, Mr. W. K. M.	Siva Raj, Rao Sahib N.
Madanagopal Nayudu, Mr. R.	Smith, Mr. J. M.
Maharaja of Parlakimedi, The.	Sreshta, Mr. M. S.
Manikkavelu Nayakar, Mr. M. A.	Srinivasa Ayyangar, Mr. T. C.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Srinivasan, Diwan Bahadur R.
Moses, Mr. P. C.	Sriramulu, Mr. G.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.	Subbarayan, Dr. P.
	Subrahmanya Bhatt, Mr. U. C.
	Sundara Rao Nayudu, Mr. T.
	Syed Tajuddin Sahib Bahadur, Khan Sahib.

[1st February 1936]

P R E S E N T—cont.

Thangal, Mr. P. M.
 Uzielli, C.I.E., I.C.S. Mr. H. R.
 Vasudeva Pillai, Mr. V. G.
 Vedachala Mudaliyar, Rao Sahib M.
 Venugopal Nayudu, Rao Bahadur
 R. K.

Yahya Ali Sahib Bahadur, Khan
 Bahadur.
 Yakub Hasan Sahib Bahadur.
 Zamindar of Bodinayakkanur, The.
 Zamindar of Kirlampudi, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Excise

Advantages of the grouping system of toddy shops.

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

(a) what the names are of the toddy shops that are brought under the group system at Salem;

(b) what the amount of sale fetched by each of those shops was in each year for the past five years ending with 1934–35;

(c) what the sale amount of the group for the current year is;

(d) for what special reasons this sort of grouping has been made and what are the advantages and disadvantages of this system;

(e) in how many places in this Province such a system has been adopted and what those places are;

(f) what the net income or loss is in each of those places when compared to the income from those shops during the previous year;

(g) how many shops, each of such groups contains; and

(h) when was this system of grouping brought in?

A.—(a) Five toddy shops in Salem town and ten rural toddy shops adjoining them were disposed of in one group for a period of two years from 1st October 1935. The Government have no information as to the names of the shops.

(b) The average monthly rental of these shops for the last five years was Rs. 29,555. The Government have no other information.

(c) Rupees 32,000 per mensem.

(d) The attention of the hon. Member is invited to the answer to clause (a) of question No. 470 answered on 5th November 1935.

(e) So far as the Government are aware, shops were also sold in groups in the towns of Bellary and Kurnool.

(f) The sale by groups resulted in an increase in rental of about Rs. 35,000 in each of the places mentioned in clause (e).

(g) The Government have no information.

(h) It has been a recognized method since 1896.

[1st February 1936]

Mr. A. RANGANATHA MUDALIYAR:—"Sir, in answer to clause (h), it is said that it has been a recognized method since 1896. Am I to understand, Sir, that it was given effect to all these years or only recently adopted?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The Commissioner has been given discretion to adopt this method whenever local conditions require it.

Mr. A. RANGANATHA MUDALIYAR:—"Had it been so adopted before last year?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I think so, though I have no specific information."

Diversion of toddy tapped for one shop to another.

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

(a) whether the toddy tapped from trees marked for a particular shop can be taken to other shops for sale and if so, under what authority;

(b) whether it is a fact that the group shop contractor at Salem has been permitted to take the toddy tapped from trees marked for certain shops in the group to Bangalore;

(c) if so, whether a copy of the permission and licence granted in the matter will be placed on the table;

(d) whether such a permission is usually given or whether this is a novel procedure; and

(e) if novel, what the special reasons are for this deviation?

A.—A report has been called for.

Mixing of toddy for shops under the grouping system.

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

(a) whether the toddy tapped from trees marked for a particular shop can be mixed up with toddy from trees specifically marked for other shops, and then a general distribution made to various shops as demands arise day by day;

(b) whether this method can be adopted ordinarily or whether any special permission is required for doing so; and

(c) whether it is a fact that such a practice is followed at the group shops at Salem and permission has been granted therefor?

A.—A report has been called for.

Excise duty on homœopathic medicines imported from Bengal.

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

(a) whether any excise duty is being levied on import of homœopathic medicines from Bengal into our Presidency;

[1st February 1936]

(b) if so, what the rules on the subject are and on what basis the duty is levied; and

(c) whether any duty is payable on homœopathic pills, which are simply brought in contact with medical tinctures and are then bottled up, which do not contain any alcohol in them and, if so, on what basis is duty levied on them?

A.—(a) Excise duty at the rate of Rs. 10 per proof gallon of the spirit contents is levied on homœopathic medicines containing spirit as in the case of other spirituous medicinal preparations imported from Bengal into this Presidency.

(b) The rules on the subject are contained in the notification of the Commissioner of Excise published at page 454 of Part II of the *Fort St. George Gazette*, dated 3rd March 1931.

(c) Duty is leviable only on preparations containing spirits and the import of preparations which do not contain spirit is not under excise control. Homœopathic pills, being solids, have no spirit contents. No duty is therefore leviable on them.

Registration

Confirmation of the acting clerks of the Registration department, Guntur district.

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

(a) how many acting clerks there are in the Registration department in Guntur district;

(b) what the religion, caste, or community, of each is;

(c) when were they entertained and what the total period of their service up to date is;

(d) how many vacancies arose in the clerical establishment of the Registration department in the Guntur district during the last 10 years;

(e) how many were filled in from the approved list of acting clerks and what their ranks were in the list on the dates of their confirmation and how many were transferred from other districts; and

(f) what the reasons are for overlooking the claims for confirmation of the acting clerks in Guntur district?

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

Mr. G. R. PREMAYYA:—“The answer shows that the information has not yet been received. It is about two months since the question was sent. Will the Hon. the Minister please communicate the information to the questioner without a further question being put?”

The Hon. Mr. P. T. RAJAN:—“As soon as we get the information, it will be supplied to the House. It is not yet two months. The history of the department in Guntur district as wanted by the hon. Member in the question cannot be obtained in a short time.”

[1st February 1936]

Local Self-Government

Postponement of the date of elections to the District Boards of Guntur and Ongole.

* 676 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 new general elections for the Guntur and Ongole District Boards have been postponed from a date which was originally thought of for the purpose;

(b) if so, what the reasons therefor are and whether a copy of the order passed in the matter will be placed on the table;

(c) when the elections for these two district boards are to be commenced and completed;

(d) when the life of the present District Boards of Guntur and Ongole is to expire; and

(e) whether orders have been passed in these matters, and, if so, whether copies of them will be placed on the table?

A.—(a) Yes.

(b), (d) & (e) Attention is invited to the notification on the subject published on page 609 of Part I-A of the *Fort St. George Gazette*, dated 24th December 1935.

(c) The elections will be commenced in January 1936 and completed by 10th February 1936.

Fixation of the strength of the ministerial staff of district boards and orders, if any, governing promotions.

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

(a) whether the Government have fixed the number of ministerial staff of each district board; and if so, what it is;

(b) the qualifications prescribed for holding the post of Secretary, Superintendents and Manager of the district board offices;

(c) whether there is any Government Order authorizing the Presidents of district boards to select persons from among the clerks serving in lower and upper divisions for the post of Secretary, Superintendents and Manager of the district board offices; and

(d) if so, whether a copy of the order will be placed on the table?

A.—(a) The attention of the hon. Member is invited to the answer to question No. 657.

(b) The qualifications prescribed for the posts referred to are contained in the rule issued with Notification No. 1523, published on page 562 of Part I-A of the *Fort St. George Gazette*, dated the 3rd December 1935.

[1st February 1936]

(c) & (d) In G.O. No. 276, L. & M., dated the 25th January 1935, the procedure in regard to making appointments to these posts by presidents of district boards, has been laid down. This Government Order was already placed on the table of the House in reply to clause (a) of question No. 802 answered on the 11th March 1935.

Elections to the Provincial Legislatures

Programme of elections to the local legislature under the Reforms.

* 678 Q.—MR. K. A. NACHİYAPPA GOUNDER: Will the Hon. the Member for Finance be pleased to state—

(a) at what stage the preparations for elections to the local legislatures under the new reforms are; and

(b) when the new elections are likely to take place?

A.—The hon. Member is referred to the answer given to question No. 346, at the meeting of the Legislative Council on 31st October 1935.

MR. K. A. NACHİYAPPA GOUNDER:—“ May I know if the Hon. Member is not able to tell definitely at least now when the elections are likely to come up? ”

THE HON. MR. G. T. H. BRACKEN:—“ No, Sir, I have no definite information.”

B. POKKER SAHIB BAHADUR:—“ Did not the Conference which was held at Delhi throw more light on this matter? ”

THE HON. MR. G. T. H. BRACKEN:—“ The matter was discussed at Delhi; but a good deal depends on the publication of the Hammond Committee's Report.”

S. M. K. BEYABANI SAHIB BAHADUR:—“ Is the Hon. Member aware that the papers have forecasted to the effect that the elections will be held in January? ”

THE HON. MR. G. T. H. BRACKEN:—“ I am not aware of that.”

Provincial Finance

Rate of interest charged by the Government of India for the current year.

* 679 Q.—MR. K. A. NACHİYAPPA GOUNDER: Will the Hon. the Member for Finance be pleased to state whether the interest rate of the Government of India for the current year has been announced and, if so, what it is and when it was received?

A.—Yes. The standard rate of interest to be charged by the Provincial Loans Fund in respect of advances made to Provincial Governments in 1935–36 is $3\frac{1}{4}$ per cent per annum. The information was received by this Government on 1st September 1935.

[1st February 1936]

General

Representations received for and against the Tobacco Bill.

* 680 Q.—MR. K. A. NACHİYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(a) how many representations have been received so far protesting against the Tobacco Bill and how many favouring it;

(b) in what way they have been disposed of;

(c) whether the Collectors of districts and the Members of the Board of Revenue have been consulted about the introduction of this measure;

(d) what the opinion offered by each of the Members of the Board of Revenue is;

(e) what each of the Collectors said about the proposal;

(f) whether any public bodies or recognized associations of the public were consulted to ascertain public opinion about this proposal of new taxation;

(g) if so, what they are and what opinion each of them offered; and

(h) whether any preliminary survey has been made about the number of licences likely to be issued, the general enforcement of the measure and other kindred matters and if so, whether a copy of the report got in the matter will be placed on the table?

A.—(a) Two hundred and seven representations have been received. Thirteen are in favour of the Bill and the rest are against it.

(b) Such of them as were received in time were placed before the Select Committee of the Legislative Council, which considered the Bill.

(c) The Board of Revenue was consulted. It is not usual to consult the members of that body individually. Collectors were consulted generally in 1931 on the proposals which led to this measure. They were not consulted on the present Bill.

(d) & (e) The Government are not prepared to divulge the opinions expressed by their officers.

(f) The Select Committee invited the opinions of all persons and bodies interested in the Bill.

(g) The information cannot be compiled without an undue expenditure of time and labour.

(h) The Government have received a report from the Board of Revenue regarding the number of licences likely to be issued. The Government are not prepared to lay the report on the table.

[1st February 1936]

Mrs. A. RUKMANI LAKSHMIPATHI:—" May I ask the Hon. Member in charge whether it is not in the interests of the House to publish the opinions of the Collectors? "

The Hon. Sir CHARLES SOUTER:—" I think the hon. Lady Friend will find in answer to (c) that the Collectors were generally consulted in 1931. They were not consulted recently on the matter and it seems to me that no object would be gained in publishing the opinions which were given in 1931."

Mrs. A. RUKMANI LAKSHMIPATHI:—" May I know why the opinions were not gathered recently? "

The Hon. Sir CHARLES SOUTER:—" Because Government considered they had all the information necessary."

Mr. K. A. NACHIYAPPA GOUNDER:—" What is the objection to place the report of the Board of Revenue before the House? "

The Hon. Sir CHARLES SOUTER:—" I think that most of those who oppose the Bill do not like to read the report of the Board of Revenue on the Bill."

Mr. ABDUL HAMEED KHAN:—" May I know if the Government have not consulted Collectors recently before they prepared the Bill? "

The Hon. Sir CHARLES SOUTER:—" The answer is here. Collectors were not consulted on the present Bill before the House."

B. POCKER SAHIB Bahadur:—" May I know whether it is not a fact that there was a proposal to drop the Bill before the Select Committee? "

The Hon. Sir CHARLES SOUTER:—" Yes, Sir, the majority of the Select Committee were against the proposal."

Mr. ABDUL HAMEED KHAN:—" In view of the knowledge of the Hon. the Revenue Member that all sections of the House are likely to oppose the Bill, has he considered the question of dropping the Bill? "

The Hon. Sir CHARLES SOUTER:—" I do not anticipate what this Hon. House intends to do."

Irrigation

Failure of water in the Chepad channel, Proddatur taluk.

* 681 Q.—Mr. T. NARASA REDDI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that water in the Chepad channel, Proddatur taluk, has been reduced this year and in consequence of which the paddy crops under this channel have suffered to a large extent;

(b) whether it is a fact that many sluices in the channel have been closed;

[1st February 1936]

(c) whether it is a fact that some sluices proposed to be opened have been delayed to be opened indefinitely;

(d) whether it is a fact that the assessment of water-rate is uneven under this project; and

(e) whether it is a fact that this project is working at a profit; if so, what the rate of interest realized on the capital outlay is?

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

(d) The attention of the hon. Member is invited to the answer to clause (c) of question No. 298 answered on 30th October 1935.

(e) The information is not available as separate Capital and Revenue accounts are not kept for the project.

Mr. T. NARSA REDDI:—" With reference to the answer to clauses (a) to (c) in view of the fact that there is a large number of complaints from the ryots, will the Government be pleased to call for the information? "

The Hon. Sir CHARLES SOUTER:—" Sir, I do not hear."

* The Hon. the PRESIDENT:—" Will the Hon. Member make himself more audible? "

Mr. T. NARASA REDDI:—" Will the Government be pleased to call for the information? "

The Hon. Sir CHARLES SOUTER:—" Sir, I think the public should approach the Public Works Department authorities or the Revenue authorities in this matter."

Alleged silting up of the Kaveripauk tank in the North Arcot district.

* 682 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) the capacity and extent of the ayacut under the Kaveripauk tank and the income thereunder;

(b) whether, and how many times, it has gone dry during the past 20 years;

(c) the extent of the silt in the tank and when it was removed for the last time; and

(d) the extent of money spent for the removal of silt each year during the last ten years?

A.—(a) Capacity, 1,474 million cubic feet.

Ayacut, 5,959 acres.

Income, Rs. 48,974.

(b) The tank was never found to be dry in the rainy season, but it gets dry almost every year in the summer, i.e., for some time between the months of April and September, the usual rainy season for the locality and the Palar being from October to December.

[1st February 1936]

(c) & (d) The depth of silt in the deep bed above the level of the lowest sluice was said to be 12 feet even from the year 1853. The average deep bed is now found to be 14 feet above the sill of the lowest sluice. No silt clearance in the tank appears to have been done for deepening the bed.

Mr. A. RANGANATHA MUDALIYAR:—"In view of the fact that the tank is silted up very considerably, have the Government ever considered the question of restoring the original position?"

The Hon. Sir CHARLES SOUTER:—"Not that I am aware of. I must however controvert that statement of my hon. Friend. The depth has increased only two feet since 1853."

Diwan Bahadur A. APPADURAI PILLAI:—"May I know from the Hon. the Revenue Member, having regard to the condition of these tanks like Kaveripauk and Mamandur in the North Arcot district, whether Government will be pleased to instruct the tank restoration parties to include the removal of silt from these tanks in their programme of works?"

The Hon. Sir CHARLES SOUTER:—"That question has been raised and the technical opinion is that the removal of silt in those tanks is not a desirable matter. The proper course is to increase the supply and heighten the bund and not to attempt to clear the silt. That is the technical opinion on the matter."

Mr. A. RANGANATHA MUDALIYAR:—"If the depth of the silt has increased by two feet, how much does it mean in the reduction of the capacity of the tank?"

The Hon. Sir CHARLES SOUTER:—"Notice."

Land Revenue Administration

Intimation of impending transfers in the case of Deputy Collectors.

* 683 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 I.C.S. officers are ordinarily consulted or at least intimated allowing sufficient time before they are transferred from one station to another;

(b) whether the same privilege is allowed to Deputy Collectors and other gazetted officers; and

(c) if the reply be in the negative, why they are not shown such courtesy?

A.—(a) I.C.S. officers are not consulted before they are transferred from one station in the Presidency to another. Orders of transfer are ordinarily communicated to them as soon as a decision is made. The rules provide for joining time including time for preparation for all officers.

(b) & (c) The attention of the hon. Member is invited to the answer given to question No. 642.

1st February 1936]

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether the orders of transfer will be directly communicated to the officers concerned?"

The Hon. Sir CHARLES SOUTER:—"No, Sir."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know what difficulty there is in sending a copy direct to such officers so that they may know the information beforehand and be prepared?"

The Hon. Sir CHARLES SOUTER:—"Because it would entail considerable amount of unnecessary work."

Legislative proposals for the amendment of the Madras Revenue Recovery Act with reference to the provision for the arrest and imprisonment of defaulters.

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

(a) whether there are any proposals to amend the Revenue Recovery Act so as to delete the provision for arresting and putting in jails of defaulters for arrears of land revenue; and

(b) when it is likely to materialise, and when the amending Bill is to come up before the Legislative Council?

A.—The attention of the hon. Member is invited to the answer to question No. 643.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know when the examination of this matter will be concluded and the Bill brought up?"

The Hon. Sir CHARLES SOUTER:—"The report of the Board of Revenue has not been received, Sir."

Proposals of land revenue remission for the current fasli.

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

(a) whether there are any proposals for allowing some remission in land revenue for the current fasli as has been done in the past two faslis;

(b) if so, what they are and when orders are likely to be passed in the matter;

(c) whether the Collector of each district was asked to submit any report in the matter;

(d) whether all such reports have been received; and

(e) whether a copy of the report submitted by the Collector of Salem will be placed on the table?

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

(c) & (d) Yes.

(e) No.

[1st February 1936]

Mr. K. A. NACHIYAPPA GOUNDER:—"With regard to the answers to clause (c), may I know what difficulty there is in placing the report before this House?"

The Hon. Sir CHARLES SOUTER:—"Because I do not think that the report of the Collector should be placed on the table of the House."

Mr. A. RANGANATHA MUDALIYAR:—"If the work is already taken up, will the Government expedite the order so that relief may be available?"

The Hon. Sir CHARLES SOUTER:—"All in good time."

Mr. A. RAMAKRISHNA REDDI:—"May I know, Sir, if the policy of distributing remission will be based on the economic condition prevailing in the districts?"

The Hon. Sir CHARLES SOUTER:—"I should like to do so, Sir. As I said once before, if any Member could give a satisfactory formula to work out, I shall be only too grateful to him."

Mrs. A. RUKMANI LAKSHMIPATHI:—"Will the Hon. the Revenue Member informally tell the House what the intentions of the Government are in the matter?" (Laughter.)

The Hon. Sir CHARLES SOUTER:—"Not even the blandishments of the hon. the Lady Member will make me do that." (Laughter.)

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether the report from the Collector of Salem is in favour of or against the remission?"

The Hon. Sir CHARLES SOUTER:—"I cannot reply to that, Sir."

Report of the Collector of Salem regarding the need for land revenue remission.

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

(a) whether any special report has been received from the Collector of Salem either by the Government or by the Board of Revenue in the matter of giving some liberal remission on account of the poor condition, and absence of timely rainfall in this district this year;

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

(c) what orders have been passed on the report and whether a copy of it will be placed on the table?

A.—The Government have not received any special report in the matter from the Collector of Salem. They have no information as to whether the Board of Revenue has received any such report.

1st February 1936]

Labour

Transfer of the management of the Labour schools in Malabar to the district board.

* 687 Q.—Mr. H. M. JAGANNATHAM: Will the Hon. the Home Member be pleased to state—

(a) whether it is a fact that the Malabar District Board has requested the Government to hand over the management of the Labour schools in Malabar to the district board and, if so, what the Government have done in the matter;

(b) whether it is a fact that the Government have already handed over the management of Labour schools in some districts to the respective district boards and, if so, what the districts are in which it has been done;

(c) whether it is a fact that it is the declared policy of the Government that separate schools for the depressed classes should not be allowed in places where there are other schools;

(d) whether it is a fact that most of the separate Adi-Dravida schools run by the Labour department in Malabar are located very close to other recognized schools;

(e) whether it is a fact that the Government have received representations from the depressed classes of Malabar that these separate Labour schools are militating against the education of Adi-Dravida children in general schools and, if so, what the Government have done in the matter; and

(f) whether it is a fact that the Malabar District Board is now going on with a special programme of Adi-Dravida education in general schools and, if so, whether this policy of the board has received the support of the Government?

A.—(a) Yes. The Government have informed the District Board that the time is not ripe for complying with their request as the Labour Department has not completed its work in any particular area.

(b) Yes. The labour schools in some of the taluks in the districts of Tinnevely, Coimbatore, Chittoor, Kurnool, Cuddapah, Guntur, East Godavari and South Arcot have been handed over to the local boards, on completion of the work of the Labour Department in those taluks.

(c) The policy of the Labour Department is to endeavour as far as possible to get the depressed class pupils admitted into the elementary schools already existing in the locality and to open separate schools for them only in places where, owing to caste prejudices, the existing schools are not easily accessible to them or in places where there are no schools.

[1st February 1936]

- (d) The Government have no information.
- (e) Two representations were received from Mr. Kannan, a member of the District Board and President, Kerala Adi-Dravida Sabha. The Government do not think that the time is ripe for dispensing with separate schools for the depressed classes.
- (f) The Government have received a copy of the recommendations of a committee appointed by the District Board to consider the question of providing better facilities for Adi-Dravida pupils in schools under it. They have no objection to the provision of such facilities by the Board from its own funds.

Rao Sahib V. I. MUNISWAMI PILLAI:—"With reference to (a) will the Hon. the Home Member be pleased to state whether and when the Labour Department expects to complete the work in this particular area?"

The Hon. Mr. A. T. PANNIRSELVAM:—"It is not possible to foretell with any amount of accuracy when the work will be completed."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Will the Government by subsidizing the local boards be able to afford facilities for the Adi-Dravidas?"

The Hon. Mr. A. T. PANNIRSELVAM:—"Not in a place where we ourselves are carrying on the work."

Police

Death of one Nunnu alias Muniyan, whilst in the police lock-up in Maduravayal, Chingleput district.

* 688 Q.—Diwan Bahadur R. SRINIVASAN: Will the Hon. the Home Member be pleased to state—

(a) whether it is a fact that an Adi-Dravida, Nunnu alias Muniyan, was on the 17th September 1935 arrested and taken for petty theft by a Sub-Inspector and two constables and put into a lock-up at the Muduravayal Police station, Poonamallee road, Chingleput district, and that there his dead body was afterwards found hanging by a cloth from the lock-up window;

(b) whether there was any guard to watch the prisoner in the lock-up during the night;

(c) what the allegations made by Nunnu's relatives were against the Sub-Inspector and two constables;

(d) whether it is a fact that Nunnu's relatives presented a petition to the Deputy Superintendent of Police that the body of Nunnu should be sent to the Madras General Hospital for post-mortem examination and not to Poonamallee, because they alleged that the police would influence the medical officer there and obtain a certificate favourable to them;

[1st February 1936]

(e) whether the Deputy Superintendent sent the body to the General Hospital; and

(f) whether the Government will be pleased to place on the table the report made by the medical officer who conducted the examination?

A.—(a) Yes.

(b) Yes. A guard was posted over the prisoner. As however the door of the lock-up was a solid wooden one with only a small aperture, it was not practicable for the sentries to keep the prisoner constantly in view.

(c) Nallathambi, the brother of the deceased, and Chinnathambi, the brother-in-law of the deceased, both made allegations at the inquest that the deceased was assaulted by the Sub-Inspector and constables. Both these persons alleged that they witnessed the actual assault taking place and that they were together at the time. The former alleged that the Sub-Inspector kicked the deceased in the stomach whilst he was in the station compound and that then two constables bumped the deceased on the ground and the deceased made no sound after this. The latter alleged that the Sub-Inspector and constable beat the deceased with lathis inside the station and that he was given about 40 or more blows. It was the contention of these witnesses that the death of the deceased was caused by the police. No injuries were found on the body of the deceased to support the allegations made by these two relations.

(d) & (e) Yes.

(f) A copy ^a of the report is annexed.

Removal of the punitive police at Attayampatti.

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

(a) whether it is a fact that orders have been passed removing the punitive police at Attayampatti village in Salem district;

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

(c) whether a copy of the reports of the District Magistrate and the District Superintendent of Salem district will be placed on the table?

A.—(a) Yes.

(b) & (c) A copy ^b of G.O. No. 677, Public (Police), dated the 14th December 1935, and a copy of ^b of the report of the District Magistrate, Salem, are placed on the table of the House. The report of the District Superintendent of Police, Salem, has not been received by the Government.

^a Printed as Appendix I on pages 368–369 infra.

^b Printed as Appendix II on page 370 infra.

[1st February 1936]

Electricity

Issue of licences to private bodies for generation and distribution of electricity in North Arcot district.

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

(a) the names of taluks of the North Arcot district for which licences have been granted to private licensees to generate and distribute electric power;

(b) the names of licensees in the above district with their respective areas;

(c) the amount of energy distributed by each during the last year;

(d) the amount of energy sold solely for agricultural pumping; and

(e) the number of pumps installed by each?

A.—(a) Portions of Gudiyattam, Vellore and Tiruppattur taluks.

Licencees.	Area of supply.
(b) (1) The Vellore Electric Corporation, Limited.	The town of Vellore and the area contained within a radius of 6 miles from the electric power house in the town as the centre.
(2) Messrs. Khaleeli Ram and Iyer.	The area bounded on the north by 12° 49' 50" north latitude tangential to the circle comprising the area covered by the Vellore Electric Licence; on the south by a parallel line passing through a point two miles north of Jalarpet Railway Station; on the east by the revenue taluk boundaries of Tiruppattur and Vellore; and on the west by the revenue taluk boundaries of Gudiyattam and Tiruppattur. This area comprises portions of Gudiyattam, Tiruppattur and Vellore taluks containing Vaniyambadi and Ambur towns.
(3) The North Arcot District Electric Supply Corporation.	The area bounded on the south by 12° 49' 50" north latitude tangential to the circle comprising the area covered by the Vellore Electric Licence, and on the east, north and west by the boundaries of the existing Vellore licensees' area, the revenue taluks of Chittoor and Gudiyattam respectively. This area comprises a portion of the Gudiyattam taluk including the municipality of Gudiyattam.

(c) Of the three licensees referred to in answer to clause (b) above, Nos. (2) and (3) have not yet commenced supply, the licences having been granted to them in August and September 1935 respectively.

No. (1) the Vellore Electric Corporation, Limited, report that they sold 289,361 units during 1934-35.

(d) 8,200 units in 1934-35.

(e) Three in 1934-35.

1st February 1936]

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

II.—BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR CERTAIN PURPOSES (BILL No. 11 OF 1934)—cont.

Clause 123-A—cont.

* The Hon. the PRESIDENT:—"The discussion on the City Municipal Bill will be resumed." 11-15 a.m.

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, I have stated in connexion with the sections in the City Municipal Bill relating to cheris and hutting grounds that the owners of cheris are not inclined to effect any improvements. I have also explained that even in cases where cheri-owners are willing and inclined to effect improvements it is not a practical proposition to them seeing that it is not possible for them to secure an adequate return on the capital invested in effecting such improvements. I have also explained that the conditions of the cheris at the present moment are very insanitary and absolutely dangerous to public health. My contention is that unless the root cause is removed, viz., housing the cheri people in open places with sufficient air and suitable facilities for drainage and conservancy, thousand and one welfare centres or things of that kind would not answer our purpose. All these attempts will only be rendered nugatory for the simple reason that the most important requisites for the betterment and the proper living of these cheri people are drainage and conservancy. If these are to be carried out properly, it is up to the Corporation to tackle this problem in all its seriousness with reference to a proper plan. Sir, I am very grateful to the city fathers for the generosity they have shown in dealing with this slum question. They have been pursuing a policy of slum clearance. They have constructed some model tenements here and there in the city. I could quote for instance the cheri up the Broadway which was one of the worst parts of Georgetown. I believe the Corporation acted well in putting up cheap tenements and considerably improved the condition of the people living there. They have also put up tenements for slum people living near the Clive Battery, in Washermanpet and in Bogipalayam. A great deal remains to be done. While the Corporation has earned the undying gratitude of the people of cheris, I say that it is up to the Corporation to pay attention to this question on a well-planned scheme. Probably, it would be necessary to have a slum survey in the city to find out which localities require immediate attention. Some of the worst places should be taken up first and the tolerable places may be taken up later. Anyhow, I think the scheme should be based on a ten-year programme or spread over a longer period, by which it would be possible for the Corporation to deal systematically with this question, instead of on a spasmodic or scattered scale. My suggestion is that for such a policy it is not possible to look to private enterprise. Private owners, as I have already explained—I need not detain the House any longer on

[Mr. A. Appadurai Pillai] [1st February 1936]

that aspect of the question—have not been forthcoming to take this question in all seriousness for the simple reason that it is not possible for them to realize the money that they will probably be asked to invest upon this concern.

“ Sir, I have received a number of representations from several slum areas; some portions of these representations are very touchy. I do not wish to trouble the House with any detailed reading of these representations. Just a line here and a line there will show how keenly the residents of slum areas feel their inability to live better lives. One says: ‘ We are in a perpetual state of indebtedness and despair. There is no ray of hope to improve our lot.’ Another man says very pithily: ‘ We ask you whether it is not the duty of the Government to see that we are lodged in healthy houses, for in our health lies your health, in our strength your strength and in our happiness your happiness.’ Another man says: ‘ In our poverty-stricken, ill-paid hard miserable lifetime, how can we dream of becoming owners of our huts or small houses? But if the Government in addition to the rent charged collects a small sum of money for a number of years to enable us to purchase the huts, there is a chance for us to realize our hope and call the place of our living our own.’ These are some of the passages from the communications I have received from the slum dwellers of Madras, and I deemed it desirable that the House also should hear them. Sir, all this no doubt means finance. The question often arises as to how this problem should be tackled. If the position is once conceded that it is the look-out of the Corporation to tackle the question of slum improvement of its own accord, the question arises how the financial problem should be met. Sir, finance has to be faced. Private owners have to face the same liability as the Corporation. Sir S. D. Simon has a very fine passage in his book with reference to that point. He says:

‘ One argument frequently used against extending the housing activities of local authorities is that it means incurring very heavy indebtedness, which is said to be dangerous and bad. When the same people discuss the building societies, they cannot praise too highly their immense services in raising gigantic sums of money and in using them to build houses through private enterprise and so create valuable assets for the nation! In both cases there are debts and assets, in praising the building society only the assets are considered, in discrediting the local authority only the debts. Truly a remarkable feat in rationalizing one’s dislike of local authority building!’

If the question is, who should bear this burden whether the Corporation or the private owner, I believe the unmistakable answer of this Council will be that it is up to the Corporation to incur this liability and shoulder the responsibility. After all, the issue of debentures particularly for this purpose may probably bring in considerable response, and by means of loan funds it might be possible to incur expenditure on a planned scheme, bringing about a systematic improvement of cheris, providing the cheri people with the most elementary amenities of civic life.

[1st February 1936] [Mr. A. Appadurai Pillai]

“ Sir, there are two classes of slum people. Firstly, there is the migratory class which comes into Madras. Madras is getting overpopulated every year, for the simple reason that those who get into our blessed Madras do not get out of it whether it is the coolie or the middle-class man or the high-class person. Be that as it may, the migratory class of slum people we can find scattered all over the town. One cannot walk along the public road without seeing these people squatting on the roadside, and just beyond the kerbstone one is not able to walk along. These are used as camping places by the houseless people. Sir, walk along the road in front of the Memorial Hall and in front of the Rattan Bazaar, the tin bazaar and the glass bazaar, and you find people using the sides of the road as their habitation. The road itself is congested with the traffic of cycles, motor cycles, motor cars and other fast running vehicles, and there is no means for the wayfarer to walk about on the sides of the road, because they are all occupied by these houseless people. They set up camp fires there, prepare their meals; they contract marriages and carry on their usual avocations of life. Very happily they live under the canopy of the sky, and it is an eye sore to walk along the esplanades. Then what about the open spaces? Get along the road by the side of the fruit market and walk to the Fort railway station, and you can find groups of people living on road sides and making themselves comfortable under the trees. Sir, is it not the duty of the Corporation, which is the premier local body in the province to do something, to acquire sites and to house these people, where they can cook their meals, live and sleep there.

“ There is another class of people, Sir, the coolie class the unfortunate hand cart puller and the coolie labourer who are permanent residents of the city, and have to be housed permanently on a scheme spread over a number of years. The Corporation could tackle the problem in a much better manner than any private owner. My proposition therefore is that this is a responsibility which lies heavily on the Corporation. Sir, thanks to the City Fathers, for they are already tackling the question in some way. If so, is it proper for us to arm the Corporation with powers to enforce private owners of cheris to carry out the improvements as are contemplated in sections 257-C to 257-O; should we not scrap these sections which deal with the real functions of the Corporation. Hence my suggestion to omit these sections 257-C to 257-O. With reference to the existing cheris there is ample provision in section 257-A, B and P, onwards. There are sections which invest the corporation with sufficient authority to insist upon improvements in the way of lighting, drainage, conservancy and all that sort of thing. But the other sections which aim at enforcing that duty on private owners, I think are unnecessary, if my proposal that it is the duty of the Corporation to make these improvements is accepted. It is not my intention that my amendment should be wholly accepted. If it is found that the acceptance of my amendment will in any way mar the sequence of other provisions in the Bill, I am prepared to accept any suggestion that may be put forward on a careful scrutiny

11-30 a.m.

[Mr. A. Appadurai Pillai] [1st February 1936]

of the various provisions in the Bill to improve the situation. There may be drafting difficulties and other consequential alterations necessitated by the amendment, but the Secretariat would look to them. I beg of the Hon. Minister to consider this aspect, whether it is after all desirable and expedient to throw this responsibility on the private owners instead of on the local authority. We know that the Madras City Corporation is the premier local authority in the province. What is done by the Madras City would be copied by the local authorities in the mufassal. I therefore heartily commend my amendment to the acceptance of this hon. House."

* Diwan Bahadur R. SRINIVASAN:—"Sir, I second the motion. The hon. the Mover has dealt with the subject so exhaustively that I do not think it necessary to traverse the same ground over again. But the condition of the cheri is putrid and calls for urgent improvement. The boys in cheri streets sing songs to this effect: 'In towns many depressed classes people live in middle of streets; why numberless playgrounds. While hunger-stricken people are without shelters, what are radios for? When people with no employment cook in mid-roads, why parks and flower gardens?'

"That is a great reflection on the condition of the city. So I support what all my hon. Friend has said with his great experience on these matters."

* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"Mr. President, Sir, in the first place I must thank on behalf of the Corporation, Mr. Appadurai Pillai for saying that the Corporation has earned the undying gratitude of people, for constructing tenements. As a matter of fact, I think he has answered himself in his speech when he asked the question what the Corporation is doing. He is not the only gentleman who has made suggestions as to what the Corporation should do to better the lot of the poorer classes. I get dozens of petitions everyday regarding the matter. Everybody speaks about what the Corporation should do, but nobody can suggest from where the Corporation should find the money. When we ask where the money is to come from they reply, 'it is your look-out.' Mr. Appadurai Pillai referred to issuing debentures and thereby getting the money for carrying out these improvements. But there again one has got to find money to pay the interest on debentures, unless, indeed, some generous-minded people lend money to it without interest. As a matter of fact, these tenements that the Corporation has constructed in Bogipalayam, harbour area and a few other places and rented out to these poorer classes, do not even pay the interest on the sums invested in their construction. Mr. Appadurai Pillai has quoted chapter and verse from authorities which deal with conditions in England. I hope he will agree with me that the conditions in India are different from those in England. We cannot apply to this country what has been done there and say that the same thing should be done here. The Corporation is not obvious of the several points mentioned in the report of the

[1st February 1936] [Mr. Javad Hussain Khan]

Corporation Housing Committee. It has done what it could and is trying to do what it can. As a matter of fact, the Housing Committee that sat in the Ripon Buildings for some time submitted a report wherein it suggested some wholesome improvements to be done to the poorer quarters of this city, particularly the cheris. The Corporation has asked Government for a loan of one crore of rupees. (An hon. Member: 'Two crores.') But, I suppose it will not be possible for them to grant such a large sum all at once. I hope that, if finances permit, Government will come forward with the loan and help the Corporation. As for deleting the provisions, Mr. Appadurai Pillai referred to in his speech, it seems to me that it is like casting all the responsibility on the Corporation and none at all on the private owners. There are private owners and private owners, but in the case of some of the private owners of these cheris you can more easily draw blood out of stone than get them to improve the cheri in any way. If it were possible I would introduce legislation more drastic to compel these private owners to do their duty by these people. They know only to extract rent. With these words I oppose the amendment."

MR. ABDUL HAMEED KHAN:—"Mr. President, Sir, I was rather surprised that my hon. Friend, the Chief Whip of the party in power, should have himself given notice of an amendment like this and moved it with such a long speech as he did. I understand that he has been a resident of this city for a long time and he knows the conditions that are obtaining in it. In spite of all that, he thought it fit to move for the deletion of this very wholesome provision. And my surprise was greater when my esteemed Friend, Mr. Srinivasan, thought it fit to second that motion. If this provision is intended for anybody it is for the depressed classes who are the people who live largely in these cheris; and more than anybody else he ought to know the conditions in which they live. The condition in which they live is worse than the condition in which even the animals are kept. Such being the case, it should be possible for somebody to improve their condition. It has not been possible for the Corporation under the present Act to compel the owners of private cheris to improve them in order that they may be made more habitable for the inmates in them. In order to rectify that defect, it has been found necessary to introduce this provision. My friend who moved for the deletion of this provision wanted the Corporation to take the entire responsibility. He forgot that a public body could not legitimately interfere with the rights of private owners, nor could it find the large sum of money that would be necessary to purchase these cheris and improve them itself. There are three classes of cheris in the city; some of them are owned by the Government, some are owned by the Corporation, that is, the ground on which those houses are built: some are private-owned cheris. Private-owned cheris are larger in number and these are the plague spots of the city. The health of this city will never improve unless these black spots are removed from the face of the city. In order that this might be done, the Corporation should be empowered to compel the owners of private cheris to improve

[Mr. Abdul Hameed Khan] [1st February 1936]

them at their own cost. As the Commissioner has himself pointed out, there are owners of private cheris who can well afford to improve the conditions there and enable these unfortunate people to live in houses which could be called human habitations. They can afford to do that and they can certainly raise the rent to some extent which these people also will be prepared to pay. But what is happening is this. They go and collect the rents all right, but when the question of improving the conditions of living comes, they turn a deaf ear. The Corporation cannot compel them under the present Act to effect the necessary improvements. Therefore this provision is necessary. My hon. Friend referred to the way in which coolies and labourers live in the open spaces in the heart and other parts of the city. That certainly is a question which has to be considered by a public body. Therefore the Corporation constituted a committee called the Housing Committee which went into the problem thoroughly and exhaustively and has brought out a very voluminous and very well made out report. In that report they have suggested three things: first of all to improve the cheris at the cost of the Corporation with the financial assistance of Government; the second is to build tenements in localities which would fetch low rents—and it seems to me it would be a very remunerative concern.

11.45 a.m. "Thirdly, they have also suggested extensions. These are the three suggestions they have made in that report. In order to achieve the first object, viz., the improvement of the cheris in the city, the Corporation has already taken some steps. To start with, as the Commissioner said, the Corporation has asked the Government to give them a loan of 20 lakhs. I am sure if the Government gives a loan of Rs. 20 lakhs, the Corporation will certainly carry out the improvements which my hon. Friend suggests wherever it is possible. They may even negotiate with private owners of cheris and if those people are prepared to sell the lands for a reasonable price, the Corporation will certainly be prepared to purchase them and construct tenements there. It is now left to the Government to realize the situation. I am afraid it has not been possible for the Corporation to make the Government realize that they should attach the necessary importance to the improvement of the conditions of living in the city. Housing conditions in the city are certainly far from satisfactory. It is the duty of the Government to come to the help of the Corporation by giving grants and loans to carry out this very wholesome object. I would once again appeal to my hon. Friends, Mr. Appadurai Pillai and Mr. Srinivasan, in the interests of the people who live in these cheris, not to press this amendment. It will certainly be in the interests of the people if my hon. Friend withdraws his amendment. It was said, Sir, that if this motion is not adopted, it will affect the future owners of these cheris. I do not know why one should anticipate the existence of cheris in the future. Is it not the duty of my hon. Friend, the Mover, and of my hon. Friend who seconded this motion to obliterate these cheris altogether? I am sure they will agree with me that the conditions therein are so bad that they should not exist any longer. When that should be their object, I do not know why they have come forward to delete this wholesome provision in the Bill."

1st February 1936]

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, although the amendment before the House is to delete the proposed sections 257-C to 257-O, the speech of the hon. Mover was all for their retention. (Mr. T. S. Ramaswami Ayyar: 'It was just like your speech.') I am sorry for the interruption. If Mr. T. S. Ramaswami Ayyar was here yesterday afternoon he would have known how many amendments of that side were withdrawn after the Hon. Minister replied to the points raised therein. I will deal with it afterwards.

"Now, Sir, I would tell my hon. Friend, the Diwan Bahadur, representative of the Adi-Dravidas, that it is purely in the interests of the Adi-Dravidas themselves that this chapter was added. Sir, there are lands owned by Government and also by private individuals and when they are asked by the Corporation to improve the cheris built on them, they do not do anything. Therefore there is necessity for the Corporation acquiring those lands for carrying out the improvements. But on the question of acquisition all are not agreed. Some owners, on one side consent to acquisition and building model houses; on the other hand, some others say that the lands may be allowed to be improved by themselves so that they may occupy the places their ancestors occupied. So, in order to avoid acquisition, it is thought better to take power to compel the owner to effect improvement in his land and if he refuses, as he has been refusing for a number of years, to get the improvements carried out by the Corporation itself out of municipal funds and secure repayment of the expenses in instalments. If the owners are poor, municipal funds may be given or advanced. This is all for the good of the poor inhabitants of the cheris for whom my hon. Friend Mr. Appadurai Pillai has been pleading. These sections should therefore be retained/

"My hon. Friend was quoting from book after book. I heard it all, but I am inclined to think that they look as if that books were written only after seeing the activities in the Corporation of Madras. Sir, not now, for years together we have been attending to it. If they had seen what the cheris were like before, and what they are to-day, they would realize the magnitude of the work already accomplished by us. The Vasar Row cheri which was in a condition quite unfit for human habitation, now consists of a number of beautiful tenements occupied by the depressed classes for a nominal rent of Re. 0-8-0 or so. A similar dwelling outside the cheri could not be had for anything less than Rs. 5 per month. In the Varadarajapuram also the tenements are all very good. The Commissioner tells me that the rent is Rs. 1-8-0 and not annas eight as I said. But even then the rent is very cheap compared with that prevailing outside the cheris. Then there is the Bogipalaiyam where each tenement has got a kitchen, a hall, a bedroom, a latrine and an open space. For all this convenience, the rent charged is only Rs. 2 and Rs. 3. As the Commissioner said, it does not pay us even the interest on the capital. There are about 144 cheris in the City of Madras and to improve them all, in the opinion of our

[Mr. C. Natesa Mudaliyar] [1st February 1936]

Corporation, a sum of Rs. 2 crores would be required. We are depending upon the Government for this amount. Of course the Government can give us half the amount as loan and the other half as grant. If they give us the whole amount in a lump as a result of the influence of Mr. Appadurai Pillai, we will take it to-morrow. Otherwise we will have to struggle with the Government to get the money; for repaying the Government money and other loans if raised we will have to pay towards sinking fund and interest every month. Will the revenues of the Corporation suffice for all that? If the Government gives us half the amount as grant and the other half as loan we will be much obliged in that we could do a lot to relieve unemployment also.

"In this connexion I may say that the people who live in the streets of the city, make up the floating population and come here from the outskirts to earn wages by working in the new construction. Of course, even for them if a philanthropic gentleman can build a choultry, they would be obliged and the Corporation would be glad. Corporation too will try to accommodate and in the circumstances above-said, I request the hon. Mover to withdraw his motion though, of course, I know that he did not withdraw his motion yesterday when requested by me. He went to nine different districts as Collector and so had no opportunity to see the conditions in Madras at all. (He never knew what improvements have been taking place in Madras and how the depressed classes are being helped by the Corporation by their schemes for the improvement of cheris. This has been the policy of the Corporation ever since we entered it.)"

MR. T. S. RAMASWAMI AYYAR:—"Sir, I find that there has been some misconceptions about the provisions of this section. I think that the hon. Mover as well as his seconder is feeling that this is an encroachment on the rights of private people. I may tell them that the need for this section has been a very longfelt one. If at all the City Municipal Act is going to effect any improvement in the city's amenities, this one section will do it. For a long time it has been felt that the growth of slums within the city limits was a great menace, but the Corporation was powerless to check it. The main reason was financial. It is not possible for even the Madras Corporation to undertake this huge task. The second reason was that even granting that the Corporation is prepared to improve the hutting grounds or cheris, it had no right to do so, because the hutting grounds or cheris very often belonged to private individuals. As they were private property, so long as they were kept in a sanitary and clean condition, it was not open to the Corporation to step in and effect any improvement. The history of the beginning of slums may perhaps throw some light on this subject. For some years now, owing to agricultural depression in the surrounding districts, the labourers have been flocking to the city of Madras. They come in here, get casual or sometimes even permanent work, but not accommodation to live. They just put up a hut on some land—a coconut tope or waste land—belonging to a private individual. A number of such huts then spring up in that place without any reference to the needs of a dwelling

[1st February 1936] [Mr. T. S. Ramaswami Ayyar]

place. The owner for his part manages to get some good rent from these people squatting on a land which has not been of any use to him. In some cases the owner gets even higher rent for such huts than for big houses. He is therefore satisfied. But in cases where the rent is only annas eight or so, the owner does not provide any convenience for his tenant but leaves the latter to adjust himself as best as he can. No attempt is made to improve the sanitation and even a latrine is not provided for. My hon. Friend Mr. Srinivasan may remember that it is only a few days ago that he complained to me about the insanitary condition of a hutting ground and said that if the Corporation would not come in and provide a latrine, the people in that area would not pay their taxes to the Corporation.

"But the Corporation is helpless because it is a private man's land. That is why I said that so long as the owner gets his rent, he does not care about the sanitary conditions. If there is any rack-renting anywhere, it is only in these hutting grounds and the owner there gets very much more than the owner of big houses. The Corporation under the present Act has no power to compel the owner to lay out the hutting ground in any particular manner. Sometimes the Corporation is able to prosecute the owner of these grounds for keeping them in an insanitary condition. What is the result? Sometimes the owner pays a small fine imposed in the Magistrate's Court or if he finds it a nuisance to keep these people, he drives them out. After all, you are not going to solve the problem by prosecuting the owners. So far as the Corporation is concerned, it cannot spend any money because these hutting grounds do not belong to them. Evidently the mover of the amendment as well as its supporter are thinking of hutting grounds which belong to the poorer people, but they forget that most of the hutting grounds in Madras belong to private owners, where the owners have put up these huts. It is in order to improve the lot of these poorer people that this wholesome provision has been introduced. If you are going to delete this provision, certainly you are going to deprive these poor people of their right to live as human beings within the city. 12 noon.

"I was referring to one example of this difficulty which the Corporation has been feeling with regard to these hutting grounds and that is the case of the Parthasarathi Kuppam. It is a hutting ground where poor fishermen are living for a number of years. The hutting ground belongs to the temple. The trustees of the temple are not able to provide even ordinary amenities to the people living there. When the Corporation interfered and asked the trustees to improve it, they would not do it. After some time one of the trustees was agreeable, but the other was not. There was some difference of opinion between them and the result was that the Corporation was not able to do any work in that area. If cholera or any other epidemic broke out in this area, the Corporation had no power to help the people of that kuppam. Afterwards a scheme was drawn up for improving the Parthasarathi

[Mr. T. S. Ramaswami Ayyar] [1st February 1936]

Kuppam and the Director of Town Planning helped the Corporation to lay out a scheme and the Corporation was able to provide for the necessary finances also. But how to carry it out? The trustees would not co-operate. The Corporation's money was in the bank. Nothing could be done because the trustees would not co-operate. What are you going to do under such conditions? Unless the Corporation is given powers to interfere in such cases, it will not be possible to help the poor people. It has been said that the Corporation of Madras themselves should do these things. As I said, how can they interfere with private owners' rights. If this power is not given, the Corporation will not be able to undertake big schemes. With the limited finances they have, they have been able to solve the problem of slum clearance here and there by erecting buildings and tenements, and my hon. Friend Mr. Natesa Mudaliyar has stated at length that the Corporation has built such tenements and are helping the poor people. That is only touching the fringe of the problem. The problem is a very huge and colossal problem. So unless power is given under the Act to interfere with in cases, you are not going to solve the problem and help the poorer class of people. Therefore, Sir, I feel that you will not be doing the right thing if you are going to delete this wholesome provision in the Act."

* Diwan Bahadur A. APPADURAI PILLAI:—"I want to say a few words by way of explanation. My intention is not that the Corporation should not be armed with such powers. I am very sorry if that impression has been created in the minds of some of my hon. Friends. My point is there is ample provision under sections 257-A and 257-B onwards to give such powers to the Corporation, and that they give very drastic powers to them."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"Some of the previous speakers have dealt with this matter exhaustively and I do not wish to take up much of the time of the House. I would like to point out that the cheris in Madras are in a very bad condition and the necessity for improving the same has been impressed in the minds of hon. Members of this House on several occasions. If we delete a wholesome provision like this, I think the Legislature will be doing a very great harm to the community which seeks to get its grievances redressed. The public as well as Government have been affording certain facilities to the depressed classes to get education, but I find that educated people do not like to go and live in cheris due to the insanitary condition of the places. If this section is allowed as has been recommended by the Select Committee, I think it will go a great way to enable the Corporation to improve the slums and cheris. Of course the Commissioner has been telling us that there are proposals to improve the cheris by getting big loans from the Government and I think it is up to this Council to see that recommendations to that effect are made for getting such loans from the Government. When we go to districts and ask the authorities to improve the cheris there, they ask us 'What

1st February 1936] [Mr. V. I. Muniswami Pillai]

about the cheris in Madras? If the City of Madras, the metropolis of the Province, is not improved, where is the scope for improving the cheris in the districts? So I oppose this amendment. I know my hon. Friend Mr. Appadurai Pillai is not averse to the welfare of the depressed classes. I know him when he was a Collector and how kind he was to the poorer people especially the depressed classes. I do not really find what his object is in moving this amendment. After hearing the speeches made so far, I hope he will withdraw his amendment."

* Mr. C. BASU DEV:—"Sir, I rise to support the amendment of my hon. Friend Mr. Appadurai Pillai. In doing so, I do not wish to detain the House by repeating the arguments or adding to the well informed and exhaustive theoretical disquisition of the Hon. Mover. I would refer to one or two doubts of a practical nature that struck me in this connexion. We all agree that in the City of Madras the Corporation should do its best to make the lives of the poorer classes of people as happy as possible. I think the intention of the framers of this section, at least its effect, is to provide means by which the Corporation could effect this with the minimum trouble and expense to itself and the maximum worry to the residents. It is here that we disagree. I would like to point out that in 1921 an Act was passed by this Council by which protection was given to the city tenants who are persons who have either built or own superstructures upon other people's land before 1921. Since then many others have built huts or houses and they will not come under the Protection Act. If the Standing Committee should decide that a particular cheri or a hutting ground should be taken over, at once the owner of the land will drive away the tenants of those huts or buildings built in those cheries, and their position will then be miserable. I do not know if the owner takes action before the Commissioner gives notice or invokes the power under the provisions of this Act, to evict those people in the huts, his action will be outside the pale of this section. What would be the effect of this provision which is intended to make the poorer people of Madras better and happy? In my opinion if this provision is insisted upon the effect would be to drive out the poorer class of people from the heart of the city where they work to the outskirts of Madras thus forcing them to walk miles and miles to their place of business. I can understand a provision like this; if you introduce side by side with it a provision for the protection of these hut owners against eviction proceedings of the landlord. Without the existence of a provision for their protection, a provision like this would be wholly infructuous, and its only effect would be to drive the slum dwellers out of Madras. Again, Sir, take a case of a plot of land consisting of only two grounds of land on which there are a number of huts built in an irregular and insanitary manner. What would be the cost of effecting improvements on this plot? At a modest estimate it would come to at least Rs. 1,000. What will be the cost of the land and what is the rent which the owner at the present moment is getting therefrom?

[Mr. C. Basu Dev] [1st February 1936]

"My hon. Friend Mr. Ramaswami Ayyar spoke about these landowners rack-renting the tenants and getting large sums by way of rent. But he has not told the House how much exactly the landowner gets by way of rent from one ground. Mr. Appadurai Pillai was correct when he said that the landowner did not get more than Rs. 12 or Rs. 13 per month. If for this small return the landowner is forced to make all these improvements costing no less than Rs. 1,000, I should like to know how he would meet this expenditure. What will be the return that he will get on his investment? I am afraid we will be practically making him spend more than what he would get by way of rent.

"Sir, I must however say here that I am not very much concerned with the owners of land. Being a socialist myself, I am more concerned with the tenants. Although I am indifferent or even sometimes hostile to these landowners, I must say that the net result of enforcing these provisions will be to compel these landlords who are to some extent sympathetic to drive their tenants bag and baggage from the heart of the city where they live and earn their living to the outskirts of the city. A better way will be for the Corporation to acquire the land required for the streets and provide the necessary amenities for the people. In 1921 when Mr. C. T. Alwar Chetti was elected for the Nungumbakkam division of the Corporation which consists of a number of cheris and hutting grounds, he somehow persuaded the Corporation authorities to put up electric lights in the streets of Halls Garden, Thousandlights and Mackays Garden. The technical objection that the Corporation did not own the land occupied by the streets in these localities was met by getting the owner of these cheris to transfer the land for a nominal value. The Corporation provided the residents of Madras from time to time with the amenities of electric lights, drains and roads. I do not see why a similar procedure should not now be adopted. I am sure the owners of these hutting grounds will always be prepared to transfer to the Corporation, even for a nominal value of Re. 1, the land occupied by the roads and streets. (Mr. T. S. Ramaswami Ayyar: 'Question.') Even if the owners are not so prepared, we may include a provision here by which we can force them to hand over such land to the Corporation. After all even though the land occupied by the streets may be technically under the ownership of the landlord he cannot prevent anybody from making use of the streets, for the simple reason that the public by long usage have acquired a prescriptive right to use those streets. Except for mere sentimental value, the owners do not enjoy any right whatsoever over those lands. Therefore I do not see why my hon. Friend Mr. Ramaswami Ayyar should question my statement and say that owners would refuse to hand over the land to the Corporation. The question is more imaginary than real. But if one or two stubborn individuals refuse to hand over the land to the Corporation, I think suitable provisions can be made even now in this Bill by which we can force them to hand over the streets to the Corporation. It appears to me that this will be a better way of making the necessary improvements to these hutting grounds and cheris.

1st February 1936] [Mr. C. Basu Dev]

All along the Corporation have been making improvements to the various localities at their own cost. They have not levied any extra lighting and drainage tax or betterment tax on the particular locality which has been so improved. They have only spent the money raised out of the taxes paid by the other rate-payers. Such being the case, why should the Corporation refuse to extend these benefits to the hutting grounds by taking over the land occupied by the streets? They can very well improve the localities by a very small expenditure of money.

"I do not want to detain the House longer. I should like to repeat what I said before that this provision by itself will force the owners to evict the tenants bag and baggage to the outskirts of Madras and that it will not be beneficial to the poor people. It will help only the richer classes, those who enjoy the luxuries of life and lead an easy and comfortable life and help them to drive the poor people out of the city so that the city may be made safe for them. This provision will certainly work great havoc on the poor classes. The Corporation must devise some means of retaining these sites and improving them so that the poor people may have some habitation near their place of business or avocation and not be forced to go to the outskirts of the city from where they will have to walk miles and miles with hungry stomachs both in the morning and in the evening."

* Diwan Bahadur A. APPADURAI PILLAI:—"Sir, I have listened to the speeches of the Commissioner of the Corporation and Mayor and I do not wish to press the motion. I do not want that the Corporation should always take over the lands of the private owners; but my object was to provide the Corporation with adequate powers to proceed against any private owner if it thinks it absolutely necessary. Sir, I do not wish to press my motion."

The motion was, by leave, withdrawn.

Section 257-L.

* Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, I move the following amendment:—

'Add the following words at the end of the proviso:—

"Such advance may be recovered in twenty annual instalments".'

My amendment is a very simple one. In section 384 there is a provision by which the Commissioner may recover in twenty annual instalments any amount that he may spend on the improvement of any private land. In the same way, if the Corporation advances any sum to the owner of a cheri for the improvement of the cheri, the Commissioner should have the option of recovering the advance in twenty-four annual instalments. I request the Hon. the Chief Minister to introduce a similar provision in this section also."

[1st February 1936]

* Mrs. K. ALAMELUMANGATHAYARAMMA then spoke in Tamil and the following is an English summary of the speech:—

"I second the amendment. What my hon. Friend Dr. Natesa Mudaliyar wants is that the poor people who are advanced money for the improvement of cheris or hutting grounds should have the facility of repaying the advance in twenty annual instalments. Sir, always poor people will find it difficult to find the necessary money. Already the dwellers in the cheri suffer a great deal for want of proper sanitary dwellings. The Corporation should do everything possible to improve their habitations. Therefore, if loans are advanced for the improvement of the cheris and the hutting grounds, the Corporation should only recover the advances in easy instalments spread over twenty-four years."

* Mr. R. MADANAGOPAL NAYUDU:—"Mr. President, Sir, it seems to me that this amendment is not necessary. The section says:

'Notwithstanding anything contained in section 384 . . .'

"What does section 384 say? It says that the improvement expenses shall be a charge on the premises for the benefit of which the same shall have been incurred and shall be recoverable in instalments in a period not exceeding twenty years. Twenty years is the maximum period, but the expenses may be recovered even in lesser number of years. But all that this proviso to section 257-L says is that the Corporation may order a portion of the improvement expenses to be met out of the municipal funds and a portion to be treated as a charge on the cheri or hutting ground. But I do not think it takes away the power of the Commissioner or the Corporation to apply section 384 as regards the method of recovering the amount due from the owner. The only thing that this proviso says is that a portion of the amount shall be charged on the cheri or hutting ground. Mr. Basu Dev said that the Corporation has not been meeting such improvement expenses. I wish to point out to him that the Act has specifically laid down that in cases in which the owner is too poor to afford to pay the improvement expenses the Corporation may pay the same out of the municipal funds."

Mr. C. BASU DEV:—"I never said that the Corporation has not been meeting the expenditure. I was only referring to the danger of eviction by the landlords."

Mr. R. MADANAGOPAL NAYUDU:—"The proviso says:

. . . if it appears to the standing committee that any such owner is unable by reason of poverty, to pay such expenses or any portion thereof, in the case of expenses relating to work which should, in the opinion of the standing committee have been done by the owners or occupiers of huts within the cheri or hutting ground, it may order the same or any portion thereof to be paid out of the municipal fund . . .'

[1st February 1936] [R. Madanagopal Nayudu]

"Therefore I submit there are cases where it is contemplated that the whole of the improvement expenses might be met by the Corporation. Where only a portion is met by the Corporation and the other portion is advanced to the owner, all that this proviso says is that it shall be a charge on the cheri or hutting ground. As regards the method of recovery, section 384 will apply. There is no necessity to alter or add anything to this proviso."

* Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, when the Commissioner makes some improvements to a private property, he has the power to recover the expenses in instalments not exceeding twenty in number. Section 384 will apply to such cases. But in this case the Corporation advances money to a private owner to make improvements to a cheri or hutting ground. Even in this case, the Commissioner should have the power to recover the advance in instalments not exceeding twenty in number. If the Hon. Minister gives an assurance that that is the intention of the Government, I will be satisfied. Anyhow I am going to withdraw my amendment. But I want an assurance that even in the case of advances made to private owners the recoveries will be lenient and will be spread over a period of twenty years."

* The Hon. the RAJA OF BOBBILI:—"Sir, I think, this amendment is unnecessary. It only says that such advances may be recovered in twenty annual instalments. Even now there is power in the hands of the Corporation to recover the amount in a period not exceeding twenty years. Section 257-L also provides that if special circumstances require it the Corporation may itself meet the whole or part of the expenses from out of the municipal funds. Simply because it is stated here that it will become a charge upon the cheri or hutting ground, it does not mean that the Corporation is prevented from recovering the amount in instalments. I think, Sir, the clause as it stands carries out the intention of the mover of the amendment Dr. Natesa Mudaliyar."

"As a matter of fact, a similar amendment was considered in the 12-30 Select Committee and a provision of this nature was not considered p.m. necessary. I therefore feel that this amendment is unnecessary."

* Diwan Bahadur C. NATESA MUDALIYAR:—"In view of the assurance given by the Hon. Minister, I withdraw the amendment."

The amendment was, by leave, withdrawn.

New section 257-X.

* Diwan Bahadur C. NATESA MUDALIYAR:—"I beg to move, Sir, the following amendment:—

'In sub-section (1) add the following at the end:—

"The Commissioner, if in his opinion the removal is desirable, may direct the owner to do so subject to the provisions of the City Tenants' Protection Act."

[Mr. C. Natesa Mudaliyar] [1st February 1936]

This is a very important amendment. I request the Hon. Minister to consider it well. There is the City Tenants' Protection Act existing. The proprietor of an extensive land wanted that all the superstructures built upon the land should be removed within a certain time and wanted the land back to him. In Triplicane in a place where 300 or 400 big houses were existing for generations, the owner of the land wanted all the superstructures to be removed and the empty land given back to him, and also in Halls Gardens where cheris were existing. Then the City Tenants' Protection Act was introduced according to which if the owner asks the tenant to remove the superstructure, the tenant can turn round and say, I shall buy the land, give the land to me. The preamble in the City Tenants' Protection Act is this: 'Whereas it is necessary to give protection to tenants who in many parts of the City of Madras have constructed buildings on other's lands in the hope that they will not be evicted so long as they pay a fair rent for the land . . . ' Section 9 of that Act says: 'Any tenant who is entitled to compensation under section 3 and against whom a suit in ejectment has been instituted or proceeding under section 41 of the Presidency Small Causes Courts Act, 1882, taken by the landlord may, within 15 days after the date of this Act coming into force or within 15 days after the service on him of summons, apply to the Court for an order that the landlord shall be directed to sell the land for a price to be fixed by the Court. Section 257-X (1) says: 'The owner of any land included in a cheri or hutting ground and bearing a separate number in the assessment-book may, at any time, whether a standard plan for the cheri or hutting ground has been prepared under this chapter or not, send notice to the Commissioner that he intends to remove all the buildings or huts standing on such land.' Here the Commissioner can have the house and other things removed. I request the Commissioner to say whether this provision will not clash with the provision in the City Tenants' Protection Act. That is all my request. Most probably this chapter has been taken from the Bombay Municipal Act where the City Tenants' Protection Act does not exist. My only request is that the Commissioner should not do anything contrary to the provisions of the City Tenants' Protection Act, that the provision in the City Municipal Act does not clash with that in the City Tenants' Protection Act, which was introduced into this Council some time back and passed with much satisfaction."

Mrs. K. ALAMELUMANGATHAYARAMMA:—"I second it."

Mr. BASHEER AHMED SAYEED:—"Sir, I do not really see the significance of this amendment. The City Tenants' Protection Act exists there; it gives certain rights to occupants of land. Section 257-X only empowers the Commissioner to call upon the owner of land to do anything; or the owner of the land may notify that he is going to remove the houses or buildings that exist on the ground. The provision in the City Tenants' Protection Act is not relevant to this matter. If the owner wants to remove any house or building standing

1st February 1936] [Mr. Basheer Ahmed Sayeed]

on the land, he will have to conform to the City Tenants' Protection Act. He cannot go against the rights that have already accrued to the owner of the building on the land. Where does the Commissioner come in? If the Commissioner comes in, he cannot ignore the City Tenants' Protection Act at all. Certainly it should be done subject to the provisions of that Act and the Commissioner should see that the rights of parties which have already accrued, are not affected. The Commissioner cannot alter any rights that have accrued to the parties under that Act, nor can the owner of any land over which occupancy right has been acquired under the City Tenants' Protection Act, by a mere stroke of pen or notice to the Commissioner that he was going to remove the buildings or superstructures, affect in any manner the rights of owners of superstructures. I think that this amendment does not fit in at all with the section. Such an amendment would be found to be unnecessary because the Commissioner cannot take away the rights of parties under the City Tenants' Protection Act, whether it be the owner of the land or the owner of any building or superstructure. What is required is this; to take the land out of the category of cheris or hutting grounds. When he attempts to do so, he will keep an eye on the provisions of the City Tenants' Protection Act and on the rights which have accrued to the party who has constructed the superstructure or a hut over the land. I do not see the relevancy of this amendment. The City Tenants' Protection Act exists for the benefit of owners of buildings; they will certainly have the benefit of that Act."

* Mr. R. MADANAGOPAL NAYUDU:—"Sir, I also feel that there is no necessity to have any reference to the City Tenants' Protection Act here in this section. The owner is given the right here of getting out of the operation of several clauses relating to cheris and hutting grounds. He can do it only where rights have not already been acquired in respect of superstructures under the City Tenants' Protection Act. Even in that Act also there is provision to the effect that the owner of the land should pay compensation to the owner of the superstructure. If he is prepared to pay compensation, he is entitled to have the land vacated. All that is necessary is the owner should give notice to the Commissioner that he is going to acquire the land. If he does so, he should act in conformity with the provisions of the City Tenants' Protection Act. There may be a number of cases where the City Tenants' Protection Act does not apply. I see that there is no necessity for making any special exemption in matters like this. I do not think that this new provision should be introduced to the effect that the Commissioner should draw the attention of the particular person to the existence of the City Tenants' Protection Act, and to the rights which the owners of houses have in respect of their houses under that Act. The owner of the land should pay due regard to it. When Mr. Natesa Mudaliyar moved a similar amendment in the Select Committee, it was pointed out to him that this was not necessary. There will be no difficulty with regard to the rights of owners of houses or to the rights acquired under the City Tenants' Protection Act."

[1st February 1936]

* Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, in the Select Committee I moved this amendment; they expressed certain opinions against it. I want an answer from the Hon. the Chief Minister, i.e., from the Government in the open Council so that people will be satisfied that this Act will not clash with the City Tenants' Protection Act. Mr. Madanagopal Nayudu stated that there may be cases which come under the provisions of the City Tenants' Protection Act; there may be others which will not come under that Act. I want to know whether the provision in the Act here will clash with the City Tenants' Protection Act. My own opinion is it will clash, because under sub-clause (3) the owner shall, within six months or such further time as the Commissioner may from time to time allow, remove all buildings or houses standing on such land. The Commissioner may order the removal of all buildings on the land. That is the difficulty. If the Government assure us that this provision will not clash with the City Tenants' Protection Act and that the provisions of that Act will be observed with all sanctity, I have no objection to withdraw the amendment. Two lawyers have expressed their opinion. But to a common-sense man like me, it appears that the provisions of both the Acts will clash."

* The Hon. the RAJA OF BOBBILI:—"Sir, I do not think a speech is required from me after so much discussion on this amendment. As I understand it, the City Tenants' Protection Act still remains and is not going to be abrogated as a result of having a provision of this sort in this Act. Even if the provisions of this chapter are to be put into operation, it will be subject to the City Tenants' Protection Act. When action is taken under this provision, I believe that these tenants will be entitled to compensation. I therefore think that an amendment of this kind is not at all called for."

Diwan Bahadur C. NATESA MUDALIYAR:—"I withdraw my amendment; I thank the Hon. the Chief Minister for his assurance."

The amendment was, by leave, withdrawn.

Clause 123-A as amended and clause 124 were put and carried.

New clause after clause 124.

2-45 P.m. Mr. T. SUNDARA RAO NAYUDU:—"Sir, the amendment that stands in my name is this:—

'After clause 124, the following new clause shall be inserted, namely:—

"124-A. In the heading of Chapter XI of the said Act, for the words 'Dangerous Buildings,' the words 'Dangerous Structures,' shall be substituted."

"This amendment, Mr. President, has been necessitated by the amendment made to section 258 of the Act in which the word 'building' has been replaced by the word 'structure'."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

New clause 124-A was put and carried.

[1st February 1936]

Clauses 125 to 137.

Clauses 125 to 137 were put and carried.

Clause 138.

Section 287.

Mr. T. SUNDARA RAO NAYUDU:—"I beg to move, Sir, the amendment that stands in my name, viz.:—

'For sub-section (4) of section 287, the following sub-section shall be substituted, namely:—

"(4) Every application for a licence for the use of any place for the purpose of storing or selling explosives, timber or other combustible materials shall contain a statement showing the boundaries and measurements of such place."

Mr. President, Sir, sub-section (4) of the new section 287 takes the place of section 290 (2) which relates to the depots or places used for storage of timber, firewood, charcoal and other combustible materials. Section 287 (4) simply says 'or of storing or selling timber or other materials' which may mean other kinds of material, not necessarily combustible material of the nature of timber. Hence it is that I am proposing this amendment."

Mr. R. MADANAGOPAL NAYUDU seconded it.

The amendment was put and carried.

New section after section 289-D.

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, I beg to move the amendment standing in my name:—

'Add a new section after section 289-D as follows:—

"Nothing in the foregoing sections shall apply to bona fide cottage industries carried on exclusively for the benefit of and by workers in their own homes."

Sir, the object of my moving this amendment is that the provisions contained in sections 289, 289-A, 289-B, 289-C and 289-D regarding abatement of nuisance caused by steam-power, water-power or other mechanical power used in regular factories may not be put in force in respect of cottage industries carried on by workers in their own homes for their own benefit. Sir, poor people carry on small handicrafts in their own homes to earn a small income, for instance comb manufacture, and they will have sometimes to use such material as dead horns, bones, etc., and the carving of these may emit bad odour. In such cases, some of the subordinates of the Corporation will probably think that the use of such material causes inconvenience to the people in the neighbourhood and may place the workers under the restrictions contained in the above provisions. As I said, the intention of my amendment is to safeguard the interests of the cottage workers

[Mr. A. APPADURAI PILLAI] [1st February 1936]

who work on a small scale and get a pittance from out of their labour. If the intention underlying the amendment is acceptable to the House, I hope the amendment will be passed."

Mr. M. DEVADASAN:—"I second the amendment, Sir. It is admitted on all hands that cottage industries should be encouraged in all places, not only in the mufassal but also in the metropolis. If that is so, it is absolutely necessary that the amendment proposed by my friend should be accepted by this Hon. House. With these words, I second the motion."

* The Hon. the RAJA OF BOBBILI:—"I am afraid I do not quite follow the object of the mover in bringing forward this amendment under this chapter. As I understand the position, these sections apply to factories as defined under the Act, and I am not sure whether cottage industries as described by my hon. Friend Diwan Bahadur Appadurai Pillai really come within the scope of these sections. I think we should give discretion to the Commissioner to require that rules, regulations and sanitary conditions are fulfilled even in the case of places where cottage industries are conducted. I personally feel that the amendment now proposed is not very relevant to these sections of the Act and have therefore to oppose it."

The amendment was, by leave, withdrawn.

Clause 138, as amended, was put and carried.

Clause 139.

Section 292.

* Rao Bahadur P. C. MUTHU CHETTIYAR:—"Sir, I move—
'Omit clause (c) of sub-clause (i).'

[He spoke in Tamil and said that the maintenance of these public wash-houses was practically for the benefit of the poorer classes who could not afford to pay a tax for their use. Respectable persons, holy men, and persons having convenient quarters, would not resort to this place. Wayfarers, simple pilgrims, coolies who work hard in day time and intending to wash their clothes and body and other poorer classes of people only would resort to this place. This is one method of improving health. If a tax is levied and collected, what is the use? Is it to be let on contract or is previous permission to be got. Tax is only upon property; and on which property this tax is to be levied? I do not understand this. It would be magnanimous on the part of the Corporation to allow the free use of such wash-houses. If such free use was not allowed, he thought the very object for which these public wash-houses were to be maintained would be frustrated.]

Rao Sahib V. I. MUNISWAMI PILLAI seconded the amendment.

1 p.m. Mr. R. MADANAGOPAL NAYUDU:—"Mr. President, Sir, as a matter of fact there are a number of public fountains for bathing purposes and nobody is charged for using those places. But in the case of these

[1st February 1936] [Mr. R. Madanagopal Nayudu]

dhobikhanas which are constructed at a special cost, I do not think hon. Members will allow people to wash their clothes without paying anything. The section only gives power to the Commissioner to charge certain fees, but I do not think the Corporation will be so unreasonable as to charge fees even when personal conveniences of people are concerned. As a matter of fact, as I have already stated, there are a number of public fountains for bathing purposes which are being very freely used by people. I therefore think there is no need for such a provision as this."

* Rao Bahadur P. C. MUTHU CHETTIYAR replying in Tamil said:—"My difficulty is only that there is no mention of dhobikhanas in the section. Even if a man washes his own cloth, he will be charged; and if you want to restrict it only to dhobikhanas, you will have to make the wording clear by introducing the word dhobikhana, so that bathing places should be quite distinct from dhobikhanas. Otherwise there will be difficulty in regard to the interpretation of the section as it is. That is only my object."

* The Hon. the PRESIDENT:—"The question is—
'Omit clause (c) of sub-clause (i).'

The motion was put and lost.

* Rao Bahadur P. C. MUTHU CHETTIYAR:—"Mr. President, I move the amendment that stands in my name, namely:—

'In sub-clause (ii), for the new sub-section (4), the following shall be substituted:—

"(4) In public wash-houses, the clothes of persons suffering from infectious diseases and of persons residing in the premises occupied by the persons suffering from such diseases shall be washed separately in a separate block set apart for the purpose and shall be washed by such methods as the Commissioner may lay down in that behalf."

Speaking on the motion in Tamil, he said:—

"Sir, my object in moving this amendment is to see that the wording in the section is so altered as to make the meaning clear. We should particularly see that such wash-houses are not used by all people irrespective of whether they are suffering from infectious diseases or not. Provision should be made to see that those suffering from infectious diseases are made to wash their clothes in a separate place and that separate licences should be issued for these two places separately by two separate men. Licence should not be given to one washerman for those two places. With this object in view I move my motion."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second the motion, Sir."

✓ RAJ KUMAR M. A. MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, I think it is a reasonable amendment. It only goes a step further than the amendment put by the Government in the original Bill and it is

[Mr. M. A. Muthiah Chettiyar] [1st February 1936]

certainly necessary that separate blocks should be provided if the object is to be achieved. Otherwise, it will be difficult to check whether a man is washing in the common place or in a separate place, because a lot of supervising staff is necessary. I think it will be decidedly easy on the part of the Corporation authorities to have separate blocks put up. Especially when there are a number of places, it should not be difficult to allocate a few places for this purpose. I would ask the Commissioner of the Corporation to tell the House his experience and whether it would be practicable to adopt this suggestion."

Dr. P. SUBBARAYAN:—"Mr. President, I would also like to support the motion moved by my hon. Friend Mr. Muthu Chettiyar. Especially after having heard the ex-Mayor, I think the Local Government should not find much difficulty in accepting this amendment, as it will make the work of the supervising staff of the Corporation easy."

* Mr. T. B. RUSSELL:—"I am somewhat surprised that several hon. Members who have advocated freedom in administration for the Corporation should have supported this amendment. Its main result would be to lay an obligation upon the Commissioner to construct separate blocks and I am not very clear as to how Government could enforce that obligation in the last resort. The section as it stands gives him full power to provide separate blocks if he finds this necessary. I therefore oppose the amendment."

Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, I do not think the objection of the hon. Member, the Secretary for the Local Self-Government Department, is one which would induce us to delete this amendment. The hon. the Mover has stated that there should be separate blocks for washing the clothes of persons suffering from infectious diseases. The main section says that they should be separately washed. The hon. Mover of the amendment merely states that not only should the clothes of these persons be separately washed, but that they should also be washed in separate blocks. The hon. Secretary to the Local Self-Government Department said that this would impose a statutory obligation on the Commissioner. I do not know if it is a correct interpretation of the section. Suppose the Commissioner sets apart separate blocks for washing clothes, still persons may come there and wash the clothes of persons suffering from infectious disease in the block which has been set apart for washing the clothes of other persons. Then, how are they to be proceeded against. It is not entirely an obligation on the Commissioner, but an obligation on the people who come there to use that place for washing their clothes. After all, why should there be an obligation on the Commissioner himself. If the hon. Member feels that it will be good in the interests of public health, why not he accept the amendment even if it involves an obligation on the Commissioner. As a matter of fact, there are several provisions in the Act which say that the Corporation shall provide this and that thing; and if the Corporation should provide for washing-houses, why not they have separate blocks for persons suffering from infectious diseases. I feel that the amendment is certainly one which is good from

1st February 1936] [Mr. T. S. Ramaswami Ayyar].

the sanitary and public health points of view. I therefore strongly support the amendment moved by my hon. Friend Mr. Muthu Chettiyar. Moreover, Sir, as the hon. Member has taken great pains in the matter of studying this new Bill and coming forward with his suggestions in the form of amendments, I think it would be a good gesture on the part of this Council if his amendment is accepted."

* Mrs. K. ALAMELUMANGATHAYARAMMAL supported the amendment in Tamil and the following is an English rendering of the same:—

"I think, Sir, even from the point of view of hygienic principles this amendment is necessary. I am of the opinion that persons suffering from infectious diseases should not be allowed to wash their clothes in places set apart for other persons, and if this is allowed infection will spread to other people also. Now that you are going to have so many wash-houses in the whole city, it will be a wholesome provision to have separate blocks for such people. I am glad that the hon. Mover has brought forward this amendment and am also glad that so many hon. Members have supported this very important amendment. I have also great pleasure in supporting this amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, I do not consider that there is any objection to this amendment. In cases where no such separate arrangement can be made what is to happen? Unless it is possible to give effect to the amendment there will be difficulty if we are bound statutorily. So I would suggest 'wherever such accommodation is available' will be the proper form for the amendment." 1-15 p.m.

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"As it is the amendment does not present the difficulty mentioned by the Hon. the Chief Minister. The amendment says, 'shall be washed separately in a separate block set apart.' If there is no separate block for the purpose it won't apply. So the wording covers the difficulty. If no separate block is provided there will be no difficulty."

Mr. D. M. REID:—"Separate block, if available, set apart for the purpose' will be the proper form that will meet the difficulty."

RAJ KUMAR M. A. MUTHIAH CHETTIYAR OF CHETTINAD:—"I move to insert the word 'wherever' after the word 'block' in the amendment of Mr. Muthu Chettiyar."

The motion was duly seconded.

The Hon. the RAJA OF BOBBILI:—"I am afraid, Sir, that the amendment is quite alright without the words 'set apart.' If you keep the words set apart, the danger is it casts an obligation on the Corporation to set apart."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"The amendment as proposed by Mr. Muthu Chettiyar may stand. My point is that it must be obligatory on the part of the Corporation to set apart a separate block to wash clothes of persons affected by diseases.

[Mr. C. S. Ratnasabbapati Mudaliyar] [1st February 1936]

After all the Corporation may not have more than ten or fifteen washing places. It must be therefore easy for the Corporation to set apart one or two tubs for the purpose. If it is stated 'wherever such are provided' separate washing facilities may not at all be provided by the Corporation. I consider therefore that the amendment should stand as moved by Mr. Muthu Chettiyar and not as amended."

* The Hon. the RAJA OF BOBBILI:—"I accept the amendment suggested by the Kumara Raja of Chettinad."

The amendment of Raj Kumar M. A. Muthiah Chettiyar of Chettinad was put and carried.

The amendment of Rao Bahadur P. C. Muthu Chettiyar as amended was put and carried.

Clause 139 as amended and clauses 140 to 149 were put and carried.

Clause 150.

Section 306.

* Rao Bahadur P. C. MUTHU CHETTIYAR:—"I move—

'Add a new sub-clause (f) at the end of section 306 as follows:—

"(f) keep the mutton stalls away from the public gaze in model stalls devised by the Commissioner for the purpose."

Speaking on the motion in Tamil, he said:—

"Wherever you go in the streets you find along the streets dead animals hanging. None should see such fierce sights. That is my opinion. In Western countries they hang figures of sheep or bull to indicate the kind of stall. Their interior stall-floors and walls are lined with glazed stones which are washed and kept clean. Here they are stinking and flies are always hovering over the dried blood and germs are formed. Being exposed along the streets birds carry them and throw the bones on the towers and sacred walls of temples and sacred places. The mere sight of them is a sin. Such things should be made impossible."

Mr. K. A. NACHYAPPA GOUNDER:—"I second it."

* The Hon. the RAJA OF BOBBILI:—"I entirely agree with the idea. The difficulty seems to be how to give effect to it in all cases. I think it is really a matter for the Corporation to attend to and not to be embodied in a statute. I am sure the Corporation will consider the discussions on this amendment and carry out necessary proposals. I therefore appeal to my hon. Friend not to press his amendment."

The amendment was by leave withdrawn.

Clauses 150 and 151 were put and carried.

1st February 1936]

Clause 152.

Section 309.

* Mr. T. B. RUSSELL:—"I move—

'For sub-clause (1) (i), the following sub-clause shall be substituted, namely:—

"(i) For the words 'flesh or fish intended for human food,' the following shall be substituted, namely:—

'flesh, fish or poultry intended for human food—

(a) in any place within the limits of the city, or

(b) in any place within three miles of such limits and not included in any municipality constituted under the Madras District Municipalities Act, 1920.' "

"The second part of the amendment restricts the power to such places as are not governed by the District Municipalities Act as without this restriction the Council could take action within the limits of Saidapet and this would lead to a conflict of jurisdiction with that municipality. The question of amending the District Municipalities Act suitably is under consideration."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 152 as amended and clauses 153, 154 and 155 were then put and carried.

Clause 156.

Section 316.

* Mr. T. B. RUSSELL:—"Sir, I beg to move the amendment standing in my name, viz.:—

'For clause 156, the following clause shall be substituted, namely:—

"156. In sub-section (1) of section 316 of the said Act—

(i) after the words 'or other article of food,' the words 'or any utensil or vessel' shall be inserted; and

(ii) the words 'in such manner as to prevent its being used for human food or exposed for sale' shall be omitted."

"That is purely a verbal alteration including the omission of some superfluous words."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 156 as amended and clauses 157 to 159-A and 160 to 168 were then put and carried.

* The Hon. the PRESIDENT:—"The House will now adjourn and meet again at 11 a.m. on Monday next."

D. K. V. RAGHAVA VARMA,
Acting Secretary to the Legislative Council.

[1st February 1936]

APPENDIX I.

[Vide answer to question No. 688 asked by Diwan Bahadur R. Srinivasan at the meeting of the Legislative Council held on the 1st February 1936, page 341 supra.]

Copy of post mortem certificate regarding the body of a male, aged about 40 years, named Nannu alias Munian, requisition received on 19th September 1935, at 11-30 a.m. from the Deputy Superintendent of Police, St. Thomas' Mount, with his letter, dated 18th September 1935. Body in charge of H.C. No. 522.

The body was first seen by the undersigned at 3 p.m. on 19th September 1935. Its condition then was cold. Rigor-mortis passed off. Decomposition proceeding.

Post mortem commenced at 3 p.m. on 19th September 1935.

Appearances found at the post mortem—

- (1) Right half of upper and lower lips bruised.
- (2) A contusion of $1\frac{1}{2}$ inches across $5\frac{1}{2}$ inches below the knee-joint and on skin.
- (3) The contusion of the size of a pie over right cheek base.
- (4) Small superficial abrasion behind the right elbow and left shoulder.
- (5) A broad abraded mark $1\frac{1}{8}$ inches across, not furrowed, starts abruptly from below the right mastoid, runs obliquely forwards, downwards and across the thyroid cartilage, passes to left upwards and ends $\frac{3}{4}$ inch behind left mastoid. It is faint over the thyroid cartilage and a bit narrow $\frac{3}{4}$ inch at the left mastoid. Not parchmentized, not leathery, except in one spot just below left mastoid. No bruising of tissues beneath or dilation of vessels.
- (6) Stains of dried clay over the posterior part of the first interphalangeal joints of right middle and ring fingers.
- (7) Heart—Right side empty. Left auricle contained two drams of dark fluid blood. Left ventricular half a dram of dark fluid blood. Heart soft, flabby and decomposed.
- (8) Lungs—Large areas of hæmorrhage in lower lobes of both the lungs. Upper lobes dry, not congested. Bronchial tubes and lower part of trachea contained blood-stained froth. Larynx upper part of trachea pale. Not congested.
- (9) Liver, spleen, kidneys, all not congested. Brain pial vessel in front portion a little dilated. Eye-balls soft and flaccid. Conjunctrea pale. Pupils contracted and equal.
- (10) Stomach—Six ounces of undigested rice and greenish sauce-like material.
- (11) Bladder empty.

[1st February 1936]

(12) Intestine—Nil abnormal.

(13) A bruising under the skin of prepuce. Trail of saliva down the centre of the chest.

Viscera preserved for chemical examination.

Opinion reserved pending the receipt of the report from the Chemical Examiner.

Copy of Chemical Examiner's report.

On the viscera of the deceased Nannu alias Munian of Maduravoyal.

The following articles were received on 23rd ultimo through attendant Thiruvengadaswami under unbroken seals which correspond with the sample sent, viz.:—

- (1) A bottle labelled "stomach and contents of Nannu alias Munian" and containing a decomposed stomach in a brown turbid liquid with sediment of boiled rice.
- (2) A bottle labelled "Small intestines and contents of Nannu alias Munian" and containing a piece of decomposed small intestines in a brown turbid liquid.
- (3) A bottle labelled "Liver and kidney of Nannu alias Munian" and containing pieces of decomposed liver and decomposed kidney in a dark brown turbid liquid.
- (4) A bottle containing a sample of the spirit said to have been used in preserving the above visceral matters.

We examined the above articles and we obtained from the stomach and contents I, reactions indicating the probable presence of Oleander. We did not obtain the above reaction from the sample of spirit IV. We did not detect arsenic or mercury in the visceral matters and they were not suitable for further examination.

Opinion of the Professor of Medical Jurisprudence, Medical College, Madras.

If the presence of Oleander in the stomach is not responsible for the death of Nannu alias Munian as could be excluded from the history of poisoning symptoms, the appearances are not inconsistent with death from hanging and that the hæmorrhage in the lungs might be explained by manhandling.

[1st February 1936]

APPENDIX II.

[Vide answer to question No. 689 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 1st February 1936, at page 341 supra.]

(1)

G.O. Ms. No. 677, Public (Police), dated 14th December 1935.

READ—the following paper:—

G.O. No. 629, Public (Police), dated 14th December 1934.

Order—No. 677, Public (Police), dated 14th December 1935.

The Government direct that the additional police force of one Sub-Inspector and seven constables stationed in the Attayampatti village, Salem district under G.O. No. 629, Public (Police), dated the 14th December 1934 be withdrawn with effect from the 1st January 1936. The District Magistrate of Salem is requested to make it perfectly clear to the inhabitants of that village that if there be any recrudescence of the trouble additional police will be reimposed and the cost recovered from them under section 15 of the Indian Police Act (V of 1861).

(By order of the Governor in Council)

C. F. BRACKENBURY,
Chief Secretary.

To the Inspector-General of Police, with reference to his R.C. No. 2016-1/35, Audit, dated the 3rd December 1935.

,, District Magistrate of Salem.

,, Accountant-General.

(2)

Report of the District Magistrate, Salem, R.O.C. No. 4573-M/34-D-1, dated the 22nd November 1935.

I agree that the punitive police may be withdrawn with effect from the 1st January 1936. The stationing of the police in the village for the last three years and the payment of punitive tax at a time of economic depression has, I think, driven home the lesson to the villagers that disorder in the village does not pay.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Monday, the 3rd February 1936.

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, K.C.I.E., C.S.I., I.C.S., The Hon. Sir Charles.
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.
Alamelumangathayaramma, Mrs. K.
Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Sri A. V.
Boag, C.I.E., I.C.S., Mr. G. T.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Foulkes, Mr. G. F. F.
Gopalaswami Mudaliyar, Diwan Bahadur M.
Harischandrudu Nayudu, Mr. A.
Indrayya, Mr. C.
Iswaran Pillai, Mr. I. C.
Jagannatha Raju, Rao Bahadur G.
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.
Kolanda Reddi, Rai Sahib C.
Koti Reddi, Mr. K.
Krishnamurti, Rao Bahadur D.
Kumararaja of Venkatagiri, The.
Langley, Mr. W. K. M.
Madanagopal Nayudu, Mr. R.
Maharaja of Parlakimedi, The.
Manikkavelu Nayakur, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur T. M.
Moses, Mr. P. C.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Muniswami Pillai, Rao Sahib V. I.
Muthiah Chettiyar of Chettinad, Raj Kumar M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Rao Bahadur Subadar-Major S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Rao Sahib D. V.
Natesa Mudaliyar, Diwan Bahadur C.
Obi Reddi, Mr. C.
Palat, Mr. R. M.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Patro, K.C.I.E., Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Peddi Raju, Mr. P.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Raja of Kallikote, The.
Ramachandra Padayachi, Mr. P. K.
Ramakrishna Reddi, Mr. A.
Ramalingam Chettiyar, Diwan Bahadur T. A.
Ramalinga Reddi, Mr. C.
Ramamurti, Rao Sahib Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Rameswara Rao, Mr. G.
Ranganatha Mudaliyar, Mr. A.
Rangaswami Reddi, Mr. M. B.
Ratnavelu Thevar, Mr. P.
Reid, Mr. D. M.
Rukmani Lakshmipathi, Mrs. A.
Russell, I.C.S., Mr. T. B.
Schammad Sahib Bahadur, Khan Bahadur Mahmud.
Scott Brown, I.C.S., Mr. W.
Shetty, Mr. A. B.
Siva Raj, Rao Sahib N.
Smith, Mr. J. M.
Soundara Pandiyan, Mr. W. P. A.
Sreshta, Mr. M. S.
Srinivasan, Diwan Bahadur R.

[3rd February 1936]

PRESENT—cont.

Sriramulu, Mr. G.
 Subbarayan, Dr. P.
 Subrahmanya Chetti, Rao Sahib P.
 Subrahmanya Bhatt, Mr. U. C.
 Sundara Rao Nayudu, Mr. T.
 Syed Tajuddin Sahib Bahadur, Khan
 Sahib.
 Thangal, Mr. P. M.

Uzielli, C.I.E., I.C.S., Mr. H. R.
 Vasudeva Pillai, Mr. V. G.
 Vedachala Mudaliyar, Rao Sahib M.
 Venkatachala Reddiyar, Mr. K. C. M.
 Venugopal Nayudu, Rao Bahadur R. K.
 Yakub Hasan Sahib Bahadur.
 Zamindar of Bodinayakkanur, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Administration of Justice

Selection of District Munsifs by the High Court.

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

- (a) whether the High Court selected District Munsifs this year;
- (b) if so, whether they called for applications;
- (c) if not, why not; and

(d) how many of the Munsifs selected belonged to the City of Madras; and how many to the mufassal?

A.—The High Court has invited applications in its notification, dated 10th September 1935, published on page 1102 of Part II of the *Fort St. George Gazette*, dated 17th September 1935, and the selection will be made by about the middle of February 1936. A short list was, however, drawn up in August 1935 to supplement the list prepared in December 1934, as the latter had been exhausted and it became necessary to add a few more names. Eight candidates were chosen from the applicants of 1934. Fresh applications were not called for as there was no time to call for and consider fresh applications. The candidates chosen are those who would have been selected in 1934 if the 1934 list had been drawn up for 24 candidates instead of 16. Out of the eight candidates chosen, five were from Madras and three from the mufassal.

Rao Sahib V. I. MUNISWAMI PILLAI:—“ May I know from the Hon. the Law Member from which community or communities the district munsifs are recruited? ”

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

Mr. A. RAMAKRISHNA REDDI:—“ Is it a fact that the political leanings of the candidates are taken into consideration in making the selection? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I am not in a position to answer, Sir.”

3rd February 1936]

Mr. C. R. PARTHASARATHI AYYANGAR:—“ May I know what the tests are that are applied for the selection? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ The High Court knows.”

Mr. C. R. PARTHASARATHI AYYANGAR:—“ Are there instructions in the matter? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ The Government cannot give any instructions to them, Sir.”

Mr. ABDUL HAMEED KHAN:—“ May I know whether the Government are in possession of information regarding the recent selection? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ No, Sir.”

Mr. K. KOTI REDDI:—“ May I know whether the Government is prepared to advise the High Court that more mufassal lawyers should be selected as we find that almost all of them are lawyers from Madras? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ The hon. Member is aware that the Civil Courts Act gives the power to the High Court and not to the Government.”

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Instead of advising or instructing them, the Government may communicate the wishes of the representatives of the people in the matter to the High Court? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I should think it is open to the hon. Members of this House to address the High Court on the point.”

Mr. A. RANGANATHA MUDALIYAR:—“ Arising out of the answer given, may I know whether the High Court has not prescribed any rules as to how the candidates are to be selected, or whether the Government are unaware of them? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I am unaware of them.”

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“ May I know whether the High Court has taken into consideration the interests of the West Coast districts? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I cannot answer that. I may say they are expected to take them into consideration.”

Electricity

Rate charged under the Pykara Hydro-electric Scheme for consumption of electricity for agricultural purposes.

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

(a) what the rate charged is for consumption of electricity for agricultural purposes under the Pykara hydro-electric system and the proposed Mettur hydro-electric scheme;

[3rd February 1936]

(b) whether representations have been received to lower the rate; if so, from whom;

(c) whether the opinion of the Director of Agriculture was obtained in the matter; and

(d) whether final orders have been passed thereon and if so, whether a copy of it will be placed on the table?

A.—(a) *Pykara system*.—One anna per unit.

Mettur system.—Rates have not yet been settled. It is expected that they will not be higher than those in force in the Pykara system.

(b) Yes. From the District Board of Coimbatore and the District Agricultural Association, Coimbatore.

(c) No.

(d) The question whether it is economically possible to reduce the rates is under the examination of the Chief Engineer for Electricity.

Re-examination of the scheme for the electrification of Kodumudi, Coimbatore district.

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

(a) whether the re-examination of the question of electrification of the town of Kodumudi in Coimbatore district and carrying out another survey, referred to in answer to question No. 396, dated the 1st November 1935, are in progress and when they are likely to be completed; and

(b) what the minimum percentage of profit required to be realized under this scheme is?

A.—(a) The Chief Engineer for Electricity reports that a fresh study of the load conditions since made has confirmed the previous report that the scheme will not be remunerative and that it is not proposed to proceed with the electrification of the town.

(b) Extensions to the Pykara Distribution System are generally undertaken only in cases where the total additional investment does not exceed eight times the estimated average annual revenue.

Wells in North Arcot district suitable for electrical pumping.

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

(a) the number of wells in each of the taluks of the North Arcot district where electrical pumping can be introduced;

(b) which the taluk is which has the largest number of wells per square mile suitable for electrical pumping;

(c) in what taluks the Government are laying the transmission lines according to the programme already settled; and

[3rd February 1936]

(d) within what period the Government propose to complete the programme of agricultural pumping in the district?

A.—(a) The information is furnished in the statement ^a annexed.

(b) Investigation regarding wells suitable for electrical pumping in the district has not yet been made.

(c) The Electricity department expects to complete in 1937 the work of laying transmission lines and give supply of power in Tiruppattur, Gudiyattam, Vellore and Walajapet taluks and in 1938 in the taluks of Chengam, Tiruvannamalai, Polur and Arni.

(d) No extensive rural electrification programme has been prepared. In areas where Government will distribute energy direct to the consumers, promising areas will be selected as soon as supply becomes available, and such areas will be surveyed and developed.

MRS. A. RUKMANI LAKSHMIPATHI:—“ With reference to the answer to clause (b), may I know whether it will not be possible on the part of the Government to prepare a scheme or rather a programme before the supply of energy becomes available? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I think the answer covers that idea.”

MR. V. M. RAMASWAMI MUDALIYAR:—“ In view of the fact that there are a large number of wells in the North Arcot district, will the Government make up their minds speedily to undertake the supply of energy to rural areas? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ Haste is waste, they say, and I think the hon. Member will certainly expect the Government to take sufficient time to come to a correct decision.”

MR. ABDUL HAMEED KHAN:—“ May I know what exactly the Government means by haste? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ Exactly the same thing which the hon. Member is meaning by the word.”

MR. ABDUL HAMEED KHAN:—“ May I know whether the Hon. Member knows what I mean by it? ”

Police

Assault by soldiers on pedestrians near the Munro Statue, Madras.

* 695 Q.—MR. U. C. SUBRAHMANYA BHATT: Will the Hon. the Home Member be pleased to state with reference to the answer to question No. 521-A regarding the attack by the soldiers on T. N. Sundaraman and five others—

(a) whether the investigation of the complaint has been since completed; if so, what the result of the same is; and

[3rd February 1936]

(b) what action the Government have taken or propose to take in the matter?

A.—The investigation made by the police showed that on the night in question a party of British soldiers did assault the complainants. The Military authorities held an identification parade on the 19th November 1935 but as the complainants failed to identify the alleged assailants further action could not be taken.

Irrigation

Failure of freshes in the Cauvery channels of Namakkal taluk.

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

(a) whether it is a fact that on account of the rains in the Tanjore Delta, and consequent shutting up of water tightly in the Mettur Dam, failures of water in the Cauvery channels of Namakkal taluk have occurred;

(b) how many times such failures have occurred so far; and

(c) what the loss caused to the ryots is by such failures, and how long such failures lasted during each time?

A.—(a) Yes.

(b) Four times, once in each of the months of August, October, November and December 1935.

(c) The extent of loss due to short supply cannot be readily estimated. It was probably slight. The duration of shortage in supply was five days in August, four days in October, four days in November and about six days in December 1935.

Failure of freshes in the Cauvery channels in Namakkal taluk, Salem district.

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

(a) whether it is a fact that water has failed in the Cauvery channels in Namakkal taluk of Salem district during October last on account of stoppage of water at Mettur owing to the fact of the area at Tanjore and Trichinopoly having sufficient supply on account of freshes in the tributaries (Noyyal and Amaravathi) which join the river Cauvery down below the point where the Korambu for Salem area exists;

(b) if so, how long water has failed in the channels;

(c) what will be the estimated loss of crops on account of such a failure;

[3rd February 1936]

(d) how many such failures have occurred during the course of 1934 and 1935;

(e) what action the Government have taken to remedy such a defect; and

(f) whether any orders have been passed in the matter and, if so, whether a copy of it will be placed on the table?

A.—(a) to (d) The attention of the hon. Member is invited to the answers given to question No. 686 on 23rd February 1935 and to question No. 696.

(e) & (f) The conditions of supply for the channels in the Salem district are being carefully examined. When the shortage occurred in November 1935, Korambus were formed at the heads of the channels.

Land Revenue Administration

Restrictions on the sale of property mortgaged under the Land Improvement Act or Agricultural Loans Act.

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

(a) whether a pattadar who borrows under the Land Improvement Act or Agricultural Loans Act is prohibited from selling his property subject to bearing the burden of the loan taken by him;

(b) whether the subsequent purchaser is being compelled to pay up the full loan irrespective of the instalments originally agreed upon;

(c) whether certain Tahsildars in Anantapur are collecting the full amount in one lump from such subsequent alienees; and

(d) whether the methods adopted by such Tahsildars are authorized by any rules or Government Orders?

A.—(a) No.

(b) According to the rules, the balance of the loan outstanding on the date of the transfer with interest thereon at the same rate at which the original loan was granted, is calculated and the amount is made repayable in equal annual instalments.

(c) & (d) The Government have no information on the point mentioned in clause (c) but have called for a report.

Mr. G. RAMESWARA RAO:—“ May I know whether a report was received after the question was asked? ”

The Hon. Sir CHARLES SOUTER:—“ I have not seen any report. I understand it has not been received.”

Mr. G. RAMESWARA RAO:—“ Apart from that, may I request the Hon. Member to circularize all the Tahsildars in the Presidency inasmuch as they have been practically breaking the rules? ”

[3rd February 1936]

The Hon. Sir CHARLES SOUTER:—"I have no information, Sir, that such is the practice."

Mr. G. RAMESWARA RAO:—"As the practice has been going on in the Anantapur district for that matter, I have brought it to the notice of the Hon. Member."

The Hon. Sir CHARLES SOUTER:—"I hope the report on the matter will be received shortly."

Legality of the imposition of separate water-rate on paimash wet lands in inam and proprietary estates in Salem.

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

(a) whether legal opinion has been obtained on the registered notices issued by some of the inamdars and proprietors of estates, in the Cauvery-irrigated area of Salem district questioning the authority of the Government to impose separate water-rate on paimash wet lands in their estates;

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

(c) whether the registered notices have been considered and orders have been passed by the Government thereon; and

(d) if so, whether a copy of the order will be placed on the table?

A.—(a) & (b) The attention of the hon. Member is invited to the answers given to question No. 186 on 9th August 1935.

(c) & (d) The Government are awaiting a further report from the Board of Revenue in the matter.

Legality of the enhancement of water-rate in Salem as per G.O. No. 736, Revenue, dated 12th April 1934.

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

(a) whether registered notices have been received by the Government or by the Collector questioning the authority of Government in the matter of the issue of G.O. No. 736, Revenue, dated 12th April 1934, increasing the water-rate in the Cauvery irrigated area of Salem district and threatening civil action;

(b) if so, whether any legal opinion has been obtained in the matter, and whether any reply notices have been issued; and

(c) whether copies of the legal opinion and the reply notices issued will be placed on the table?

A.—The attention of the hon. Member is invited to the answers given to question No. 186 on 9th August 1935.

[3rd February 1936]

Local Self-Government

Appointment of a personal assistant to the Collector of South Kanara for managing the affairs of the District Board.

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

(a) whether a personal assistant to the Collector has been appointed to manage the affairs of the District Board of South Kanara; if so, from which fund is his salary to be met and under what provision of law is it to be met; and

(b) what the state of parties is among the newly elected members of the District Board of South Kanara with reference to Congress candidates and their opponents?

A.—(a) A personal assistant has been appointed to the President, District Board, South Kanara. His pay and allowances will be met from the funds of the South Kanara District Board under the provisions of the Madras Local Boards Act.

(b) The Government have no information.

Postponement of the date of election to the North Arcot District Board.

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

(a) at what stage the new general elections in the North Arcot District Board are; when they are likely to be completed;

(b) what the reasons are for putting off the elections;

(c) whether orders have been passed fixing a date for the expiry of the present district boards in North Arcot district; if so, whether a copy of it will be placed on the table; and

(d) whether the date originally fixed for the purpose has been shifted and, if so, what the reasons therefor are?

A.—(a) The Inspector of Municipal Councils and Local Boards has been asked to commence the election in February 1936 and to complete them before 15th March 1936.

(b), (c) & (d) Attention is invited to the notification on the subject published on page 609 of Part I-A of the *Fort St. George Gazette*, dated 24th December 1935.

Revival of tolls.

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

(a) whether consideration with regard to the re-introduction of tolls, as mentioned in question No. 30 answered on 5th August 1935 has been over; and

[3rd February 1936]

(b) if so, whether a copy of the final order passed in the matter will be placed on the table?

A.—Yes. The Government have decided that no legislation should at present be undertaken to re-introduce the levy of tolls.

Mr. A. B. SHETTY:—“ May I know whether the Government have under consideration any other proposals for compensating the local bodies for the loss suffered by them on account of the abolition of tolls? ”

The Hon. the RAJA OF BOBBILI:—“ The Government are proposing to make provision for special maintenance grants.”

Mr. A. B. SHETTY:—“ May I know what amount will be set apart? ”

The Hon. the RAJA OF BOBBILI:—“ About ten lakhs.”

Religious and Charitable Endowments

Petition from Mr. P. V. Nataraja Mudaliyar and others for the construction of an easy flight of steps over the seven hills of Tirupati.

* 704 Q.—Mr. BASHEER AHMED SAYEED: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether any petition was presented to the Government by Mr. P. V. Nataraja Mudaliyar and hundreds of other worshippers of Sri Venkateswaraswami of Tirupati praying for the construction of an easy flight of steps over a causeway to relieve the sufferings of the orthodox pilgrims who have to fulfil their vows by climbing up the seven hills of Tirupati on foot;

(b) whether the Government received the petition and what, if any, was the action thereon;

(c) whether the Government referred the petition to the Tirumalai-Tirupati Devasthanams Committee, and if so, what reply did they receive from the Committee; and

(d) whether the orders passed by the Government on the petition were communicated to any of the signatories to the petition?

A.—(a) Yes.

(b), (c) & (d) The petition was transferred to the Commissioner, Tirumalai-Tirupati Devasthanams, for disposal.

Rao Sahib V. I. MUNISWAMI PILLAI:—“ With reference to the answer to clauses (b), (c) and (d), may I know what the reply is of the Commissioner, Tirumalai-Tirupati Devasthanams? ”

The Hon. the RAJA OF BOBBILI:—“ The Devasthanam Committee is to deal with the matter.”

[3rd February 1936]

Rao Sahib V. I. MUNISWAMI PILLAI:—“ What is the opinion of the Government when the orthodox Hindus ask for special facilities? ”

The Hon. the RAJA OF BOBBILI:—“ The Government have not come to any decision yet.”

Co-operation

Debit to the District Bank of the cost of notifications regarding the liquidation of rural societies.

* 705 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the District Bank is called upon to pay the cost of notifications in case of liquidation of any rural society within its area;

(b) whether the Government give any advance to cover such incidental expenses and recover it out of the realizations;

(c) the average period for which liquidation proceedings have continued in general and such period in the Anantapur district in particular; and

(d) whether the cost of the notifications regarding liquidation is entirely borne by the Government or whether it is recoverable with or without any interest?

A.—(a), (b) & (d) Clause (a) of rule XVII of the Rules under the Madras Co-operative Societies Act, VI of 1932, provides that the appointment of the liquidator of a co-operative society shall be notified by the Registrar in the *Fort St. George Gazette*. Accordingly, notifications regarding the cancellation of the registration and the appointment of liquidators of rural societies are sent to the Superintendent, Government Press, for publication in the *Fort St. George Gazette*. The costs are entirely borne by Government as the issue of a notification is a statutory duty imposed on the Registrar.

(c) The periods for which liquidation proceedings continue depend upon several factors and mainly upon the amount of assets to be recovered and the nature of the persons from whom the assets have to be recovered—their solvency, their tendency to litigation, etc. Generally, it takes about two to four years to complete the liquidation proceedings in societies and, in a large number of cases, it takes about three years. In the Anantapur district, liquidation proceedings are closed in about two years on the average.

Mr. G. RAMESWARA RAO:—“ The answer says: ‘ The costs are entirely borne by Government as the issue of a notification is a statutory duty imposed on the Registrar.’ May I request the Hon. Minister to order the refund of such costs collected from parties? ”

[3rd February 1936]

The Hon. Mr. P. T. RAJAN:—"If any amounts have been paid, I shall ask the Registrar to consider the question of returning them."

UNSTARRED QUESTION

Electricity

Proposal for the establishment of a central electric generating scheme for Vizagapatam.

706 Q.—The ZAMINDAR OF KIRLAMPUDI: Will the Hon. the Law Member be pleased to state—

(a) whether the Government are contemplating a central electric generating scheme for Vizagapatam; if so, whether it is a hydraulic or a thermal scheme;

(b) whether they have investigated the scheme and prepared plans for the same; and

(c) if so, what the expenditure incurred for that purpose is?

A.—(a) Yes. It is a thermal scheme.

(b) Yes. Report and preliminary plans have been prepared.

(c) The work was not carried out by a staff specially engaged for the purpose but was attended to by the ordinary staff of the Electricity department. It is not therefore possible to state the actual expenditure incurred on the work. A sum of Rs. 430 has been incurred by way of travelling allowances of the officers who carried out field investigation.

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

II.—ADJOURNMENT MOTION *RE* POSTPONEMENT OF THE ELECTION OF PRESIDENT OF THE SOUTH KANARA DISTRICT BOARD.

Mr. U. C. SUBRAHMANYA BHATT:—"Sir, under Standing Order No. 19, I move—

'that the business of the House be adjourned to discuss a definite matter of urgent public importance, to wit, the action of the Government postponing the election of the President of the District Board of South Kanara.'

Mr. AHMED MEERAN:—"I second it."

The Hon. the PRESIDENT:—"May I ask the hon. Member who has moved this how the motion which was not urgent last week has come to be urgent this week?"

[3rd February 1936]

Mr. U. C. SUBRAHMANYA BHATT:—"The point is this, Sir. The postponement of the election of the president has given rise to a lot of complications. It cannot be said that there is no district board functioning in South Kanara. There is a district board and its members are entitled to the rights and duties attached to them as members of the district board, and they have consequently tried to use those rights and liabilities which fall to them. For instance, they have sent a requisition to the *ex officio* President, asking him to convene a meeting for the election of the president. The Collector, who is the *ex officio* President, has refused to accede to the request. So, under Schedule II of the Local Boards Act, the members have called for a meeting themselves. We do not know what is to happen. I hear that the meeting is coming off on the 12th or 13th instant. Nobody knows where the district board members stand exactly. The other day it was not because it was not urgent that it was not pressed, but because I found that Dr. Subbarayan had given notice of a short notice question on this subject and it was a motion under the Standing Orders wherein no censure was involved. But I now move for adjournment under Standing Order No. 19, which stands quite on a different footing and is a motion involving censure. I may also say that Dr. Subbarayan's short notice question has not been accepted."

* The Hon. the RAJA OF BOBBILI:—"Sir, the incidents which the hon. Member has just mentioned occurred before the meeting of this Council, and if it is the opinion of the hon. Member that the matter is urgent, he ought to have brought it even during the first few days of the sitting of the Council. A number of questions on this subject have been received, and two of them have been already answered, and the others will be answered in the course of this sitting. The hon. Member first gave notice of one motion, and he has made some alteration subsequently. I submit, Sir, that the matter is neither urgent nor definite. On these grounds, I wish to object to the motion."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Was not the reply of the Collector received only a few days back?"

* The Hon. the PRESIDENT:—"I think the motion is in order. I wish to know whether any hon. Member objects to the motion."

The Hon. the RAJA OF BOBBILI:—"I have taken objection, Sir."

The Hon. the PRESIDENT:—"Those hon. Members who support the motion will rise in their places. (After a count.) The required number of Members have not risen in their places. So, leave is not given to the motion."

III.—BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR CERTAIN PURPOSES (BILL No. 11 OF 1934)—*cont.*

* The Hon. the PRESIDENT:—"The House will continue the consideration of the City Municipal Act amending Bill."

[3rd February 1936]

Clause 169.

Section 344.

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil and the following is an English rendering of the speech:—

“ I move that—

‘ section 344 be omitted.’

11-15 a.m. The object of this section is to make re-vaccination compulsory throughout the country. There are some difficulties if such compulsion is introduced which I wish to mention to the House. It is not that people are unaware of the benefits of vaccination. Already there exists a sort of compulsion and a certain amount of harassment is caused to the people in this matter. If re-vaccination also is made compulsory, it will only add to their troubles. In certain seasons and during certain epidemics, there may be necessity for re-vaccination. Even in such a time people do not readily submit to re-vaccination. If this provision is introduced, there would be greater unnecessary harassment. The number of officers will have to be increased under the system of compulsion which means more oppression, for people do not submit to vaccination of their own accord. My own experience is this: common people at seeing these sanitary officers dressed in hat and boot, accompanied by a number of peons, take fright and run away. But these officers drag them out and vaccinate them. Moreover, since the vaccinator has to inoculate a number of people in a short time, the needles are not properly kept clean. In many cases, soon after vaccination the arms begin to swell.

“ I shall give another instance of the way in which vaccinators coerce people to get vaccinated. A vaccinator once came to a house and saw a girl and went in to get her vaccinated. But the girl was one who had come of age and as soon as she saw this man she ran inside. But the vaccinator pursued her into the house, and the girl hid herself in some corner; the vaccinator not finding her went away. This did not occur in any far off place, but took place in a house next to mine and so I could testify to it. Even if women vaccinators are employed to deal with women folk, still, compulsion should not be resorted to.

“ Another matter is that it is said that medicines do not act upon people who have been vaccinated. With these words, I move my amendment.”

The motion was duly seconded.

Rao Sahib V. I. MUNISWAMI PILLAI:—“ Sir, I beg to oppose the amendment of my hon. Friend. In these days when people have known the value of vaccination it will be wrong to say that compulsion should not exist. Leaving the case of rural parts, in the City I should say

[Mr. V. I. Muniswami Pillai]

3rd February 1936]

in the interest of my own people living in the unhealthy parts, it is highly necessary that there should be a system of compulsory vaccination. Otherwise, I am afraid, there may be danger to public health.”

* The Hon. the RAJA OF BOBBILI:—“ Sir, a provision regarding compulsory vaccination is already there in the existing Act, and it has worked for so many years. The only change proposed now is as regards re-vaccination. When it is conceded that vaccination is desirable and necessary and that medical opinion considers that after a period of time the immunity disappears and re-vaccination is essential, it logically follows that the Corporation should be invested with powers to enforce re-vaccination whenever medical officers consider it necessary. Therefore, I oppose this amendment.”

* Mr. A. RANGANATHA MUDALIYAR:—“ Sir, I think I must support the motion of Mr. P. C. Muthu Chettiyar. Whether vaccination is at all necessary and desirable, I venture to submit, is a debatable question. In England itself there is a school of thought which has held that vaccination is a relic of the old barbarous days and should be abandoned. The theory there is that you must prevent people from catching the disease, you must make them live in such conditions so that they may not easily succumb to any disease that may be prevalent. Leaving alone that and coming to the re-vaccination business, the Hon. the Chief Minister said that the effects of the first vaccination disappear after a certain period. Now I am waiting to hear from him what is the period for which this vaccination is said to have effect. If it is six months or a year, does he contend that every year or six months a man should subject himself to vaccination? I think the question need only to be put in that form in order to show its absurdity. It is most unjust to make re-vaccination in addition to vaccination compulsory; no man should be subjected to this re-vaccination periodically. I for one believe that no one cares to be sent even to heaven by compulsion. If any body compels, he will say, ‘ thank you, I will look after myself.’ ”

Sriman M. G. PATNAIK Mahasaya:—“ If the hon. Member wants to go to heaven he can go himself without causing danger to the public, but here if a man is not vaccinated or re-vaccinated he will contract disease which may prove contagious. Therefore the analogy does not hold good here. We have to see whether there is public danger or not. No doubt there is a difference of opinion as to whether this vaccination prevents smallpox and other diseases, but still we find from practical experience that smallpox has been reduced to a considerable extent in this country as a result of vaccination; and the Hon. the Chief Minister has said that if vaccination is considered necessary and desirable it follows that re-vaccination also should be resorted to on the same grounds. Mere theorists may say that vaccination is not necessary. If my hon. Friend (Mr. Ranganatha Mudaliyar) had said that vaccination is positively bad, then vaccination as well as re-vaccination should

[Sriman M. G. Patnaik Mahasayo] [3rd February 1936]

be stopped. So long as it is stated that it is a debatable question, and all these years vaccination has proved beneficial to the people, there is absolutely no reason why we should doubt it, unless it is positively proved that it is harmful. Therefore I oppose the amendment."

* Mr. C. R. PARTHASARATHI AYYANGAR:—"Sir, this question also came up some years ago and I have studied the whole literature on the subject; all the public health literature in England as well as in some other countries show that medical opinion is not certain about it. There is equally a balance of opinion among doctors who have experimented in this affair to the effect that the evils arising from vaccination are great and those from re-vaccination are greater still. For instance statistics have been gathered now, and they show that diseases arising from vaccination, such as syphilis, consumption, leprosy, erysipelas, eczema, convulsion, etc., are the results of vaccination. Now vaccination is made with the pus that is taken from an animal, commonly the calf, and when it is taken, it is mixed up with certain other matters but all these generally get rotten before they are injected into the pure blood of a human being. Now we have got two disadvantages. The first disadvantage is that the pus of an animal is pressed into the body of a human being. That is certainly an unclean thing to do. Secondly we do not know from what disease the calf from which the pus is taken has been suffering. Even with regard to the diseases of human beings, doctors take a number of days to diagnose what exactly they are. The present state of the science is such that they do a lot of experiment with a patient before they are able to diagnose a disease. In the case of diseases of the animals the difficulty of diagnosis is greater. Our doctors do not know what disease a particular calf is suffering from. We have got statistics which go to show that syphilis is one of the ordinary diseases which the cows and calves suffer from. When that is the case it is a dangerous practice to inject their pus into the system of the human beings. I know of a case in Chittoor where a man who was vaccinated, had not advanced three steps before he fell down and died. The doctors were not able to tell us the reason for his death. I know of another case where a man having been re-vaccinated, fell a victim to syphilis and has not yet recovered from it. There are several other such cases. When doctors differ, who can decide? Well, certainly we have a right to decide and we should not put people to the risk of getting unknown diseases. I would therefore suggest that if the Government are very anxious to vaccinate or re-vaccinate the people, they must take into account the status, the knowledge and the ability of the people before they take the step. If the surroundings of a particular locality are such that vaccination is considered necessary there, then I suggest that properly trained men who know the use of the knife or the syringe should alone be sent and vaccination should not be done in a haphazard manner. Also the lymph used should be fresh and not a rotten mixture of some bad stuff. In the mufassal, there is the risk of the pus prepared at Guindy or elsewhere getting spoiled before it is put into use. There is this additional risk in the case of the mufassal and parents are

3rd February 1936] [Mr. C. R. Parthasarathi Ayyangar]

very much afraid to send their children fresh from the mothers' womb for being vaccinated in this manner. I would therefore suggest that, as in England, some exemptions ought to be given. There it is optional. People register their names at least six months before the due period and say that they have got objections or that they are able to provide themselves with preventives against small-pox. They are therefore allowed to be in charge of their children without vaccination. Of course the argument will at once be trotted out: What do you say of a place which is full of dirt and filth? You cannot apply the same principle there. Some discrimination ought to be used first as regards the persons to be vaccinated. If they are living in healthy surroundings, there is no reason why this animal pus should be pressed into the fresh bodies of the little children there. Once, a deputy collector got his child vaccinated and the child did not recover from the disease and died. Lord Pentland did not allow his children to be vaccinated. He would drive the vaccinator from his compound with a horsewhip. When he was Governor he would never allow it. Therefore there is reason behind this objection. The provision requires considerable modification. When Dr. Subbarayan introduced his Bill, he gave a promise that he would look into this question. What ever it is, I am of opinion that some discrimination must be used as regards the persons to be vaccinated, the place, the surroundings and the person who is injecting the vaccine. Once I had occasion to be prosecuted. The doctor entered the witness-box and, in the course of the cross-examination, admitted that the lymph used was not the one mentioned in the Municipal Act. In cross-examination I brought out the facts that the material brought to be used was not of the kind that was required according to the Municipal Act. Therefore there is considerable danger in allowing one's child to be vaccinated in this manner. I would therefore very earnestly request the Hon. the Chief Minister to take into consideration the surroundings in each individual case so that the necessary exemption may be granted. The indiscriminate use of the vaccine by people who do not know to what dangers they are exposing the children may also be avoided."

Rao Bahadur P. C. MUTHU CHETTIYAR expressed his intention to press the motion.

Mr. A. RANGANATHA MUDALIYAR:—"May not the motion be put in two parts, Sir?"

* The Hon. the PRESIDENT:—"There is only one motion, i.e., to omit section 344."

The motion was put and lost.

Clauses 169, 170, 171 and 175 were put and carried.

Clauses 175-A, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194 and 195 were then put and carried.

[3rd February 1936]

Clause 196.

Section 383.

* Mr. T. SUNDARA RAO NAYUDU:—"Sir, I move—

'After the word and figures "section 179," the word and figures "section 186" shall be inserted.'

Sir, we have included section 186 on account of the fact that considerable delay has been caused and much inconvenience has been found to exist in consequence of its omission. In cases in which the Corporation enters into an agreement with persons who want to construct flush-out latrines, they are unable to enforce it on account of the fact that there is no charge on the property. If the recovery of the amount from the party is made a charge on the property, it will be easy for the Corporation to collect the amount. On that account we have proposed to include section 186 also in this clause. This is an official amendment."

Mr. R. MADANAGOPAL NAYUDU:—"I second the amendment."

The amendment was put and carried.

Clause 196 as amended, and clauses 197, 198, 199, 200, 201 and 202 were put and carried.

Clause 203.

Section 394.

* Mr. T. B. RUSSELL:—"Sir, I beg to move—

'In line 2, after the word "inserted," the following shall be added, namely:—

"and for the words 'imposed or assessed,' the words 'imposed, assessed or recoverable' shall be substituted".'

It is necessary to have this word 'recoverable' to apply to the word 'tax' which comes just before."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 203 as amended and clauses 204 and 205 were put and carried

New clause 205-A.

Mr. T. SUNDARA RAO NAYUDU:—"I beg to move the amendment that stands in my name, viz.—

'After clause 205, the following clause shall be inserted, namely:—

"205-A. In section 400 of the said Act, after the words 'and every councillor' insert the words 'or alderman'".'

11-45 p.m. Mr. President is in the same position as the Councillor and he is supposed to make himself liable for any loss, waste or misapplication. Hence it is necessary to include alderman also in this clause."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The new clause 205-A was put and carried.

Clauses 206 to 212 were put and carried.

[3rd February 1936]

Clause 213.

Section 414 (b).

* Mr. T. B. RUSSELL:—"I beg to move the amendment that stands in my name as follows:— 11-45 a.m.

'In clause (b) for the words "a meeting of the newly elected and appointed councillors" the following words shall be substituted, namely, "a meeting of the persons newly elected or appointed as councillors".'

This change is made because those persons who have been elected do not actually become councillors until the old councillors retire."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 213 as amended and clause 214 were put and carried.

Clause 216.

Mr. T. SUNDARA RAO NAYUDU:—"I beg to move the amendment that stands in my name as follows:—

'In new rule 1-C, for the words "serial numbers" occurring in item (i), the words "serial number" shall be substituted.'

Sir, this is a formal amendment moved to correct a mistake in drafting."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 216 as amended was put and carried.

Clause 216-A.

* Mr. T. B. RUSSELL:—"I beg to move the amendment that stands in my name and which runs as follows:—

'For clause 216-A of the Bill, the following clause shall be substituted namely:—

"216-A. For rule 7 of the said schedule IV, the following rule shall be substituted, namely:—

"7. Companies shall be assessed by the Commissioner on the following scale:—

Paid up Capital.		Half yearly tax.
Lakhs of rupees.		
A. Less than one	.. .. .	30
B. One and more than one, but less than two	.. .. .	50
C. Two and more than two, but less than three	.. .. .	100
D. Three and more than three, but less than five	.. .. .	150
E. Five and more than five, but less than ten	.. .. .	250
F. Ten and more than ten, but less than twenty	.. .. .	500
G. Twenty and more than twenty	.. .. .	1,000

[Mr. T. B. Russell] [3rd February 1936]

Provided that any company, the head or a principal office of which is not in the city and which shows that its gross income received in or from the city in the year immediately preceding the year of taxation :—

(a) has not exceeded Rs. 5,000 ..	Shall pay only 25 rupees per half year ;
(b) has exceeded Rs. 5,000, but has not exceeded Rs. 10,000 ..	Shall pay only 50 rupees per half year ;
(c) has exceeded Rs. 10,000, but has not exceeded Rs. 20,000 ..	Shall pay only Rs. 100 per half year ; and ;
(d) has exceeded Rs. 20,000 ..	Shall pay per half year 100 rupees together with a sum calculated at the rate of 25 rupees per half year for every 5,000 rupees, or part thereof, of gross income in excess of Rs. 20,000 subject to a maximum half-yearly tax of 1,000 rupees.

Provided further that when a company the head or a principal office of which is not in the city becomes liable to tax for the first time, it shall pay in the first year a tax of 25 rupees ; but if the gross income of the company during such year is subsequently found to have exceeded 5,000 rupees, it shall pay the tax calculated in accordance with the abovementioned scale less the initial payment of 25 rupees."

Sir, this is a complicated question and it was gone into at great length by the Select Committee and after consultation with the various interests affected, what I consider to be a reasonable compromise was arrived at. The change that I now propose to make is merely of a verbal nature. It will be observed from the copy of the Bill as approved by the Select Committee that the first item begins with the highest of the figures and goes down. Now the lowest amount comes first in the table and as you read down the value increases."

Mr. R. MADANAGOPAL NAYUDU :—" I second it."

The amendment was put and carried.

Clause 216-A as amended, and clauses 217, 217-A, 218 and 219 were put and carried.

Clause 220.

Schedule IV—Rule 14.

* Mr. D. M. REID :—" I beg to move the amendment that stands in my name as follows :—

' Delete rule 14 added by the Select Committee and renumber rule 13-A as rule 14.'

Sir, in moving this amendment, I would mention that amendment No. 20 which we previously postponed is consequential on this, as are also amendments Nos. 200, 203 and 204 all of which are in my name.

" I look upon this question as possibly the most important in this amending Bill. It has come up now suddenly on a thin House after months of waiting. This Bill has been in preparation for a long time. During that time, for six years, I had the honour of being a Councillor

[3rd February 1936] [Mr. D. M. Reid]

of the Corporation of Madras. It was always evident that our Municipal Act could and should be improved and that certain sections in particular required amendment. These were discussed among Councillors from time to time, as the Government are aware. Of all these matters, there was one particular subject of continual difficulty which affected every Councillor to a greater or less degree. I came into touch with it with increasing intensity as time went on.

" The basis of taxation in this city, as is in general for all municipalities throughout the world, is on the value of property in order to pay for the amenities given to those who enjoy the use of that property. All properties are assessed on the basis of their rental value. It is therefore a matter of extreme importance to all who own property that these rental values should be correctly assessed, for two reasons, (1) that the owner himself shall be assessed accurately on the rentals which he receives, or on the rental which he would receive if he were not himself the occupier, (2) that all other owners of property should be equally accurately assessed so that the burden should not fall unfairly on some owners of property as against others.

" In the present City Act, the machinery for assessing these values is as follows :—(1) the officers of the Corporation inspect the property, obtain all possible evidence of rents received and values in the locality concerned, and then assess the property; (2) if the owner is dissatisfied with the Commissioner's decision he appeals to the Taxation and Finance Committee, which consists only of Councillors, and which in due course sits in judgment on his appeal.

" Lastly, I would ask the House to remember this: if he is dissatisfied with the result of his appeal, though in practice he is rarely, noon. he may appeal to the Small Cause Court. There is nothing in this amending Bill to alter this and the appeal will still lie to the Court of Small Causes in the last eventuality. As I said before, I look upon this as the most important point of the Bill.

" The amendments which stand in my name are interdependent, and are designed to cancel the amendments put in by the Select Committee and to restore the provisions of the Bill as originally drafted, with the exception that the Small Cause Court is given its proper name instead of being referred to as the Court of Small Causes as was the case in the original Bill. The effect of these amendments would be that appeals would lie from the Commissioner to the Small Cause Court without the intervention of any Committee of the Council. Now Sir, what is the position in other cities? Have other cities found any difficulty, the other great major cities in the country? Calcutta has been through many troubles and many difficulties in its municipal Government, but this system is in vogue in Calcutta and we have not heard anything against it. In Calcutta the appeal is to the Commissioner and then to the Small Cause Court. There has never been any objection to it. It seems to me very strange that so much should have been made of this point that we should be faced with the Select Committee having altered

[Mr. D. M. Reid] [3rd February 1936]

this when the Government had considered it most carefully and had considered it right that the appeal should lie to the Small Cause Court. The Select Committee after much argument have invented this new kind of committee which is only an adaptation of the former one. The great point of providing appeals to the Small Cause Court is that this will discourage frivolous appeals. I propose to show later what that means.

"The Appeals Committee proposed by the Select Committee on this Bill will have to face the same problems as in the present system. At present the Standing Committee on Taxation and Finance, sitting as an Appeal Committee, has to face an overwhelming amount of work which it cannot possibly investigate fully. In the year 1933-34, 1611 appeals—so I am advised—against property tax assessments were heard and disposed of by the Standing Committee. In 1934-35, 1217 appeals were so heard and disposed of. As against this, the quantity of arrears awaiting disposal was very great.

"Let us take a particular date. On October 12th, 1935, the total number of property tax appeals lodged since the 1st January of the same year—that is for the first ten months—was 4,415. Four thousand four hundred and fifteen appeals against assessment! Out of this number, the number which had been dealt with by the Commissioner was 1,666. Two thousand seven hundred and forty-nine had not yet been disposed of. Our Commissioner is a man of character and experience. He does his best. But how can he hope to cope with 4,415 appeals in the course of the year? Of these certainly 50 per cent would ultimately come before the Standing Committee. Indeed there was nothing to prevent them from coming before the Standing Committee whatever the Commissioner might say. I ask: why should they not all come before the Standing Committee since it does not cost anything to bring them there?

"The Standing Committee is expected to deal with anything from 60 to 100 appeals in an afternoon. In practice it is a Saturday afternoon, it might be a day like to-day when the entire Committee might wish to be elsewhere. We are all busy men, we are tired after the week's work and I cannot say that the practice in the Corporation will be different later, as long as elected councillors are men who have got their own work to do. They cannot dispose of 4,400 appeals in the course of a year, that is to say over 100 appeals a week allowing for holidays and so on. The position is impossible.

"Now, Sir, is it likely that 4,400 appeals after having been carefully considered by the officers of the Corporation and then by the Commissioner—a fair, right-minded and a proper man—should go on being appealed against further and still have substance in them? Many of them are undoubtedly frivolous and this would certainly be checked by making provision for appeals to lie to the Small Cause Court.

"Furthermore, it is contrary to all principles of the administration of justice for interested parties to hear appeals. Councillors of the Corporation cannot help being interested in some way or other. I

3rd February 1936] [Mr. D. M. Reid]

myself have sat on that committee and could not help being interested in certain cases that came up, however much I tried to do my duty. Indeed, Sir, with all the highest ideals of justice in our minds, we as councillors were, and present councillors are, friends of the other councillors—indeed the closest friends and acquaintances of the other councillors. Every councillor wishes to do the best he can for his division. Of course that is his job. That is what he is elected for—to do his best for the people of his division. What is he expected to do? He is naturally expected to stand up for the people of his division. Indeed, it is a very difficult position, particularly when he has always to think of his next election in his division or institution. As a member myself of the Chamber of Commerce, I will have in my mind my next election. If I did not stand up for the people of my constituency, they would say that I was not a proper man to represent them. It is not a nice position. I do not dissociate myself in any respect from the other councillors. In fact, I am just in the same position. What would my supporters say if I said, "I am sorry, I have to give my opinion as a judge. I think you ought to be assessed as the Commissioner says." They would naturally ask, "What is the good of you?" You have been sent to look after us. In such circumstances, what can the councillor do, but give consideration to his electors when they come to ask him to help them in the matter of their assessment? I would say that it is not only divisional councillors who have this serious problem. The institutional councillors receive constant representations from property owners asking for influence to be brought to bear on the members of the Taxation and Finance Committee, quite apart from having representations about the interests of the members of their own institutional bodies. I am not in any way suggesting that any improper or undue influence is sought to be exercised. It is merely that facts are brought forward, and the member is asked to see whether the assessment has been properly made.

"I suppose almost every member of this Council, in municipal or district affairs somewhere in this Presidency, has experienced the constant stream of visitors to his house, pleading for some help in some local matter. My experience, first as an ordinary councillor, then as a member of the Taxation and Finance Committee and finally as Chairman of that Committee, was that I had an increasing number of personal appeals for assistance in reducing assessment on property. Ought we, as ordinary citizens, to be set up in the position of judges? In the circumstances, is it for us to be responsible for the administration of justice—mixing the judicial with the executive—particularly when we have to deal with those who place us in the councils by their votes? Again, let me say that I do not in any way dissociate institutional from divisional councillors. As I said before, it is definitely contrary to all the principles of administration of justice.

"Now let me give my own experience. When I became Chairman of the Taxation and Finance Committee, I determined to try to investigate each case thoroughly. With all the best will in the world, I soon found that it was impossible. A hundred appeals in an afternoon!

[Mr. D. M. Reid]

[3rd February 1936]

The committee would have to sit almost every day throughout the year to deal with arrears properly and to go into all the evidence. It is natural that the only way to do it was to deal with them by some sort of rough rule. I soon grasped what that possible rough rule should be. There was only one—a compromise—a simple way and the only possible way, of doing it. If the Commissioner of the Corporation, after having carefully examined the facts of any particular case and knowing the various previous assessments right through the whole field, finally decided that the proper assessment in a particular case was Rs. 100, and the appellant said that it should be Rs. 50, the only workable method seemed to be for us to say "Very well, Rs. 75." I did that; I hope that no councillor of the Corporation or former councillor will think I am making any attack on them. I am not. I am making an attack on myself as much as on anybody else; but I think it is not an attack at all. It is the only possible way to cope with the tremendous amount of arrears, and to give fair judgment in the circumstances. It is a position in which we ought not to have been placed. But in almost every case, the appellant received our decision with signs of evident gratification.

"In spite of all our efforts, we had great difficulty in preventing other councillors from coming and pleading the cause of each applicant from his division. What else could he do? He was in a very difficult position indeed. He would feel that he was not doing his duty as a councillor if he did not listen to what the applicant had to say, and agree to go and help him to put his position before the Committee. Surely no man should be placed in such an unhappy position. (I must again crave the indulgence of the House for being so long.)

"We now come to the proposed Taxation Appeals Committee, which I will grant the Hon. the Chief Minister, is a sincere attempt to get at a compromise—it is our '75 rupees' again. But I do not think it is right. It is to consist of three members, of whom two are to be members of the Council elected by it, and the third is to be a person appointed by the Local Government either without remuneration or on such remuneration as may be fixed by them, etc. This third is, rightly, to be the Chairman of that Committee. What is the object of instituting this committee? Why do you want it? It was not contained in the original Bill. It was never the intention of the Hon. the Chief Minister to have it in the Bill. Government had no intention of having any such committee. For all the years during which this Bill was considered they were quite definite that the present Appeals Committee was unsatisfactory and that the Calcutta arrangement was the right method. It gave satisfaction all through. There was nothing difficult about it, especially as Madras is a most notable city for fair judgment. Why should not the appeals lie from the Commissioner to the Small Cause Court? That was considered the proper course by the Government all these years, until the Select Committee decided to alter it.

"Now Sir, is it because this is due to distrust of the Commissioner? No; quite frankly, No. We have seen various commissioners and we

3rd February 1936]

[Mr. D. M. Reid]

know how justly they try to do their job and they do it fairly. If it is not distrust of the Commissioner, if he can be trusted to do his job fairly—what else is it? If the Commissioner can be trusted to deal with these appeals fairly and justly, obviously there is no need for a Standing Committee. Is it because the Commissioners will be too strict? No. Perhaps, they have been too kind, most of them, far from being too strict. It may be argued that it is a question of the expense of the Small Cause Court, which the poor people cannot afford to pay. Is not the Commissioner going to help the poor people in the city? Is he not going to listen to reasonable arguments? In whose interest is this standing committee constituted? The people? No doubt, we will hear exactly the same arguments we have heard before; but I cannot say there is much to be said for them.

"There is the argument that going to the Small Cause Court is 12-15 expensive. In these days of depression a person will be considered to p.m. be light-hearted if he goes to Court without a very strong case.

"The Commissioner will have to do a great deal of work in this connexion, and he will do it justly and rightly; and we cannot think in this House that any man of experience and responsibility is going to say that the Commissioner will not do the work fairly. What will be the position if two councillors are appointed to this Committee? Their position would be of great power; none of them would be expressing an opinion, but would quote the opinion of the other gentleman. We all like being in position and power; we all like to be the one to say 'aye' or 'nay.' What is the good of it? Are these councillors likely to be specially gifted, over and above the officer to be appointed by the Government? Officers of Government with very long experience in the city may be expected to do this work very carefully and justly. It seems to me that, instead of the power being vested, as it is at present, amongst seven elected members, plus one, the Mayor, in the present committee, it is going to be reduced to two; they will be chosen as two arbiters along with the officer appointed by the Government, and I am afraid that affairs will become far worse than at present. I go further and say, as some of my friends observed, that the position can never be any better. If, at any time, I went back to the Corporation of Madras to represent Trade and Commerce, would I be enamoured of the place, to be elected as one of the members of this committee? I certainly would not. Leave aside the time which that committee is going to take; as regards the time that will be taken, this committee, presumably, or the officer appointed by the Government, will go into these cases very carefully; the other two members will be required to attend very long hours for disposing of so many appeals. How much work is there going to be? There is the certain alternative; those two councillors will not attend those meetings; what is the quorum there? Nothing is laid down in this Bill. The quorum, presumably, would be the officer appointed by the Government sitting alone, and he would still be competent to adjudicate. It would be merely putting another commissioner to do all the work which the first commissioner did. It will be an appeal from commissioner 1 to commissioner 2. Both will

[Mr. D. M. Reid]

[3rd February 1936]

do the work exactly in the same way, and the second commissioner will be called the Chairman of the Taxation Appeals Committee, with an additional burden on the city for the salary of that officer. I do not know what his salary will be; it will be at least Rs. 1,000 a month, or Rs. 12,000 a year, for no purpose other than doing part of the work of the Commissioner over again.

"Sir, I do not want to labour the point; I have much experience of this sort of thing; I am not speaking in the air; it is a thing in which I feel very deeply; I express this idea in the interests of the citizens of this city; I am not saying anything against any man. Every Member of this House has the right here to feel honestly and to express his feeling.

"I should like to pay a tribute to the Hon. the Chief Minister for the work he has done in regard to this Bill, which is now nearing its completion, and to his pertinacity in sitting session after session and pushing it on, determined as he is to see that the City Municipal Act will be so amended, and the city's improvement so advanced, as to be a model for all the cities in the Presidency. I know the Hon. Minister has had many difficulties in discussing the provisions of the Bill with many party members, and of trying to bring them round to his views, I shall be very sorry if this comes to a division and if we have to divide in opposition to the Government. I know what the original idea was, and it has been altered in the Select Committee by people who wanted this kind of provision. I should like to appeal to the Members of the Select Committee—I see very many faces here—there are many old friends of mine who served on the Committee to consider this Bill; they may consider that possibly I may be right, and it would be better not to have this proposed committee. I cannot tell what will happen afterwards. I hope they will see that there is reason in what I say. One of my friends said in the language which next to English, I understand best: 'Ee samacharamu matladetha, tappaka peddha jugadamu jarugunu.' (If you speak about that, we shall fight a great battle.) This is a simple matter; we can deal with it in a friendly way, and come to the only possible decision. This is not a question of getting at the party in power. I would ask the Hon. the Chief Minister to consider this question, if he would not be prepared to allow the House a free vote; this is not going to disrupt the party in power. But it is a thing which is a matter of interest, extremely important to the city citizens, extremely important to trade and commerce. I appeal, Sir, to the Hon. the Chief Minister to allow us a free vote on this question."

* Dr. P. SUBBARAYAN:—"Sir, I rise to second the motion so ably moved by my hon. Friend, Mr. Reid, representing Europeans in this Council. As he has said in the course of his speech, we have no personal axe to grind in this matter. Nor are we doing it for party purposes. We feel in the interests of the tax-payer and in the interests of the members of the Corporation Council itself, it is better that this question of deciding appeals on taxation should be taken away from

3rd February 1936]

[Dr. P. Subbarayan]

the Council and should go from the Commissioner straight to the Small Cause Court, because then we will have a judicial tribunal trying the case after the Commissioner comes to a conclusion. The Commissioner may be right or wrong; in many cases he may be right. If the right of appeal is to be given to the tax-payer, I think it ought to be to a court of law and not to the City Corporation or its members. What will happen has been vividly described by Mr. Reid. As he has himself stated, even non-divisional councillors like him who do not belong to any division will not be willing to serve on this committee, because there will be influence brought to bear upon them. Therefore it is evident that, in the interests of the administration of the city, in the interests of the tax-payer, we must get this away from the Corporation and give it to an outside body like the Small Cause Court, which has done this work all these years. I think, as Mr. Reid explained, it will be too much work on the councillors even if they are willing, to serve on this committee. As he himself said, there will be about 4,000 appeals and they will take a comparatively long time. Is it possible for non-officials having their own work to do, to sit on these committees and hear these appeals and come to fair conclusions? I would therefore appeal to the Hon. the Chief Minister to whom Mr. Reid paid a well-merited compliment, that he should not consider this as a party question but should consider it from the point of view of the interests of the city and of the tax-payer and not let it go to a committee. Mr. Reid gave further reasons; he said that remuneration has to be paid to the gentleman who is going to be the president of the Taxation Appeals Committee. As he has got to hear appeals from the Commissioner, I believe that his position should carry certain amount of weight and respect among the appellants whose cases he will decide. You will be putting further and additional burden on the Corporation of Madras by getting this special officer. Considering all these circumstances, I earnestly hope that the Hon. the Chief Minister will accept this very reasonable amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, I think I can clarify the situation by a few words at this stage. Hon. Members of this House are, no doubt, aware that in the Bill as introduced by Government, provision was there to do away with the existing taxation appeals to the committee and to provide for appeals to the Small Cause Court. Subsequent to the introduction of the Bill, there has been a great deal of public agitation in the City of Madras against this provision mainly on the ground of delay and expense to which the tax-payer will be put to by having a provision in the Bill to have recourse to a civil court. During the proceedings of the Select Committee, a great deal of attention was paid and paid rightly to this provision. After careful consideration a compromise was arrived at by which it was decided that there should be a committee of three members—more or less a kind of Mayor's Court—with a Chairman, to hear and decide the appeals. I will state that this is the compromise which commanded the largest amount of agreement in the Select Committee and was accepted by the Government as a compromise.

[The Raja of Bobbili] [3rd February 1936]

12-30 p.m. "As regards the position of the Government with regard to this amendment now moved by my hon. Friend, Mr. Reid, with the object of restoring the provisions in the Bill as originally introduced, I have to state that if there is unanimity in the House that it is preferable to have appeals taken to the Small Cause Court as was originally intended in the draft Bill, I for one will have no objection to accept that position. But if there is to be any divergence of opinion on this point, and if the matter is to be pressed to a division, of course the Government will then have to maintain and support the position as it is in the Select Committee report."

* Rao Bahadur Sir A. P. PATRO:—"Sir, I cannot claim to possess the first-hand knowledge which the hon. Mr. Reid claimed for himself, of being associated with the administration of the Madras Corporation; but I can assure him and other hon. Members of this House that I had been associated with the working of the Local Self-Government department in the districts for over a quarter of a century. Therefore, if I rise to oppose the amendment of Mr. Reid, it is because my experience shows that such a scheme as that propounded by him is impracticable."

"Sir, the reasons which Mr. Reid gave in the course of his speech and which could not have been put and made in a more impressive form than has been done, are mainly four. I have summarized his arguments, and if I am incorrect, I hope he will kindly correct me; and they are these: First, he says that there are too many appeals coming up from the tax-payers, and he has enumerated the figures for the past few years and stated that they have risen to about 4,400 a year. His second argument is that there cannot be found a few councillors or a committee of councillors who have the honesty, the integrity and the leisure, to dispose of all the appeals . . ."

Mr. D. M. REID:—"On a point of explanation, Sir; I did not say anything about the honesty of any person."

* Rao Bahadur Sir A. P. PATRO:—"That is the other side of the shield, Sir; I only put it as a plausible argument made by him, viz., that these people would not be independent, could not afford to be independent, because they represent their constituencies. Am I right, Sir, in that? They have to look to the interests of their constituencies; they will be influenced by people, they will be pestered by friends, they won't be given rest; and that was the case during all the time he has had experience of the Corporation. Therefore, I take it that he said that is not possible for them, and the inference is that there would not be found persons who would have the integrity and independence to sit as judges in such matters. . ."

Mr. D. M. REID:—"On a point of personal explanation, Sir; I did not use the word 'integrity.'"

Rao Bahadur Sir A. P. PATRO:—"Sir, the same word might not have been used; but it is open to me to draw the conclusion from the facts given by him."

3rd February 1936] [Sir A. P. Patro]

"Again, Sir, he brought forward a third argument and said that the Small Cause Court as a judicial tribunal would be more independent and capable of disposing of a large number of appeals in proper time, and therefore this intermediary over the Commissioner's judgment was unnecessary. The fourth and the most important of his arguments was that the Commissioner is a very independent person, a person of great honesty and judgment, of experience and knowledge and gifted with all other virtues which would make him a good judge; and that if all these virtues are combined in him, it would be better to trust to his judgment in the matter instead of having an intermediary to revise the judgment of such a capable officer who is very highly paid and who has got onerous duties to discharge. I really pity the poor Commissioner. As it is, to-day the Commissioner's work is reported to be so very heavy that he is finding it impossible for him to attend to the very many duties which are necessarily to be attended to by him. I won't enter now into those other duties of the Commissioner and I won't dilate upon the judicial aspect of the duties of the Commissioner. But taking the arguments one by one, let us see what is being done by these committees. Supposing the committee on taxation, according to his experience, sits and effects a compromise, as it does always, between the Commissioner's decision and the arguments of the appellant, the committee would have to take out the decision of the Commissioner and arrive at some method of compromise and there the matter rests. But what will happen according to the argument of the hon. Member? If the Committee is not to dispose of the matter either by means of a compromise or conciliation or adjustment, the result will be that you will drive all the 4,400 poor people to the Small Cause Court, to file a plaint, an appeal or objection, incur an expense of a large amount, engage a vakil for the case, pay a stamp-duty or seek an exemption from such payment, wait at the Small Cause Court day after day, week after week and month after month, wait on the vakil, wait on the court's convenience to take up the particular case and undergo all these troubles. There will be 4,400 appeals taken to the Small Cause Court. I would ask hon. Members of this House who have experience of the law courts, especially the Small Cause Courts' summary disposals in the mufassal, or who have had experience of sitting in the Small Cause Court in Madras, to imagine the amount of expense, worry and time that is wasted in these courts. I am sure, Sir, that if the hon. Member has had an experience of these Small Cause Courts as he has had experience of the Madras Corporation, he would not recommend that all these poor people should be driven to such courts."

"As regards his next argument, when a committee is appointed, the committee would review the work of the Commissioner. In most cases where the Commissioner has come to a certain conclusion, it may be that the committee agrees with the Commissioner in the absence of any fresh evidence, and if it does so, that would prevent the people from going to the Small Cause Court. In the mufassal, according to

[Sir A. P. Patro]

[3rd February 1936]

the District Municipalities Act, as soon as fresh taxation is made or a revision of taxation is made, there is a standing committee elected by the Council which sits over appeals. It may be that in a town with a population of 60,000, there will be about 8,000 revision petitions or appeals and the standing committee sits and disposes of all the revision petitions except a very few which will remain for being disposed of by the Council. There is no Small Cause Court business there. People have been carrying on municipal administration in distant places, well and steadily, and there has never been a complaint that because there was no Small Cause Court appeal provided for, the rate-payers were suffering, nor was there any complaint at any time that the committee in order to dispose of these revision petitions, had to spend enormous time or could not find sufficient time to dispose of them. Now, Sir, under the District Municipalities Act, when a tax is imposed, an objection will be raised first before the Chairman and now before the Commissioner; the Commissioner listens to the objection, and if there is an appeal the standing committee will sit and look into the matter and come to a decision. There will be about 4,000 appeals. That is the position, and we have been carrying on like this even in big municipalities like Madura, Trichinopoly, etc., where the population is nearly 100,000, without detriment to the tax-payer or doing him any injustice. This is my experience of the working of the District Municipalities Act, and I cannot conceive how there can be more difficulties as has been so eloquently described by Mr. Reid.

"Mr. Reid said again that the members of the committee will not be able to give as much time or attention to this matter as necessary, and that therefore there should be no committee at all. But this committee is intended only to decide cases on the basis of the decision of the Commissioner and the arguments advanced by the rate-payers; it is expected to be a sort of tribunal, in order to prevent people from going to a separate tribunal at great expense, viz., the Small Cause Court. After all, the committee is a tribunal of our own people. Now, Sir, I put a fundamental question to my friend: Do you distrust a tribunal of your own people for disposing of such matters? If you have no trust or confidence in them in matters relating to taxation, then by all means abolish all these committees. If you have not got capable men on whom you can rely in such matters, that means to say that the swaraj which we have been claiming, and rightly claiming all along, is not what we are entitled to have. Therefore, Sir, it seems to me that that argument does not hold water.

"Then again, we have now so many standing committees, special committees, finance committees and all sorts of committees. I suppose all these committees have got certain specified functions which are intended for the welfare and well-being of the rate-payers in the different wards from which the committee members have been elected. Is there any great trouble in finding out people for functioning as members of these special or standing committees? I cannot conceive of such an argument coming from an experienced person like Mr. Reid.

3rd February 1936]

[Sir A. P. Patro]

It passes my understanding to hear that persons elected to these committees will not be able to devote sufficient time and attention to the work of listening to appeals, scrutinizing them and sorting out the reasonable and the unreasonable ones. If they are unreasonable appeals, they can say straightaway that they cannot be allowed; it is only in the case of a few reasonable appeals, that they will have to revise the decision or come to a new decision. This procedure, as I said, will save the people from resorting to the Small Cause Court. After all, Sir, even in the Small Cause Court, there is a single Judge; and how many appeals can a judge dispose of in a day? Hon. Members may imagine how many cases a Small Cause Court Judge can dispose of in a day in addition to the other ordinary work which he has to attend to. Today we have a complaint here that the Small Cause Court Judges are not able to dispose of all the work before them. In addition to their present work, if you have these 4,400 cases dumped on them for being disposed of, how can they do the work? Then, the Small Cause Court will have to be strengthened; an able judge will have to be appointed for the purpose of listening to these appeals from the Corporation. Therefore, Sir, it seems to me that the argument cannot be maintained on any ground that the committee will not be able to do its work effectively in the interests of the administration and in the interests of the rate-payers.

"Then, Sir, it seems to me that in Calcutta there is no Committee of Appeal to deal with such cases; and there the appeal is direct¹²⁻⁴⁵ from the decisions of the Commissioner to the courts. I would ask hon. Members to see how many judges there are in the Calcutta Small Cause Court and to look at the time it takes for appeals to be disposed of. I wish hon. Members had seen the latest Administration Report of the Calcutta Corporation for 1933-34. I saw it reviewed. There the complaint is that there are a number of cases pending. That shows that the example of the Calcutta Corporation is not a sure and certain guide to us. On the other hand, our experience of the municipalities and our experience of standing committees and finance committees of the Corporation show that it is necessary that there should be some check placed on the decisions of the Corporation with a view to see that the rate-payers do not suffer. The question is whether we should have confidence in our own fellow-taxpayers or in the Small Cause Court. Here, as a matter of executive necessity you find the Commissioner being pressed with so much work. Otherwise, his decision must always be correct. If we have a Committee of the Corporation, in order to revise his decisions, it will certainly save much time and expense for the tax-payers; and I do not think the committee will always agree with the decisions of the Commissioner; nevertheless, there would not be a large percentage of cases where appeals may lie to the Small Cause Court. After all, the number of appeals that are likely to go to the Small Cause Court will be very much minimized and the percentage of appeals against the decision of the committee will certainly be very small. Therefore, a compromise

[Sir A. P. Patro]

[3rd February 1936]

was arrived at in the Select Committee, that between the Commissioner and the Small Cause Court, there should be a committee to scrutinize the various appeals against the decisions of the Commissioner and thereby reduce the pressure of work, reduce the expenditure, reduce the amount of trouble and minimize the time of the tax-payers. On all these grounds, Sir, I do not find myself in agreement with the principle of the amendment."

* Diwan Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, I am extremely thankful to the Hon. the Chief Minister for having been so firm in retaining this clause in the Bill and thus coming to the rescue of the citizens of Madras. I am also extremely thankful to Sir Patro. Sir, this is a matter of very great importance to the citizens of Madras and I therefore appeal to my hon. Friend, Mr. Reid, who is always reasonable and sincere, to reconsider his decision and withdraw his amendment. Sir, most of the citizens of Madras are very poor and they do not possess any knowledge of the affairs of the Corporation. As a matter of fact, one day, one old man and his old wife came to me and represented to me that the tax on their house was increased. When I advised them to appeal to the Corporation Finance Committee, the old man expressed astonishment saying 'appeal to Government!' 'No, I will be sent to jail.' Then I assured him that no such thing would happen and that he might safely appeal to the Corporation. The wife was a little better than the husband and she told the husband that, 'when so and so assures us that we will not be dealt with by the Government, why not we do that.' So, Sir, in the first place, people do not know whom to appeal to and they also think that when the Corporation or the Government do a certain thing, they should suffer in silence. That is their position. I therefore appeal to Dr. Subbarayan not to press this amendment and see that as a result the citizens of Madras are saved. Moreover, Sir, they are really very poor people. If in a certain case, taxation is increased from Rs. 5 to Rs. 6, the owner of the house should appeal to the Court of Small Causes, he will have to pay some stamp-fees, engage a vakil for the purpose and then wait for a number of days before it could be taken up and disposed of. Besides this, if Mr. Reid's amendment is carried, it will involve the appointment of an additional judge in the Small Cause Court to dispose of such cases. If this amendment is carried, what I would request the Corporation is to appoint a special officer in the Corporation to tell those people whose tax has been increased to prefer an appeal to the court, as otherwise, they are not likely to do that. Not only that, they should have a special vakil appointed by the Corporation to defend such cases. Now, Sir, the Corporation bill collectors are very helpful to the tax-payers in that they tell the people in case their taxation is enhanced, to appeal to the Corporation. If, as I have already stated, Mr. Reid's amendment is accepted, I would request the Corporation and the Commissioner to appoint a special officer to advise the poor people who have no knowledge of the civic administration of the town, to appeal to the

3rd February 1936] [Mr. C. Natesa Mudaliyar]

Small Cause Court and also to appoint a vakil to defend these poor people in the court. I therefore appeal to the hon. Members of the House and those who have the welfare of the poor citizens of Madras at heart to come to their rescue by voting against this amendment. Otherwise it will work a great hardship on them. At present, there are two schools of thought in regard to this matter. One set of people want that the present Appeals Committee should continue; and the other set want that the rate-payers should go to a court of law. But the amendment in the Bill is a *via media* between the two views. Sir, if there was anybody who fought tooth and nail in the Select Committee against appeals going to the Small Cause Court it was myself and my colleagues of the Corporation who were members of the Select Committee. So, Sir, let those gentlemen who support the amendment before the House consider twice before making the poor citizens suffer these hardships as a result of this amendment. I know, Sir, the case of a poor man who died a miserable death on account of the fact that he did not know where to appeal and how to appeal when the tax on his house was enhanced some time back. If only hon. Members who support this amendment go into the streets of Madras, they will come to know the poor state of the people at first hand and their ignorance of things relating to appeals and so on. Now, what is done is, the Revenue Officer sends the bill for increased taxation and people are advised to appeal to the Commissioner. The Commissioner himself goes to the spot on receipt of the appeal or sends some assistant, sees the affected persons and if he thinks any reduction is necessary, he does revise the tax. If he does not consider any reduction necessary, an appeal is sent against his decision to the Standing Committee which consists of Councillors. Even if the appeals are to go to the court, the Commissioner will have the same amount of work as he has now. Why should there be the other extreme of going to the Small Cause Court? I do not see. By all means let them devise any other means except the driving of people to a court of law. What is now proposed in the Bill is a satisfactory *via media*. I am sure most of the Councillors will not like the idea of these poor people being dragged into courts. Mr. T. S. Ramaswami Ayyar supported, I believe, the present method of appeal to the Taxation and Finance Committee. I thank the Government for having come to the rescue of the poor people by bringing forward this provision. I therefore oppose the amendment."

* Mr. M. S. SRESHTA:—"Mr. President, Sir, I would not think of speaking on this subject; but the Hon. the Chief Minister has held out a hope of reconsidering the decision of the Select Committee. I do not know whether I would be in a minority in what I am going to say, but it strikes me that it will be taking a retrograde step to invest judicial powers in any committee of the Corporation. The tendency nowadays is to take away all powers except legislative powers from elected bodies. Already executive powers have been taken away from elected bodies, but now it is sought by this amending section to invest a committee with judicial powers. It is proposed that an elected body

[Mr. M. S. Sreshta] [3rd February 1936]

should decide appeals from the decision of a non-elected Commissioner. I think it is a wrong step. I do not think people should be afraid of courts. Because there is likely to be some delay in the disposal of appeals by courts, some members of the Council are of the opinion that it is better to have cases disposed of in a quick way by committees than by the law courts which take a little more time. I believe in the United States of America, Judges were elected; I do not know whether they are still being elected. I consider that that kind of procedure is extremely wrong and we cannot possibly think of judges of any courts being elected. We are hedging round the law courts and High Courts with all sorts of powers and privileges, so that they may not in any way be biased by any indirect influences. Here it is sought to have a Standing Committee which is subject to all sorts of influences and to invest it with powers of appeal against the decision of a non-elected Commissioner. I should like the Commissioner to state what he thinks about it and how he would like his decisions to be appealed against to Standing Committees. I am myself a member of a municipal council, though not of such an august body as the Corporation. At one time it was suggested that I should be appointed a member of the Taxation Committee, and I thankfully rejected the proposal, as I thought it would be difficult for me to carry out the duties. I may say that even as a mere member of the council I was very often approached by electors asking me to intercede with the members of the Taxation Committee and in several such cases where appeals were made, they succeeded though I thought there was no chance of their succeeding. Of course, I do not attribute the members of the Committee any corruption; far from it. But there is such a thing as bias; and could any member of the Corporation or council say that he would be free from bias if approached by members who supported him in his election or gave him his votes.

1 p.m. "I was approached once by a very strong supporter of mine who was responsible for my election. I was very glad I was not a member of the Taxation Committee. I must say that it is extremely difficult for a member of the Corporation to be free from bias. Under these circumstances when it is desired that the obligations of elections should be less I should say such power should not be given to the Select Committee. Appointments used to be made in England formerly on the recommendation of the Members of Parliament. Subsequently a large number of Members of Parliament sent a memorial that they should be relieved of these duties for the reason that for every friend that they made they made 99 enemies. In the same way the members of the Corporation should not desire to take up special duties of this sort which could not give them satisfaction. The tendency is to dispose favourably any appeal made for reduction because the member has nothing to lose and the other members have nothing to lose. Members of the Corporation should be free from any duties where bias would prejudice the cause. I think we ought to carefully distinguish legislative work from executive and judicial work. I think in Germany a good deal of the power exercised by the Corporation or the Municipal

3rd February 1936] [Mr. M. S. Sreshta]

Council is exercised by experts. The tendency in India also is to have the experts as Commissioners. There should also be experts to do the judicial part of the work of the Corporation. Otherwise we may as well go back to the old condition. Let the Commissioner be an elected person of the Corporation. Let the Engineer be elected by the Corporation. If you want to have the best possible administration I think it is desirable that judicial work should be entirely done by men who are trained to do judicial work and are experts in it. With regard to the possibility of delay in the civil court I think this is a somewhat exaggerated idea. If it is found that there will be delay then the best possible thing is for the Hon. the Chief Minister to induce his colleagues to have the Act so amended as to expedite the work of the courts. I think in other countries also the appeals go to courts. I have some experience of it and I do not think there has been any delay in the disposal of those cases. Summary procedure might be adopted. Mr. President, Sir, I hope the Hon. the Chief Minister will carefully consider this matter. Even if there is sharp divergence of opinion I hope he will reconsider his opinion and see whether it is not possible to accept the amendment which will be in the interest of purity and efficiency of administration and which would prevent the Legislative Council from taking what I call a retrograde step."

* MRS. K. ALAMELUMANGATHAYARAMMA spoke in Tamil, and the following is an English summary of her speech:—

"Mr. President, Sir, in speaking on the amendment before the House I wish to bring to its notice the following facts. In my experience I have found that going to court involves heavy expenditure and delay to the litigants. There is no doubt that in preferring appeals to court one has to prepare the points for appeal and file it in the usual course in court which has other things to do and this involves not only delay but also expenditure. As an honorary Bench Magistrate I have found in my experience that even for disposing of nuisance cases the presiding magistrate has to examine witnesses and this procedure often involves delay. As it is usual with the Government to appoint magistrates when the cases filed in bench courts are heavy, so also the Government will be called upon to appoint special judge for disposing of appeal cases. So in order to avoid such contingency it is better even now to allow the provision made in the Bill to remain as it is.

"Moreover, it will be easy for the appellants to go before the Taxation Appeals Committee. In this connexion I may be permitted to point out that many houses in this city are owned by women and as such if appeals are to be preferred in courts it would amount to putting such women to a great hardship. I admit that the Commissioner of the Corporation has got to do a lot of executive work. But in the interests of the women owners I would appeal to him not to mind this work. If the Appeals Committee members were to take some more trouble for the public cause and hold monthly meetings, more cases could be disposed of. Generally, if people are asked to go to court, they will

[Mrs. K. Alamelumangathayaramma] [3rd February 1936]

not only lose time and money but their profession would be spoiled. If men are put to such difficulties, more so would be the case with women.

"In conclusion I would urge that the provision may stand as it is."

Rao Bahadur P. C. MUTHU CHETTIYAR, spoke in Tamil and the following is an English summary of his speech:—"As it is it looks as if the Commissioner may also appeal to the court. It must be made specific that the Commissioner has no power. Generally both educational and judicial qualifications are not combined in the councillors and such people are made to sit as judges. Such people are likely to be influenced by other considerations whereas men with judicial training cannot. In the second appeal in the High Court 99 per cent do not survive.

"Two previous decisions will probably cause some prejudice when the matter comes up on appeal to the Small Cause Court. Some expenditure will have to be incurred by going to the court. Vakil fees of course have to be borne by the party. But the stamp duty should be dispensed with. My hon. Friend, Dr. Subbarayan who spoke on this amendment will realize, if he actually works in a committee of that kind, how party feeling will predominate in determining questions coming before the committee. Apart from it, there is the caste or communal feeling. Some people want to have a place in the committee simply for the sake of communal representation, no matter whether a man is qualified or educated enough to sit in judgment on such matters. 1-15 It is not as if I am opposed to the amendment of Mr. Reid. I only P.M. say that I have great faith in judicial proceedings. Therefore in the public interests and on public grounds, I have to oppose the amendment. When Dr. Natesa Mudaliyar spoke, he gave me the impression that he has not lost faith in the Small Cause Court."

Diwan Bahadur C. NATESA MUDALIYAR:—"On a personal explanation, Sir. I never have any sympathy for the increase of taxation being decided by a court of law."

Rao Bahadur P. C. MUTHU CHETTIYAR speaking in Tamil, said:—"Whatever that be, I think it would be safer to leave matters as they are, so that people may have the satisfaction of having received the decision of a judicial tribunal."

* Sriman M. G. PATNAIK Mahasayo:—"Sir, the question is whether there should be an intermediary body between the Small Cause Court and the Commissioner. An appeal to the Small Cause Court is provided for, and there is no difficulty about that. The arguments so far advanced against such an intermediary body being created appear to be that the members of such a body would be influenced by the appellants or others and that the former would not do justice in the matter. That is to say, their decisions will invariably go against the interests of the Corporation. Practically it comes to this. If anybody influences that body, it would mean they will be influenced against the interests of the Corporation. Assuming that the assessment made by

3rd February 1936] [Sriman M. G. Patnaik Mahasayo]

the Commissioner is correct, a deduction would be made on account of the undue influence brought to bear upon the standing committee. The other alternative is that appeals should invariably go only to the Small Cause Court. That would mean that a number of appeals will be practically shut out. Of course, the difficulties in this case have been pointed out by several hon. Members. Supposing a man appeals against the assessment, to the extent of only Rs. 2 or Rs. 3 or anything less than Rs. 10, then practically, he would not carry the matter to the Small Cause Court because the expenditure involved will be very much higher than the relief he can get. Thus, you have to choose between the two alternatives. The first is, should we say that all appeals should go to the Small Cause Court and thereby shut out a number of appeals from very poor people? I think that would be a very harsh thing and unless we are compelled to do so, nobody would agree to such a course being adopted. Therefore, you have to examine the other alternative, viz., whether much harm would be done in creating an intermediary appellate body. Here some Members assume in the first instance that the members who constitute that standing committee will generally be weak and will be influenced by others. That is the first objection. My hon. Friend Sir Patro has replied to that and clearly stated that if we cannot carry on the administration of the Corporation in this respect, it would mean that we are not fit for swaraj. That is the reply he has given. Supposing of course that some reduction is made, will it harm the Corporation to a very large extent? The question is which of the two evils is the lesser one. Should you shut out all these poor people from preferring an appeal practically against the assessment of the Commissioner by providing for an appeal only to the Small Cause Court? If you do it, I feel that a number of appeals will be shut out. Well, that is an evil. The other evil is that the Corporation will suffer if the standing committee is unduly influenced by the appellants or others. These are the two evils. Which is the lesser of the two? I think the lesser of the two is the creation of an intermediary appellate body. No doubt, the Corporation may suffer to some extent. But I do not think anybody can assert that the Corporation will necessarily or invariably suffer if the intermediary committee will work as an appellate body. All people may not be strong or fair-minded and some may allow themselves to be influenced. In that case, would you be justified in providing appeals only to the Small Cause Court and thereby preventing a number of appeals being preferred to the committee even in deserving cases? I think the provision made by the Select Committee is a happy compromise of the two situations. The standing committee there provided should consist of somebody to be nominated by the Government either on payment or otherwise and also two members to be elected by the Corporation itself. In such a case, it is a happy combination. If you want a judicial or official element, you have it there. I think it is also possible to select two persons who could be independent and fair-minded enough to do justice between the rate-payer and the Corporation. Therefore, I think the provision already made is quite right,

[Sriman M. G. Patnaik Mahasayo] [3rd February 1936]

unless as my hon. Friend Dr. Natesa Mudaliyar suggested for the very poor people vakils are engaged and the stamp duty also is paid for by the Corporation. Of course, he did not mean that the Corporation should provide all that. Or rather, the proposition is so absurd that unless all that is done it cannot be workable in practice. So, the amendment ought to be opposed."

* The Hon. the PRESIDENT:—"The House will adjourn for lunch and meet again at 2-30 p.m."

(After Lunch—2-30 p.m.)

* Mr. D. M. REID:—"Mr. President, Sir, in view of the conference which we have had during the lunch hour, I do not think it is necessary for me to make any further remarks. It seems clear that if put to a division, my amendment unfortunately is not likely to be carried. I have heard no arguments put forward to refute my contention; I feel just as strongly as ever I did, that the views I put forward are the right views. But though many Members are personally in sympathy with my aims, for various reasons I realize that my amendment cannot be carried, and I beg leave to withdraw it."

The amendment was by leave withdrawn.

Mr. T. SUNDARA RAO NAYUDU:—"I beg to move the following amendment standing in my name:—

'At the end of rule 14, the following paragraph shall be added, namely:—

"The Taxation Appeals Committee shall have all the powers of a standing committee under sub-section (1) of section 26, and the provisions of sub-section (2) of that section shall apply to requisitions made by the Taxation Appeals Committee as if it were a standing committee."

Sir, it is only a formal amendment and is intended to make the wording clearer."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 220 as amended was put and carried.

Clause 5.

* The Hon. the PRESIDENT:—"We shall now go back to clause 5."

Clause 5 was put and carried.

Clauses 221 to 225.

Clauses 221 to 225 were put and carried.

Clause 226.

Proposed rule 26.

Mr. T. SUNDARA RAO NAYUDU:—"I beg to move—

'In sub-rule (1), for the words and brackets "(if application is made within twelve months from the date of sale; if no such

3rd February 1936] [Mr. T. Sundara Rao Nayudu]

application is made the surplus shall be forfeited to the Corporation)", the following words shall be substituted, namely, " , if application is made by such person within twelve months from the date of the sale. If no such application is made, the property or sum so remaining shall be forfeited to the Corporation."

Sir, this is intended only to make the amendment much better than what it is."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Proposed rule 27.

Mr. T. SUNDARA RAO NAYUDU:—"I beg to move—

'(1) In sub-rule (a), for the words "with reference to the value of the sum distrained for," the following words shall be substituted, namely, "with reference to the amount due for which the distraint is made."

(2) In sub-rule (b), after the words "Such fees" the word "shall" shall be inserted.'

Sir, this amendment is intended to make the language clearer than what it is now."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 226 as amended and clauses 227 to 231 were put and carried.

Clause 232.

Rule 4 of Schedule V.

Mr. C. BASU DEV:—"Mr. President, Sir, I beg to move the amendment that stands in my name, that is—

'Add the following as item (t):—

"(t) the provision for old age pension, sickness and unemployment insurance and relief."

I know that at the present moment the funds at the disposal of the Corporation may not be sufficient to launch upon schemes of this sort. But inasmuch as we have amendments to this very big Act not coming at short intervals, I venture to suggest the inclusion of an item of expenditure of this sort, so that either in the near or distant future when the Corporation has sufficient funds they may, without any further sanction from the Government or the sanction of this House, incur the expenditure on these laudable items. With these words I beg to move the amendment, and also beg to request to kindly accept this very modest amendment. I do not move the other amendments in the hope that in this final appeal on this last amendment I will not be disappointed by the Hon. the Chief Minister."

[3rd February 1936]

2-45
p.m.

* Mr. M. DEVADASAN:—" Mr. President, Sir, I second the amendment moved by my hon. Friend. The House will notice, Sir, that the provision of old age pension, sickness and unemployment insurance and relief will not be inconsistent with the objects enumerated in the rule 4 of the Schedule. Sir, under item (p) there is already provision for the maintenance of work-houses, infirmaries and so on, and under items (q), (r) and (s) the Corporation is authorized to spend moneys on the organization and maintenance of health associations, child-welfare centres, rescue homes and so on. If it is the duty of the Corporation to provide money for child-welfare and maternity, and the like purposes it ought to be its duty also to provide money for people who are very old, and sick or unemployed. If a provision is made for people who are incapacitated, on account of old age, sickness, etc., it will go a long way to the relief of the suffering masses. If this item (t) is added, it will enable the Corporation to extend relief in the name of humanity to people who are incapacitated in several ways such as old age, sickness, etc."

* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—" Sir, the object underlying this amendment is no doubt a very laudable one. But, as the Mover himself said, all that is required is money. I wish he had also suggested some way of finding money for providing these things. On the whole, Sir, I think it is not the business of the Corporation to undertake this sort of work. I therefore beg to oppose it."

Mr. C. BASU DEV:—" Mr. President, before I withdraw my amendment I desire to say a few words. I do not want to have the sentimental satisfaction of having pressed my amendment to vote. I would on this occasion make a fresh appeal to the Hon. Minister for Local Self-Government and also other Members on the Treasury Bench to come forward with some amendment which will enable the grant of relief to the poor and helpless people."

The amendment was by leave withdrawn.

Clauses 232, 233 and 234 were put and carried.

Clause 235.

Rule 12 of Schedule V.

Mr. BASHEER AHMED SAYEED:—" I move, Sir, that clause 235 be omitted. This is a new clause introduced by the Government, in my opinion, without any justification, or without any case having been made out at any time against the Corporation for the introduction of the same. This is what the clause reads:

'If the Council shall have given previous authority in writing, such bank may at once pay out of the municipal fund without such order or cheque any expense which the Local Government have incurred on behalf of the Corporation.'

"Sir, this contemplates that the Council should be given power to authorize the Government to draw from the Corporation funds at any time they please. The Government want that the Corporation should by a general resolution enable the Government to draw any

[3rd February 1936] [Mr. Basheed Ahmed Sayeed]

moneys which they claim to be due to them without any consent of the Corporation. I consider that this is a very novel procedure and it cuts at the root of all autonomy of the Local Self-Governing institutions. It is in direct conflict with the autonomy that is supposed to be the basis of Local Self-Government. I think, Sir, that the Government ought to have adduced stronger grounds—in fact there is no ground at all—for asking for such a power. They have not been able to put forward a single case—and I do not think they will be able to put forward a single case to-day—to say that the Corporation has refused to pay any money legitimately due to the Government. If the Government think that there are legitimate items of expenditure for which money is due to them by the Corporation and that the Corporation has refused the same, let them say so. There has never been such a case. I therefore think that this clause is quite uncalled for and unwarranted. There seems to be no necessity for it nor has there been any occasion in the history of the Corporation for the last twenty or thirty years justifying the Government coming forward with an amendment like this that if the Corporation had given previous authority in writing or passed any resolution, the Government should be entitled to draw any moneys which they think is due to them. I do not think they should have this power. The Corporation has never refused any amount due to the Government. After all, the Corporation is run by the Executive Officer who is the Government's nominee and any amount payable to the Government by the Corporation, the Government are entitled to get. Why should they not get it in the usual manner? Why should they stand on a different footing from any other creditor of the Corporation? There are other people who pay funds into the Corporation and there are rules which govern the refund of those claims. Even if the Corporation is going to be a self-governing autonomous body and if the Government is going to be a creditor in any manner whatsoever, it is open to the Government to adopt the usual procedure of notifying the Corporation that such and such an amount has become due and then claim it as and when the Corporation sees its way to pay it back. I do not see why the Government should have this extraordinary power of drawing from the bank and that without the knowledge and consent of the Corporation simply because the Corporation might have given them some power in writing that they might so draw. This is an arbitrary power which the Government want to assume for itself without any just ground or reason for it. I therefore strongly urge that this clause should be omitted."

The amendment was duly seconded.

* The Hon. the RAJA OF BOBBILI:—" Sir, the Hon. Mover has by this amendment raised the same point which was discussed in the Select Committee. After a careful consideration that body decided to retain the original provision. I am afraid my hon. Friend has completely misunderstood the scope and purpose of this amendment. It merely says that to facilitate work and save time the Corporation can authorize any bank where the Corporation funds are maintained to

[The Raja of Bobbili] [3rd February 1936]

pay to the Government, without any cheque or special order any sums due to the Government for work done on behalf of the Corporation. This is only an arrangement to facilitate business and does not in the least take away the powers of the Corporation. I therefore find that I cannot accept this amendment. I must oppose it."

Mr. ABDUL HAMEED KHAN:—"Sir, when my hon. Friend moved this amendment and spoke on it, I did not feel that the Government were taking away any power which the Corporation possessed. I do not agree with him when he said that the Government were taking away the power of the Corporation. But I feel that the point that it must be the endeavour of Government to give the city Corporation the dignity which is due to it, must be borne in mind. I can understand this provision being there in the case of a public body of whose finances the Government are not sure and also they are not certain that such finances will be properly expended. But in the case of a body like the city Corporation which has got as much as 64 lakhs of revenue, and which has got well constituted Council and an efficient executive presided over by a highly placed officer a nominee of the Government itself—it seems to be rather *infra dig* to be called upon to give a blank cheque as it were to the Government to enable it to draw money from the bank direct. I appeal to the Government to bestow some consideration to this aspect of the matter once again. I certainly feel that it is rather *infra dig* for the Corporation to be placed in such a position where the Government can take away the Corporation money without even the knowledge of the Corporation. I do not agree with my hon. Friend the Mover when he said that this tends to take away the power of the Corporation. But certainly it is *infra dig* for the Corporation not to be consulted from time to time when its money is being taken away. On that aspect of the matter I lay emphasis and in that sense I appeal to the Hon. the Chief Minister not to place the Corporation in that low level in which it would be placed if this clause is not omitted."

* The Hon. the RAJA OF BOBBILI:—"Sir, I am really surprised at the arguments advanced by my hon. Friend, Mr. Hameed Khan. All that this clause says is that power may be given to the Corporation Council to authorize any bank by order in writing that such and such money should be paid to the Government for any work done by them without the issue of any special cheques. I fail to see how this is going to affect the dignity of the Corporation or deprive it of any of its powers. I am really unable to understand why there should be any objection to a provision of this kind. In no way is the Corporation deprived of its powers and the Government are not arming themselves with any authority to draw Corporation moneys.

3 p.m. "It is simply to give power to the Corporation, if they so desire, to give instructions to the bank to make payments from time to time without separate cheques to Government. It is only in the interests of the Corporation to facilitate their business that the Government have

3rd February 1936] [The Raja of Bobbili]

made this provision in the Bill. In no other way the Government under the guise of this provision will have any authority to take over the money of the Corporation."

Mr. BASHEER AHMED SAYEED:—"I am sorry I am not convinced with the answer given by the Hon. Minister though the hon. Member for the City of Madras said that it was *infra dig* that the Select Committee should have introduced such a provision as this. There is no need at all for the Corporation to give previous authority in writing to the Government that whenever they thought they were entitled to draw some money they should do so. If the Government has done some work for the Corporation it is but reasonable and necessary that the Corporation should know on what account the Government have incurred any expenditure before money is paid out by the bank. It may be that the procedure, so far as I am able to understand, under this new clause seems to be that there should be a general authorization by the Corporation in favour of the Government to draw funds. The Government may or may not draw, but if it comes to the conclusion that they must draw a certain amount of money, is not the Corporation entitled to know whether the demand is legitimate or fair or reasonable?"

The Hon. the RAJA OF BOBBILI:—"That is not at all the intention."

Mr. BASHEER AHMED SAYEED:—"That is what I understand. There is no provision in the Bill which gives the power to the Corporation to find out whether the claim made by the Government is well founded. In the absence of such a provision what is the business that will be facilitated by having such a provision as this? What is it that is not being facilitated without such a provision as now proposed to be introduced? In how many cases the Government were stuck up on account of non-payment by the Corporation? What is the item of expenditure which the Government have incurred and which the Corporation have refused to pay? No such instances have been given and no just cause has been shown for the retention of such a provision. So I would urge upon the House to consider the question upon these issues."

* The Hon. the RAJA OF BOBBILI:—"I do not know if the Hon. Member has misunderstood or wants to mislead the House. It is not a question of Government drawing away the Corporation's money whenever it pleases. It is only a question of the Corporation authorizing the bank to draw the money. Power is given to the Corporation to examine the question and decide whenever any money is sought to be drawn. There is no question of a blank cheque being given at all to the Government. Corporation is the authority to give permission to the bank to allow the money to be drawn. I know such a system prevails in some of the Commercial houses. There is no question of giving a blank cheque to the Government and whenever it pleases them they can draw the money. There is absolutely no meaning in that remark. For my part I am unable to appreciate the other point made by the

[The Raja of Bobbili] [3rd February 1936]

hon. Member for the City of Madras that it is derogatory to the prestige of the Corporation if we have such a procedure. If the Corporation wants to adopt that procedure they may do it or they may not do it. Under this provision the Government will have no authority to do it against the wishes of the Corporation."

The amendment was put and lost.

Clauses 235 to 238 were put and carried.

Clause 239.

Schedule VI.

Mr. T. SUNDARA RAO NAYUDU:—"I beg to move the amendment that stands in my name as follows:—

'The figures and brackets "(1)," "(2)," "(3)," "(4)," "(5)," "(6)" and "(7)" appearing against the items in this schedule shall be omitted.'

Sir, this is only a drafting amendment."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 239 as amended was put and carried.

Clause 240.

Schedule VII.

* Diwan Bahadur A. APPADURAI PILLAI:—"I beg to move the amendment that stands in my name as follows:—

'For the word "obey," whenever it occurs, substitute the words "comply with".'

Sir, I think 'obey' is a strong word to be used with reference to a citizen. In a later item the words 'comply with' are used. I thought that the ancient word 'obey' might be substituted by the words 'comply with.' A student obeys his master, children obey their parents but a citizen need not obey the Commissioner. Therefore I move that the words 'comply with' be substituted for the word 'obey' wherever it occurs."

Mr. C. BASU DEV:—"I second it."

The amendment was put and carried.

Clause 240 as amended and clause 241 were put and carried.

3rd February 1936]

Schedule.

Mr. T. SUNDARA RAO NAYUDU:—"I beg to move the amendment that stands in my name as follows:—

'In the item relating to section 42, after the existing entries in columns (3) and (4), the following entries shall be added, namely:—

For the words	Substitute the words
(3)	(4)

<i>"to his satisfaction</i>	<i>to their satisfaction</i>
<i>to his satisfaction</i>	<i>to their satisfaction"</i>

This is the last of the amendments moved by me and it is only a consequential amendment because the words 'the Local Government' have been substituted for the words 'Governor-in-Council'."

Mr. C. BASU DEV:—"I second this amendment. I want to express my pleasure in seconding the last word of the last amendment."

The amendment was put and carried.

Preamble.

The Preamble was put and carried.

The Hon. the RAJA OF BOBBILI:—"I beg to move—

'that the further consideration of the Bill may be postponed to a later date'."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The motion was put and carried.

IV.—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. Sir CHARLES SOUTER:—"I do not propose to move the motion * standing in my name to-day but will do so at a future date."

V.—MOTION RE AMENDMENT TO SUB-RULE (1) OF RULE 51 OF SCHEDULE IV OF THE DISTRICT MUNICIPALITIES ACT, 1920.

* The Hon. the RAJA OF BOBBILI:—"I beg to move—

'that the following draft of a rule proposed to be made by the Governor acting with Ministers under sub-section (1) of section 305 of the Madras District Municipalities Act, 1920

* The Hon. Sir Charles Souter, K.C.I.E., C.S.I., I.C.S., will present the report of the Select Committee on the Bill for the imposition and levy of licence fees on the sale of tobacco in the Presidency of Madras (Bill No. 17 of 1935) and move that the Bill as amended by the Select Committee be taken into consideration.

[The Raja of Bobbili] [3rd February 1936]

(Madras Act V of 1920) to amend the second proviso to sub-rule (1) of rule 51 of Schedule IV to the said Act be approved:—

Draft rule.

In the second proviso to sub-rule (1) of rule 51 of the said schedule for the words "fees realizable" the words "fees realized in the preceding school year" shall be substituted.

Sir, there have been a number of Government Orders issued in connexion with fee concession that it should not exceed 10 per cent of the fee realizable. Some local boards have been permitted to fix various percentages in fee concessions granted to students in schools. As the rule is now worded the fee concession will have to be below the fees realizable during the current year.

3-15 p.m. "Difficulty has arisen in estimating the exact amount of fees that will be realized during the school year as the strength of the school and the amount of fee income realized may vary from month to month. It has therefore been considered desirable that in fixing the percentage of concessions, the fee income realized during the preceding year may be taken into consideration. It is proposed to make the necessary change on the recommendation of the Director of Public Instruction."

The motion was duly seconded.

* Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, Sir, I rise on this occasion not to oppose the rule which the Hon. the Chief Minister wishes to make. But I want to point out that in certain unhealthy localities it so happens that students do not attend school throughout the year. The schools are closed for a certain part of the year, for instance, when an epidemic is raging in the locality or when certain dangerous infectious diseases are spreading in the locality. In such cases if the calculations are made on the actual fee income in the school during such years, it will work a great hardship. I request the Hon. the Chief Minister to bear this in mind and make suitable provision for it in the shape of exceptions to the general rule."

* The Hon. the RAJA OF BOBBILI:—"I will have the hon. Member's suggestion examined later on."

The motion was put and carried.

VI.—MOTION *RE* INVESTMENT AND UTILIZATION OF THE FAMINE RELIEF FUND.

* The Hon. Mr. G. T. H. BRACKEN:—"Mr. President, Sir, I beg to move—

'That this Council recommends to the Governor-in-Council that the amount to the credit of the Famine Relief Fund of this Presidency be invested in Government of India securities,

3rd February 1936] [Mr. G. T. H. Bracken]

that a Bill be brought before this Council for constituting the securities into a fund to be used only in times of serious famine or flood, and that the Government of India be moved to address His Majesty's Secretary of State for India to make the necessary amendments to the Devolution Rules.'

Sir, I do not think there is a great deal to be said about this matter. The usefulness of the Famine Relief Fund has been proved often in the past. It is an emergency fund, available at short notice to meet cases of famine and failure of rains. The usefulness of this fund was proved only last year in the famine in Bellary and Anantapur. The minimum amount of the fund has been fixed by the Secretary of State at Rs. 40 lakhs. Owing to accumulations the sum rose to about Rs. 60 lakhs. But owing to the recent famine it is now down again to about Rs. 44 lakhs. As I have said this fund has proved its usefulness in the past and the amount is not excessive as the expenditure on one famine, I think it was in Ganjam, was in the neighbourhood of Rs. 39 lakhs. This fund or some similar fund will be even more necessary in future. At present in an emergency, provinces can fall back on the Government of India, but in future that will not be possible. Each province will have to stand on its own legs and finance its own ways and means. I think an emergency fund of this kind will be of great assistance to the new Government as a nest egg to meet sudden emergencies from. No one can tell when the rains will fail and famine result and for the benefit of the unfortunate people who suffer from failure of rains and famine conditions, it is most advisable that Government should have liquid resources at their disposal to meet famine conditions. Of course any Bill passed by this House will not tie the hands of the future Government; they can repeal or alter it as they think fit, but I hope and believe that the new Government will see the necessity for this emergency liquid fund available for famine just as much as the present Government has found the necessity.

"It is important, of course, that this fund should be a liquid fund in easily realizable securities. Otherwise it would not serve the purpose in view and it is for that reason that investment in Government securities is proposed. The securities could be easily realized and in case of sudden emergency an advance could be obtained on it from any bank or possibly from the Reserve Bank."

* Rao Bahadur Sir A. P. PATRO:—"I second it. I think the House will agree to the course proposed by the Hon. Finance Member to take the amount to the credit of the famine fund from the Government of India and invest it in Government securities. The Government of India, I presume, are paying little interest on the amount . . ."

The Hon. Mr. G. T. H. BRACKEN:—"The amount at present bears a rate of interest 1 per cent lower than the amount at which we borrow from the Government of India. The fund is bearing an interest of 2½ per cent."

[3rd February 1936]

* Rao Bahadur Sir A. P. PATRO:—"I thank the Hon. the Finance Member. I do not see why we should lose 1 per cent interest. The policy of the Government of India has always been to have our money with them to their advantage. But if we want to liquidate the loans taken from them at a higher rate of interest by raising loans at lower rate of interest they would not agree to it. The proposal of the Government is to take back the sum to the credit of the famine fund from the Government of India and invest it in Government securities which we can easily convert in times of necessity or urgency. It is a very wise and prudent step and I am sure the House will be at one with the Hon. the Finance Member in the course he has proposed to adopt. It is indeed very creditable of the Government to have come forward with this proposal."

Mr. K. KOTI REDDI:—"Mr. President, Sir, I have just given notice of an amendment to the following effect:—

'In line 6, between the word "flood" and the words "and that the Government of India" insert the words "or to construct irrigation works as a protection against famine".'

"With your permission Mr. President, I would say a few words.

"Sir, even to-day I believe the famine relief fund can be utilized on the construction of small irrigation works which are intended to be a protection against famine. Not merely repairs but even construction of new irrigation works also can be financed from this fund. Perhaps the Government will have to get the sanction of the Government of India for this. Anyhow, I think it is absolutely necessary that a provision to that effect should be there if it is not there at present. I hope the Government will agree to my amendment which seeks to include the construction of protective irrigation works also as one of the items on which the money from the famine relief fund can be spent. For the rest I am glad that the Government have come forward with the proposal to take away the fund from the Government of India and invest it in Government securities which will fetch a higher rate of interest than what the Government of India are now giving.

"Mr. President, this is the small amendment that I wanted to move and I move it."

* The Hon. the PRESIDENT:—"But no hon. Member is willing to second the amendment."

* Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"Mr. President, I beg to second the amendment. I have the peculiar privilege of coming from one of the most wretched districts which is always suffering from famine. Therefore, with your permission, I should like to say a few words on the amendment of my hon. Friend, Mr. Koti Reddi. I think it would be very useful if the fund could be occasionally utilized for finding water in times of drought. What I have got in mind just now

[3rd February 1936] [Mr. M. Gopalaswami Mudaliyar]

is this. I do not know whether the Hon. the Finance Member remembers this or not. Fifteen or sixteen years ago there was serious famine in Bellary and there was great alarm in the penal settlement known as the Alipore Jail, for there were over 6,000 convicts then but there was hardly any water for them to drink.

"The Hon. the Revenue Member, who was in charge of famine, came 3-30 there, visited the place and said that water is absolutely necessary not P.m. only for the 6,000 convicts in that locality but also for those living in the surrounding parts. He sanctioned Rs. 3 lakhs in order to construct wells in the tank of Alipore. It was because of that action, incidentally relief was given to the Bellary town itself by having a protected water-supply scheme. It was asked: When a sum of Rs. 3 lakhs is being spent for this purpose, why not give Rs. 16 lakhs for the citizens of Bellary to speed up the protected water-supply scheme. That was the reason why we have a protected water-supply scheme which will not necessitate sinking of wells now. In places other than Bellary town, I think it will be necessary to find water for drinking and other purposes. I therefore think that it is very desirable that some such amendment should be added. I do not know how to put it; I do not quite approve the words of the amendment. I leave it to the Hon. the Finance Member to suggest the necessary alteration. My idea underlying the suggestion is that the amount may also be utilized for the purpose of supplying water to the distressed people in famine areas."

* The Hon. Mr. G. T. H. BRACKEN:—"Mr. President, Sir, I am not quite clear as to what the mover of the amendment meant, whether the accretions to the famine fund should be used for protective works or whether the corpus of the fund should be used for protective works. If he meant the whole corpus to be used for protective works, that will mean tying it up and the money will not be readily available at the moment required, and that I think would be very undesirable. On the other hand I think there is some point in allowing the accretions to the fund to be used for the purpose the hon. Member has in view. What I mean is we should keep at least Rs. 40 lakhs as liquid reserve for any occasion and the interest on it can be utilized for the purpose the mover of the amendment has in view. I will be quite prepared to recommend to the Government of India that that be permitted. If this resolution is accepted by this hon. House, a Bill will be introduced carrying out the purposes and any details can be put into this Bill. I would therefore suggest to the hon. Mover of this amendment that he may withdraw it on the undersanding that arrangements will be made to allow the accretions to the fund to be used for the purpose he has in view."

Mr. K. KOTI REDDI:—"I beg leave to withdraw my amendment, as the assurance of the Hon. Member will serve the purpose I have in view."

The amendment was by leave withdrawn.

The main motion was put and carried.

[3rd February 1936]

VII.—REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

* The Hon. Mr. G. T. H. BRACKEN:—" Mr. President, Sir, I beg to move the motion that stands in my name—

'That the Report of the Public Accounts Committee on the Appropriation Accounts of this Province for 1933-34 and the Audit Report for 1935 issued by the Accountant-General, Madras, be taken into consideration'.*"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I second it."

* The Hon. the PRESIDENT:—" I shall put the main motion first and go on with the amendments as we do with regard to Bills."

The main motion was put and carried.

* The Hon. the PRESIDENT:—" Amendments will now be taken up for consideration."

* Mr. G. RAMESWARA RAO:—" Mr. President, Sir, I beg to move the motion standing in my name:—

'Add the following at the end:—

"and on such consideration, this Council is of opinion—

that steps should be taken to recover from the officers concerned, the losses incurred in public funds by their negligence between 1918 and 1933 and their failure to claim concessions allowed by the Railways from July 1918, for Police force allotted on duty in connexion with the tours of His Excellency the Governor-General and His Excellency the Governor'."

I was struck rather much beyond the ordinary way when I went through the report and found some astounding statement of facts made therein. That discloses the way in which the administration of our Province was carried on. It is a most notable feature. At page 25 of the report it is stated in connexion with Grant XIV—Police:—

'The concession of free-duty passes for police force regularly employed on railway duty and passes for additional police, whether of the railway or district force, specially posted to railways on the occasion of journeys of the Viceroy or the Governor of a Province suggested by the Railway Board in 1918 was not availed of till September 1932'.

"This is the sort of irresponsible way in which there has been waste of public funds. Concession had been allowed to us from 1918 onwards—from July 1918—but for full 14 years public funds were being wasted without the least sense of responsibility. I have absolutely no grievance against any individual in particular; I absolutely know nothing as to who was in charge of the administration or of the papers either in the Secretariat or in the Cabinet. Therefore my remarks are absolutely impersonal and are based only on principles and not meant to convey censure of any particular individual. I am only adverting to the way in which they carry on their business when they are dealing with public funds in such a reckless fashion. The Public Accounts Committee

* Printed separately.

[3rd February 1936] [Mr. G. Rameswara Rao]

consider the result as most regrettable but agree that no action is now possible in the matter. I cannot understand how it is not possible to find out and recover the amounts due to the Government from those who were in charge of the administration and who were responsible for the maladministration of our public funds. It is one thing to say that we cannot trace them but it is another thing to honestly make the attempt and find out who were actually in charge of affairs, how far they must be deemed liable and whether such honest attempts were made by the executive who are responsible at present for this recommendation to write off, with mere words of regret. I hope the Hon. the Finance Member would take us into confidence and tell us what attempts he has made, irrespective of the persons who are living or dead and gone. The country has suffered such a serious loss which I say, may amount to some lakhs if not a crore; I have no idea of the details of the figures. The Finance Department has not given the wastage incurred by this kind of maladministration; they only say, as if nothing has happened, 'it is regrettable and that no action is possible in the matter.' My submission in this connexion is that the Indian Civil Service Officer is usually considered very efficient and cannot be guilty of any wrong. This lapse may be an exception to the rule of the extreme efficiency he is capable of. But when such a lapse comes to be found out, it is certainly unpardonable for anybody to say that the people from whom the loss can be recouped, ought to be allowed to go scot-free, and that no portion of the public waste for which they have been responsible on account of what is called their neglect or recklessness should be collected. It is one thing when it concerns one's own individual affairs; it is certainly another thing when it concerns a public trust reposed in one by the people and by the Government. When they are dealing with trust-funds they ought to look into the matter much more carefully with *exacta diligentia*. When they administer their own private funds, they can afford to be careless, and it does not concern others. If they fall below the level, very severe action should be taken against this class of officials with whom we are concerned now; they cannot claim any indulgence either of this House or of the superior officers by merely saying that this only a matter of neglect. It is with that idea that I now suggest to the Government that the persons who are responsible for this maladministration ought to be brought to book. Attempts must be made as far as possible to bring them to book. It may be that some of them are not in service now; yet they are drawing their pension; some of them at least are still living; they must be dealt with in a vicarious way. Some of them may be living and they may be asked to pay the amount, for their default in not properly discharging their duties. I hope the Hon. the Finance Member will give us the names of the gentlemen concerned in this matter and would satisfy us that every possible attempt was made to recover the amount from them. My contention is and my appeal to this House is that they must support this amendment and say that as rigorous measures as possible should be taken in this matter. Sir, I would like to know whether I should move my amendments one by one or all together."

[3rd February 1936]

* The Hon. the PRESIDENT:—"The hon. Member may move all the amendments that are in his name and later on we can go to other amendments."

Mr. G. RAMESWARA RAO:—"You said Sir, that the procedure to be followed will be as in the case of Bills. Amendment after amendment may be moved separately, I suggest, Sir, and voted on."

* The Hon. the PRESIDENT:—"I have absolutely no objection to go on, amendment after amendment; but the difficulty is each of the amendments may be discussed for days together and perhaps we may not be able to finish them. The idea is not to have any voting, unless there is definite agreement from all sides of the House to the contrary. If the hon. Members insist that the amendments should be voted upon separately, I have absolutely no objection."

Mr. G. RAMESWARA RAO:—"I wish to know whether I am to move all the amendments now; it is better if each of them is voted upon separately; I appeal to the Hon. the Leader of the House."

* The Hon. the PRESIDENT:—"The hon. Member's idea apparently is that each amendment should be discussed and voted upon separately."

Mr. G. R. PREMAYYA seconded Mr. Rameswara Rao's motion.

3-45
p.m.

* Mr. K. A. NACHIYAPPA GOUNDER:—"Mr. President, Sir, as has been pointed out by the hon. the Mover of the motion, there is some information lacking in the explanatory note with regard to this subject, and I should like to have it too. The claim of this concession dates back to the year 1918 and it would come to a considerably big amount if it is calculated up to the year 1933, when I think the authorities of the concerned department took notice of it. The information furnished to us also reveals that certain records connected with this matter are not to be found in the file. At page 69 of the report it is stated:

'The original of the Government Order in which that letter was recorded is missing in the records. It is not therefore possible to find out why it was thought unnecessary to communicate to him the rest of that letter.'

"The note does not give sufficient information about the investigations made with regard to the missing record and the steps taken in the matter. That is the reason, Sir, why I have given a similar motion. I have nothing more to add to what the hon. Mover of the amendment has already stated, and I hope that the Government will see that this matter is investigated and that the loss that has been sustained by the Government is recovered from the concerned individuals, if there is sufficient justification for doing so."

* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I have to begin, Mr. President, by stating that the responsibility, if any, on the part of this Government cannot date back to the year 1918 for this reason: that the copy of the communication from the Railway Board to the Agents was received by this Government at its request only in

[3rd February 1936] [Mr. A. T. Pannirselvam]

the year 1921. Almost by an accident as it were, this Government became aware of the existence of the communication from the Railway Board to the agents regarding certain settlements about financial matters between the Government and the railways. On this Government making a request to the Government of India to be supplied with a copy of that communication, it was sent to us in May 1921. Therefore, the responsibility, if any, arising so far as this Government are concerned, could date back only to the year 1921. On receipt of that communication in which there was a reference to police buildings within railway premises, that portion alone appears to have been communicated to the Inspector-General who took action thereon.

"Next, as regards the question of loss which the hon. the Mover of the motion insisted on being recovered from the officers responsible, I am not able to convince myself, Sir, if it can strictly be termed a 'loss.' As the letter of the Railway Board to the Agents of the Railways itself says it was only a concession to be granted by the railways to the Local Governments with reference to particular conditions, and I am not sure if it could be legally said that a concession not availed of or not granted by the authorities who were entitled to grant it, could be said to be a loss to the party which has not got the concession. The very term 'concession' connotes, I think, a granting on the part of one authority, to be availed of by another, and it also connotes, I think, a right on the part of one party to grant the concession. But that is on a technical ground.

"As far as fixing the responsibility in this case is concerned, hon. Members will realize the difficulty of having to go back for fourteen years to 1921 to find out who exactly was responsible for a particular mistake. In the case of officers who are now either dead or have retired from service, there will be absolutely no advantage gained by fixing such responsibility for this reason that it is not possible for us to bring to book dead individuals, nor is it legally open to us to proceed against the persons who have retired for recovering any loss which might have accrued to Government by reason of their negligence during their service. I think one of the pension rules is that we cannot touch any pension which has already been sanctioned. That being the case, for an omission which occurred in the year 1921, would it be reasonable to make any officer even if he is now in service and is available, answerable for it? Would it be reasonable that for any loss which has accrued all these fourteen years, we should bring to book any officer who has been in charge of this department between the years 1921 and now, unless we are able to show that there was occasion for him to particularly notice this matter and yet failed to take action? Moreover, Sir, when once a Government Order goes into the records, we do not expect an officer when he takes charge, to take every old order and every communication, and post himself up with all facts and figures. Certainly in trying to fix the responsibility, the Government have to adopt a reasonable attitude, and see if there has been any definite negligence on the part of any one officer, negligence

[Mr. A. T. Pannirselvam] [3rd February 1936]

which can be traced to him. In the absence of that, it seems to me, Sir, that we can only regret the loss which the Government have been put to and say that the matter should rest there."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I am really very much surprised at this sort of argument put up by the Hon. the Home Member. He seems to have thought that he was arguing in a court of law in a case which he knew he could not support but in which he had to say something. He has not even taken the trouble to say whether the Government went into the question at least after the remarks were made by the Accountant-General, and whether they made any enquiries as to whether any particular person was found responsible . . ."

* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I thought I stated that we tried to find out when the Government Order came and who were the officers at the time. I also expressed the difficulty in exactly fixing the responsibility for the act. It took place more than fourteen years ago."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Not fourteen years ago, Sir. It has been going on from the year 1918 to 1933. This has continued as a recent event too. I am sure the Government will be in a position, if they care to make an enquiry, to find out the person who was culpable and to decide whether with justice and equity they can fix the responsibility on anybody. We are not told whether any such enquiry has been held, or whether the Hon. the Home Member is going to hold any such enquiry into the matter. On the other hand what he very speciously argues is that it is only a concession and it is open for anybody to take advantage of a concession or not. That seems to me, Sir, to be a very curious proposition. If a concession is available and if there is a way in which some money can be saved, certainly it is the duty of everybody in charge of the department to take advantage of the concession and save the money. But to say that simply because it is a concession, therefore it is open to anybody to avail himself of it or not, is certainly a proposition which I should, with very great respect, say is very unreasonable. I hope, Sir, that the Government are not pursuing a similar policy with regard to expenditure in other departments of Government."

"Well, Sir, the next argument he advanced was: We do not know whether any particular officer was aware of the Government Order or not; so we cannot make anybody responsible. That again, Sir, is the enunciation of a principle which I do not think the Government are well advised in adopting. They are issuing so many Government Orders and Acts; and if any officer is at liberty to say, 'I am not aware of the Government Order or of the Act' it will be intolerable."

* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"That is what I said about the intervening officers who were subsequently in charge of the department after the year 1921. You don't expect them to be

3rd February 1936] [Mr. A. T. Pannirselvam]

aware—it is not a mere Government Order alone—of all the communications that might have been recorded in the office."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"That is exactly what I am saying. Supposing a Government Order is issued in the year 1921 and an officer takes charge in the year 1935; is it open to that officer to say that the Government Order was passed in the year 1921, and that he came to the office only in the year 1935? Is it likely that his explanation will be accepted, I should like to know. If that is the case, Sir, I do not know where we stand. It may as well be said that every officer is responsible only for the Acts and Government Orders which are passed after he takes office, and that he is not responsible for any other things. As I am reminded by my friend here, the officer may say that he is responsible only for such things as are passed in his time and which are brought to his notice by somebody. That seems to be a curious sort of principle to enunciate. I want to know from the Government whether such a principle is being followed in all matters or whether only in a case in which, as I said already, no explanation is possible, the Hon. the Home Member has now attempted this sort of lame excuse."

"Sir, from every standpoint, it looks as if the Government are not at all careful enough to look after the interests of the people, are not caring for the money in their charge, are not at all controlling their officers and are not taking any trouble whatsoever to see that the officers are properly doing their duties. At any rate that seems to be the result of the explanation that has been given by the Hon. the Home Member. The Government seem to think that they can do whatever they like and say: 'Well, here we are just to put a sort of cover over the actions of our officers; this particular officer might not have known anything about this matter; he may not have been aware of what was happening; it is none of the duties of the Government to look to the proper spending of the funds.' That seems to be the position. I am ^{4 p.m.} very sorry indeed that the Hon. the Home Member should have shown such want of care in the affairs of the Government."

"Then, Sir, as regards the officers themselves, we do not know who are the officers that are concerned, and what they have done; but at any rate it is a matter in which the Government will have to ask for the explanation from the officers concerned as to why they have not taken advantage of the concession. Apparently, from the explanation given by the Hon. the Home Member, even that has not been done. If it is not possible to get the explanation of those persons who are no longer in service or have disappeared from the world, there are at least some people who are yet in service. I want to know whether they have been asked and their explanations taken and considered. It seems to me it is a matter of woeful neglect of duty on the part of Government not to have done so. I do hope Government are not taking the same sort of attitude in all other matters and that they are exercising more care in the affairs of the State. I do hope that even in regard to this

[Mr. T. A. Ramalingam Chettiyar] [3rd February 1936]

matter, the Hon. the Home Member will seriously see what the explanations will actually lead to and what they mean and what rules should be laid down in regard to such matters."

Mr. BASHEER AHMED SAYEED:—"Mr. President, Sir, I rise only to point out how unsatisfactory the note prepared by the Public Department is in this connexion. The whole thing seems to be an attempt to explain away the points that have been raised by the Accountant-General. The Accountant-General says in his remark that the order of the Railway Board was not merely a suggestion, but it was an order which mentioned that the concession should be recognized and allowed by all railways. While that is the language used by the Board, the explanation seems to be, Sir, that since paragraph 6 of the Railway Board letter contained only suggestions and not directions, it was for the railway administration and not for the Police department to take the initiative in the matter. I do not think this note in any way meets the point raised by the Accountant-General. It is not to be argued seriously that it was merely a suggestion. On the other hand, it seems to be a specific direction to the Railways that it should be recognized and allowed by all the Railways. When it is not a suggestion but a direction that the concession should be recognized and allowed, it was open to the Government to intimate the fact to the Inspector-General of Police and ask him to take action. Instead of that, the explanation is now forthcoming that it was considered to be a suggestion and not a direction; and to add to it, it is stated that it was the responsibility of the Railway administrations to go out of their way and grant concessions to the police force. That is really very strange, Sir.

"In the next instance, Sir, it is stated that the Inspector-General of Police was not communicated with. Perhaps the Inspector-General of Police is correct. Government ought to be in a position—I mean the Public Department—to give an explanation as to how the office of the Inspector-General was able to detect that this concession was not availed of. There seems to be no explanation from the Public Department as to how in that very office to which this communication was sent—only paragraph 7 of the report was sent and not paragraph 6—the Inspector-General of Police came to detect these omissions by the department and how he started communication with the railway authorities in March 1933 and subsequently. Even on that point, the explanation of the Public Department is unsatisfactory.

"Then, Sir, the point which really affects the position, and that is in my opinion a more fundamental point, is the utter lack of co-ordination in this regard in the different offices concerned in this matter. That is a point which the Police department and the Public Department ought to bear in mind, namely, that there is no co-ordination between these two departments. That point has not been made clear in the note that has been placed before the Committee by the Public Department. I do not know what explanation will be offered by the Hon. the Finance Member or the Hon. the Home Member. They have

3rd February 1936] [Mr. Basheer Ahmed Sayeed]

not shown us as to how exactly that lack of co-ordination occurred and what they propose to do in order to secure that co-ordination and avoid such things in the future in such matters.

"Again, Sir, there is another point which I would like to emphasize, namely, the original order of the Government in which that letter of the Railway Board was recorded is missing in the records. Such a thing has happened before in the Forest department, when orders were issued by Government on a previous occasion to the Forest Engineer with regard to the disposal of timber, either in logs or in scantlings; and those very important and relevant orders were missing. Then, the theory was put forward that it was a communication by telephone, and even for that there was no proof. It was stated at the Committee that even telephonic messages were recorded on paper and then added on to the file; and even those recorded telephone messages were not available on the previous occasion. It only reminds me of these cases which I had to deal with when I was on the Public Accounts Committee one or two years ago. Here is a similar case when the original order of the Government incorporating the letter and communicating the same to the Inspector-General is missing. Government ought to be able to say how it was missing, and who it was that was responsible for this neglect; and when they detected that this missing took place and that the letter was not actually in the file.

"There is, Sir, another point which I would like to urge on the Government. In the note it is stated that in March 1933, the Police Department took up with the railways the question of the issue of free passes. The South Indian Railway Company agreed in April 1933, i.e., just within a month; but the Madras and Southern Mahratta Railway first refused and then ultimately in October 1933 they also agreed to it. Nothing is known as to whether the Government have recovered this loss of concession from the moment they started the agitation, that is, in March 1933 up to October 1933. I would like to know whether the Government have recovered from the railway company, which they are entitled to under law, the charges that they have paid from March 1933 up to October 1933, the date on which they brought to the notice of the railway administration that the Government Police was entitled to free passes; and when they ultimately agreed to give from October 1933, they are bound to give also from March 1933, because the orders already existed, and the Government ought to have been able to recover that amount from the railway administration from March 1933.

"I would also add this, Sir. I do not know whether it has been done this year. Sir, in the Public Accounts Committee, the procedure in the Government of India is, the heads of departments and the Secretaries to Government concerned are sent for and examined on matters like this. In this province, so long as I was a member of the Public Accounts Committee, we had the help of the Secretaries and they explained with their notes, but then the head of the department concerned was never available to the committee. I do not know whether

[Mr. Basheer Ahmed Sayeed] [3rd February 1936]

the committee which considered this report was able to examine any officer on points which arose in the course of the administration of his department. If the committee has not done so, I would urge upon the committee that they should in future make it a point to examine the officers concerned and find out for themselves as far as possible where to locate the responsibility and what should be done when once the responsibility has been located. It is really a serious handicap that the committee ought not to be able to examine the heads of departments who actually are responsible for the day-to-day administration. The Public Accounts Committee procedure that is laid down enables and entitles the members of the committee to examine the heads of departments. That is a healthy principle which I want should be followed at least in future years.

"Then, Sir, with regard to the responsibility itself, it is true that it cannot be fixed up. In no case have Government been able to fix up responsibility with regard to the loss that Government have suffered and public revenues have suffered. Probably on account of diligent scrutiny in the Industries department there has been some recovery ordered last year or the previous year, but barring the one or two instances, I must observe there has been no case where Government have been able to locate responsibility. Sir, the standing example of the inability of the Government to locate the responsibility and recover any loss to Government, was in the Forest department some years ago when more than 50 lakhs of rupees were lost to the Government in the shape of valuable forest, machinery and good timber. I would therefore urge that the earlier the Government set about reorganizing the co-ordination between the Secretariat and the departments and also providing for detecting cases wherein such defalcations appear, the better it is for the public revenues and the administration of the province. With these observations, Sir, I resume my seat."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Mr. President, with a view to make it conform to my original motion, with your permission, Sir, I beg to move the following amendment, to the amendment of Mr. Rameswara Rao under discussion:—

"For the words "that steps should be taken," substitute the words "that enquiries be made and steps be taken if necessary.""

This is a simple amendment. Instead of straightaway proceeding with the matter of recovering the amount as suggested in the amendment of Mr. Rameswara Rao I want that the matter should be first enquired into and steps be taken if deemed necessary and also if it is found possible to make the recovery, to proceed with the case. Even if it is not possible to recover the amount at this distance of time, such a matter as this requires necessary investigation and enquiry so that it may serve as a sort of lesson to the future generation at least to be careful that such mistakes are not repeated. I am surprised to hear the argument put forth by the Hon. the Home Member that this is not a loss and I think he will refuse to admit his own argument now after my hon. Friend, Mr. Ramalingam Chettiyar, has explained the case

3rd February 1936] [Mr. K. A. Nachiyappa Gounder]

to him. As a matter of fact, we find, Sir, that even in regard to payment of travelling allowance to Members of this House, such a condition is imposed. In case we fail to avail ourselves of any concession in force are we to take it that Government are prepared to pay us the full amount if the Hon. Home Member's argument is to be accepted? Anyway it is a loss and every one must admit that fact. So, an enquiry is necessary. In such an important matter where a considerable amount of loss has occurred to the State, I think it is not too much if I demand an enquiry. I therefore hope that Government will accept this amendment even if they are not prepared to accept the original amendment as it was moved. With these words, Sir, I move my amendments."

* Sriman M. G. PATNAIK Mahasaya:—"I second it. All that this amendment seeks to do is to see that an enquiry is held. It is extraordinary that the Government should not hold any enquiry because one can say that it concerns the Secretariat and the police. If it is some other department they would have ordered the enquiry and fixed the responsibility. We know of course in the Educational department under wrong orders issued by the Director of Public Instruction certain Deputy Inspectors drew travelling allowance which they had to pay to the last pie. Some of them were considered to be hard cases. Why not in this case? Is it because it is Police department and not the Education department. Why should the Secretariat not pay? Because the Secretariat is directly under the control of the Home Member he does not want to hold the Secretariat responsible. That is all. Therefore if an enquiry has been held Government owes it to this Council that they should say what enquiry has been made, the extent of the loss incurred and who is really responsible for it. If they find it difficult to fix the responsibility they may place the matter before the Council. All that the note says is that no action is possible. Why? No one can find the reason. The Secretariat people are the Pujaris and so when the time comes the demi-Gods want to excuse them." 4-15 p.m.

* The Hon. Mr. G. T. H. BRACKEN:—"Mr. President, I find one remark only in the statements made by hon. Members with which I can agree and it is that departmental officers concerned in the financial irregularities should be asked to explain these irregularities to the Public Accounts Committee. May I tell the hon. Member that the same idea had occurred to the Public Accounts Committee and they made a recommendation to the same effect which has been accepted by the Government. As regards the other points I must join issue. I can assure the house that the most rigorous enquiry is made with regard to financial irregularities. When it comes to the notice through the Accountant-General or whoever it may be, the department has to enquire into it, then it has to run the gauntlet of the Finance Department who are always anxious to recover as much as possible and then it has to go before the Public Accounts Committee and after the Accounts Committee has gone into the matter very thoroughly Government have to pass orders. Well, if any officer after having gone through

[Mr. G. T. H. Bracken] [3rd February 1936]

so many enquiries as that escapes when he is guilty, all that I can say is, he is a very fortunate man. In regard to the particular case at issue, as already explained, it occurred sometime ago. The matter was gone into very thoroughly and I may state for the information of hon. Members that I know the names of the two persons who might have been held responsible. One is dead and the other has retired from service. And so now nothing can be done to either of them and no useful purpose could be served by mentioning their names. I cannot think the Inspector-General was at fault in not knowing an order which was not communicated to him. With regard to the document missing in the Secretariat, I find it impossible to find out how it is missing. I hope this Honourable House will see that every endeavour to get at the bottom of this financial irregularity, has been made and I hope in view of my explanation hon. Members will withdraw their amendments."

* Mr. G. RAMESWARA RAO:—"I rather fail to understand what the Government mean when they say that one is dead and the other man has retired and therefore nothing can be done. Is it seriously contended by the Home Member that a delinquent drawing pension cannot be reached and dealt with in any way to recover what was due from him as in the case of one in active service?"

The Hon. Mr. G. T. H. BRACKEN:—"I am bound by the rules of the Secretary of State."

* Mr. G. RAMESWARA RAO:—"I do not know if the rule is intended for all sorts of Government servants including the I.C.S. people. I am not aware of any rules unless the Hon. the Finance Member will satisfy me by quoting the letter of the rules that the Secretary of State meant, that any of his servants should be made to work in such a way that when found guilty of gross neglect or misconduct in the discharge of his duty he could easily escape. If the Hon. the Finance Member can quote the rule and satisfy us that is another matter. But if he wants to rely upon the Secretary of State's rules and wants us to believe his own interpretation of them, it is impossible for us to accept it and I cannot swallow such an argument by accepting his *ipse dixit*. I know the rules by which the other public servants are governed; and I know some public servants of the Government who are punished for no fault of their own in any public or official capacity. I will mention one instance in point. It is touching the case of a Police officer, a Police Inspector I believe, who was bound over to be of good behaviour by a Magistrate owing to some domestic quarrel with his brothers. This is in connexion with the incident which occurred long after his retirement. In that case the High Court held that it was not a case of moral turpitude and yet the Hon. the Home Member cut off half the pension of that officer."

The Hon. Sir CHARLES SOUTER:—"On a point of order, is the hon. Member in order?"

* The Hon. the PRESIDENT:—"The hon. Member mentions an analogy which suits his purpose."

3rd February 1936]

Mr. G. RAMESWARA RAO:—"I only quoted the instance to show how the Government do things as they like. I am not now pleading on behalf of the person to restore his pension."

"The Hon. Sir CHARLES SOUTER:—"On a point of order, Sir, the case mentioned was before the pension was given. In this case the pension had already been given."

The Hon. Mr. G. T. H. BRACKEN:—"The position is this. If the fault had been committed after the pension was granted action could be taken; and not for fault before."

* Mr. G. RAMESWARA RAO:—"It is certainly more extraordinary than the first statement. I can understand a man during service being handled more severely than a man who is drawing pension, there being no power over him. By this if my Hon. Friend wants us to expect that a man in service can go uncaught whereas a higher standard of morality should be expected of a man not in active service, that is a proposition which I am unable to understand. I wish the Hon. Member for Finance would re-examine the matter for himself after this debate is over, and see if his own conscience or that of his colleagues can see any rational distinction between the two sets of cases."

"Next, Sir, the Hon. the Finance Member has not taken us into his confidence as to the estimated loss so far as the laches of the officers are concerned. I was going to mention the instance of a village magistrate who after collecting four annas failed to enter it in his accounts and so had not sent it to the treasury but subsequently the receipt was found out and then he gets six months for this slight oversight. This happened in my own district. Six months was the penalty for stupidity in not bringing to account a paltry sum of four annas. If that is so in regard to the subordinate services, in what proportion the Government should deal with highly-paid and much more responsible superior officers, who are reputed to be efficient and who should be beyond the criticism of everybody, if they cause loss to the State to the extent of lakhs, is a matter of mathematical proposition. In the one case, a man is awarded punishment of six months, while in the other he is simply left untouched! In the latter case he does not deserve his pension because his duty to the State was something and the actual performance was quite different. Again, if he is found guilty it means he does not deserve his pension and so recoveries must be made from it. It is up to the Hon. the Finance Member, if he believes that the rules are so strict and the officer is beyond his control, to address the Secretary of State to amend the rules, at least for the sake of his successor to maintain the prestige of the I.C.S. ranks. Again, Sir, there is another point in this matter which has been overlooked. It is one thing to say that they cannot deal with the Government servant in question, and quite another thing to say, as a matter of compromise or overture, they cannot address the Railway department. 'You granted the concession and it is up to you that you should conform to

[Mr. G. RAMESWARA RAO] [3rd February 1936]

the rules and proceedings.' Certainly the thing is possible by negotiation with the Railway Board to get the State loss replenished.

4-30 p.m. "Again, the statement of the commercial proposition laid down by the Hon. the Home Member is astounding, and I leave it to some of my hon. Friends on the other side who are here to appreciate the commercial knowledge of the Hon. the Home Member. I cannot understand what he means by the word 'loss' or by the word 'gain'. If I am entitled to gain anything, though it may be as a matter of courtesy, it is certainly a loss to me not to get it. I know something of accountancy also. If I am entitled to claim what is due to me, and if I do not get it, it is a loss to me. It is only a commonsense proposition, and I do not know why the Hon. the Home Member labours to try to put forward an absolutely unacceptable theory of accountancy to justify the laches on the part of his officers or his subordinates whoever they may be. Therefore, the appeal of 'no loss' put forward by the Government is again, another astounding factor and I hope the Hon. the Home Member will not enunciate it for the benefit of the Government of the future. I hope he will have a clearer idea of 'gains and losses' and see that the State does not suffer loss.

"The next point is as to what the amount of loss is. Why should he not take us into his confidence and give us some idea?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"How are we to find out, Sir, now the number of sub-inspectors, inspectors and others who were on duty in 1922?"

* Mr. G. RAMESWARA RAO:—"I sympathize with the Hon. the Home Member. My position is the accounts are there, the vouchers are there and the Railway Board is there. (A voice: 'Records are destroyed.') At least the records of the last six or three years will be there. You cannot brush out everything by saying that the records are not there and there is nothing from which you can get the information. No reasonable man can accept it. I again appeal to him as reasonable man at least to ascertain some information from the Railway Board and see how far they can replenish the loss. These are the points I suggest if the amendment moved by hon. Friend Mr. Nachiyappa Gounder is accepted and if the matter comes to an enquiry. I see from the statement of the Hon. the Finance Member that it is a closed book. He seems to suggest that everything possible has been done and that nothing more can be done. I take it that the Government is not for accepting the idea put forward in the amendment for an enquiry into the matter. Therefore, I have no option but to press my original proposition that recovery may be ordered from everybody concerned."

* The Hon. the PRESIDENT:—"I will first put Mr. Nachiyappa Gounder's amendment to the vote. The question is: that for the words 'steps should be taken,' in Mr. Rameswara Rao's amendment, the words 'enquiries be made and steps be taken if necessary' be substituted."

The amendment was put and declared lost.

3rd February 1936]

Mr. G. Rameswara Rao demanded a poll which was taken with the following result:—

Ayes.

- | | |
|---|-----------------------------------|
| 1 Sriman M. G. Patnaik Mahasayo. | 10 Mr. H. B. Ari Gowder. |
| 2 Mr. Yakub Hasan. | 11 " G. R. Premayya. |
| 3 Diwan Bahadur T. A. Ramalingam Chettiyar. | 12 " K. Koti Reddi. |
| 4 Mr. Basheer Ahmed Sayeed. | 13 " P. M. Thangal. |
| 5 Rao Bahadur P. C. Muthu Chettiyar. | 14 " G. Rameswara Rao. |
| 6 Mr. Ahmed Meeran. | 15 Mrs. A. Rukmani Lakshmiopathi. |
| 7 " K. A. Nachiyappa Gounder. | 16 Mr. C. Obi Reddi. |
| 8 " A. Ranganatha Mudaliyar. | 17 Rai Sahib C. Kolanda Reddi. |
| 9 " K. P. Raman Menon. | 18 Mr. T. Narasa Reddi. |

Noes.

- | | |
|--|--|
| 1 The Hon. Sir K. V. Reddi Nayudu. | 18 Diwan Bahadur R. Srinivasan. |
| 2 " Rao Bahadur A. T. Pannirselvam. | 19 " A. Appadurai Pillai. |
| 3 " Sir Charles Souter. | 20 Mr. W. K. M. Langley. |
| 4 " Mr. G. T. H. Bracken. | 21 " P. C. Moses. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 22 " P. V. Rajagopal Pillai. |
| 6 " Mr. P. T. Rajan. | 23 Rao Bahadur D. Krishnamurti. |
| 7 " The Raja of Bobbili. | 24 Khan Bahadur Mahmud Schamnad Sahib Bahadur. |
| 8 Diwan Bahadur C. Natesa Mudaliyar. | 25 Rao Sahib D. V. Narasimhaswami. |
| 9 Mrs. K. Alamelumangathayaramma. | 26 " Pandit Ganala Ramamurti. |
| 10 Mr. W. Scott Brown. | 27 Mr. K. Kesavaramamurti Nayudu. |
| 11 " H. R. Uzielli. | 28 " C. Basu Dev. |
| 12 " C. E. Jones. | 29 Rao Sahib V. I. Muniswami Pillai. |
| 13 " G. T. Boag. | 30 Rao Bahadur Subadar-Major S. A. Nanjappa Bahadur. |
| 14 " R. Madanagopal Nayudu. | 31 Mr. I. C. Iswaran Pillai. |
| 15 " T. B. Russell. | |
| 16 " T. Sundara Rao Nayudu. | |
| 17 Khan Sahib Syed Tajuddin Sahib Bahadur. | |

Neutral.

- | | |
|--------------------------------|---|
| 1 Rao Bahadur Sir A. P. Patro. | 4 Diwan Bahadur M. Gopalaswami Mudaliyar. |
| 2 Mr. M. B. Rangaswami Reddi. | |
| 3 " T. S. Ramaswami Ayyar. | |

Ayes. 18. *Noes.* 31. *Neutral.* 4.

The motion was lost.

* The Hon. the PRESIDENT:—"I will now put the main amendment to the vote of the House. The question is—

'Add the following at the end:—

"and on such consideration, this Council is of opinion that steps should be taken to recover from the officers concerned, the losses incurred in public funds by their negligence between 1918 and 1933 and their failure to claim concessions allowed by the railways from July 1918, for Police force allotted on duty in connexion with the tours of His Excellency the Governor-General and His Excellency the Governor;"

The amendment was put and lost.

[3rd February 1936]

* Mr. G. RAMESWARA RAO:—"Sir, the second amendment I propose to move is—

'Add the following at the end: And on such consideration this Council is of opinion—

"that severe retrenchments should be effected in the office of the Hindu Religious Endowments Board and that the said Board should be abolished unless they pay up the loan advanced in accordance with the original understanding, and that the Board should have its budget passed every year by this Council".'

The reason for this amendment arises from what is contained at page 27 of the Report of the Public Accounts Committee. There we find:

'The Accountant-General has brought to notice the large amount of loan outstanding and the fact that, although the Government ordered that provision should be made in the budget of the Board for 1934-35 for the repayment of at least a year's interest, no payment has been received up to November 1934, and suggests that we might enquire what further steps are proposed to be taken to reduce the Board's indebtedness to Government. We are informed (i) that a sum of Rs. 11,344 had been paid by the Board (in February 1935) towards interest on the loans and that the Board expected to pay a further sum of Rs. 3,000 before the end of the fasli year; (ii) that the Government have considered the question of consolidating the principal and interest due on the loans given to the Hindu Religious Endowments Board and of permitting the Board to repay the amount in forty half-yearly instalments. The annuity payable under this arrangement will be about Rs. 34,566; (iii) that the proposal had been put to the Board and its reply was awaited; and (iv) that if the scheme is given effect to, it is expected that the Board will be in a position to repay the loans gradually without difficulty.'

"The point I want to raise is this. What are the original terms subject to which the loan was granted; when was it due to be repaid; what payments have been made by the Board till now and if no payments have been made, why have the Government waited so long while a loss has been inflicted on the State's finances? If the Religious Endowments Board is to serve any purpose, it should be first self-supporting, and then set itself to work to establish right relationship between God and man. If, as a matter of fact, the Board is to be another millstone tied round our necks to upset our finances, if the Board is not to pay interest on the loan, if years are to elapse in this condition and we are still to maintain the Board, I for one would say that the Board of Religious Endowments be rather abolished. I understand that when the Religious Endowments Act was passed, it was passed in a very irregular way. That was challenged . . ."

* The Hon. the PRESIDENT:—"I think no useful purpose will be served by discussing the history or the merits of the Religious Endowments Act."

Mr. G. RAMESWARA RAO:—"I was not going to attack the proceedings of this Council by way of criticisms or make any adverse comments . . ."

* The Hon. the PRESIDENT:—"The hon. Member may confine himself to his own resolution before the House."

[3rd February 1936]

* Mr. G. RAMESWARA RAO:—"I was only going to say that as a result of this Act, the cost of litigation incurred in connexion with the administration of the Board is about one lakh or more. The question is whether the Government should pay or the Board should pay for the expenditure. I hear a vague rumour that there is a dispute between the Board and the Government. The Board says, 'your bad enactment has cost us so much.' The Government says, 'you are in charge of the administration and therefore it is your duty to pay the cost.' That seems to be the contest. I am not going to make any adverse comments against anybody concerned in the matter. I am only pointing out the financial aspect of the matter. If the Board is rightly to pay the amount, let them arrange to pay it; or if the Government accepts the liability, let them write off the debt. I am not interested in seeing a large balance being shown as owing from the Board. I should rather wish to know what is recoverable and what is not recoverable, so that we may have a clean budget for the future. In that connexion I was saying that the Religious Endowments Board and the Government must settle sooner or later as to what each should pay for the cost of litigation and what the outstanding loan will be and try to balance the budget. That is a claim between the Board and the Government. That apart, my first attack against the Board is as to why they have not paid even the interest due year after year and why they have accumulated the interest for years and still call upon the Government to advance further sums. One thing I know as a layman in connexion with the Board. The administration of the Board is something which is absolutely unworthy of any public administration. I understand, Sir, that some sums which ought to have been paid to the Board under the Religious Endowments Act have not been paid; that some cases filed before them ten years ago, have not been decided yet, and that some of the collections due long ago to them have not been realized. This is not another instance, I suppose, of 'a paper' being mislaid in the Finance Department. I used the word 'paper' not in the singular, but in the plural sense. This is not a case where nothing is to be traceable and therefore things which ought to have been done years ago have been held up all these long years, so much so that the Board has not been able either to support itself or to pay what they owed to the Government. I know a bit of it from the judicial standpoint. I know how the matter was exposed when the last Mutts' Bill was discussed before the Select Committee at Ootacamund, and the visitors who were allowed to be present then know how the administration of the Board was held up from year to year on account of the pending suits. A case was heard and closed, it was re-opened, re-heard and closed and yet no judgment delivered, so on and so forth for years, in a number of cases.

"There is an instance, which was hanging fire for over seven 4-15 years without coming to a final stage. If this is the way the Board p.m. administers its affairs, if they cannot set their house in order by proper internal administration or domestic arrangement, how can they

[Mr. G. Rameswara Rao] [3rd February 1936]

administer the executive side of it? That is what I call in question. I will put it in a drastic way: it is much better that the Board is dissolved instead of being allowed to survive in this state, functioning for the good neither of God nor of man. Just take another case to show the way in which things are administered by the Board. There is only one inspector for the Cuddapah and Anantapur districts put together. His fixed travelling allowance is Rs. 20 a month. He has to travel from Renigunta to another end which is in Mysore province. How on earth can Rs. 20 cover the expenses of this long journey from Renigunta to Bangalore? There are so many things in the administration which call for rectification, which call for modification, which call for serious overhauling if the Board is to function in working order. It is to emphasize this maladministration of the Board that I have brought forward this amendment, and I appeal to the Hon. the Chief Minister to deal with it in the best way he can without prejudice to State finance and proper administration of the endowments themselves."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, I beg to second the motion moved by my hon. Friend Mr. G. Rameswara Rao. Here we find that the Religious Endowments Board is not able to pay back the amount advanced to it. In spite of Government orders, they did not make any payments till November 1934, but subsequently they seem to have paid some amount, i.e., Rs. 11,344, and a further sum of Rs. 3,000 later on. I do not know whether these cover a small fraction of what they ought to pay. Now the Government say that they have calculated and arrived at the figure of Rs. 34,566 as the annuity to be paid in forty half-yearly instalments. I doubt very much, Sir, whether the Board would be able to pay that amount regularly when they are not able to pay any appreciable sum even by way of irregular instalments whenever they get funds. From this it will be seen that the financial aspect of that body is not quite sound. So it is a matter for consideration whether we will have to set this body right or whether we should scrap it away. My opinion is that if it is not conducted efficiently or if some effective steps are not taken to keep it in a sound financial basis, I think it is better that the body is scrapped, instead of allowing it to linger without serving any useful and effective purpose."

* Sriman M. G. PATNAIK Mahasayo:—"Mr. President, Sir, you know how the Board came into being. There was of course a longstanding misuse or abuse of funds belonging to the religious endowments, and to set right that the Board came into being. No doubt it was intended that funds should be found to carry on the administration of the Board, but the measures originally taken did not enable the Board to realize the money due from the endowments. That is why there were large arrears; and until 1932, when the Act was amended and the provisions of the Revenue Recovery Act were extended, it was not possible to effectively collect the amounts that fell due. Both the

3rd February 1936] [Sriman M. G. Patnaik Mahasayo]

Board and the trustees of endowments were put to very heavy expenses as the matter had to be carried to civil courts. That procedure benefited more the vakils rather than the Board or trustees of endowments.

"There is another difficulty. The Board, I think, has been observing the strictest economy, and the staff employed is not sufficient to deal with the question. Of course, my hon. Friend, Mr. Rameswara Rao, has pointed out that demands are now being issued. It is so; because these things come to their knowledge now, they are issuing these notices; but if there had been sufficient staff, all the endowments would have been booked at once. As he said, there is one superintendent or inspector for two districts, that man has to travel over a large distance, and his allowance is only twenty rupees a month. How will he be able to travel to different parts where the temples are situated, take stock of the amounts due, and issue notices? That is why the Board has not been able to realize all its contributions. Now, the public are also not satisfied with the present state of things; most people think that the Board's services should be provincialized altogether and it should be treated as a department of the Government. Simply because the Board is not able to pay its debt for no fault of theirs, I do not think it should suffer. Nothing will be gained by their budget being placed before us, as is suggested. They are a statutory body trying to do their duties, and all that is required to be done is that the staff should be strengthened, so that effective action can be taken by the commissioners as well as the subordinate staff. Until that is done, the Board cannot function efficiently at all. The present state is due to the fact that the staff is not sufficient to cope with the work which is again due to the pressure brought to bear upon the Board by the Government. Therefore until a larger staff is employed, all the difficulties pointed out by Mr. Rameswara Rao cannot be rectified. On the other side, the Government should come forward with large grants to the Board to rectify these defects, and also provincialize the Board's services. That is the proper remedy and not the remedy suggested by Mr. Rameswara Rao. Therefore I oppose the amendment."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"Mr. President, I do not think that the mover really means that any drastic steps should be adopted, but he simply wants to draw the attention of the House to the defects in the present working of the Board so that they may be rectified. If that is what he means, I agree with him. I do not think there is any person now in this presidency or the sister presidencies who will say that this Board is not functioning for the good of man or God. I think it must be said to the credit of this province and the far-sighted statesmanship of the Raja of Panagal that a Board of this sort is working in our presidency, and we ought to be proud of the fact that the sister provinces are also trying to have a measure like this. What is more, even our Muslim brethren are agitating for a similar board. All these will speak to the fact that this board is necessary, and I do not think my hon. Friend who comes from near me really means that this board should be ended. All that

[Mr. M. Gopalaswami Mudaliyar] [3rd February 1936]

he really must mean is that it must be mended. I practically agree with my Friend, Mr. Patnaik, that the commissioners of the Board ought to be provincialized, and that the debt which is existing—I do not know whether it is bad or good, let us not go into those legal technicalities—should be wiped off and the Board allowed to start with a clean slate. This will help the Board to make proper collections, appoint more staff, and stand on their own legs, and possibly they will be enabled to put by some savings in years to come.

“In this connexion I may make one remark, and it is this. As a matter of fact there are institutions which are supported by the aid of Government. For example, there are some Christian institutions which are depending upon Government for some sort of subsidy, and there are also similar institutions without funds. So why should not Hindu temples which the Board is now trying to put on a constitutional basis, be given some subsidy? This debt which is supposed to be existing for a long time may be wiped off so that they may start on a clean slate. That is the suggestion which I will in all seriousness put before the Hon. the Chief Minister to consider, so that the Board may work more satisfactorily in future.”

* The Hon. the PRESIDENT:—“The discussion on this will continue to-morrow.

“I wish to tell hon. Members that no more amendments on this Report will be received to-morrow.”

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

D. K. V. RAGHAVA VARMA,
Acting Secretary to the Legislative Council.

3rd February 1936]

APPENDIX

[Vide answer to question No. 694 asked by Mrs. A. Rukmani Lakshmi-pathi at the meeting of the Legislative Council held on the 3rd February 1936, page 375 supra.]

Number of wells in the North Arcot district talukwar.

Name of taluk.	Number of wells.		Total.	Total aya cut irrigated by wells.	Area of taluk in square miles.	Number of wells per square mile.	Remarks.
	In tank-fed areas.	In dry areas.					
				ACS.			
1 Vellore	5,337	9,649	14,986	26,536	432	35	One-third of the taluk is hilly.
2 Wallajah	6,762	11,373	18,135	25,345	395	46	
3 Arni	4,945	2,720	7,665	15,282	176	44	
4 Polur	5,512	7,914	13,426	9,586	589	23	More than half the taluk is hilly.
5 Tiruvannamalai.	4,772	9,691	14,463	14,419	375	39	More than half the taluk is hilly.
6 Chengam	3,219	10,081	13,300	13,951	633	21	Do.
7 Tiruppattur ..	4,197	6,456	10,653	15,497	581	19	One-third of the taluk is hilly.
8 Gudiyattm ..	6,481	9,913	16,394	28,395	481	34	
9 Arkonam	4,237	5,283	9,520	17,575	319	30	
10 Cheyyar	6,416	4,598	11,014	13,674	328	34	
11 Wandiwash ..	7,638	9,287	16,925	25,503	340	50	
Total	59,516	86,965	146,481	206,263	4,649	32	

NOTE—The first eight taluks come at present under Mettur Hydro-Electric supply area.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Tuesday, the 4th February 1936.

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, <i>Kt.</i> , 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, <i>c.s.i.</i> , <i>I.C.S.</i> , The Hon. Sir Charles.	Muthiah Chettiyar of Chettinad, Raj Kumar M. A.
Bracken, <i>c.s.i.</i> , <i>c.i.e.</i> , <i>I.C.S.</i> , The Hon. Mr. G. T. H.	Muthu Chettiyar, Rao Bahadur P. C.
Raja of Bobbili, <i>K.C.I.E.</i> , 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, Rao Bahadur Subadar-Major S. A.
Ahmed Meeran Sahib Bahadur.	Narasa Reddi, Mr. T.
Alamelumangathayaramma, Mrs. K.	Narasimhaswami, Rao Sahib D. V.
Annamalai Chettiyar, Mr. S. A. A.	Natesa Mudaliyar, Diwan Bahadur C.
Appadurai Pillai, Diwan Bahadur A.	Obi Reddi, Mr. C.
Arasu, Mr. V. T.	Palat, Mr. R. M.
Ari Gowder, Mr. H. B.	Parthasarathi Ayyangar, Mr. C. R.
Basheer Ahmed Sayeed Sahib Bahadur.	Patnaik Mahasayo, Sriman M. G.
Basu Dev, Mr. C.	Patro, <i>K.C.I.E.</i> , Rao Bahadur Sir A. P.
Beyabani Sahib Bahadur, S. M. K.	Pattabhiramayya, Mr. K.
Bhanoji Rao, Sri A. V.	Peddi Raju, Mr. P.
Boag, <i>c.i.e.</i> , <i>I.C.S.</i> , Mr. G. T.	Pocker Sahib Bahadur, B.
Devadasan, Mr. M.	Premayya, Mr. G. R.
Dharmalingam Pillai, Rao Sahib V.	Rajagopala Pillai, Mr. P. V.
Ellappa Chettiyar, Diwan Bahadur S.	Raja of Kallikote, The.
Foulkes, Mr. G. F. F.	Ramachandra Padayachi, Mr. P. K.
Gopalaswami Mudaliyar, Diwan Bahadur M.	Ramakrishna Reddi, Mr. A.
Harischandrudu Nayudu, Mr. A.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Indrayya, Mr. C.	Ramamurti, Rao Sahib Pandit Ganala.
Iswaran Pillai, Mr. I. C.	Raman Menon, Mr. K. P.
Jagannatha Raju, Rao Bahadur G.	Ramaswami Ayyar, Mr. T. S.
Jagannatham, Mr. H. M.	Ramaswami Mudaliyar, Mr. V. M.
Jayaram Nayudu, Rao Sahib C.	Rameswara Rao, Mr. G.
Jones, <i>I.C.S.</i> , Mr. C. E.	Ranganatha Mudaliyar, Mr. A.
Kesavaramamurti Nayudu, Mr. K.	Rangaswami Reddi, Mr. M. B.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Ratnavelu Thevar, Mr. P.
Kolanda Reddi, Rai Sahib C.	Reid, Mr. D. M.
Koti Reddi, Mr. K.	Rukmani Lakshmiipathi, Mrs. A.
Krishnamurti, Rao Bahadur D.	Russell, <i>I.C.S.</i> , Mr. T. B.
Kumararaja of Venkatagiri, The.	Schamnad Sahib Bahadur, Khan Bahadur Mahmud.
Langley, Mr. W. K. M.	Scott Brown, <i>I.C.S.</i> , Mr. W.
Madanagopal Nayudu, Mr. R.	Shetty, Mr. A. B.
Maharaja of Parlakimedi, The.	Siva Rai, Rao Sahib N.
Manikkavelu Nayakar, Mr. M. A.	Smith, Mr. J. M.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Soundaranandian, Mr. W. P. A.
Moses, Mr. P. C.	Sreshtha, Mr. M. S.
	Srinivasan, Diwan Bahadur R.
	Sriramulu, Mr. G.
	Subbarayan, Dr. P.
	Subrahmanya Chetti, Rao Sahib P.

[4th February 1936]

PRESENT—cont.

Subrahmanya Bhatt, Mr. U. C.	Vedachala Mudaliyar, Rao Sahib M.
Sundara Rao Nayudu, Mr. T.	Venugopal Nayudu, Rao Bahadur R. K.
Syed Tajuddin Sahib Bahadur, Khan Sahib.	Yakub Hasan Sahib Bahadur.
Thangal, Mr. P. M.	Zamindar of Bodinayakkanur, The.
Uzielli, C.I.E., I.C.S., Mr. H. R.	Zamindar of Kirlampudi, The.
Vasudeva Pillai, Mr. V. G.	Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Education

Reservation of foreign scholarships for Muslim ladies.

* 707 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether the Education Department have made any provision in this year's budget for granting foreign scholarships to lady students; and

(b) whether any amount has been reserved for Muslim ladies?

A.—The answer to both clauses is in the negative.

Mr. A. B. SHETTY:—"May I know, Sir, whether any foreign scholarships were granted to ladies in the previous years?"

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

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I ask the Hon. Minister whether there is no demand from the ladies for such scholarships, or whether it is the opinion of the Government that ladies should not have these scholarships?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot say whether any applications were received at all from ladies for these foreign scholarships in recent years."

Mr. ABDUL HAMEED KHAN:—"Am I to understand, Sir, that the scholarships are restricted to men only and that ladies cannot apply for scholarships?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"For some years now no foreign scholarships have been given at all owing to financial difficulties."

Veterinary

Work turned out by the Disease Investigation Officer, Veterinary department.

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

(a) whether the Disease Investigation Officer (Veterinary department) has submitted any report of the work done by him; and

(b) what diseases have so far been investigated by him?

A.—(a) Two annual reports for the years 1933–34 and 1934–35 have been submitted to Government.

4th February 1936]

(b) (1) The following are the diseases mainly investigated:—

- (1) Rinderpest.
- (2) Black-quarter.
- (3) Hæmorrhagic Septicæmia.
- (4) Diseases of sheep and goats.

(2) Some work has also been done on the following diseases:—

- (1) Johne's disease.
- (2) Tuberculosis.
- (3) Anthrax.
- (4) Bovine Lymphangitis.
- (5) Fowl-pox and Pseudo-Fowl Pest.
- (6) Piroplasmosis (Theileria Mutans).
- (7) Piroplasmosis (Babesia Bigeminum).
- (8) Ringworm.
- (9) Nasal Schistosomiasis.

(3) Preliminary investigation has been made on the following:—

- (1) Rabies.
- (2) Chronic Rheumatic Arthritis.
- (3) Poisoning.

Mr. A. B. SHETTY:—"May I know whether the investigation work done by this officer has led to the discovery of any effective method of combating these diseases?"

The Hon. Mr. P. T. RAJAN:—"These are dealt with in the department."

Mr. A. B. SHETTY:—"Will the Hon. Minister lay on the table copies of the annual report submitted by this officer to Government?"

The Hon. Mr. P. T. RAJAN:—"I will consider the suggestion."

Mr. A. B. SHETTY:—"May I know what special qualifications this officer has for this investigation work?"

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

Mr. A. RANGANATHA MUDALIYAR:—"May I know whether the annual reports are not sent to the members of the Council?"

The Hon. Mr. P. T. RAJAN:—"I am not quite sure of it."

Research work done by M.R.C.V.S. Officers of the Veterinary department.

* 709 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Public Works be pleased to state whether any research work is being done by M.R.C.V.S. Officers of the Veterinary department and by the Provincial Service men working under them and, if so, whether particulars of the work done by them can be laid on the table of the House?

A.—All the officers in the superior ranks are in the Provincial Service except the Director and the Principal. There are a few M.R.C.V.S. officers among the Provincial Officers. But

[4th February 1936]

these officers are independent of each other. The Provincial Officers are either Lecturers in the College or officers in charge of districts. The lecturers in Pathology and Parasitology at the Madras Veterinary College are provided with facilities for the conduct of research and do such work as offers in the course of their duties. Other Lecturers and District Veterinary Officers also concentrate on problems which arise in the course of their daily work. The particulars of the work done by the several officers are given in the annual Administration Report of the Civil Veterinary Department. The work of Lecturers in the Madras Veterinary College is supervised by the Principal who is a M.R.C.V.S. and that of District Veterinary Officers by the Director of Veterinary Services.

Mr. A. B. SHETTY:—"May I ask whether the research work done by the lecturers of the college is in regard to diseases or other matters?"

The Hon. Mr. P. T. RAJAN:—"It is in connexion with the work entrusted to them."

Local Self-Government

Date for the meeting of the newly elected members of the South Kanara District Board.

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

(a) when the recent elections to the District Board of South Kanara took place; how many members have been elected;

(b) whether the Collector of South Kanara has called for a meeting of the elected members of the South Kanara District Board; and

(c) if not, when he will call for the meeting and why he has not till now called for a meeting?

A.—(a) In November 1935; 43.

(b) The Government understand that a meeting of the elected members was called for on the 21st January 1936; and

(c) Does not arise.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know under what powers or under what provisions of the Local Boards Act, the Collector called for an ordinary meeting of the district board and not a meeting to elect a president, Sir?"

The Hon. the RAJA OF BOBBILI:—"As ex officio President of the Board he called a meeting."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether it is not a fact that the ex officio president can call only a meeting to elect a president and not a meeting to conduct other business only?"

The Hon. the RAJA OF BOBBILI:—"At some meeting the election of the president can also be held."

4th February 1936]

Alleged irregularities in the elections to the Devakottai Panchayat Board.

* 711 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 by the Government that the general elections held in or about October 1934 for the Devakottai Panchayat Board were not properly conducted;

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

(c) what orders the Government passed on those representations;

(d) whether the Inspector of Local Boards was consulted in the matter and, if so, what remarks he offered;

(e) whether a copy of his remarks will be placed on the table;

(f) whether the conduct of the said elections was disputed before the Election Commissioner or the High Court; and

(g) if so, what judgments were awarded and whether a copy of them will be placed on the table?

A.—(a) A petition was received on 24th September 1934 from certain rate-payers of Devakottai complaining that there was no publication of notice of elections to the Devakottai Panchayat Board.

(b) A copy^a of the petition is placed on the table.

(c) The Government declined to interfere in the matter.

(d) & (e) The Government are not prepared to give the information.

(f) The validity of the elections was disputed before both.

(g) The High Court dismissed the application. The Election Commissioner set aside the elections. Copies of the judgments are not available.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know why the Government declined to interfere in a case like this when the Election Commissioner thought it necessary to set aside the election?"

The Hon. the RAJA OF BOBBILI:—"It was decided long after the Government declined to interfere."

Mr. K. A. NACHIYAPPA GOUNDER:—"My point is on what ground the Government declined to interfere?"

The Hon. the RAJA OF BOBBILI:—"On no particular ground. The Government considered that without an elaborate enquiry it would not be possible to find out the truth of the allegations. They thought that it was a case which should be left to the Election Court."

[4th February 1936]

Mr. K. A. NACHIYAPPA GOUNDER:—"With regard to clauses (d) and (e) the Government say that they are not prepared to give the information. May I know what difficulties there are in giving the information?"

The Hon. the RAJA OF BOBBILI:—"The difficulties are that in the public interest the opinions expressed and the correspondence taking place within the Government departments are not generally revealed."

Irrigation

Progress of the proposal for the diversion of the jungle stream in Narlapalli reserve forest to the Badathalav tank in Krishnagiri taluk.

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

(a) whether the report of the Chief Engineer (Irrigation) about the feasibility of leading the water from the jungle stream in Narlapalli reserve forest through Chaknayur tank to the Badathalav tank in Krishnagiri taluk of Salem district referred to in answer to question No. 507, dated 8th November 1935, has been received and if so, whether a copy of it will be placed on the table;

(b) by whom the scheme for the diversion of water from the Markandeya river to the said Badathalav tank was investigated and abandoned in 1926; and

(c) whether a copy of the report of the Investigation Officer as well as a copy of the order passed thereon will be placed on the table?

A.—(a) No report has been received. The Chief Engineer is likely to send a report only if he considers the scheme feasible.

(b) & (c) The attention of the hon. Member is invited to the Chief Engineer's letter, dated 28th October 1925 and G.O. No. 70 I., dated 3rd February 1926, which were placed on the table of the House in answer to question No. 307 on 8th September 1928 (copies * enclosed for reference).

Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, in view of the fact that there is a great lack of irrigation facilities in the district, may I ask if the Government will see their way to grant the request put forward by the ryots?"

The Hon. Sir CHARLES SOUTER:—"The hon. Member will see from the letter of Mr. Mullings furnished in answer to this question and published as Appendix II that the ryots will have to pay something like Rs. 48 an acre which I do not think any ryot will pay."

* Printed as Appendix II on pages 517-519 infra.

[4th February 1936]

Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, in view of the fact that the report reveals that it has been all along considered as a productive scheme, may I ask the Hon. Member to consider it as a protective one?"

The Hon. Sir CHARLES SOUTER:—"That was also considered. If the hon. Member will read paragraph 6 of Mr. Mullings' report he will see that it cannot be held to be protective also as the failure of rains for the local crops must synchronize with the failure of this stream on which the crops are expected to rely."

Land Revenue Administration

Commutation rate of the price of paddy vis-a-vis its present price.

* 713 Q.—Mr. A. B. SHETTY: Will the Hon. the Member for Revenue be pleased to state the commutation rate of the price of paddy and its present price in each district in this province?

A.—A statement * giving the commutation rate for paddy on which the resettlement of each district was based, and the commutation price calculated on the price of paddy in January 1936 is appended.

Mr. P. PEDDI RAJU:—"Are the Government aware that the difference between the commutation rates and the present rates is much lower in the Godavari delta, and if so, whether they will consider the claims of the Godavari delta for more liberal remission?"

The Hon. Sir CHARLES SOUTER:—"I would ask the hon. Member to read the figures carefully."

Sale of holdings in South Kanara for non-payment of land revenue.

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

(a) the number of holdings which were advertised for sale for non-payment of land revenue since February 1935 in South Kanara district; and

(b) the number of holdings actually sold in South Kanara, the value realized at each sale, the area of the property sold and the tax due from each?

A.—The Government have not the information.

Mr. U. C. SUBRAHMANYA BHATT:—"May I ask, Sir, whether in view of the importance of the question, the Government will call for the information?"

The Hon. Sir CHARLES SOUTER:—"I have already told the hon. Member once before that the proper course is to approach the Board of Revenue in the matter."

* Printed as Appendix III on pages 519-520 infra.

[4th February 1936]

Mr. U. C. SUBRAHMANYA BHATT:—"Sir, I am not referring to question No. 715. With reference to this question, No. 714, Sir, may I know whether in view of the importance of the question, the Hon. Member will call for the information and place it on the table of the House?"

The Hon. Sir CHARLES SOUTER:—"I think if the hon. Member will read paragraph (b) of the question, he will realize how impossible it is, in any reasonable time, to get the information."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether at the next meeting at least it would be possible to get the information?"

The Hon. Sir CHARLES SOUTER:—"I do not think it would be possible as the next meeting is only three weeks off."

Alleged irregular assignment of communal lands in South Kanara.

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

(a) whether it is a fact that Achladi Hola in Achladi and Karadi villages in Udipi taluk had been used as communal land by the villages of Achladi, Karadi, Bannadi and Veddarshe from time immemorial for supplying their primary agricultural needs such as green manure, grazing, fuel and small timber for agricultural purposes;

(b) whether the said land was reserved for communal use from 1914 onwards as per orders on D.R. Nos. 1295, 1297, 1298, 1299, 1330, 1462, 1463 and Dis. No. 3129/29, dated 28th June 1929, and D.R. No. 250/1338 fasli;

(c) whether the same has now been assigned contrary to the said right of the villagers; if so, on what grounds;

(d) whether it is a fact that applications for the grant of the remaining portions of the said Hola are pending; and

(e) what the policy of the Government is with reference to waste lands enjoyed in common in South Kanara and whether the Government are not going to recognize the said rights?

A.—The attention of the hon. Member is invited to the answer given to his question No. 551 on 29th January 1936. The Government are not in a position to make any statement in the matter.

Mr. U. C. SUBRAHMANYA BHATT:—"May I know if the policy of the Government in regard to communal wastes in South Kanara has changed?"

The Hon. Sir CHARLES SOUTER:—"I have no idea that there has been any change of policy at all, Sir."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—"May I know if these lands are registered as porambokes or communal lands in the revenue register?"

The Hon. Sir CHARLES SOUTER:—"I think the hon. Member can very easily get that information from the Collector."

[4th February 1936]

Mr. U. C. SUBRAHMANYA BHATT:—"On a point of order, may I know, Sir, whether the idea underlying the answer is that the question is out of order in this House?"

The Hon. the PRESIDENT:—"I do not see any point of order in what the hon. Member said."

Mr. U. C. SUBRAHMANYA BHATT:—"My Hon. Friend said that the answer could be got from the Collector. I asked a question here in this House. I just want to know whether I am out of order here in asking for this information from my Hon. Friend?"

The Hon. the PRESIDENT:—"The hon. Member may not be out of order in asking for the information. The Hon. the Revenue Member is not out of order in referring him to the Collector." (Laughter.)

Protection of Wild Birds and Animals.

Cattle mortality in North Arcot due to wild animals.

* 716 Q.—Mr. M. A. MANIKKAVELU NAYAKAR: Will the Hon. the Member for Revenue be pleased to state the number of cattle killed every year by wild animals in the North Arcot district during the past five years?

A.—The attention of the hon. Member is invited to the answer given to question No. 239 on the 29th October 1935, which contains information as to the number of cattle killed during 1932, 1933 and 1934. The Government have no information regarding the number of cattle killed during 1931 and 1935.

Public Service

Communities falling under the category of 'Non-Brahman Hindus' and 'Backward Communities' for purposes of Government service.

* 717 Q.—Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur: Will the Hon. the Member for Revenue be pleased to state—

(a) the names of all communities in the province treated by the Government as Non-Brahman Hindus for purposes of recruitment to Government service and also their strength; and

(b) the names of all communities in the province treated by the Government as backward communities for purposes of recruitment to Government service as well as their strength?

A.—(a) The term Non-Brahman Hindus includes all communities other than (1) Brahmans, (2) Muhammadans, (3) Anglo-Indians, (4) Indian Christians, (5) Non-Asiatics, and (6) the Scheduled Classes. The total population of Non-Brahman Hindus in this Presidency is 33,011,454.

[4th February 1936]

Government have no list of the various communities which constitute Non-Brahman Hindus and they do not consider that the preparation of such a list would serve any useful purpose.

- (b) For the purposes of recruitment to Government service, backward communities as such are not recognized as a separate unit. The communal rule however recognizes the scheduled classes for representation in the public service. A list* of the scheduled classes is appended and their total population in this Presidency is 7,268,137.

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—" May I know why the Government say here that they do not consider that the preparation of a list would serve any useful purpose? "

The Hon. Sir CHARLES SOUTER:—" I am afraid I fail to catch the hon. Member's meaning."

The Hon. the PRESIDENT:—" The hon. Member may repeat his question more audibly."

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—" I want to know whose idea it is that it will not serve any useful purpose? "

The Hon. Sir CHARLES SOUTER:—" Does the hon. Member want to know the reason why the Government do not consider that the preparation of a list for Non-Brahman Hindus will serve any useful purpose? "

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—" Yes, Sir."

The Hon. Sir CHARLES SOUTER:—" I must say, Sir, that the number of castes and sub-castes are so numerous that it may not be possible to make up a list."

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—" May I know which is the biggest sub-caste among the Non-Brahman Hindus? "

The Hon. Sir CHARLES SOUTER:—" I want notice of the question."

Mr. M. A. MANIKKAVELU NAYAKAR:—" In the answer to clause (b) the Government say that for the purposes of recruitment to Government service, backward communities as such are not recognized as a separate unit. In view of the fact that the population of the backward communities is about 200 lakhs out of the 333 lakhs of Non-Brahman Hindus and also in view of the fact that the backward communities are not at all well represented in the Government service, will Government examine the question of treating the backward communities as a separate unit? "

The Hon. Sir CHARLES SOUTER:—" I must say, Sir, that I do deprecate the idea of going any further into these communal differences."

* Printed as Appendix IV on page 520 infra.

4th February 1936]

Mr. G. SRIRAMULU:—" May I know, Sir, whether the Government have received a representation from the Kalalis requesting that they may be treated as a community separate from the Non-Brahman Hindus? "

The Hon. Sir CHARLES SOUTER:—" Notice."

Administration of Justice

Rules regarding the sale of properties by Official Receivers.

* 718 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Law Member be pleased to state—

(a) whether the Official Receivers have no rules regarding the publication and conduct of sales;

(b) whether the Government have received representations that some of them conduct sales without sufficient previous notice and cause hardship to owners of property and loss to creditors thereby; and

(c) whether the Government propose to issue rules on the subject?

A.—(a) The attention of the hon. Member is invited to High Court's Circular Order (F) under the heading 'Sales by Official Receivers' published at pages 226-227 of Volume I of Civil Rules of Practice (Reprint of 1930), and an extract* of which is annexed.

(b) No.

(c) No.

Mr. G. RAMESWARA RAO:—" May I ask the Hon. the Law Member to reconsider the matter in view of the fact that there is an instance of a sale having been cancelled by court, and the receiver conducting another sale the next day without any notice to the party? It is a real hardship. May I request therefore the Hon. the Law Member to reconsider the question and lay down a rule that there should be an interval? "

The Hon. Sir K. V. REDDI NAYUDU:—" If any such thing had really occurred, the Official Receiver would be asked to account for it, because I find from the rules made by the High Court, that 'the first auction should always be adjourned to secure more bidders and a second auction should also be adjourned if the amount of the bid is less than half the upset price.' Then rule 5 says: 'When a sale is adjourned for more than a week there ought to be a fresh proclamation. If not a fresh proclamation, at least there ought to be fresh notices to the creditors. There ought to be something to convince one that the amount realized in the sale did not suffer diminution for want of publicity of the adjourned date.' These rules contemplate that an upset price should be fixed at any sale. But if any Official Receiver did not keep these rules in view, certainly enquiries will be made."

* Printed as Appendix V on page 521 infra.

[4th February 1936]

Mr. G. RAMESWARA RAO:—“These rules provide for the second stage. As regards the first stage there is nothing at all in writing and this provides a loophole for the Official Receiver. Therefore I want to suggest to the Government to reconsider the matter and fix definite intervals between the date of the proclamation and the date of the sale, so that there may be no room for such practices. As a matter of actual fact, in one case it happened like this: the sale was cancelled by court at 1 p.m. and immediately thereafter before my client could reach the place, another sale had been conducted by the receiver?”

The Hon. Sir K. V. REDDI NAYUDU:—“I quite see the difficulty in a case like that. But still I feel that the existing rules provide for the interval. However, if at the will and pleasure of an officer sales have been conducted, such cases will be enquired into.”

Fixing an upset price on the immovable properties of insolvents before sale.

* 719 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Law Member be pleased to state—

(a) whether there are any rules regarding fixing the upset price and proclaiming sale of insolvents' immovable properties before Official Receivers actually sell them; and

(b) if not, whether the Government are contemplating issue of rules on the subject?

A.—(a) The attention of the hon. Member is invited to paragraphs 4 (b) and (5) of High Court's Circular Orders published at page 227 of Civil Rules of Practice, Volume I (Reprint of 1930), an extract* of which is annexed. Paragraph 4 (b) implies that an upset price should be fixed in every sale by Official Receivers.

(b) Does not arise.

Mr. G. RAMESWARA RAO:—“Sir, the answer is that the rule implies that an upset price will be fixed. As a matter of fact there is no special provision requiring it to be fixed. In the absence of such a specific rule, there is room for error in this direction also?”

The Hon. Sir K. V. REDDI NAYUDU:—“I suppose it ought not to be difficult. The rules clearly say that it should not be less than half the upset price.”

Mr. G. RAMESWARA RAO:—“In the rules nothing has been said expressly regarding upset price before sale for the first time.”

The Hon. Sir K. V. REDDI NAYUDU:—“I will look into the matter.”

* Printed as Appendix VI on pages 521-522 infra.

4th February 1936]

Forests

Tour of the Hon. the Law Member in South Kanara during December 1935 in relation to forest grievances.

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

(a) whether he was touring the district of South Kanara in connexion with the forest grievances of the people between the 4th and 8th of December 1935; and

(b) whether the District Collector was in the district and accompanied the Hon. Member in his tours to the various forests in that district?

A.—(a) Yes.

(b) Yes. District Magistrate had accompanied me on some days.

Mr. K. A. NACHIYAPPA GOUNDER:—“May I know whether it was not expected that the District Collector should accompany the Hon. Member during all the days when he was on tour in the district of South Kanara?” ^{11 15 a.m.}

The Hon. Sir K. V. REDDI NAYUDU:—“Certainly not. He might have had much better use for his time.”

Mr. V. T. ARASU:—“May I know whether it is a fact that the Collector was away in Bangalore at that time?”

The Hon. Sir K. V. REDDI NAYUDU:—“Government have no information.”

Decision of the Government in the matter of the forest grievances in South Kanara.

* 721 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Law Member be pleased to state whether the Government have come to a decision on the representations made by the South Kanara ryots and the South Kanara District Landholders' Association regarding their forest grievances?

A.—Yes.

Mr. U. C. SUBRAHMANYA BHATT:—“May I know from the Hon. Member whether a copy of the decision will be placed on the table of the House?”

The Hon. Sir K. V. REDDI NAYUDU:—“Yes, it will be issued shortly.”

Mr. U. C. SUBRAHMANYA BHATT:—“May I know whether that decision is favourable to the ryot or against the ryot?”

The Hon. Sir K. V. REDDI NAYUDU:—“Largely favourable to the ryot and occasionally against him if the hon. Member chose the other way.”

Mr. U. C. SUBRAHMANYA BHATT:—“Thanks.”

[4th February 1936]

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

11.—ADJOURNMENT MOTION *RE* INADEQUATE RELIEF AFFORDED THROUGH GOVERNMENT PRESS COMMUNIQUÉ, DATED 12TH DECEMBER 1935.

Rai Sahib C. KOLANDA REDDI:—“ Under Standing Order No. 19, I beg leave to move the following adjournment motion:—

‘ That the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the inadequate and unsatisfactory relief afforded through the Government Press Communiqué, dated 12th December 1935. ’ ”

There was no seconder for a minute or two. Afterwards Mr. Nachiyappa Gounder seconded the motion.

* The Hon. the PRESIDENT:—“ At least on occasions like this the hon. Member should have been more alert. But on that account I do not want to rule the motion out of order for want of a seconder. I may state at once that the hon. Member has not been quite definite in the wording of the motion. Until now the wording of the adjournment motion was ‘ inadequate relief afforded through the Government Press Communiqué. ’ All on a sudden the hon. Member springs a surprise upon me and upon the House by asking me to add the words ‘ and unsatisfactory ’ after the word ‘ inadequate. ’ Apart from that, if the hon. Member wants to discuss in this adjournment motion anything about the postponement of resettlement in certain districts, which is now under consideration, I do not think there is anything urgent in this matter. But if he wants to discuss in this adjournment motion anything about the districts that have already been resettled and rates collected, I wish to point out to him that there is already a resolution balloted and it will come up for discussion to-morrow. The resolution runs thus:

‘ This Council recommends to the Government that their present policy to put off giving effect to the resettlement rates in the districts now being resettled and to leave the question for the consideration of the future Government be made to take effect in the case of districts resettled after 1920. ’

“ He cannot anticipate by means of an adjournment motion the discussion of the subject-matter of a resolution which comes up for discussion to-morrow in which he can take part. Therefore the motion is not in order. ”

Rai Sahib C. KOLANDA REDDI:—“ Thank you. I am afraid that resolution will not be reached at all to-morrow. We never had any discussion at all on the question. ”

The Hon. Sir K. V. REDDI NAYUDU:—“ A ruling has been given by the Hon. the President and Members are bound by it and his ruling cannot be questioned. ”

GOVERNMENT PRESS COMMUNIQUÉ, DATED 12TH DECEMBER 1935

[4th February 1936]

Rai Sahib C. KOLANDA REDDI:—“ I am not questioning the Hon. the President’s ruling, but I am making my position clear. ”

* The Hon. the PRESIDENT:—“ He has already made his position clear by asking for leave to introduce his adjournment motion. If the House is so inclined that that particular resolution might be advanced, they will be at liberty to do so and discuss that resolution earlier than other resolutions. ”

III.—ELECTION OF TWO MEMBERS TO THE ADVISORY COMMITTEE OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY COMPANY.

* The Hon. Mr. G. T. H. BRACKEN:—“ I beg to move that with reference to G.O. No. 55, Railway, dated 10th December 1923, this Council do recommend to the Government to communicate to the Madras and Southern Mahratta Railway Company the names of two persons elected by this Council in accordance with the arrangement made in that behalf by the Hon. the President, to sit on the Advisory Committee of the said railway after 31st March 1936 when the term of office of the present Members of the Committee will expire. ”

The motion was duly seconded.

The motion was put and carried.

IV.—REPORT OF THE PUBLIC ACCOUNTS COMMITTEE—*cont.*

The Hon. the PRESIDENT:—“ The discussion on the amendment of Mr. Rameswara Rao moved in connexion with the report of the Public Accounts Committee will be resumed. ”

* Rao Bahadur D. KRISHNAMURTI:—“ Sir, the amendment of my hon. Friend is both confusing and contradictory in its wording. Amendment No. 2 of the hon. Member reads thus:

‘ That severe retrenchments should be effected in the office of the Hindu Religious Endowments Board and that the said Board should be abolished unless they pay up the loan advanced in accordance with the original understanding, and that the Board should have its budget passed every year by this Council. ’

“ I submit that if it is the intention of the hon. Member that by this motion he is proposing that severe retrenchments should be effected in the staff and also the expenditure of the Board, it has to be treated as a separate amendment. But at the same time he in the latter part of his amendment says that as condition precedent for the continuance of the Board the loans advanced by Government to the Board should be paid, else the Board should be abolished. So if the Board pays up their loans, they must be allowed to function, because he says ‘ that the said Board ’ should be abolished unless they pay up the loans advanced, etc. His amendment further says that in order to allow the Board to function and also to augment its resources the Government should enforce severe retrenchments both in its staff and

[Mr. D. Krishnamurti] [4th February 1936]

expenditure. If the Board repays the loan this amendment is not understandable. Now as it is, his amendment is contradictory. Apart from this the hon. Member's speech exhibits colossal ignorance about the Board and its administration. Without reading the Annual Administration reports of the Hindu Religious Endowments Board published from time to time, the hon. Member went on abusing the Board for several cases of commission and omission. As a sample of his knowledge he has submitted to the House that in his native districts of Anantapur and Cuddapah there is only a single clerk drawing a salary of Rs. 20 in the service of the Hindu Religious Endowments Board and that he is not able to get on with that pay and cope with the work. If the hon. Member's proposal is to retrench and effect economy, he should not have taken this as an instance, because he said that the Board has not been adequately staffed. On the other hand if the hon. Member has cared to study the facts and figures given in the Administration Report of the Hindu Religious Endowments Board, he will find that the expenses of the Board in Anantapur and Cuddapah cannot be so much as it is in other districts as the total work there is not very much as compared with other districts. For instance in Ganjam the Board gets an income of Rs. 1,500. In East Godavari, it gets Rs. 1,400. In Tanjore it gets Rs. 2,500 but in Anantapur and Cuddapah, both put together it comes to only Rs. 468. The work in these places depends upon the number and importance of institutions from which the Board gets contributions. But the inspector or the clerk in Anantapur and Cuddapah is not getting Rs. 20 as mentioned by the hon. Member. The assistant inspector is one Mr. Ayodya-ramayya Pantulu getting Rs. 45 and for dereliction of duty he is under suspension and charges are framed against him and the matter is being enquired into, and one Mr. Madhava Rao, an inspector on Rs. 50, has been appointed in his stead. I submit that if this is the kind of information on which he wants to abuse the Board, his remarks do require very great scrutiny before they are accepted by a deliberative body like the present House. I do not wish to take up much of the time of the House by answering seriatim all the vague and reckless allegations that have been made by the hon. Member Mr. Rameswara Rao.

"In this connexion I would only refer to the extraordinary situation that had arisen sometime back and the circumstances that had necessitated the Endowments Board to apply for loans to the Government from time to time. It must be remembered that this Act is the achievement of that illustrious statesman and administrator the late Raja of Panagal of whom South India is legitimately proud. The first President of the Endowments Board was an eminent Jurist, tried administrator and saintly personality—the late Sir T. Sadasiva Ayyar—and even he could not help applying to the Government for loans on account of extraordinary circumstances during the first two years of the existence of the Board. It must be remembered that the Board came into existence in the middle of April 1925. On account of the defects in the Legislative enactment an amending Bill, in 1927, Act II

4th February 1936] [Mr. D. Krishnamurti]

of 1927 had to be passed. At that time the Board was in a terribly bad financial condition with regard to the levy and collection of contributions from the various temples and maths. The income of the Board in the first year was Rs. 45,615-8-7 and the expenditure Rs. 1,78,694-4-8 and the loan advanced by Government was Rs. 1,65,000. The next year the actual collection of the Board was Rs. 65,551-3-6 while the expenditure was Rs. 1,61,824-3-5. The loan advanced by the Government was Rs. 1,37,000.

"My contention as well as the contention of the Board is that the loans which were advanced by Government with a view to enable a statutory body like the Hindu Religious Endowments Board to discharge its functions so that the objects of the legislation might be achieved deserve special treatment. In this connexion I would very much like to draw the attention of the House to a statement which the Board has repeated several times in their correspondence with the Government. It is certainly worth quoting:

"The Board begs leave to point out that the said early loans advanced by the Government had been taken, when owing to unavoidable delay in notifying the rules under the Act for assessment of contribution, the Board could not issue valid demands and under pressure of defending the suits filed by powerful vested interests questioning the validity of the Act itself, so much so that in one of the said suits the Government itself decided to come on record as a codefendant along with this Board. In pursuance of the said decision, Mr. Frank Noyce, the then Secretary to Government, Local Self-Government Department, put in an affidavit before the High Court of Judicature, Madras, the concluding paragraph of which runs as follows:—

"The plaintiff raises several constitutional questions of grave importance affecting the powers of the local Legislature and the Governor-General in Council and it is of importance that the Secretary of State should be heard thereon for which purpose it is necessary that he be made a party to the suit."

"The inherent defects of the Act were of such a grave nature that the Government had to bring forward a repealing and re-enacting measure which after being passed by the Legislative Council came into force as Act II of 1927 only on 8th February 1927."

"Sir, it is only after two years of the existence of the Board a method could be devised, by which there was a prospect of collecting its demands. There was also considerable trouble in collecting the contributions of the Board till the Revenue Recovery Act was passed in 1931. Till then the income and expenditure of the Board could not be balanced. If the Government had treated the Board somewhat leniently during this period, neither the Government nor the Board could be blamed for it. After 1931, contributions have been regularly collected and the Board has been in a position to balance its income and expenditure more or less. But these loans have been sitting tightly as an incubus on the revenues of the Board. This matter has been the subject of protracted correspondence between the Board and the Government. The Government insisted on making a cut in the salaries of the commissioners and staff of the Board. A cut is in force since 1931 and although a similar cut applied to the salaries of Government servants has been removed, the cut is still in force in the case of the Board. Severe retrenchment has been effected and the scales have been revised according to instruction of Government. Still the Board has not been able to pay back the loans taken from the Government on account of

[Mr. D. Krishnamurti] [4th February 1936]

very peculiar circumstances one of those being phenomenal fall in prices on account of economical depression. I earnestly suggest that the Board deserves to be treated very favourably and that it is reasonable that the loans should be written off. When the loan was first borrowed, the Board was entirely helpless on account of defects in the Act. The Government realized the helplessness of the Board and came to its rescue by advancing monies. Subsequently another loan of Rs. 50,000 was taken for Archakar suits but it was repaid in full with interest. That shows the bona fides of the Board. The abovementioned loan was taken only for the purpose of contesting the Archaka suits in East Godavari, Guntur and other Northern districts, where clever legal talents like my learned Friend, the mover of this amendment, told the Archakas, that the Act itself could be challenged and that they would not be liable to pay any contribution. In the case of East Godavari where the matter is still pending, there are still some 250 suits to be decided. Besides its normal revenue the Board had to borrow this sum of Rs. 50,000 for these suits and the same has been repaid. Therefore it cannot be said that the Board had been sleeping over its duties during 1932-33. In 1934-35 the Government calculated the total amount due from the Board and arrived at the conclusion that if the Board paid 20 annual instalments of about Rs. 35,000 its total indebtedness could be wiped off. No doubt there is a certain amount of arrears already accumulated to the credit of the Board. But, in realizing these arrears the Board has to consider questions of public policy, expediency, etc., and has to be careful not to outrage the religious sentiments of the people of the Province. The Board wants to get the co-operation of the public in its work. It will offend the feelings of the orthodox Hindus if the Board were to order the sale of temple jewellery for the realization of its dues. If the Board adopted such a course it would not get the necessary public sympathy and co-operation which is necessary to improve these religious institutions and rectify the defects in them. Of course the Board has no objection to request the Revenue Department to enforce the coercive processes freely and mercilessly; it can ask the Collector of the district to adopt the coercive processes prescribed in the Act and recover the total dues to the Board in a lump sum. The Collector will send notice to the parties and if the amount is not paid within the prescribed period sell the temple properties in auction. If no land is available, he will put in auction the jewels of the idol, utensils and so on and remit the amount to the Board. But it is not expedient and it would destroy the religious institutions. Though the Board has a right to collect its dues by adopting coercive processes if necessary, its reputation would be considerably at stake if extreme steps are adopted by it in collecting these arrears wholesale.

"I am not asking that the loan should be straightaway written off. All I am submitting is that there is a convincing case in support of my contention, namely, to write off this loan. For the last four or five years the Board has been in correspondence with the Government on the question of the writing off of the loans and provincializing the Board and I understand the question is being examined by Government.

4th February 1936] [Mr. D. Krishnamurti]

"Sir, it has been said that there has been considerable delay in the enquiries conducted by the Board. Here again, I submit that the information of my hon. Friend on this subject is meagre, inaccurate and unsatisfactory. How many enquiries has he personal knowledge of? What are the enquiries to which his personal attention has been drawn? Why was there delay? I may mention in this connexion that the enquiries of the Board are of a peculiarly amphibious character. The Board is neither a completely judicial body nor is it a purely administrative body. Our enquiries can be subject-matter of suits in courts; under sections 57, 63, 73 and 84 of the Act where we proceed summarily and dispose of cases, the party concerned has always the right to take the same matter to a court of law where he has the right to lead additional evidence and thus involve the Board in additional cost for defending its act. If in an enquiry under section 84 before the Board the party contends that a temple is an excepted temple, and if he does not appear on the date of the enquiry, and the Board decides the question he has always got the right to produce fresh evidence and implead the Board as defendant in a suit filed in court challenging such an order. This is the correct legal position. Then the Board will have to support its order, and also test fresh evidence through proper legal assistance entailing costs. In a few cases in order to overcome some difficulties and avoid expenditure the Board may delay some enquiries pending decision in test cases which parties might have filed in courts. If this is what my hon. Friend really means by saying that the Board delays enquiries, I plead guilty to the charge. But when he makes a wholesale sweeping charge that the enquiries of the Board are always delayed, I challenge him to prove it by facts and figures and not by amorphous generalizations of this type. He may call for statistics from the Government regarding disposal, pendency and delay in inquiries before the Board.

"One of the objects of the Board is to do propaganda work and enlist the support of the general public. Of course the Board is in a most unenviable position between Scylla and Charybdis. If the Board is as efficient and thorough as the Revenue Department in collecting its demands, it will get the opprobrium of the public; if it is lenient, it cannot function effectively on account of pending loans and current expenditure. The difficulty is due to a defective piece of legislation passed at a time when there were peculiar disabilities which were not fully anticipated when the Act was passed. There is always strong orthodox vested interest ever ready to point out the finger of scorn and ridicule and wishing that the Board might be completely wiped out, so that misappropriation, disorder and confusion may become rampant and once more reign supreme unchallenged in the affairs of the religious institutions as was the case before the Act came into existence. I submit, Sir, that no convincing case has been made out by my hon. Friend for any one of the points raised by him in his amendment.

"My hon. Friend wants that the annual Budget of the Board should be submitted to the scrutiny of this House. May I ask him a counter question whether the administration reports, budgets of municipalities and district boards are submitted to the scrutiny of this House? Has

[Mr. D. Krishnamurti] [4th February 1936]

this House enough time and patience to go into the administration reports and budgets of the various municipalities and district boards? Under the rules the budgets of these bodies are sent to the Local Self-Government Department and scrutinized by that department. There is also a system of audit and the accounts of these local bodies are audited. The same procedure is followed in the case of the Board also. I would ask my friend to read the annual reports of the Board with the remarks of the Government thereon. If the Government had found any serious defects in the working of the Board, they would not have come forward with a demand for supplementary grant for Rs. 1,200 the other day in order to finance an investigation of a scheme for the control of Muslim endowments in collaboration with the Hindu Religious Endowments Board. Nor would the House have voted that sum for the purpose. The very fact that the Government came forward with a demand for grant of that kind and that the Council voted that demand is proof positive that my hon. Friend's allegations against the Board are not correct. Further I may also mention that attempts were made in the Central Provinces and in the Bombay Presidency to copy this Endowments Act, but owing to financial difficulties the matter has been left to be dealt with by the new Government which will come into existence after the Reforms. My hon. Friend the mover of the motion has not made out any specific case either for wiping off the Endowment Board or for having its Budget discussed on the floor of this House. Much less has he come forward with any new proposal for effecting retrenchment in the Board so that his object can be attained. He has not made out any convincing case in favour of his amendment. I therefore, Sir, strongly oppose the amendment."

* Mr. A. RAMAKRISHNA REDDI:—"Sir, it is unfortunate that my hon. Friend, Mr. Rameswara Rao has moved for the abolition of the Hindu Religious Endowments Board especially at a time when, after the reconstitution of the Board and the vesting of its affairs in the hands of the President, Mr. Kondappa, all the disorder and confusion that prevailed in the old Board have been put right and the whole thing is in excellent working order. It is very unfortunate and I hope it is not due to any personal differences that Mr. Rameswara Rao might have with those on the Board that he has come forward with this motion."

"My hon. Friend touched upon three points. First of all he said that the Board was not collecting its arrears properly. Then he said that there was a lot of delay in the disposal of cases by the Board. Lastly he said that the financial position of the Board was not sound. As regards the collection of the arrears, I suppose my friend knows the various difficulties which the Board had to undergo in working the Act. On account of these difficulties many amending Bills were brought forward so that the method of collecting the arrears might be made simpler and easier. Recently the duty of collecting the contributions to the Board has been given to the Revenue Department as the Revenue Recovery Act also has been made applicable to the collection of contributions to the Board. After the constitution of the present Board,

4th February 1936] [Mr. A. Ramakrishna Reddi]

it is very clear that arrears have been going down. At any rate in the district of Kurnool and the adjoining districts arrears have been collected very vigorously. Still there are some difficulties, difficulties caused by litigation launched by interested parties in order to hamper the work of the Board.

"The orders of the Board are always the subject-matter of litigation in civil courts and there is no finality about them. It is due to this that much of the work of the Board is always hampered. If my hon. Friend wants the Board to be abolished and the old regime to be re-established, I should say that it will fulfil the desire of the vested interests who were enjoying the properties of the temple before and living by them and making the temples go to rack and ruin."

"As regards the disposal of business by the Board, I should say that so far as my personal knowledge goes, business is carried on under very great pressure. Anybody who knows about how things are going on in the Endowments office will know what late hours the officers there work, how they work even on holidays and how ordinarily they work far beyond the usual office hours. The business is done with great dispatch. Whatever blame might be attached to the previous Board, so far as the present state of affairs is concerned I can say with confidence that the business is done with great dispatch and efficiency. One can realize the great need that exists to place the Board on a firm basis by the Government giving it some financial assistance. On the other hand to say that the Board should be abolished is not a thing which, the country, at any rate which has seen the beneficent results of the Act for all these years, will ever listen to. I devoutly wish that the Government came forward with liberal financial assistance to the Board so that it may be placed on a sound financial basis."

* The Hon. the RAJA OF BOBBILI:—"Sir, my hon. Friend, Mr. Rameswara Rao by moving this motion makes, among others, the following suggestions:—That there should be severe retrenchment effected in the establishment of the Board and that unless they pay up their loans, the Board should be scrapped. At the outset of his remarks the hon. Member has made many vague statements that all matters are kept pending for ten years and fifteen years, that suits are heard and adjourned, re-opened and re-heard and so on and so forth. I am afraid that such vague accusations will not serve any useful purpose and I would have appreciated it if he had given any specific instances that he has noticed to enable the Government to really go into the matter and see whether there is any justification for such remarks. Hon. Members of this House are no doubt aware that after this Board was first created in this House, it had to contend with many serious obstacles at the very outset of its existence. The very validity of the Board was questioned and its right to levy contributions. The Board was not in a position to assert itself until the validating Bill was passed by this House. After that, the Board had to face a crop of litigation, litigation which has not yet completely ended, from the archakas and others who have claimed that the temple lands are their own personal

[The Raja of Bobbili]

[4th February 1936]

inams and that they are exempt from any contribution. Of course the Government had to administer the Act passed by this House and to afford reasonable facilities to the Board to function. Therefore it is necessary that the Government should advance some loans to enable the Board to discharge its duties properly and efficiently. Of course the question of making definite arrangements to consolidate the loans and to fix the amount of annuities to be paid every year is under consideration of the Government and I may state for the information of the House that a decision will be reached in the very near future."

Mr. G. RAMESWARA RAO:—"Has the Board replied in the matter?"

* The Hon. the RAJA OF BOBBILI:—"Yes; as regards the various suggestions made, I may state for the information of hon. Members that Government are exercising every care to see that the Board is administered in as economical a manner as possible consistent with administrative efficiency. They have seen that the Board has introduced severe retrenchments in staff and expenditure. Every year the budget is scrutinized both by the Local Self-Government Department and the Finance Department and various suggestions are made to make the Board as far as possible self-supporting and stand on its own legs. Recently the scales of pay of the staff of the Board including that of the Commissioners have been revised and all measures of economy have been adopted to reduce the expenditure of the Board. Therefore it follows that Government are taking every possible care to see that the Board is administered efficiently and economically. The position now is that in the early years of its existence the Board had to get loans from the Government to run the administration. There were some difficulties in putting the original Act into operation; the validating Act was passed in the year 1927; other Acts were passed in 1931 by which power was given to the Board to recover its dues as arrears of land revenue. The Board was not in a position to enforce its rights. Therefore it is no matter for any criticism or surprise that for its very existence in the very early years, the Board had to borrow moneys. This question, as I pointed out, is receiving the attention of the Government and a solution best fitted in the public interests will be reached before long. The hon. Member also wanted to know what was the income of the Board and what percentage has been collected, and various other information. They will be found in the annual administration reports which are published by the Government. The Board has been set up by an Act of this Legislature, and it is a matter of surprise to me to hear the hon. Member seriously suggesting, without pointing out any alternative, that the Board should be scrapped. Does the hon. Member consider that the State has no responsibility for ensuring that our religious institutions are properly administered and for having an organization to look after the working of these religious institutions, and without considering or going into the merits of the question, the only criterion which he wants to apply is, because the Board has not yet paid up its loans, therefore it should be scrapped.

4th February 1936]

[The Raja of Bobbili]

I am sure that the Act itself was introduced after careful thought and consideration and I am glad to note that both the Government and the general public have now recognized that the Board in this connexion is certainly necessary in the public interests to look after the administration of our religious endowments whose administration in the past has admittedly been most unsatisfactory and not in the public interest. Of course the difficulty, during the last few years, for the Board to liquidate its indebtedness rapidly, has been due to the present economic depression. The contribution to the Board is fixed on the income of each endowment or temple. As the main income from the lands is falling down and as the prices of produce are falling down, it has resulted in a practical and substantial fall in the amount of dues to the Board by way of contribution. Although the Board is, as far as its normal working expenses are concerned, self-supporting, it finds it difficult under the present altered conditions, when its income has been reduced by a large percentage, to pay the annuities in full. On this question I feel that as long as the present economic depression continues, it will not be able to pay the annuities in full if it were to function efficiently and carry on its day-to-day functions. I am sure the House will agree with me, Sir, that this suggestion of the hon. Member to do away with the Board is not a practical proposition. From the point of view both of the public and the Government, the Board should carry on its duties properly. In conclusion, I have no hesitation in saying that the Government feel that the Board has been carrying on its duties most efficiently and to the best of its ability in the present circumstances. I hope the hon. Member will withdraw his amendment in view of my remarks."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I did not originally propose to intervene in this matter, but I wish to do so, after hearing the Hon. Minister. I do not pass my remarks in any spirit of carping criticism. I should like to draw attention to the practical difficulties in working the Act. The question is how far the Hon. Minister has met the point as to the Government undertaking the responsibility of seeing to the proper administration of the temples for which we brought this Board into existence.

"Probably the Board tries to do all it can to perform the duties that are expected of it, but the question is whether it has really contributed to the efficient administration of the endowments. I do not think, Sir, that the Board or the Government can really claim that the administration of these endowments has been really controlled by the Board or that there are provisions in the Act for their efficient control. There seems to be no agency for assuming and exercising such control. For instance, it was stated by Mr. Rameswara Rao that there is an inspector on a salary of Rs. 30 or Rs. 40 for two districts. Can it be said that this inspector as representing the Board is able to look after or supervise what is going on in the temples, probably a hundred or more, of those two districts? Again, Sir, the position of the Board itself is somewhat anomalous. It is now a tax-gatherer, a judge and an administrator. It seems to me that the three functions which it is

12
noon.

[Mr. T. A. Ramalingam Chettiyar] [4th February 1936]

exercising are contradictory to each other. Especially when we stress the expenditure of the Board, we find that the Board is naturally devoting more attention to its taxing powers and the collection of its dues than to the administration of the temples, for which purpose there is no agency whatever in the mufassal. That is a point, Sir, which has got to be seriously considered. Unless the Board itself is made a part of the Government and unless the revenue authorities are asked to carry out the objects of the Board, viz., to see to the proper supervision of the temples, it is impossible to carry out the objects with which the Act was brought into existence. This idea of the Board being a tax-gatherer should go; so long as that idea is there, I do not think it will lead to efficient administration, and the Board itself will not command anything like the regard which it ought to. It is at present doing mainly the work of collecting taxes and disposing of such of the judicial work as comes before it. I do not think it has got time for doing anything more than that. It is a very unsatisfactory state of affairs. I would therefore ask the Hon. the Chief Minister to consider whether we have not come to the stage when we should see what all amendments are necessary to bring the provisions of the Act up to the mark. It is now ten years since the Act was passed, and after all the agitation that has been carried on all these years, we have now come to a stage when the question of an enquiry into the working of the Act—whether it is efficiently worked, whether there are any defects in the Act, if so, how we can get over them, etc.—should be taken up and considered seriously. As I said, from its very constitution, the Board is not able to contribute much towards the better supervision of the endowments in the mufassal, being far away in Madras. There are 25 districts in the province and it is not possible for a Board at Madras to supervise all the temples in all the districts; and the establishment that the Board can command is such that it will not help proper supervision. In view of all these things, I think the Government should make an enquiry, either by a special officer or by a committee, with a view to facilitate the better working of the Board.

“ In this connexion, Sir, I may also state that when we took evidence in the Select Committee to consider the Hindu Maths Bill, there was a lot of evidence to show that the people did not want the maths to be brought under the Board. That only shows that there is some sort of prejudice against the Board—whether it is well-founded or ill-founded, I cannot say, because we did not enquire into the charges brought against the Board—and almost all the witnesses, except one, were not in favour of bringing the administration of the maths under the Board. Such a feeling in the public mind may no doubt be due to the Board being mainly a tax-gatherer, as I said.

“ I therefore suggest, Sir, that the Government should consider the question of holding an enquiry into the working of the Act all these ten years and make such changes in the provisions thereof as may be necessary.”

4th February 1936]

* MR. G. RAMESWARA RAO:—“ Mr. President, Sir, I have followed the debate with some interest. My remarks were meant to be absolutely impersonal, not aimed at the present administrators or the past administrators. I have no objection to any personal remarks made against me so long as they are not meant to cause any grief to the members who are interested in the working of the Act. I do not mind those remarks at all, but I may at once state that my main purpose in giving notice of this amendment was to see that the administration was improved. If I have said in any drastic way that the Board should be scrapped, it is not because I wanted that it should be really scrapped but because I was so disgusted with its administration that I thought it should not be there if it was not to be better administered, manned by better officers and more efficiently than it was done during the period in question.

“ I was called upon, Sir, to state specific instances to show how my remarks were justified; and I am glad that my hon. Friend, Mr. Ramalingam Chettiyar who was directly connected with taking evidence in the Select Committee on the Hindu Maths Bill has in a way supported me when he stated clearly that there was a lot of evidence before that committee to show that the Hindu Religious Endowments Board was not functioning properly and that its administration was not to the satisfaction of the people. Even though members on the other side were members of that Committee and were present at the time the evidence was taken, they did not cross-examine the witnesses to find out whether the allegations were justified, from their standpoint, even as we lawyers are accustomed to do in the courts. Further, the Government did not care even afterwards to issue any communiqué to the effect that the allegations made by the witnesses before the Committee were unfounded. Under the circumstances, I for one, as a member of the public, am quite justified in going off with the impression that the allegations made by the witnesses were there uncontroverted and by implication were well deserved by the Board whose conduct came in for criticism in the course of the proceedings of that Committee. It is with that idea, Sir, that I made the remarks which I did yesterday. If however any specific instances are required, I must say that I am not in touch with facts, either as a member of the Endowments Board or as a member of the Government in charge of the subject and sitting in judgment over its acts, and being only an ordinary member of the public, I can only draw a reasonable inference from the fact that the allegations made before the Committee were allowed to remain uncontroverted by the Government, driving me to the conclusion that all was not well with the administration of the Board.

“ As regards the remarks of the Hon. the Chief Minister regarding the responsibility of the State in the matter, I perfectly agree with him, but I may add that the State does not mean State officials. It means the whole nation itself, the people, and so, I am as much of the State as the Hon. the Chief Minister is, and he and I are both interested

[Mr. G. Rameswara Rao] [4th February 1936]

in the proper administration of the public funds and the public institutions of the country. Consequently, I appeal to the Minister to go into the matter and see where the mistake lies, why the public are dissatisfied with the working of the Board in spite of the ten years' existence of the Endowments Act, and what measures can be now taken to allay the discontent and convert that discontent into one of appreciation at the hands of the public.

"Sir, I don't want to repeat what I have said, and I pass on with the statement that the public are justified in expecting a detailed statement from the Endowments Board or the Government on all these matters that have been referred to. The Hon. the Minister did not take us into his confidence and say how far the loans taken by the Board have been repaid, what the Board's income is and how it is disposed of, and all that. If in the light of the remarks made by me, the Hon. the Chief Minister will go into the matter, investigate further and bring the administration of the Board to a proper level, I for one would be quite content."

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

'Add the following at the end:—

"And on such consideration this Council is of opinion—

That severe retrenchments should be effected in the office of the Hindu Religious Endowments Board and that the said Board should be abolished unless they pay up the loan advanced in accordance with the original understanding, and that the Board should have their budget passed every year by this Council."

The amendment was put and lost.

* Mr. G. RAMESWARA RAO:—"Mr. President, I move—

'Add the following at the end:—

"And on such consideration this Council is of opinion—

That better methods to facilitate the grant to ryots of loans under the Land Improvement Loans Act and the Agriculturists' Loans Act should be adopted, and that the savings surrendered to Government are absolutely unjustifiable from the rural economic standpoint."

With reference to this subject, Sir, I may refer to pages 18-19 of the report of the Public Accounts Committee, where it is said:

'Large savings occurred under loans under the Land Improvement Loans Act and the Agriculturists' Loans Act, the saving amounting to Rs. 5.64 lakhs of which Rs. 5.40 lakhs were actually surrendered.'

"This, Sir, is certainly very regrettable. I am not able to understand how it came to pass that when the Budget was under compilation, such large amounts were asked for by the district officials for allotment for purposes of loans to cultivators and when once the allotments were made, they did not see to it that they were spent for the purpose

4th February 1936] [Mr. G. Rameswara Rao]

for which they were made. Curiously enough, Sir, such a large sum as Rs. 5.64 lakhs comes back unused, out of which Rs. 5.40 was actually surrendered. This is a matter for severe criticism at the hands of the representatives of the ryots who ought to have benefited by these allotments, and it is from that standpoint that I rise here to make my remarks on this point.

"Sir, some explanation has been given here as to why the whole amount could not be absorbed, but it is quite clear that these explanations won't stand when they are analysed. The first explanation is said to be the paucity of applications. I for one can never believe that there is likely to be any paucity of applications. I come, Sir, from a famine zone; I know the number of applications put in, the number of cases in which loans were granted and the number of cases in which the applications were rejected. I may also tell the Hon. the Revenue Member that some applications were summarily disposed of without even being shown in the concerned registers.

(At this stage the Deputy President occupied the Chair.)

"That is how the explanation of 'paucity of applications' has come up honestly from the lazy subordinates who do not want to administer justice to the applicants who go before them. It may also be news to the Hon. the Revenue Member if I say that some applications were actually torn away and never saw the light of day, because the Revenue Inspector in charge thought that that was the best way of dealing with those applications so as to have some more leisure for himself, instead of doing justice to his work and serving the Government that was paying him.

"This, Sir, may be a very good reason for saying that there was paucity of applications, but I would request the Hon. the Revenue Member to look into the matter and see that very very sympathetic Revenue Inspectors are appointed for dealing with ryots in granting loans, and that all and sundry who rise up to a particular level are not burdened with this sympathetic task of helping the ryots. It is not all that have the heart required; some may have the head but only very few have the heart that is required for dealing with the ryot in his need. It is up to the Government to appoint men of the right sort and ask them to deal with the ryots directly so that the ryots may be helped to the fullest possible extent as contemplated by the Government at the centre. The desire of the Government at the centre is of course very laudable, but when it comes to the point of administration, there is an utter failure. If a man at the last rung of the ladder misbehaves he should be brought to book, which is not ordinarily done. Here, I must offer my respectful thanks to the Collector who brought a Deputy Tahsildar to book and took disciplinary action against him for having allowed a sum of Rs. 1,000 to lapse. If, Sir, every Collector, Deputy Collector or every Revenue Inspector is fully alive to his sense of duty to the people as well as to the Government, there would have been no need for the criticism in the matter of the administration of the loans

12-15
p.m.

[Mr. G. Rameswara Rao] [4th February 1936]

department; and no such statement of the kind made, namely, there was paucity of applications, would have been made. To say that though the Government were anxious to lend, there was nobody to take advantage of it, is ununderstandable. If we take the depressed condition of the country—we know the economic condition of the ryots, we know their needs—and as a matter of fact, legislative measures regarding Debt Conciliation, and Land Alienation, are profound instances to show the very verge of poverty which the ryot is reaching—such being the case, to say that when Government offer loans at more favourable rates of interest there was paucity of applications and therefore the amount allotted for loans by Government could not be absorbed, is something which can never be accepted by any reasonable person. It is with this idea that I want to draw the attention of this Honourable House as well as of the Hon. the Revenue Member to the unsatisfactory way in which the Loans department is being administered by Government.

“There is another point, and that is with regard to the new rules issued by the Government under the amended Act for granting relief to ryots for discharging their debts. I may submit to the Hon. the Revenue Member, in spite of the very generous intentions of which he is usually capable, he has again lapsed in this respect and has not exercised the same amount of caution in favour of the ryots that I expected of him. For instance, rule 2—1 am reading from *Fort St. George Gazette*, dated 29th October 1935, page 1436—says: ‘a ryot can be entitled to loans under this amended Agriculturists’ Loans Act only when his assets do not exceed Rs. 2,000.’ I really fail to see how a man being richer is a disqualification for applying for a loan from Government. The Act does not say that, but curiously enough the rule puts a brake upon the qualification of the ryot to apply for loan which he needs. Not only that, the second point is this. The applicant’s total debts ought not to exceed Rs. 2,000. That again is equally hard. What does this mean, and what do the Government mean by insisting on a figure as maximum liability, so long as the party gives sufficient security for the loan and wants to have the benefit of the easy rate of interest which Government is willing to offer to the ryot? The third point is, unless the ryot is able to discharge all his debts, he is not entitled to the loan under the Act. That is again a hardship. It is left to the ryot to say in what equated instalments he can repay his old debts. It is not for the Government to dictate to the ryot ‘unless you offer to pay back up to the last pie and that to-day, I won’t give you any accommodation, I would rather ask you to die of starvation than survive for some more years till better times come and then make up your mind to pay up the balance of your debts.’ There is another point which the rules lay down, and that is, they allow the ryot to claim benefits under these rules only to discharge debts which he incurred before 29th October 1935 . . .”

* The Hon. Sir CHARLES SOUTER:—“Sir, I do not wish to stop the hon. Member unnecessarily, except to ask you, Sir, whether this is in order on the motion before the House. The motion refers to certain

4th February 1936] [Sir Charles Souter]

surrenders which occurred during the year 1933–34, long before this new provision for the repayment of debts was ever introduced. Is he in order now in bringing the orders passed subsequently, under the motion which he has moved.”

* Mr. G. RAMESWARA RAO:—“If I may explain my position, Sir, my resolution runs as follows: ‘that better methods to facilitate the grant to ryots loans under the Land Improvement Loans Act and the Agriculturists’ Loans Act, should be adopted . . .’ I was only referring to the future as to how it should be done. I took advantage of this occasion to speak on this topic and took this opportunity to suggest to the Government to see that they do not give any scope for similar criticisms when next the report of the Public Accounts Committee comes up for discussion. If you will allow me, Sir, I shall proceed.

“Thus, Sir, you will see that amongst the qualifications required for obtaining the loan, these four limitations are something which we never expected. To say that the Agriculturists’ Loans Act was amended so as to enable the ryot to borrow from the Government to discharge antecedent debts also and then to say the rules are here to see that we give loans only to discharge debts incurred before 29th October 1935, is very very uncharitable. Now, Sir, if that be the case, what about the loans which may be borrowed to-morrow or the day after or even next year? Does it mean that the Government will refuse to give any assistance to the ryots and still say that the Government stand by the ryot and help him with loans on easy terms of interest to discharge previous debts, or by means of a statute you are going to legislate by implication that no ryot shall borrow from anybody else in the world hereafter or from 29th October 1935? This is something which the Council, when they accepted the amendment regarding the Agriculturists’ Loans Act, never bargained for nor anticipated. This is a surprise sprung upon the Council and the public and is the result of the indirect legislation of the Government made under the rule-making power.

“Coming to rule 6, the special loans officer is made the dictator to dictate both to the debtor as well as to the creditor as to what amount shall be paid to discharge the debt and what amount shall be accepted in full discharge irrespective of the contractual commitments between the parties concerned. We are quite aware that the world is full of honest debtors who are anxious to see that the creditor is not allowed to take back even a pie less than what is legitimately due to him. If a man asks for benefits under the rules, he is then asked to say that he shall only pay a quota of the debts due to the creditor and the creditor is asked to say that he would accept only this and nothing more, whatever his contractual obligations may be with the debtor. That is a thing which is absolutely immoral for any man outside contractual relations. It is one thing for the State to say, we legislate like this and therefore this legislation is binding upon you. This becomes a sort of morality apart from divine law. But according to the rules made, the debtor is to refuse to pay something and the creditor must agree to take what is offered. This is foreign to all ordinary morality of commercial transactions.

[Mr. G. Rameswara Rao] [4th February 1936]

"Then, coming to rule 8, Sir, it says that the security must be $1\frac{1}{2}$ times the amount and that it must be in the form of lands, as if a man owning a house is not capable of giving security. It further implies that the security should not be personal security. If a man is a banker, is it impossible for him to give security for Rs. 200 or Rs. 300? To deprive the poor debtor of the chance of getting a loan on the security of a personal nature, is something which I am not able to understand. I do not know what the mind of the Government was when they passed such rules as that land alone should be the security of the primary debtor as well as of the guarantor. Sir, we are aware of the principle that was accepted by this Council in connexion with the Land Alienation Bill, namely, that the lands of the agriculturists ought not to be liable for sale. When that principle has been accepted by this Council, now the Government come forward . . . (Diwan Bahadur T. A. Ramalingam Chettiyar: It has not yet been passed, but only leave to introduce was given.) Whatever it may be, the principle that agriculturists' lands should not be liable for sale for recovery of debts incurred, has been the accepted policy. However, I shall deal with it when it comes up. Anyhow the tendency seems to be that the land of the agriculturists must be kept beyond sale for any debts due by them. That seems to be the general trend of policy; but now for the Government to come and say, we shall not accept any security except agricultural and arable land, is something which does not appeal to an agriculturist or even a commercial man.

"Then, as regards the question of damdupat or 6 per cent interest which is left to the kind and sweet will of the dictator, the special loans officer, this is equally grotesque. There is another point and that is the last point I want to mention in this connexion. The Government Order issued in this connexion, namely, No. 2532, Revenue, dated 25th October 1935, states that the rate of interest has been fixed at $5\frac{1}{2}$ per cent. I think it was only a few days ago that the Government told us that the rate of interest prevailing between this Government and the Government of India is $3\frac{1}{4}$. When $3\frac{1}{4}$ per cent is the rate of interest paid by this Government to the Imperial Government, I do not understand why this Government want to get an additional profit of $2\frac{1}{4}$ per cent from the ryot. I do not think it is either a fair or charitable rate, even if they want a margin to cover their expenses. It seems to me that they want to come in as an usurer, for when the Government of India is lending at $3\frac{1}{4}$ per cent, they want another $2\frac{1}{4}$ per cent for their own purposes. I submit, Sir, these are things which require reconsideration, and steps should be taken to see that easy money is available to the ryot whenever he wants it and that the terms must be made easier and cheaper, and they should also see that the Loans department is administered with greater charity and mercy to the ryot and it must not be made a commercial concern to book profits."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"Mr. Deputy President, Sir, I second the motion. In doing so, I would like to invite the attention of the hon. Members of this House to the fact as to how

4th February 1936] [Mr. M. Gopalaswami Mudaliyar]

unfortunately these loans which have been taken by the ryots have been affecting them, particularly the people in the famine zone where loans have been taken for the ostensible purpose of improving the lands. As a matter of fact, I do not think I am stating anything wrong when I say that so far as my district is concerned—I can vouch for it from personal knowledge—all the loans that have been taken have been utilized not to improve the lands, but were used in order to prevent starvation. They were utilized by the ryots in order to buy food-stuffs so that they may live; they were used in order to meet the expenses of necessary ceremonials at home which could never be put off; they were used in order to pay off the very harsh creditor who would sit 'dharna' at the door of the debtor and who would never allow him to go out and attend to his avocations. Sir, that is the way in which the loans that have been granted have been utilized. Such loans are even now outstanding in my district to the extent of, I believe, not two or three lakhs—probably the Hon. the Revenue Member may remember—but ten or twelve lakhs. Year after year, the repayment is being postponed, either because there is famine or there are conditions leading to famine. I want to know how long this miserable state of things is to continue, how long, this mill-stone round the neck of the poor agriculturist is to continue? I wish to ask the Hon. the Revenue Member what he is going to do in regard to this matter."

* MR. K. A. NACHIYAPPA GOUNDER:—"Sir, with your permission, 12-30 I beg to move my amendment to the amendment of Mr. G. Rameswara Rao and it runs as follows:—

'In line 3 of Mr. Rameswara Rao's amendment omit the word "and" and add at the end the following: "and that the latest amendment to the Agriculturists' Loans Act, i.e., Act XVI of 1935, be put into effect in all the parts of the Presidency at an early date".'

In moving this amendment, I should like to say a few words on this as well as on the original amendment of Mr. Rameswara Rao. In the Public Accounts Committee report we find that a sum of Rs. 5.40 lakhs has been actually surrendered. This is very lamentable news indeed and my request to the Government is that they should devise methods to see that the amount that is allotted to help the ryots by way of loans at cheap interest is expended to the last pie so that the ryots may derive the full benefit out of it. Instead of spending the amount in that useful way, making allotment and allowing a good portion of it to be surrendered is no good at all. The Agriculturists' Loans Act has been recently amended accommodating the advance of loans for discharging prior debts and we have been all paying encomiums specially to the Hon. the Revenue Member with regard to the new Act, since we thought that the new Act will be brought into effect all over the Province and it is bound to bring a good deal of benefit to the ryots. But the Act has not been given effect to in all parts of the Presidency as we anticipated but it is being experimented upon only in two revenue divisions in the whole Province. There also we are not able to know

[Mr. K. A. Nachiyappa Gounder] [4th February 1936]

how long this sort of experiment will go on and what experience they have gained so far in the matter. It is a matter in which the whole Presidency is expecting to be benefited and the Government must rise to the occasion and see that the Act is put into force and regular action taken in all parts of the Presidency. No doubt the Land Mortgage Banks are extending some help to a few ryots by advancing loans to discharge their prior debts; but the provision of law behind them is not so convenient for the recovery of the amounts as in the case of the Agriculturists' Loans Act and we are bound to be overcautious in advancing loans and so the benefit derived from these institutions is not as much as we are in need of and the application of this Act is quite necessary to cover cases not covered by the Land Mortgage Banks. In the Land Mortgage Banks we are not advancing loans to an appreciable degree as we are hedged in with a number of difficulties and we have to confine to advancing loans not exceeding 35 or 40 per cent of the value of the properties as estimated at the lowest rates now prevailing. Thus we are not able to extend help to the needy ryots as much as we should do and so I want the application of this new Act (Act XVI of 1935) to all parts so as to render help to the ryots to the fullest extent. I request the Government to see that the Act is extended to all parts of the Province immediately. Another advantage the Government have got now is that they are able to get loans from the Government of India at a very low rate of interest and if they take this opportunity they can help the ryots by advancing loans at a cheap rate of interest.

"Then, coming to the rate of interest charged under the Agriculturists' Loans Act, I find $5\frac{1}{2}$ per cent per annum is adopted and this is rather hard indeed. When the Government are able to get loans at $3\frac{1}{4}$ per cent I cannot understand why they should impose an interest rate as high as $5\frac{1}{2}$ per cent, i.e., $2\frac{1}{4}$ per cent in excess for the loans that are advanced by them. They may as well look to help the ryots by reducing the interest as much as possible. Then, Sir, I find some strange and queer conditions under the rules and one of them is that the loans should be advanced only to those whose properties do not exceed Rs. 3,000 in value. I do not think there is any justification to put in a bar like this. If a man is to have property more than Rs. 3,000, is it a sin on his part that he should be left out of the benefit of this Act? It does not seem to be fair, Sir, that Government should consider the matter in this way. They should see that the benefit is extended to one and all. Another thing is that they are advancing loans only to the maximum extent of Rs. 2,000. This is also a thing which the Government will have to reconsider. In limiting the loan to Rs. 2,000 many people who are in dire need of a loan exceeding that amount and have enough properties to give in as security will be left out of the benefits that can be derived by this Act. So I do not think it is desirable to shut such people out. When the Government have got sufficient security they may as well come forward and advance a loan since it is clear that there is no danger or there is no loss to the money they are advancing. Then, Sir, with regard to the fixing of the amount that is to be advanced to an applicant a

4th February 1936] [Mr. K. A. Nachiyappa Gounder]

loan, the procedure that has been initiated in the present rules is rather very curious. It is stated that the Loans Officer should fix the sum of each debt which in his opinion and in the circumstance is in equity fair to both the applicant and his creditor in full settlement of the debt but in no case it should exceed twice the principal or principal and interest at six per cent simple interest, whichever is less. I do not know what powers the Loans Officer has got to fix in an arbitrary way and force the creditors to come down to the amounts so fixed by him. The only power he seems to have got is that he may reject the application if such a settlement is not reached. Then what is the remedy for the applicant? Nothing. Under such stringent conditions, I doubt, Sir, whether any appreciable number of applicants could derive some benefit by this Act. It will not also make the creditor's position easy, to go readily to the Loans Officer and have the debts due to him settled in an easy way. Rules must be made in such a way as to bring in the debtor and the creditor to some amicable settlement. The present rules, I fear, will as well prevent such a course. I can illustrate the difficulty by a specific example. Supposing a man borrowed a sum of Rs. 200 from another by mortgaging his lands worth Rs. 1,000. Also suppose that owing to non-payment of interest for a long time the principal and interest come to Rs. 500, i.e., exceeding twice the principal, and the creditor is not willing to accept anything less as he has got properties worth Rs. 1,000 as surety. In such a case the Loans Officer has under the existing rules to say that because the principal is only Rs. 200 and the principal and interest exceeds Rs. 400, he cannot comply with the request and he will have to reject the application even though the party has got a property worth about Rs. 1,000 to be given as mortgage and he is willing to relieve himself by paying in full, i.e., Rs. 500 to his creditor. Rules such as this may work a good deal of hardship for the applicant and so the Government must see that the benefit of this legislation is availed of by the ryots by adopting such rules as will make it easy and advantageous to get loans. With these few words, Sir, I move my amendment and I hope it will be accepted by the House."

Mr. AHMED MEERAN:—"I second it."

Mr. A. RANGANATHA MUDALIYAR:—"Mr. Deputy President, Sir, in the course of the discussion on these amendments it has been suggested that the loans advanced under the Agriculturists Loans Act for the improvement of land were utilized for purposes other than those for which they should have been utilized. I am afraid it is a serious statement to make, which is not borne out by facts. According to the rules, when a loan is advanced under these Acts an officer has to go and inspect and report whether the work for which the loan is taken has been executed or not. There is an inspection of it by the tahsildar, and the deputy collector, if not the Collector also. To suggest therefore that these loans have been utilized for other than bona fide purposes and that all the officers in the district from the Collector down to village officers were parties to a more or less fraudulent transaction is far too

[Mr. A. Ranganatha Mudaliyar] [4th February 1936]

serious a statement to make and I submit it is neither correct in fact nor fair to the people concerned. Having said that, Sir, I must proceed to the further question how far the Government should collect the loans they have advanced under this Act. I agree with Mr. Gopala-swami Mudaliyar that these loans served the purpose of relieving distress in the district, not because the borrowers did not execute the required works but, in the carrying out of the works, they employed themselves and others and earned for themselves the remuneration due to them. In that way these loans were really a measure of famine relief. Government must take note of that fact and not overlook it. Government have been trying to collect loans for the last several years. With what result? Unfortunately seasons have been successively bad years and even after a good harvest, what is left to the ryot is hardly enough for even a part of the year. It seems to me therefore a sound proposition for the Government to consider the economic condition of the ryots and see how far they would be justified in recovering the loans advanced to the ryots under the Takkavi Acts when really they would have to spend far more than the loan amount for relief of distress, if they had undertaken the work themselves. For this purpose, the Government may take all the villages in which large scale loans have been advanced and classify them according to the average outturn of important crops of those villages during the last series of years. If on striking an average you find that the people of certain villages have not realized more than three-fourths of the average outturn then I submit Government may make up their minds to remit one-fourth of the loans advanced to them. If the average is half they may remit half; if the average is one-fourth let them remit three-fourths. Proposals to this effect were submitted to the Government some time ago and as a result thereof they remitted the interest due on these loans. But they did not proceed further presumably because of the then financial conditions. But then, Sir, after all there must be a certain element of humanity in the administration. If it is difficult for people, even under normal circumstances, to make both ends meet, it is bad policy to place a heavy burden on them. I therefore submit to the Hon. the Revenue Member and the Hon. the Finance Member that they may kindly take up this matter and regulate the remissions according to the condition of the villages as determined by the average outturn of the last several years.

12-45
p.m.

“ One thing more I submit. In one of the answers to the questions given to-day, the Hon. the Revenue Member mentioned the commutation price that had been taken into account for the resettlement of certain districts and the price as it would be if calculated on 1st January 1936. The prices given were for paddy, and I have to confine myself to them. In the Bellary district, the commutation price was taken at Rs. 167, if I remember rightly, for purposes of resettlement, and the present price is put down at Rs. 190. At once by a comparison you will see what little margin is left for the change in the conditions for the people. It is said, Sir, that, according to the rules followed by the Settlement Department, the enhancement is never made at the full

4th February 1936] [Mr. A. Ranganatha Mudaliyar]

permissible rate, but that a liberal margin is made for increase in the standard of living, for merchants' profits, for distance from the market and so on. You will see that if all these percentages are allowed, they will certainly come to more than 25 per cent. But according to the figures furnished to us, the difference is not even 23 per cent. Therefore, I submit that this is yet another reason for the Government to take into account in the case of these famine-stricken villages and deal with them liberally in the matter of collection of the loans due by the agriculturists.”

* The Hon. Sir CHARLES SOUTER:—“ Mr. Deputy President, Sir, this motion is in two parts. The first is concerned with the large amount which was surrendered during the year 1933-34 in the allotment for loans under the Agriculturists' Loans Act and the Land Improvement Loans Act. Some Members, I think, seem to think that this sum of Rs. 5.64 lakhs was the total allotment; out of that Rs. 5.40 lakhs have been surrendered; in other words only Rs. 4,000 was given as loans. It is not the case at all. I cannot recollect accurately the amount budgeted for in the year under those two Acts. But the average is somewhere round about Rs. 14 lakhs a year, and this year it is Rs. 20 lakhs. Quite apart from that, I quite agree that this amount surrendered is too large a proportion of the actual allotment under the budget, and I will take steps to bring this matter to the notice of the Board of Revenue and ask them to see so far as they can that such large surrenders do not occur in future.

“ This brings me to the second portion of the motion which is concerned mainly with the administration of the new Act which we brought in last year under which we can grant loans for the discharge of debts under those two Acts. There I think it is more than possible that every penny we budget for under those Acts will in future be spent. Because, I can assure the hon. Members that in the very limited area in which we have introduced our recent Act the number of applications which are coming in is so large that there is every likelihood that all our allotments will be spent.

“ But, Sir, certain criticisms have been advanced which seem to show that the rules which we have framed for the carrying out of the relief of debt are not acceptable. First of all, the criticism is made that the maximum amount of loan which can be given under this Act is Rs. 2,000. Now, Sir, that sum is deliberately placed there in order that we should not by our loans under this Act interfere in any way with the operations of the Land Mortgage Bank, and also we had in view the possible enactment at that time of the Bill which will be passed into law at this sitting of the Council, viz., the Debt Conciliation Bill. We have had to take that into consideration. Our Act, as we all remember, was designed to help as far as we can the smaller debtors who form a very large part of the total number of debtors in this Presidency, and we do not think it is a legitimate form of help under that Act to grant loans to debtors who have taken very large loans. By doing so, a considerable number of smaller debtors would

[Sir Charles Souter]

[4th February 1936]

never be relieved, considering the amount of money which Government have at their disposal for the purpose. That, Sir, was the reason why we fixed the amount of loan at a maximum of Rs. 2,000. Then, Sir, it was subjected that the rules did not apply to future debts. I think that that criticism forgets that the Act which we passed was brought in very largely in consequence of the report of the Special Officer who was appointed to enquire into the rural indebtedness, and his conclusion was that something like Rs. 200 crores of debt was now owed by the agricultural classes. It was to relieve that more than future debts that that Act was passed. I think it was done rightly for this reason that a large portion of that debt was caused by the recent economic depression, and it was to relieve the unfortunate people who were driven to take loans that the Government took the steps which they have taken to advance loans for the relief of debt. If, however, we are going to increase or extend our activities in the manner suggested, well, Sir, I do not think that even the finances of the United Kingdom would be able to bear the strain.

"Well, Sir, there was some criticism as to the apparent dictatorial powers given to the Special Officer who is administering the grant of these loans. Some one must be appointed in the matter, and I do not think we can do any better than give these powers and give him wide discretion to dispose of the applications he receives in as quick and summary a manner as possible. For, after all, what we want is quick disposal of those applications by adopting a procedure by which this officer's decision is speedily given, as otherwise we shall never get through our work at all. I must also remind the House that this Special Officer has sitting with him an influential man of the locality who knows the people and advises him as to the lines on which he should act. Both the Hon. the Finance Member and myself have actually seen one of those officers working, and it struck us that he was getting through his work very well indeed and that the applicants who numbered scores of them seemed to be perfectly satisfied with the procedure adopted. The only criticism on his action was as to the amounts of debts he has scaled down, which I think answers one of Mr. G. Rameswara Rao's criticisms. In other words, he did not exercise his dictatorial powers in such a manner that he was unduly favourable to the creditor and not to the debtor. In Rajahmundry, the other deputy collector has just started work, and I have seen his last report. And although he managed to grant loans to the extent of something like Rs. 33,000, he had only managed to scale down the debts by Rs. 3,000, that is to say, about 10 per cent. (Interruption.) Mr. T. A. Ramalingam Chettiyar seems to suggest that it may be only on paper. But, however that may be, it seems to me that unless he is able to do more than that we shall not be able to give a vast amount of relief to the agricultural debtor. In the Chingleput district—I am merely stating it from memory—if my memory is correct, the scaling down was something like 20 per cent; but even that was with reference to longstanding debts. If we take into consideration debts of recent origin, it must be obvious to everybody that no creditor will agree to scale down his debts

4th February 1936]

[Sir Charles Souter]

at all. By insisting on scaling down of recent debts, we will only prevent the agriculturist from getting a loan which otherwise he might possibly raise quite comfortably.

"Then, Sir, in regard to this idea of compulsion, I will only draw the hon. Member's attention to the terms of that Bill which I hope will be passed to-morrow, which Bill really has a greater amount of compulsion in it, but certainly not the Bill which the Government passed last October.

"Then, I was asked why we were charging $5\frac{1}{2}$ per cent as interest on our loans, while we were getting our own money at $3\frac{1}{4}$ per cent. The answer is obvious. I do not wish to make a comparison with the Land Mortgage Bank; their rate of interest is higher than ours. But I must point out that our cost of machinery for carrying out this Act is high. Remember that we have just deputed two deputy collectors, and we shall have to appoint probably a considerable number of revenue inspectors for the purpose of carrying out this Act, and those officers do not cost little. I think as people in charge of public revenues we must see that the rate of interest which we charge, considering also the fact that the market rate is higher, is one which will not leave the general tax-payer at a loss. That is the sole reason why we had to charge this rate of $5\frac{1}{2}$ per cent.

"Then, Sir, Mr. Gopalaswami Mudaliyar made a statement with 1 p.m. reference to which I have to say that it has been answered, so far as I am concerned, to my satisfaction by Mr. Ranganatha Mudaliyar. To that statement, namely, of giving of loans for purposes not connected with agricultural operations, all I can say is that the officers probably did not know about it and I cannot believe that that sort of thing was of any general application, and I think I have only to give the remarks made by Mr. Ranganatha Mudaliyar as a sufficient answer to that allegation.

"Then I take into consideration the further amendment moved by Mr. Nachiyappa Gounder who wished that the Act for relief of indebtedness should be extended as widely as possible to other parts of the Presidency. That, Sir, the Government will do as soon as they can. The fact is that it is going to be a very costly method of proceeding. We shall have to bear it. If the result of all the trouble we are taking is simply to scale down the indebtedness to 10 per cent, it seems almost useless to go on with it. The real benefit the ryot will get would be very little. We have recently emphasized to the officers concerned that they must make endeavours to scale down the debt to a greater extent and if that is done I assure this hon. House we will extend our operations elsewhere, I cannot say to what extent, but we shall do it to the utmost of our power.

"Then, Sir, Mr. Ranganatha Mudaliyar made some remark with reference to his district. I only think with all respect to him that on this Public Accounts Committee report it was hardly relevant or in order. I do not propose to answer it, except to say this, that to Bellary

[Sir Charles Souter] [4th February 1936]

we have given very special treatment. We have suspended the collection of loans, we have written off interest on loans, and in many cases we have written off loans as irrecoverable, and I do not think that the Bellary district, to which, if my memory is correct, we have advanced 25 lakhs of loans, can be said to be badly treated. How far they will be recovered will depend on the crops of the future. That is all I can say.

"I quite sympathize with Mr. Rameswara Rao in the fact that a large amount of loans budgeted for in the year 1933-34, were surrendered. I am not responsible for it. We are taking steps to bring that matter to the notice of the Board of Revenue to take such measures as are necessary to see that it does not recur. As regards the Agriculturists' Loans Act, Government intend to do all it can to work it successfully. Our rules are only temporary. We must see how they work before we can change them. If they are not satisfactory we will reconsider them. I think, Sir, in view of what I have said there is little object in pressing this motion."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, there are two points on which I have to join issue with the Hon. the Revenue Member in his usual sympathetic speech. One matter is, he said, Sir, that the rate of interest fixed by the Government in the recent rule is a fair rate and if they reduce it the general tax-payer will suffer. There I do not think the Hon. the Revenue Member is quite correct. The rate of interest the Government is paying to the Government of India is $3\frac{1}{4}$ per cent (the Hon. Mr. G. T. H. Bracken: 'Only recently.'). They propose to lend to the ryot at $5\frac{1}{2}$ per cent. There is a difference of $2\frac{1}{4}$ per cent. That I beg to submit is too much and can easily be scaled down by another half or one per cent. Even last year, when the rate of interest was a little higher we were pressing that it should be reduced to 5 per cent at the utmost. Now that the Government of India has reduced their rate of interest still further to $3\frac{1}{4}$ per cent, I beg to submit that the Government ought to reconsider their position at once and reduce the rate of interest they are charging to the ryot. In the case of the Land Mortgage Banks it is true we are charging now six per cent. The reason is obvious; we pay a higher rate for the debentures we are issuing to the public, because our credit, in spite of the guarantee of the Government, is not as high as Government's. Therefore we have to pay a little extra for the money we are getting from the public. And so naturally we are forced to charge a little extra. Not only that. Our loan has to pass through two channels. First there is the cost of the central bank, then there is the cost of the primary bank by which money is lent ultimately to the borrower. The cost of the administration of these two agencies has to be met in addition to the higher rate we are paying to the public. The Government has not got all these things. Without the intercession of a central bank and a primary bank, the cost of administration to the Government ought to be very much less. Such being the case they ought to be in a position to lend money at a lower rate of interest. That is a matter which I hope the Government will consider very soon.

4th February 1936] [Mr. T. A. Ramalingam Chettiyar]

"The second point, Sir, on which I want to say a word, is this. The Hon. the Revenue Member said that the cost of the special agency employed for giving effect to the new amendment in the Agriculturists' Loans Act is high and it will not be possible for the Government to extend it very largely, but still they will try to do it. That is what he said. Sir, I have been suggesting to him from the very beginning that he may use the ordinary agency of the Revenue Divisional Officer and the tahsildars in all the districts. Where the number of applications is very heavy, there he may think of having a special agency. I don't see why he should object to that course, and why he should always be thinking of special agencies. A special agency is costly and it will not be possible for Government to find special divisional officers but it ought to be easy for the Government to entrust this work to all divisional officers, and if in a particular area the number of applications has largely increased then they may think of special agencies. These are the two matters which I hope Government will take into very early consideration and see that the benefit of the Act is extended throughout the province."

* The Hon. the DEPUTY PRESIDENT:—"Is the hon. Member pressing his amendment?"

Mr. K. A. NACHIYAPPA GOUNDER:—"On the assurance of the Hon. the Revenue Member I do not press it, Sir."

The amendment was, by leave, withdrawn.

Mr. G. RAMESWARA RAO:—"May I know, Sir, when my district is likely to get the benefit of the new Act?"

The Hon. Sir CHARLES SOUTER:—"I shall forward the discussion to the Board of Revenue."

Mr. G. RAMESWARA RAO:—"In the light of the very hopeful assurance given by the Hon. the Revenue Member that he will forward the discussion to the Board of Revenue for the better administration of the loans department hereafter, I think I need not take up any more time of the House, and I withdraw my amendment."

The amendment was, by leave, withdrawn.

* Mr. G. RAMESWARA RAO:—"Sir, I beg to move—

'Add the following at the end:—

"And on such consideration this Council is of opinion—

'that a committee should be constituted to examine the provisions of State Aid to Industries Act and the rules framed under it and to advise the Government as to the modifications necessary to make the Act really useful for the industrial advancement of the country.'"

In moving this motion I refer to page 21 of the report under consideration, and also page 63 wherein fuller details are given, in the appendix. From the appendix I see, Sir, there are at least five instances of advances under this State Aid Industries Act which had to be written off, and could not be recovered. A notable instance is the advance to paper mills wherein a large amount of Rs. 3,86,428

[Mr. G. Rameswara Rao] [4th February 1936]

had to be written off as being irrecoverable. I am not here to criticize the basis on which the loan was advanced, whether a scrutiny was made before advancing such a loan, and how it was that such a large amount came to be written off. In the matter of improving the indigenous industries of the country some risks have to be taken by the State and some amount may have to be written off. But my point is that loans are not being given in as satisfactory a manner as possible, and no real impetus has been given for the development of the industries. As has been stated by them in the appendix as well as in the report 'The position is accepted that the Act has not been successful in stimulating the industrial development to any appreciable extent while the position of majority of concerns to which assistance was given affords little ground for satisfaction; but it is observed that the country is still passing through a period of widespread economic depression, and the Act is also capable of improvement.' It is that improvement that I want the Government to effect as soon as possible. The Act has to be amended as well as the rules under it. Recently, last month, about the 15th or 16th January I happened to read in the newspapers that the Council of the United Provinces have appointed a committee to go deep into the matter and see what further effectual aid could be given to industries. All I want at present is to request the House to follow the very good example set up by the United Provinces so that suggestions may be made to the Government to improve the Act and the rules, so that we may give the right impetus for the development of indigenous industries. With these few remarks, I move the motion."

Mr. K. A. NACHIYAPPA GOUNDER:—"I beg to second it. We also find that in the Public Accounts Committee Report they make the same recommendation, and so I don't think there will be difficulty in accepting this motion."

* The Hon. Mr. P. T. RAJAN:—"Sir, it has been admitted that the working of this Act has not been satisfactory. The Public Accounts Committee's recommendation is that the matter should be looked into. On receipt of that recommendation we have asked the Director of Industries to offer his remarks and when those remarks are received they will be submitted to the Board of Industries which consist of men who represent industry, commerce and so on. When the recommendations of that Board are received by Government I will certainly consider the question of obtaining the views of this House on them. I hope with this assurance the hon. Member will withdraw his motion."

Mr. G. RAMESWARA RAO:—"I withdraw."

The amendment was, by leave, withdrawn.

* Mr. G. RAMESWARA RAO:—"Sir, I beg to move—

'Add the following at the end:—

"And on such consideration this Council is of opinion that effective retrenchment in the Kerala Soap Factory should be made as there is no market for its turnover and as the said factory is now working at a serious loss."

4th February 1936] [Mr. G. Rameswara Rao]

"I must first explain what I mean by serious loss. It is only loss in the sense that the capital invested in the concern is out of proportion to the turnover or that the earnings are much less than in previous years. It is this comparative loss that I refer to. Sir, at page 27 of the Report of the Public Accounts Committee we find: 'The Accountant-General has brought to notice the fact that the net profit of the concern in 1933-34 was Rs. 9,126 as against Rs. 54,150 in the previous year.' This shows that our profits have gone down by Rs. 40,000, and the explanation given is that it is 'due chiefly to a large reduction in the turnover of the institute.' We find: 'the Accountant-General has remarked that the necessity for effecting a reduction in the overhead expenses in proportion to the reduced output would arise if the latter tended to become a permanent feature of the concern.' What I want to put to the hon. Members is whether it is necessary to wait till such moment and then look up the balance sheet. I would suggest to the Government, on the other hand, that the moment there is a reduction in turnover and the overhead charges continue what they are, they should take a right-about-turn. One of the suggestions made by the Committee is the possibility of meeting in full the soap requirements of all departments of Government (especially jails and medical) from the Kerala Soap Institute. In other words, it comes to this: we are not able to keep pace or compete with the market in general; therefore give us a sort of patronage and make us go on somehow or other, whether the Government stands to gain or lose. We will thrust our products upon the Jail department and the Medical department and somehow find sales for them at fancy prices. I suppose that is not businesslike. If you want to run a commercial institution, you must be able to compete in the open market. This institution was started as an experimental concern. You have shown that the soap industry can thrive in this country. Now you find that your profits are dwindling and before you begin actually to incur loss, you should retire from business."

"It is one thing to say that there is some research made in oils in this factory. If your idea is to do research in oils, the best thing to do is to open a separate institute for it and show the public how they can make money by starting similar enterprises and not combine it with this Soap Institute and keep it going even at a loss. This is certainly a very bad precedent to be set either to the succeeding Government or to the people who want to start new industries. If people find that in this institute you are incurring a loss, it will discourage them and they will have no desire to start similar industries. Therefore, instead of calling it a soap factory and then saying that you are carrying on research in oil there, it is better to call it an oil concern and give the public the benefit of the researches made therein. I submit that the Kerala Soap Factory must be reduced to the irreducible minimum so far as soap manufacture is concerned and if it is the idea to carry on oil research, you must start another institute for the purpose."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second the motion."

[4th February 1936]

* Mr. A. RANGANATHA MUDALIYAR:—"Mr. Deputy President, I think from the facts stated by the hon. Mover himself, the proposition cannot command the support of the House. That proposition has definitely been put forward on the assumption that we have been incurring a severe and heavy loss. When it is not so, when the factory is earning a profit, though smaller than in previous years, the reason for its abolition has altogether disappeared. I should say, Sir, the results of the concern might be shown in a more attractive form if certain things are taken note of by the Hon. Minister. For one thing the capital of this concern is far too high. It was established at a time when people had not much experience of starting industrial concerns. A large amount of capital was therefore invested. I think they should now take the value of the concern at what it really would have been, if it had been started by a good business man and reduce the figure shown as capital proportionately. On that basis, we would find that we are getting from the concern a higher percentage of income.

"Secondly, the Government are pursuing a wrong policy in keeping all these experts on a temporary basis. This does not give an incentive for a person placed on a temporary scale with the probability of being turned out at any time, to do his very best in anything that he does. I am saying this from my own experience of a particular concern. When I went there and talked with the man in charge and asked what he had done, he said that he has done something here and something there. When I asked him further as to what results he had published, he said he had done nothing and the reason given was that his tenure of office was temporary and if he published any results of his work and was thereafter turned out of office, he would have no means of earning his bread. This is an actual case that came within my experience. Human nature being what it is, one cannot expect people occupying temporary posts to do their very best knowing that even their very best would not be appreciated by the Government and their tenure of office would still be insecure. I therefore suggest that these experts should be placed on a permanent basis. They can do a lot of work. The present man in charge of this factory has been trained for other kinds of work also. If he has finished the soap work, why should he be placed in charge of the same any longer? He may be put in charge of some other work and his pay debited to that work. In conclusion I would say that so long as the factory is working at a profit, small or great, I deprecate its being abolished."

* The Hon. Mr. P. T. RAJAN:—"Sir, when this matter went before the Public Accounts Committee, they made the suggestion that the overhead charges should be reduced in view of the smallness of the profit compared with the previous years. So, it is only a question of reduction in the profit and not a question of the institute being run at a loss. The reduction in the profit is due to various causes, one of them being the present state of depression and, the others, competition of foreign manufacturers and other soap makers who have been turned out of this institute, who offer better terms to people in the way of

[4th February 1936] [Mr. P. T. Rajan]

advertising and selling their goods. The Soap Factory is not a commercial concern and as such it cannot compete with them and offer lower rates. In order to see that the maximum turnover is obtained and also maximum sales are found, the Director of Industries is addressing all the other Heads of Departments—the consuming departments, to see that they place their entire order for soaps with this factory. When that is done, I am quite sure there will be every chance of the profit going up. At this stage I would give the House the figures of turnover of this institution for the last three or four years. In 1931–32, it was 279 tons; in 1932–33, it was 51 tons; in 1933–34, 203 tons and in 1934–35, 170 tons. The profit for these years are for 1931–32, Rs. 4,436; for 1932–33, Rs. 4,150; for 1933–34, Rs. 9,126 and for 1934–35, Rs. 6,629. So, in proportion to the reduction in turnover, there has been a reduction in profit and now the department proposes to increase the outturn and the profit by asking other departments, as I said a minute ago, to get all their supplies from this factory. I hope what I have said will convince hon. Members that this institute is not working at a loss.

"Now, I would like to point out that we should not take the manufacture of soap alone as the only activity of this institution. It has two other activities, namely, research and education. In the field of research and education, it has been doing good work. Till recently the Superintendent had been engaged in soap making. That work is now over and he is engaged in improving various oils.

"As regards Mr. Ranganatha Mudaliyar's suggestion that the capital of the concern should be revalued. I am quite willing to look into the matter.

"The hon. Member's next suggestion was that the Government should not keep these experts on a temporary basis. He said that insecurity of tenure takes away the incentive of these men to do their best. To some extent it is true. As a matter of fact, in the case of these experts, we have been appointing them on contract; especially during these days of depression it has not been possible to make all these appointments permanent. But I do hope that a time will come when all these experts will be made permanent and the best work got from them. In view of these remarks and in view of my assurance that we shall endeavour to make the manufacturing aspect of the institute pay as much as possible, I hope my hon. Friend will withdraw his motion."

The amendment was by leave withdrawn.

The House then adjourned for lunch.

(After Lunch—2–30 p.m.)

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, I beg to move the amendment standing in my name which runs as follows:—

'Add the following at the end:—

"and, on such consideration, this Council is of opinion that the proposal for the drastic reduction in the budget estimates under grants for water-supply and drainage purposes, a very

[Mr. K. A. Nachiyappa Gounder] [4th February 1936]

important service of vital necessity, is not a sound policy, but on the other hand effective steps should be taken to spend the whole amount, and even ask for more by relaxing the conditions for the issue of such grants, in view of the difficulties experienced in, and the unhappy position of, the rural areas, and especially the panchayat towns in the matter of water-supply and drainage system."

On going through the Public Accounts Committee Report, I am sorry to find that as a remedy for the surplus being left under the item of mufassal water-supply and drainage, the 'Local Self-Government Department have agreed to make a drastic lump-sum deduction in the budget estimates under the above head in future years and the percentage of deduction to be made on this account is being examined.' I am really much worried to find these remarks in the report. Sir, this is a matter wherein you will require any amount of funds to relieve the sufferings of the people. You will find to-day that many of our villages and towns are badly in need of such amenities. When we make complaints about this, we are confronted with the answer that the Government have not got sufficient funds forthcoming to meet such expenditures, but in the Public Accounts Committee Report, we are surprised to find that they do not find the means to expend the money and surrender a good deal of this meagre allotment. This is rather a curious position and, in the best interests of the country such a thing should not be allowed to repeat. I may say without fear of contradiction that in almost all the districts the rural areas especially panchayat towns are badly in need of real help in the matter of a suitable water-supply and drainage scheme. But even in cases where some schemes are thought of or formulated, we find that they are not carried through with sufficient care and enthusiasm and the Government and the department instead of helping raise all sorts of intricate and impossible problems and thus they are not brought into fruition in time and the grants that are allotted for these schemes are not spent. So, Government should look into this question and see that this state of affairs does not continue any longer. As a concrete example of delay, I may state here that with regard to the proposed scheme of Salem water-supply from Mettur Reservoir, the Government are not taking as much enthusiasm as they ought to in such matters. This is indeed a sorry spectacle that the Government should move in such a slow manner, instead of taking prompt and immediate steps to complete the work without any delay. I think I will be relevant to speak on this subject . . ."

* The Hon. the PRESIDENT:—"Is Salem a panchayat or a municipality?"

* Mr. K. A. NACHİYAPPA GOUNDER:—"Though it is a municipality, it comes under the general schemes of water-supply and about the delay caused in such matters I think I can have my say, Sir. With regard to this scheme, Government have passed orders for appointing a staff to prepare the plans and estimates necessary for the purpose. 1.

4th February 1936] [Mr. K. A. Nachiyappa Gounder]

am very sorry to hear the other day, from an answer to a question of mine, that the staff had not yet been appointed. I think the order for appointing a staff was made as early as May or June 1935, but the whole thing was kept without any action being taken almost up to this date. That is what I infer from the answer. This state of affairs is not conducive to the best interests of the country. If the Government take up a scheme, they should see that it is pushed through and brought into effect as early as possible and no loss of time should be allowed, because of such waste of time the Government are put to the necessity of surrendering the grants if not in this work but in other works for which allotments are made. I wish the Government look into this question and see that such delays are not made in future and that the schemes are carried out as quickly as possible.

"Then with regard to other areas where schemes for water-supply and drainage are an immediate necessity, I may state here that I have put a number of questions in the matter of such schemes for the panchayat town of Yedapadi in Salem district. That is a considerably big town and is very thickly populated. It is in acute need of a proper water-supply and drainage scheme. For all the questions that I put the answers consist of some lame excuses and oftentimes it is said that for want of funds the Government were not able to take up such schemes. I also learn, Sir, that in making these grants the Government impose so many conditions and one of such conditions is that the local body will have to find one half of the amount required for the scheme. In very many cases the panchayats are not able to comply with these conditions and cannot undertake any scheme at all, but allow the people to continue to suffer endlessly. So I urge upon the Government to examine this question and see that such areas as are in acute need of such schemes, are given help by relaxing the conditions and giving as much grant as is necessary. With these objects in view, I move the amendment standing in my name and request that the Government at least in future should help the rural areas by pushing through the schemes as quickly as possible so that those areas may derive the benefit early. In this connexion I would also urge once again that Government ought to revise their conditions for making grants so that the rural areas and panchayat towns may take advantage of them as much as they can and introduce water-supply and drainage schemes which are the needs of the day."

Rao Sahib V. I. MUNISWAMI PILLAI:—"I second it."

The Hon. Mr. P. T. RAJAN:—"Sir, my Hon. Colleague was not aware of this amendment. I have just sent word to him, and so I move that it may be taken up a little later."

* The Hon. the PRESIDENT:—"The Hon. the Chief Minister could not have been unaware of this item, because it was the first to be taken up after lunch. Mr. Russell may answer."

* Mr. T. B. RUSSELL:—"Sir, I was not present in the House when my hon. Friend, Mr. Nachiyappa Gounder was speaking on this motion in regard to rural water-supply. I should like in the absence of the

[Mr. T. B. Russell] [4th February 1936]

Hon. the Chief Minister to emphasize the fact that the Government are fully alive to the necessity for these works and that there are only two considerations which prevent them from proposing a larger amount of money for them. One of these considerations is that the supply of funds available is strictly limited. In addition to that there are certain administrative difficulties. The question of water-supply is a very difficult and complicated matter and it is not always possible for the Government to get certain preliminaries done quickly."

* Mr. K. A. NACHIYAPPA GOUNDER:—"I am not satisfied with the answer. According to the report a good deal of amount has been surrendered and Government do not seem to have taken proper steps to see that the schemes were pushed through without much delay and there is no definite promise either and the Minister himself is conspicuous as he is absent. So I would like to press my amendment."

The amendment was put and lost.

2-45
p.m.

* Mr. K. A. NACHIYAPPA GOUNDER:—"I move, Sir, that the following may be added at the end:—

'and on such consideration, this Council is of opinion that the fact of allowing a good portion of the grant under "Electricity" —Grant XVI to lapse is much regrettable and cutting down the grant for future years is not a correct policy, but prompt steps should be taken to sanction schemes in the matter of expansion of electricity to all possible places at an early date, as it is likely to yield good profits also.'

Sir, just a day or two ago, in answer to a question of mine, the Government said that they were charging 1 anna per unit of electricity used for agricultural purposes. It is not sound in principle and it is no wonder that Government are surrendering huge sums if they adopt such stringent rates. We find from the report that about 46.3 per cent of the amount available for expenditure was surrendered. If the Government had taken prompt steps in the matter and had also taken a correct view in regard to the supply of electricity to rural areas and in popularizing the same and to make it economical for the ryots also to use this power, I do not think there would have been any necessity to surrender anything at all and works may be carried on to any extent. They could also have earned sufficient profits on the sums invested by them.

"As regards the rates, the Government should give some consideration to the point of view of the ryot and reduce the rates for agricultural purposes. The Government should also push on more vigorously with the distribution of electricity to rural areas. I understand that the Mysore Government charge only 6 pies per unit for agricultural purposes; if so, I cannot understand why our Government should charge 1 anna per unit. In order to help the agricultural population as much as possible, the Government should reduce the rates and extend their rural supply schemes.

[4th February 1936] [Mr. K. A. NACHIYAPPA GOUNDER]

"In the matter of the extension of electric supply to various towns, the Government must move more quickly. If they had done so, there would be no necessity to surrender any allotment. I have been repeatedly drawing the attention of the Government to the extension of electric supply to a number of towns in Salem district, such as, Trichengode, Yedapadi, Sankari, etc., but the Government have been saying that they were in correspondence with the company. I submit, Sir, that a good deal of time has been wasted in this correspondence and that the Government should take up such matters in right earnest and do things quickly. In future years there may not be sufficient money for making allotments for electric supply schemes; therefore I urge that Government should push forward vigorously with electric supply schemes when funds are available.

"With regard to profits also, in answer to a question of mine the other day regarding the electrification of Kodumudi town, the Government said that they considered that the total expenditure that is to be incurred on any scheme should not be more than eight times the profits realizable from it, that is to say, the profits should be 12½ per cent. Government should not look forward to get this high rate of profit. I do not think, Sir, that they are getting this high rate of profit in other undertakings. Even the private money-lenders do not get such high rates of interest in the money-dealings in these days. If the Government reduce the rate of profit that they expect from such undertakings, I think they will be able to take up readily and push on with more electrification schemes and thus, there will be no necessity for surrendering any portion of the allotment and thereby get a large amount of profit if not from few, but from a large number of such schemes.

"It is only to impress these few points, Sir, that I gave notice of my motion. I hope the Government will take note of them and see that they set about the work of electrification of as many places as possible in right earnest, and see their way to reduce the rates also."

The motion was duly seconded.

* The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, while I oppose the amendment of the hon. Member I must say I am in great sympathy with the hon. Member for in effect what he urges does not differ from the policy of the Government. Apart from the question of extending the lines to the various villages and towns in which my hon. Friend is interested and about which he is never tired of asking questions in this House, I must say that so far as the other portions of his amendment are concerned, the answer to them will be found in a note which was supplied to the Public Accounts Committee which was completely satisfied with it. The note says that the net savings in 1933-34 were Rs. 21,28,875. The net saving is to be accounted for by the non-expenditure of almost the entire provision under 58-j. Cochin line. The hon. Member will notice that the amount originally meant for the Cochin line under 58-j. is about Rs. 15 lakhs. As the scheme was dropped by the Government in the course of the

[Sir K. V. REDDI NAYUDU] [4th February 1936]

year in favour of a more profitable scheme within the presidency, a sum of Rs. 14,98,500 was resumed by Government. The hon. Member is perhaps aware that our attempts to enter into an agreement with the Cochin Government could not be continued after a certain stage as the Cochin Government had arranged for their own electric supply. Again under 58-k. Erode-Trichinopoly line, there was a budget provision of Rs. 13,52,000. But owing to unforeseen causes such as the delay in getting the guarantee of revenue from the principal consumers at Trichinopoly and the sanction to the scheme being accorded very late in the year, the entire budget provision except about Rs. 2,000 had to be resumed by Government. But in subsequent years there was no necessity for such surrenders. Savings are to be found only in the year 1933-34 and these two reasons given in the note, namely, the dropping of the Cochin Scheme and the fact that the sanction for the Erode-Trichinopoly line was given late in the year, explain why such savings were made. But I may assure the hon. Member that wherever there is any possibility of spending any amount with profit, certainly the Government will accept his suggestion with the greatest pleasure. In fact I may add here that in the Chief Engineer for Electricity, the Government have got an officer who is perhaps very pushful—if I may use that word—in working these lines and securing as much profit as possible without any hardship to the people.

"The hon. Member has mentioned the case of Mysore. I have often said that the conditions in Mysore may not be the same as those in our province and any analogies drawn from any other province or State may not be applicable to our province. At the same time, I think I may assure my hon. Friend that no opportunity would be lost in pushing forward with electrification works wherever possible so long as it is not detrimental to the public revenues. For my hon. Friend must remember when he is asking for a reduction in the rates charged for electric current, that Government have been financing these electric works from the revenues of the province and that they must get adequate return for the investment in order that they may fulfil the trust placed in them to the satisfaction of the country as a whole. Judged by that standard, I think it cannot be said that the Government have failed to discharge their trust so far as the great electric works undertaken by them are concerned.

"As regards the other points raised by the hon. Member, I can assure him that every effort will be made to carry out the policy suggested by him to the extent that is possible under the circumstances. So far as the villages to which he has referred are concerned, enquiries have been made and it was found that in the case of one village it was not possible to execute the work as the requisite revenue cannot be expected from it. As regards the other villages, enquiries are going on and I can assure the House that wherever possible, subject to the accepted principles which have been so often mentioned in this House, these works will be carried out with the greatest possible speed in the circumstances. I therefore hope that the hon. Member would have no objection to withdraw his motion."

4th February 1936]

* Mr. K. A. NACHIYAPPA GOUNDER:—"Mr. President, Sir, I have no objection to withdraw my motion. But I should say that the assurance given by the hon. Member with regard to the rates is not encouraging. I hope he will go into the question once more and I am sure he will find that if he reduces the rates, he will be able to extend these schemes to a much greater extent and realize a good deal more by way of profit although the actual percentage may not be as high as he expects. With these words, I beg leave to withdraw my motion."

The amendment was by leave withdrawn.

* Mr. K. A. NACHIYAPPA GOUNDER:—"I beg to move, Sir, that the following be added at the end:

'and on such consideration this Council is of opinion, that the slackness in the matter of acquisition of house-sites for depressed classes is not at all desirable when in very many places they are suffering for want of proper sites for their dwellings, and effective steps should be taken to push on a vigorous policy of providing suitable house-sites for these unhappy classes of people.'

Sir, the Government have allowed a good deal of the amount allotted for this purpose to lapse and the excuse put forward is that the Commissioner of Labour has reported that it was too late to begin the work and he could not spend the amount within the financial year. I am sorry, Sir, that we cannot accept this kind of answer. My point is whenever any amount is allotted for a useful purpose like that of providing house-sites for the depressed classes, the opportunity must not be lost but must be availed of to the fullest extent. We find, Sir, 3 p.m. in rural areas, in very many places the depressed classes people have no proper house-sites at all and they are dwelling in low places which are very often submerged during times of rain. This state of affairs exist, I should say, in all districts and the majority of cheris are suffering by this kind of difficulty. So, it must be the endeavour of the Government to see that as much amount as possible is allotted and spent to the fullest extent so as to give relief to these needy people. In all places we find that they are hard pressed for house-sites and so I wish the Government would see that they make use of the allotment and give better places for these people to live in. With these words I beg to move the motion."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Sir, I beg to second the amendment moved by my hon. Friend. I shall try to point out that the explanation given by the Labour Commissioner is not at all satisfactory. I find, Sir, that under Grant 39, a large sum of money was not at all utilized for the purposes stated therein, especially on the acquisition of house-sites for depressed classes. If you take a list of the amounts allotted to the depressed classes for house-sites during the last four years, it will be thus;—originally it was Rs. 2½ lakhs; subsequently it became Rs. 2 lakhs; it now stands at Rs. 1.50 lakhs. For

[Mr. V. I. Muniswami Pillai] [4th February 1936]

some time the post of the Labour Commissioner was abolished and they could not utilize the full amount set aside for the acquisition of house sites. It is not only in one district; in all districts there is much clamour for the acquisition of house-sites. Even the Public Accounts Committee that went into this matter say that the Commissioner of Labour should not have stopped the acquisition of land for the depressed classes without taking the orders of the Government in the matter. It is a very serious matter that the Labour Commissioner did not take the permission of the Government for utilizing the amount set aside for house-sites. His only explanation is that he came to the conclusion that, in view of the Government's financial position, it was better to adopt a policy of caution. The Government themselves and the Legislative Council after considering many items, allotted these amounts for house sites. The excuse of the Labour Commissioner which I just now read out is a very lame excuse. It is high time that the Hon. Member who is in charge sees that these amounts which are very necessary for the advancement of the depressed classes should not be cut. So, I would earnestly appeal to the Hon. the Home Member to see that he brings forward a supplementary grant and to see that the amounts already surrendered are sent to the Labour Commissioner and utilized at least in future years. With these words I second the amendment of Mr. Nachiyappa Gounder. In very many places the depressed classes are suffering for want of proper house sites for dwelling. Effective steps should be taken to supply them with house-sites".

* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" Mr. President, Sir, I think it is hardly necessary for me to inform the House at this stage how anxious the Government have all along been to do all they can to ameliorate the condition of the depressed classes people and to provide as much as possible every kind of amenities. No doubt a point has been made by the mover and seconder of the motion about the non-utilization to the fullest extent of the fund allotted during the year 1933-34. I should like to point out that, that was the time when there was financial stringency and it was not possible to have a full-time Labour Commissioner. Hon. Members of the House will be aware how this post which was created mainly to cater to the needs of the depressed classes had for some time to be kept in abeyance, owing to the financial strain which the Government was at that time feeling. But the post was resuscitated next April in 1934 and since then the activities of the Labour department by way of providing amenities to the depressed classes have been going on in full swing. The hon. Member for Ootacamund pointed out that the amount provided in the budget for the purpose of acquiring house-sites for depressed classes was gradually becoming less and less. But I think he would also realize that the difficulties of the Government in the matter of balancing the budget have been more and more and it certainly will not be possible for the Government at the present stage of their finances to go on increasing the provision in one particular field without affecting others. As far as funds permit, I may assure the House that steps

4th February 1936] [Mr. A. T. Pannirselvam]

will be taken and I am sure the activities of the Government in the past will also convince hon. Members of the House how very solicitous the Government have been, are and will be about ameliorating the condition of the depressed classes. As far as the acquisition of house-sites is concerned, it will be within the knowledge of hon. Members how there has been a widening of the policy of the Government so as to provide house-sites not merely for the depressed classes people but also for every landless agriculturist and how the policy has been further enlarged by providing that instead of requiring the depressed classes people or others for whom house-sites are required to deposit the full amount, the Government would make a half grant and advance the other half as loan to be paid in equated annual instalments to be spread over a long period. I may assure the House that to the extent to which finances permit, it would be the policy of the Government to provide not merely for the members of the depressed classes but also for other houseless and landless agriculturists, sites to erect dwellings upon. With this assurance I expect even my hon. Friend from Salem will withdraw his motion."

Mr. K. A. NACHIYAPPA GOUNDER:—" I withdraw my amendment."

The amendment was, by leave, withdrawn.

* Mr. K. A. NACHIYAPPA GOUNDER:—" Sir, I beg to move 'the last amendment standing in my name:—

' Add the following at the end:—

" and on such consideration, this Council is of opinion that the proposal for the withdrawal of the concession in registration charges for co-operative societies is not a move in the right direction and better interests and growth of these useful institutions; and besides the existing concessions, the matter of free grant of encumbrance certificates should be considered and given effect to instead of collecting half rate as it is inadvisable and unsafe to advance loans without looking into the encumbrances of properties and the borrowers find it hard to obtain encumbrance certificates by payment of even half rates on account of the necessity of paying heavy sums due to fragmentary nature of their holdings, and that the concessions so far given to the Land Mortgage Banks in such matters be continued for a further period of at least five years ".

I am compelled to move this motion as I am perturbed by the statement made by Government at page 22 of the Public Accounts Committee Report. Here the Government tell the members of the Public Accounts Committee that they are considering a proposal to levy full rates of registration charges for the co-operative societies. I am glad to find that the Public Accounts Committee has made a recommendation that the Government should not do like that but must

[Mr. K. A. Nachiyappa Gounder] [4th February 1936]

allow the existing concessions. I hope the Government will take the advice of the Public Accounts Committee in the right spirit and allow things as they are now. But I will not be satisfied with this concession alone; I should ask the Government that the original concessions they were enjoying should be brought in again. For carrying on the activities of the co-operative societies safely, they will have to obtain encumbrance certificates in a very large number of cases. If the Government were to charge even this half rate in the matter of obtaining encumbrance certificates, it will be very difficult to carry on the activities of the institutions. I may inform this House that in recent years resettlement has taken place in many districts and the position has become very difficult on account of that fact. As a consequence of survey and resettlement, many holdings have been converted into many small fragments and for each survey number we have got a good number of subdivisions. If a person wants to mortgage his lands, he is required to obtain an encumbrance certificate for each of the small holdings he has in different places and in different survey fields and he will have to pay a large amount for getting it. For instance, if a man is desirous of taking a loan of Rs. 100 and is obliged to pledge his lands which oftentimes consists of five or six fragments in various survey numbers—each having an extent of a few cents—and if he is to get encumbrance certificates, he will have to pay a great deal by way of fees for them. For these six different fragments he will have to pay about Rs. 24 to get the encumbrance certificates. To get a loan of Rs. 100 if one has to spend the considerable sum of Rs. 24 on encumbrance certificates which is afterwards a waste for him, will it be possible for the man to take advantage of the facilities offered by co-operative societies? It is quite necessary that some arrangement should be made by which those people who wish to take advantage of the facilities offered by co-operative societies, would be exempted from payment of the fees for encumbrance certificates. Recently such a difficulty was brought to my notice; from the co-operative union the matter has been taken to the notice of the District Bank, Salem, and I think the Salem District Urban Bank will be addressing the Government on the matter. The District Bank, Salem, adopt a system by which they do not require the production of encumbrance certificates in case of loans to be repaid in less than five years. I do not think it is safe to put these co-operative institutions which are working on mutual understanding and help, to the necessity of incurring the risk of advancing loans without looking into the encumbrances on properties. It is therefore quite necessary that these encumbrance certificates should be got free by these institutions which render help to their members who are mostly poor ryots. I would therefore insist on the Government examining this question. After all, Sir, my amendment is a moderate one and there can be no difficulty or substantial loss to Government in accepting it.

3-15 P.m. “Then with regard to the land mortgage banks, the Government have given this concession and it is being enjoyed now. I think the period expires this year or in 1937, and it is quite necessary that the

4th February 1936] [Mr. K. A. Nachiyappa Gounder]

period should be extended by some more years, so that these infant institutions may grow further. Even with the help of the present concessions we note, Sir, that these institutions find it difficult to get on and make themselves largely useful; and if the concessions are not to be extended, I am afraid the institutions won't survive but will die a natural death. So, Sir, I request the Government, to consider this question also and to continue the concession now enjoyed by these institutions at least for the next five years to come.”

Rao Sahib V. I. MUNISWAMI PILLAI:—“Sir, I rise to second the amendment. Before the retrenchment committee days, the co-operative societies were allowed the concession of having free registration and exemption from stamp duty; but after the retrenchment committee days, the societies were charged half registration fee and half stamp duty. I know, Sir, that most of these primary societies, whether they make a profit or not, are forced to pay these rates; and so far as building societies are concerned, I know they are charged 50 per cent stamp duty on all documents registered. My Friend has already requested the Government to see that the concessions that were allowed in the pre-retrenchment committee days are given now.

“Again, Sir, the Government are charging full audit fees for all the societies and are thereby getting enormous money which they do not solely utilize on the staff maintained for these audit purposes. I know there is a certain amount of saving which can be very well utilized for allowing these concessions. Moreover, Sir, the Government insist that every society, whether it makes a profit or not, should make a certain allotment towards the reserve fund of the society. Of course it is a good thing that a society must have a saving on which it can fall back in bad times, but if Government insist on such a rule being followed, they must equally see that some privileges are allowed to these societies in the way of these concessions.

“With these remarks, Sir, I request the Government to kindly see that the concessions are given to these societies, as before.”

* The Hon. Mr. P. T. RAJAN:—“Sir, this is a matter which went before the Public Accounts Committee and their recommendation is that the existing concession of taking half-rates from co-operative societies should be allowed to continue irrespective of the nature of the report which was expected from the Inspector-General of Registration. Secondly, dealing with the land mortgage banks, they state that the concession given to the land mortgage banks should continue for a further period of two years. This is the recommendation of the Public Accounts Committee, but before the Government could consider it, my hon. Friend has come forward with a resolution that the concession of half-rates should be abolished and that the societies should enjoy a full concession. Sir, time was when these co-operative societies were given the full concession. It was brought to the notice of the Government that the concession was abused by some of the societies. It was further pointed out by the Inspector-General of Registration, as early as 1930

[Mr. T. A. Ramalingam Chettiyar] [4th February 1936]

bear this in mind, especially the fact that on account of the depression and the consequent delay in the payment of the loan by the ryots, amounts have become overdue, and security has to be taken. In cases where encumbrance certificates are to be taken, every concession should be shown, because that is a case in which the ryot is not in a position to pay back the money and extension is granted to pay back the money in easy instalments, and as I have already stated these instalments go up to ten years. That being the case, to ask the ryots to pay for the encumbrance certificates at a time when they are so much in difficulty and they are not even able to pay the ordinary instalments, will work a great hardship on them. I would therefore ask the Government to consider these matters before they pass final orders on this question."

* Mr. K. A. NACHIYAPPA GOUNDER:—" Mr. President, Sir, I am not at all satisfied with the answer given by the Hon. the Minister. He has not at all considered this question with any sympathy. I think if he had known the real difficulties that these societies are undergoing, he would have undertaken to examine the question with due care and sympathy. He said that these concessions have been misused and that is why Government were put to the necessity of charging fees. (The Hon. Mr. P. T. Rajan: 'I said that was one of the reasons'.) If, Sir, the Government had noticed any misuse, it was up to them to devise ways and means of putting a stop to such things; but they should not curtail the concessions granted so far. Apart from the question of fees for registration, the fees for encumbrance certificates is a very great problem and the Government should at least consider this with sympathy. Otherwise, I fear these co-operative societies will be put to much difficulty. As the Minister has not shown any sympathy towards these things, I am sorry I have to press this motion."

The amendment was put and lost.

* The Hon. the PRESIDENT:—" We have covered all the amendments. I believe the House is ready to proceed with the next item on the agenda."

V.—STATEMENT RE DURATION OF SITTING.

* The Hon. Sir K. V. REDDI NAYUDU:—" Before other work is taken up, Sir, I wish to make a statement regarding the business of the House and the continuance of this meeting. We have been sitting for the last 7 or 8 days and I have been asked how long the House will sit and continue the sittings at this meeting. I may mention, Sir, that of course, to-morrow will be taken up for non-official business. Such Bills as could be passed to-day, that is, whose names have been mentioned on the agenda, will be passed. As regards one Bill, Government are very particular that it should be passed at this meeting, that is, the Madras Public Service Commission Bill (Bill No. 19 of 1935). I have received a requisition from a number of Members of the House that the work of the House may be adjourned after the sitting of to-morrow.

4th February 1936] [Sir K. V. Reddi Nayudu]

As I have said, as Government are anxious to see that the Madras Public Service Commission Bill is passed through at this meeting, I would make a suggestion to the House; and if it is agreeable to the Members of the House, we can agree to that course, and that is this: that the first and the only business on Thursday will be the Madras Public Service Commission Bill, and if hon. Members are prepared to agree to finish the Bill by lunch time and pass it before rising, I would be agreeable to have the House adjourned and then meet next at the end of the month."

VI.—THE MADRAS REVENUE (MISCELLANEOUS AMENDMENTS) BILL (BILL No. 1 OF 1936).

* The Hon. Sir CHARLES SOUTER:—" Mr. President, Sir, I beg to introduce the Madras Revenue (Miscellaneous Amendments) Bill * (Bill No. 1 of 1936) and move that the Bill be taken into consideration at once.

" Sir, I have had drafted a pretty detailed statement of objects and reasons which I think covers the whole ground of the necessity for this Bill. The House has already on a previous occasion approved the principle of delegation of powers to the Board of Revenue in somewhat similar circumstances and I do not think it is necessary for me to state very much more than what is given in the statement of objects and reasons. There is another reason, as has been stated here, why a reference to the Governor in Council in all those Acts should be done away with, and that is, of course under the new Constitution, there will be no such body as the Governor-in-Council. The nomenclature 'Governor-in-Council' will be obsolete when the new Government of India Act comes in. This Bill, generally speaking, simply proposes to carry out what in practice has been the case in the past, that is to say, to make the Board of Revenue the final authority in those three cases which are mentioned in the statement of objects and reasons. To my knowledge, the Government has had no occasion to pass any orders under those old Acts, I do not know for how many years, and the inclusion of a reference to the Government under those Acts is unnecessary, and in fact, such a reference has not been made for a very long time. In view of what I have said, I trust the House will agree to take this Bill into consideration now."

The Hon. Mr. P. T. RAJAN:—" I second it, Sir."

Mr. A. RANGANATHA MUDALIYAR:—" Mr. President, Sir, I am not sure whether the Government are well-advised in introducing a Bill of this sort just on the eve of the Reforms. I may tell the Hon. the Revenue Member that the question of the retention of the Board of Revenue has been long under discussion and there are very strong opinions on both sides of the matter; and in a matter like this, that Government should do anything to enlarge the powers of the Board of Revenue and so make it more difficult for those who are for the abolition

* Published in the Fort St. George Gazette, dated 7th January 1936.

[Mr. A. Ranganatha Mudaliyar] [4th February 1936]

of the Board to take such steps as are necessary to ensure their object, I think, is not fair to the future Government which will be ushered into existence as a result of the Reforms. That is one aspect of the matter which I wish to submit for the consideration of the Government.

"There is also another matter in connexion with this. During the last few years, I have been seeing that the prestige and position of the provincial officers are getting more and more lowered, if I may put it like that. For example, many things which hitherto were left to the Government to deal with, have been delegated to the Board of Revenue. It may be, Sir, that the Government, as a rule, have been endorsing whatever the Board of Revenue might say, but at the same time, the right of the provincial officers to approach the Government is a precious privilege which I think should not be taken away lightheartedly. I am afraid, this Bill will have that effect also. I therefore wish to place these two matters for the consideration of the House."

* The Hon. Sir CHARLES SOUTER:—"Mr. President, Sir, I think the answer to my hon. Friend is simple. First of all, he objects to giving the Board of Revenue more powers in view of the fact that it might be abolished. All I can say is, if the Board of Revenue is abolished, its powers will go too. Not only this. In the second place, he suggested that the position of the members of the provincial services will deteriorate or something of the sort. For that, all I can say is, that under the new Government of India Act, every public servant is a servant of the Crown and he has the privilege of direct access to the Governor. In fact, this Bill makes no difference whatever in the position of Government servants in any way. Every Government servant has the right, under the new Government of India Act, as a servant of the Crown, of direct access to the Governor. And, I may point out further that this Bill does not give any additional powers to the Board of Revenue. It merely gives powers which they have now, except that there is no necessity for a reference to the Governor which they had under the old Acts and which now seems to me to be out-of-date. I trust, Sir, therefore, the House will agree to the consideration of this Bill."

* The Hon. the PRESIDENT:—"The question is that Bill No. 1 of 1936 be taken into consideration."

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

Clauses 1 to 4 were put and carried.

The Preamble was then put and carried.

The Hon. Sir CHARLES SOUTER:—"Mr. President, Sir, I now beg to move that the Bill be passed into law."

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I second the motion, Sir."

* The Hon. the PRESIDENT:—"The question is that the Bill be passed into law."

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

4th February 1936]

VII.—A BILL TO AMEND THE MADRAS BETTING TAX ACT, 1935 FOR CERTAIN PURPOSES (BILL NO. 4 OF 1936).

* The Hon. Sir CHARLES SOUTER:—"Mr. President, Sir, I beg to introduce the Bill^a to amend the Madras Betting Tax Act, 1935, for certain purposes (Bill No. 4 of 1936) and move that the Bill be taken into consideration at once. The Bill is a very short one and deals with only two subjects. One is the extension of the Bill by notification to cantonments and the second is the provision to recover any tax as arrear of land revenue. As regards the first of these points I might mention that the clauses were included in the original Bill but as we had not got the sanction of the Governor-General in Council to the inclusion of those two clauses we had to omit them. We have now subsequently got the sanction and this Bill is intended merely to carry out the objects of the original Bill. With regard to the provision relating to the recovery of tax as arrear of land revenue I may say that it has been decided that the Revenue Department should be responsible for the collection of this tax and therefore it is only proper that the collection of the tax should be facilitated in this manner by giving the Revenue Department power to recover it as land revenue. Sir, with these words, I move that the Bill be taken into consideration."

The motion was duly seconded.

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

Clauses 1 to 3 were put and carried.

The preamble was put and carried.

The Hon. Sir CHARLES SOUTER:—"I beg to move, Sir, that the Bill be passed into law."

The motion was duly seconded.

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

VIII.—A BILL TO AMEND THE MADRAS COMMERCIAL CROPS MARKETS ACT, 1933, FOR CERTAIN PURPOSES (BILL NO. 3 OF 1936).

* The Hon. Mr. P. T. RAJAN:—"Sir, I beg to introduce the Bill^a to amend the Madras Commercial Crops Markets Act, 1933, for certain purposes (Bill No. 3 of 1936) and move that the Bill be taken into consideration at once. This is a small Bill meant to meet certain emergencies in connexion with the working of the Act. When the Act came to be applied to Tiruppur objections were called for from the people of that place. They said that the Act should not be applied to Tiruppur and if it was to be applied at all it should be applied to the whole cotton area. They objected to the application of the Act to Tiruppur on the ground that those living in adjacent towns might take advantage of this and try to deflect the trade from Tiruppur. In order to allay their fears and to meet any such eventuality the Government

^a Published in the Fort St. George Gazette, dated 21st January 1936.

[Mr. P. T. Rajan] [4th February 1936]

had to consider measures to prevent it. Sir, under section IV of this Act, Government were given power only to declare this area as a notified area; but they have no power to exclude any portion or include any portion if need be. This Bill will rectify it. In cases where the Act is applied to any new area the Government wish to nominate the members of the Committee in the first instance for a year so as to avoid delay which the holding of elections will entail. After the first year an elected committee will function. This Bill is a minor one and does not affect any of the major points in the original Act. I hope the Council will accept it."

The motion was duly seconded.

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

Clauses 1 and 2 were put and carried.

Clause 3.

* Mr. G. R. PREMAYYA:—"I beg to move—

'In sub-clause (1) for the words "all the members of such committee" insert the following:—

"one member representing the Muhammadan community, one member representing the Christian community, one member of the Depressed class community and the other members of such committee".'

I have only one difficulty and it is this. In the Act the Markets Committee was to be constituted and that was supposed to be elected by different bodies. But in this Bill the Government propose to nominate 12 members for a year. Sir, when this particular Committee is going to be nominated by Government, I say that the three communities I have just mentioned may be given representation. My reasons are these. Government will consult Collectors to select any twelve people. Generally the Collectors cannot find people from these communities. And therefore if there is no provision made in the Bill the Collectors do not care to find suitable people among these communities. If groundnut, cotton and tobacco have to be purchased by these committees these three communities will suffer much unless the committee has their representation. So, Sir, there is a great necessity for these people to be represented on this committee and if the Hon. the Minister assures me that he will consult the Collectors with a view to get three people from these communities, I am prepared to withdraw the motion. But if he cannot do so, I will be constrained to press the motion."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, Sir, I rise to second the amendment moved by Mr. Premayya. Sir, it may look ridiculous that communal representation should be asked for in the matter of the Committee to be set up for this Commercial Crops Bill. Sir, in introducing the Bill the Hon. Minister said that due to certain

4th February 1936] [Mr. V. I. Muniswami Pillai]

administrative difficulties in Tiruppur, it was necessary for him to bring this Bill before this Council. Sir, I have to point out that the scope of this Bill is not to be limited only to Tiruppur but in days to come the provisions of the Bill will have to be adopted in various centres where commercial crops are grown. Then it will be necessary, Sir, that the Depressed classes who form the bulk of the agricultural population must have their say in the disposal of their crops. Sir, I may say recently, in a society that was formed in the Nilgiris for the marketing of the produce in that particular district it was not possible for any community other than one single community who monopolized the whole directorate, to get representation. So, Sir, though the Adi-Dravidas were toiling from morn to eve they could not get representation in the institutions that catered for the disposal of their crop. So I think in order that better facilities of marketing might be afforded the particular communities must find a place. With these few words I second the amendment."

* The Hon. Mr. P. T. RAJAN:—"Sir, the amendment seeks to get representation communitywar. In a matter which affects purely the trade and commercial interests and not any communal interest such a representation is unnecessary. The Bill as it is provides for a committee consisting of twelve members of whom 'five shall be persons elected from among themselves by the growers of the commercial crop or crops in such areas as the Local Government may determine.' Two shall be persons nominated by the Local Government. One shall be a person elected (a) by the Councillors of the Corporation of Madras from among themselves, in case the notified area is the City of Madras, (b) by the members of the municipal council from among themselves, in case the notified area is in a municipality, (c) by the members of the taluk board from among themselves in case the notified area is a non-panchayat area, or (d) by the members of the panchayat from among themselves, in case the notified area is a panchayat area, or (e) by the members of all the local bodies concerned from among themselves, in case the notified area falls within the jurisdiction of more than one local body and four shall be persons elected by persons licensed under section 4.

"Sir, this gives representation both to traders and growers and to 4 p.m. representatives of the local body in the area in which the market is to be constituted. Such being the case, I cannot see how different communal interests, whether Depressed class interests or Muhammadan interests, come in here. If they belonged to any one of the categories, either of growers or of merchants or representatives of local bodies, certainly their claims would be met. In this case, Sir, I am taking this power not with a view to avoiding election but only for cases of emergency when we find that an attempt is being made by any person or set of persons to defeat the objects of this Act. If we extend the Act to some other area, to avoid the delay in holding elections, the Government propose to take power to nominate the members of the Committee in

[Mr. P. T. Rajan] [4th February 1936]

the first instance for a year. In making nominations to the Committee, the Collectors of the districts concerned will be asked to submit recommendations, and it will be open to members of those communities to go and urge their claims either in their capacity as growers or traders and see that their claims are protected. In the circumstances, I do not see my way to accept this amendment. I hope my assurance that their claims would be considered both by the Collector who will be the recommending authority and by the Government who will be the nominating authority will be enough."

* Mr. G. R. PREMAYYA:—"I am sorry that the Hon. Minister was attending to something else (Laughter) and was not pleased to bestow his attention to what I have said. I have no quarrel with the Act. In the present Bill there is the nomination to be made by the Government only for a year. I only want that these three communities should be represented in that nomination for a year. Although he has not given me any assurance, as a true Justicite (Laughter) I shall not press my amendment."

* The Hon. Mr. P. T. RAJAN:—"That is exactly what I have been saying, Sir. Their claims not as communities but as belonging to the different interests for representation on the committee will be considered. Certainly I am not going to consider the claims of any person because he happens to be a Muhammadan or a Christian, unless he represents any one of those interests mentioned in the Act."

Mr. G. R. PREMAYYA:—"I withdraw the amendment."

The amendment was by leave withdrawn.

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, I move—

'In clause 3, in line 5 of the proviso to sub-section (i), for the words "every member," the words "the members" be substituted, and in line 7 for the words "his appointment," the words "their first appointment" be substituted.'

"Sir, my object in moving this amendment is this. If any casual vacancy arises after the appointments have been made, as the clause stands now, I think the Government may make a nomination to fill up an interim vacancy and the member so appointed can continue for a year from the date of his appointment and not for the rest of the period of the committee and if it is so there is no end to it. So, in order to make the position clear, I think that the proviso should be amended as I propose. If the object of the Government is to constitute a nominated committee only in the first instance, I think my amendment will be in order, and the proviso with my amendment will then read: 'All the members of such committee may be appointed by the Local Government and the members so appointed shall hold office for a period of one year from the date of their first appointment.' I think that will make matters quite clear, instead of having the wording as it is. So, I move this amendment."

Rao Sahib V. I. MUNISWAMI PILLAI:—"I second it."

4th February 1936]

* The Hon. Mr. P. T. RAJAN:—"I do not see, Sir, what exactly the difference is. Whether it is 'every member' or 'all the members so appointed,' they will hold office only for a period of one year. In what way the position is going to be bettered by the amendment or how the present wording fails to clear his doubt, I fail to see. If my hon. Friend will kindly explain it, I am certainly willing to meet his suggestion."

* Mr. K. A. NACHIYAPPA GOUNDER:—"When an interim vacancy arises, I do not know, Sir, whether the Government is making provision for filling it up also. If that is so, it must be definitely stated. In the absence of it, I thought we would be making the position clear by accepting the amendment I suggested. As it is I believe a member appointed to an interim vacancy will continue for a year from the date of his appointment, and if that is so, there will be no end to the life of the committee first appointed by the Government. If the Government feel that the present provision is clear and sufficient, I do not want to press my amendment."

* The Hon. Mr. P. T. RAJAN:—"Sir, if any member dies and a vacancy arises, the person nominated in the vacancy will continue for the rest of the period of the committee and not for one year from the date of his nomination, because the committee itself will not exist after one year. So, I do not think the amendment will improve the position in any way."

Mr. K. A. NACHIYAPPA GOUNDER:—"I withdraw the amendment."

The amendment was by leave withdrawn.

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, in the same proviso, we find this, 'Where the Local Government establish a Market Committee for any notified area . . .'. Now, Sir, the Market Committee is appointed only for a notified area, or even otherwise the words 'for any notified area' are redundant and unnecessary in the proviso. Now a complication has been created by the previous clause, namely, that there can be a notification for adding or subtracting from a notified area. So the question will arise whether a notification adding or subtracting an area will be considered as notifying an area, and if that is so considered, every time such a notification appears the Government will have the right to nominate the members of the committee. I am not referring to an imaginary matter, because under the Religious Endowments Act, such a provision as this is taken advantage of. A provision like that exists there and what they do is that for one year they say the Committee will be appointed for the whole district and they nominate the members of the committee. Next year they divide the district into two and again they appoint a nominated committee for each area. The third year, they club the two parts together and notify the whole as one area and nominate a committee. I am not exaggerating. It is exactly what has occurred in my district of Coimbatore. First they appointed a committee for the whole district, then they divided the district into two and appointed committees and then again a third

[Mr. T. A. Ramalingam Chettiyar] [4th February 1936]

committee was appointed for the whole district. I want to avoid that sort of playing with the matter. I do not want that the Government should take advantage of these words and say that every time they issue a notification adding or subtracting to an area they have a right to nominate the members of the committee. I want to avoid that. As I said, there cannot be any purpose served by retaining those words. So I think to avoid all those difficulties, those four words may be taken away. So, I move that the words 'for any notified area' in lines 2 and 3 of the proviso to clause 3 (i) be deleted."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

* The Hon. Mr. P. T. RAJAN:—"Sir, in the first place, I want to ask whether the hon. Member is right in imputing motives either to the Government or the Member in charge of this Bill. He said that Government might take advantage of this section, cancel the market committee and appoint a new committee every time they feel like doing so. I can assure him that it is not the idea of the Government or the department. Clause 2 gives power to Government to include a new portion or portions, where it will not be worthwhile to apply the Act separately, or exclude a portion. I may inform the hon. Member that when this is done, the Government will not abolish any existing committee and go in for a nominated committee instead. Unless the area to be brought under the operation of the Act is sufficiently large, Government will not resort to the nomination of committees. Even in cases where, in the first instance, the committee is nominated, it will function only for a period of one year. Afterwards the process of election will have to be gone through. It is not the intention of the Government to go behind the Act and unnecessarily interfere with any existing committees. Assuming that the words 'for any notified area' are taken away as suggested by him, how is it going to prevent Government from doing the thing which he anticipated the Government might do. Government can nominate a committee for any area only if that area is notified. Without notifying the area no committee can be set up. If Government intends nominating a committee for the sake of doing it there is nothing to prevent them from doing so however small the area may be. Thus either the presence or absence of these words will not affect the situation either way. Let me once more assure my hon. Friend that Government are not going to circumvent the Act, by taking advantage of the wording of this section. In these circumstances I feel I cannot accept the amendment proposed."

The amendment was put and lost.

Clause 3 was put and carried.

The preamble was then put and carried.

The Hon. Mr. P. T. RAJAN:—"I beg to move that the Bill be passed into law."

The Hon. Mr. G. T. H. BRACKEN:—"I second it."

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

4th February 1936]

IX.—A BILL FURTHER TO AMEND THE MADRAS FOREST ACT, 1882,
FOR CERTAIN PURPOSES (BILL NO. 22 OF 1935).

* The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I beg to present the Report^a of the Select Committee on the Bill to amend the Madras Forest Act, 1882, for certain purposes (Bill No. 22 of 1935), and move that the Bill as amended by the Select Committee be taken into consideration." P.M.

The motion was duly seconded.

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

Clauses 1 and 2 were put and carried.

Clause 3.

* The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, I beg to move that the following be substituted for section 17-A:—

- '17-A. (1) Where the description of the limits of any reserved forest notified under section 16 is defective or is not clear in reference to existing facts, the Local Government may, by notification in the Fort St. George Gazette, declare their intention to redefine the limits of such reserved forest so as to remove the defect or to make the description clear in reference to existing facts. Such notification shall specify as nearly as possible the corrections which it is proposed to effect to the limits of the reserved forest.
- (2) On the issue of a notification under sub-section (1), the District Forest Officer shall publish in the official gazette of the district concerned and in such other manner as may be prescribed by rules made in that behalf a notice—
 - (a) specifying the corrections proposed by the notification under sub-section (1); and
 - (b) stating that any objections which may be made in person or in writing to the District Forest Officer, within a period of thirty days from the date of publication of the notice, will be considered by him.
- (3) After the expiry of the period referred to in clause (b) of sub-section (2) and after considering the objections, if any, received by him, the District Forest Officer shall submit to the Local Government the record of the proceedings held by him together with a report thereon.
- (4) The Local Government may, after considering the report of the District Forest Officer, by notification in the Fort St. George Gazette, redefine the limits of the reserved forest as proposed by the notification under sub-section (1) with such modifications as they think fit or without any modifications.
- (5) Save as provided in this section, it shall not be necessary to follow the procedure laid down in sections 4 to 16 before issuing a notification under sub-section (4).'"

^a Printed as Appendix VII on pages 522-525 infra.

[Sir K. V. Reddi Nayudu] [4th February 1936]

Sir, the Hon. House will observe that this is only a redraft of the clause as drafted by the Select Committee, and to avoid any doubt that might arise, this amendment is being proposed. It was fully discussed in the Select Committee, and the Committee agreed that it is only an amplification of the wording in the Bill to see that no room is given for any doubt.

"Now, Sir, before sitting down, I should like to mention that my hon. Friend Mr. Nachiyappa Gounder has given notice of certain amendments. These amendments, Sir, are not in conflict with the amendment which I have suggested. For instance, Sir, in clause 3 my friend wants that for the word 'record' the words 'entire records' should be substituted. There is another thing on which he is very particular. He wants that notice should be given to the owners of land or lands which may be affected by the notification. As regards that, I can assure my hon. Friend that in cases where one or two or a small number of persons are affected, we will certainly ascertain who the owners are, and give notice to them; but where a large number of persons are affected, it is not possible to give notice to every one of them. A notification will be made and that ought to suffice so far as large numbers are concerned. And then, Sir, most of the suggestions that he has made could also be satisfied by the rules which are to be framed under this section. I have also assured my hon. Friend that when the rules are being framed he will be given notice of the rules and any attention that is required will be given. I shall therefore think that this may be passed without any amendments."

The motion was duly seconded.

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, I am satisfied with the explanation of the Hon. the Law Member that he will undertake to incorporate in the rules, provision for the service of such notice to individual holders of land where a small number of persons is concerned. But he further said that in the case of a large number of persons, it is not possible. I believe, Sir, that in such cases of alteration or redefining of boundaries, there will not be any great number of persons concerned in holding the adjacent lands and I think that Government will consider and put into the rules the point *re* service of notice on individuals who are holding or occupying lands adjacent to the boundary which is to be redefined irrespective of the number whether small or great. On such an assurance of the Hon. the Law Member and with the hope that everything will be done to meet the needs by rules, I do not propose to move my amendments."

The amendment was put and carried.

Clause 3 as amended was put and carried.

Clauses 4, 5 and 6 were put and carried.

The preamble was then put and carried.

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

The motion was duly seconded.

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

4th February 1936]

X.—THE MADRAS PUBLIC SERVICE COMMISSION BILL (BILL
No. 19 OF 1935).

* The Hon. Sir CHARLES SOUTER:—"Mr. President, Sir, I beg to present the Report * of the Select Committee on the Madras Public Service Commission Bill (Bill No. 19 of 1935) and move that the Bill as amended by the Select Committee be taken into consideration."

The motion was duly seconded.

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

Clauses 1 and 2 were put and carried.

Clause 3.

* The Hon. Sir CHARLES SOUTER:—"I beg to move—
'that at the end of sub-clause (1) (e), the word "and" be inserted, and at the end of sub-clause 1 (f), the word "and" be omitted.'

They are merely drafting amendments."

The motion was duly seconded.

The amendments were put and carried.

Clause 3, as amended, and clauses 4 and 5 were put and carried.

Clause 6.

* The Hon. Sir CHARLES SOUTER:—"Mr. President, I beg to move—
'that in sub-clause (2) (a) of clause 6, after the words "allowances payable to the Chairman and," the word "other" be inserted.'

The reason for this amendment is the Chairman is also a member of the Commission and it makes the meaning clearer; it is purely a verbal amendment."

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I second it."

The motion was put and carried.

Clause 6, as amended, and clauses 7, 8 and 9 were put and carried.

Clause 10.

* The Hon. Sir CHARLES SOUTER:—"Sir, I beg to move that—
'in clause 10, for the words "and shall be communicated," substitute the words "and shall, unless the Governor otherwise directs, be communicated."

Sir, this amendment is, I think, necessary for the reason that there may be some occasions when it will be inadvisable to communicate the opinion of the Commission to the officers. Hon. Members will realize

[Sir Charles Souter] [4th February 1936]

that there will be occasions when to communicate such opinions will be unnecessary. As I pointed out with reference to the Bill which I introduced a little while ago here, it is necessary to reserve this power to the Governor. The Governor is in charge of all servants of the Crown, and therefore final orders as to whether the opinion of the Commission shall be communicated to the officers or not, ought logically to vest in the Governor. Sir, I beg to move the amendment."

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I second it."

4-30 p.m. Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, I think the right given to the officer concerned is certainly a very valuable right. It is the barest justice that can be done to an officer whose case is dealt with by the Public Service Commission. I do not think, Sir, that that right should be denied to him even if the Government thinks otherwise. I do not think it is fair to the officer concerned."

* The Hon. Sir CHARLES SOUTER:—"Sir, I cannot see where the unfairness comes in. I must again point out that under the new Government of India Act, the Governor gets the powers of protection of all Government servants, and, I think, we must presume that the Governor will exercise his powers and his individual judgment very fairly. I think unfairness in a case like this is never likely to arise."

"There are certain occasions which will readily occur to hon. Members when it is certainly inadvisable to communicate, at any rate the whole of the opinion which the Commission has given. I must press this amendment."

The amendment was put and carried.

Clause 10 as amended and clause 11 were put and carried.

Clause 12.

* Mr. K. A. NACHİYAPPA GOUNDER:—"I beg to move the amendment standing in my name, viz.—

'In clause 12, omit all the words after the words "authority concerned" in line 8.'

Sir, my intention in moving this amendment is to give the Services Commission opportunities to look into all the records which they desire to peruse in the interests of both the administration and the public. The Services Commission is a body which is to be created by His Excellency the Governor and there must be full confidence in it and as such if they want to look into certain records, I do not see why they should not be allowed to do so. The clause provides, as it is, that if the Governor or the Local Government certify that certain records cannot be seen by the members of the Commission, they should rest satisfied with it. Why should the Commission be driven to that position, I would like to ask? It is a body which is to be created by

4th February 1936] [Mr. K. A. Nachiyappa Gounder]

His Excellency the Governor. In the matter of making selections for appointments they would like to leave the entire discretion to that body. In carrying out its duties, it may be necessary for the Commission to look into all the records for coming to a conclusion in a particular case. Why should not an opportunity be given to them to satisfy themselves by a perusal of all the records concerned? Why this sort of want of confidence in their own Commission which the Governor himself creates should exist? In some cases it may handicap the functioning of the Commission efficiently if the records they desire to have are not available to them. As I said I am moving this amendment only with the object of making the Commission work perfectly well. They cannot do that unless they get all the connected records. If the Commission thinks that the records are of such great importance that they must have them for coming to a decision in a particular case, I do not think His Excellency will refuse to let them have such records; and, I do not think also that the Commission will unreasonably ask for documents which His Excellency or the Government are to express that they are of such a great confidential nature and they will jeopardize the interest of the public if they are given to the Commission. So, in order to allow full opportunities for the Commission to look into all the records they want, this amendment should be carried."

Mr. T. S. RAMASWAMI AYYAR:—"I second it."

* The Hon. Sir CHARLES SOUTER:—"Sir, I am afraid I cannot agree to this amendment. The House will notice that records will not be forwarded to the Commission only in these two cases, that is to say, (a) where either the Governor or the Local Government certify that the records cannot be furnished without undue labour or (b) where it is held not to be in public interest. I do not think anyone will cavil at the idea that the records, which might be called for by the Commission which might possibly go back to a large number of years and which might be of doubtful relevancy to a case, should not necessarily be furnished to the Commission. In regard to (b), I think that there always must be some document which Government must consider secret and which should not be revealed to anyone outside the Government office. I think that is a practice obtaining in every Government office I know of. Only in regard to these two cases power is given to the Governor or to the Government to refuse to send in those records. I think, Sir, that these two safeguards are very necessary and ought to be in the Act. I am afraid I must oppose this amendment."

Mr. K. A. NACHİYAPPA GOUNDER:—"I think it necessary that the Commission should have access to all the records and therefore I press my amendment."

The amendment was put and lost.

Clause 12 was put and carried.

[4th February 1936]

Clause 12-A.

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, I beg to move the amendment standing in my name, viz.,—

'Substitute section 20 of the existing Madras Services Commission Act for this clause.'

"It is on this very question this Bill was referred to the Select Committee even though the Government desired to pass it straightaway. Under the existing Act, we have an opportunity to consider the report of the Services Commission and to know how far in the matter of making appointments or selecting candidates, the Commission has been functioning satisfactorily during the year under report. In the absence of such a provision, this Bill was opposed vehemently and for this very reason it was referred to the Select Committee. The Select Committee after a good deal of consideration seems to have watered down and substituted that the report should be laid on the table. Even that provision the Hon. the Revenue Member is proposing to omit. I cannot understand why the Government should deny at least the privilege of carrying out this sort of post-mortem examination of the Report of the Services Commission. That is all we are asking for, and I do not think that the Government would be put to any trouble or difficulty in this matter or the prestige of the Commission will suffer in any way. It is quite necessary that we should be given an opportunity for discussing the report. As far as I know the Government of India Act does not prohibit the production of such reports before the House. I am sure everyone will agree that the House should be taken into confidence with regard to all matters connected with the administration. In an important matter like this at least the House should be taken into confidence and the report presented to them so that the House may consider their report and give their suggestions at least for future guidance. In our experience in this House, when reports come up before us, though they are adjourned time after time, we ultimately consider them and offer our suggestions, and, without fear of contradiction, I may say those suggestions were in many cases examined by the Commission and adopted in some at least. When our suggestions on these reports are only of an advisory nature, I do not understand why the Government should refuse to agree. I request the Government to take this House into confidence and allow us an opportunity to discuss the report of the Services Commission as we have been doing under the existing Act. Our past experience shows that our criticisms have not been without advantage for the proper working of the Commission. Hence, I commend my motion for the acceptance of the House."

Mr. T. S. RAMASWAMI AYYAR:—"I desire to second this amendment. I think really this is one of the most important sections so far as the rights of the Legislative Council are concerned. The proceedings of the Council during these two days show that the discussion of the Services Commission Report by the Legislative Council is certainly

4th February 1936] [Mr. T. S. Ramaswami Ayyar]

a very valuable right which the House possesses. The amendment only desires that the report should be laid on the table of the House. The discussion we had this morning showed that Members were able to tell the Government their viewpoints on many matters. I think if this valuable right is taken away, one of the most important privileges of the Legislative Council will be lost.

"On an analogy of the Public Accounts Committee Report, I should refer to the very valuable right which the Legislative Council possesses to discuss the report of the Public Services Commission. That is a privilege which has been exercised for a number of years and if this privilege is taken away, the Legislative Council will lose one of its most important rights. A reference to the proceedings of the Select Committee will show that there was a great fight over this question and I would ask the Chairman as to how an amendment for the deletion of this clause came about when a compromise was arrived at that this clause should stand. In the Select Committee it was felt very strongly and I think the Committee was equally divided on this question as to whether the report of the Public Services Commission should come before the Legislative Council for discussion and if it was lost it was lost by a very narrow majority and as a compromise arrangement it was suggested by me at the Select Committee that if the report cannot be placed before the Legislative Council for discussion at least it could be placed on the table of the House, so that the question might be taken up and the points raised by the Public Services Commission in their report might be pursued further at the time when the question of the Minister's salary was considered. When the Minister's acts with regard to a particular action of the Public Services Commission are to be discussed, it will be open to the Members of the Legislative Council to find out how far the Public Services Commission has been dealt with by the Government. We set up a statutory body, viz., the Public Services Commission which we expect would be able to keep themselves above party politics and I think it is a very good move that has been made. If you are going to preserve the rights and privileges of the Public Services Commission and see that those rights are not to be infringed at any time by the Government, it is necessary that the Legislative Council should have the power of perusing the report of the Public Services Commission. Supposing the Public Services Commission and the Government differ on a certain matter and the Government have vetoed the action of the former, how should the Legislative Council come to know of it and how are you going to say that the Government were wrong or right in their act? If you are going to take away that right, we are not going to give that strength to the Public Services Commission which we expected to give it, viz., that it should be kept above all party politics. Sometimes the Commission may be opposed to the views of the Government. If hon. Members would only look at page 2 of the report of the Select Committee they will find that when this clause came up for discussion, I suggested that section 20 of the present Services Commission Act should be incorporated

4-45
p.m.

[Mr. T. S. Ramaswami Ayyar] [4th February 1936]

as a clause in the Bill and that clause 13 should be renumbered as clause 14. This was not agreed to and as a compromise I suggested that the report of the Commission might be placed on the table of the House and the hon. Member in charge of the Bill had no objection to the suggestion. This is what the Committee says on page 2:

'The existing Act contains a provision, namely, section 20 by which within six months of the end of each financial year, the Commission shall present a report of its proceedings to the Local Government and the report shall be brought up by the Local Government for the consideration of the Legislative Council. This provision finds no place in the present Bill. The Committee by a majority considers that the Public Services Commission of the future should be under an obligation to make a report to the Local Government of its proceedings every year and that report should be placed on the table of the Legislature. The Committee has accordingly inserted a new clause to this effect.'

When the original motion was put and lost the compromise resolution was put and carried. I was therefore surprised to find the amendment moved by the Hon. the Revenue Member (which is supposed to be moved by him as a result of the compromise) that this clause should be deleted. We thought that there was a compromise and all the members unanimously agreed to this. If I rise to second the amendment of my hon. Friend, Mr. Nachiyappa Gounder, it is because I feel that this is the only way in which I could express my feeling that any act of deletion is not proper."

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

'Substitute section 20 of the existing Madras Services Commission Act for this clause.'

I am sorry. A mistake has crept in. I should have asked the Hon. the Revenue Member to move his amendment. The amendment for omission is to come first and discussion will take place on both the amendments. I would, therefore, ask the Hon. the Revenue Member to move his amendment."

* The Hon. Sir CHARLES SOUTER:—"Mr. President, I beg to move—that clause 12-A be omitted.'

Mr. President, Sir, I move this amendment with a certain amount of diffidence, because my colleagues on the Select Committee know that I agreed to allow a clause in the Bill to the effect that the report of the Public Services Commission might be placed on the table of the House. But the point is this: I am afraid if we keep this clause in, it will be just possible—I think it is probable—that the Government of India would refuse to pass this Bill. The point is that the affairs of the Services Commission, never anywhere else as far as I know, are open to discussion in Parliament. That practice I think stands on a very solid ground. I listened to Mr. Ramaswami Ayyar's remarks in which he stated that by a discussion in the Legislative Council they could discuss the Ministers for certain acts of theirs. Is it the only way in which they could so discuss? It seems to me that they could also discuss the acts of the Commission. But well, the point is that

4th February 1936] [Sir Charles Souter]

discussion of the acts of the Services Commission is the objectionable part of it. I admit that the House is at perfect liberty to discuss the actions of the Ministers but I would nevertheless point out that the House under the ordinary rules of procedure has got ample power to discuss the action of a Minister with reference to anything that he may do towards the Commission. That can be done by a cut motion on the Minister's salary. That is the usual Parliamentary procedure. When the House proposes to call in question the action of a Minister the usual constitutional method is to table a cut motion on the Minister's salary, and here the House has ample powers to discuss the action of the Minister if it should like to do so. That is a very different matter to my mind from discussing the action of the Services Commission which is an objectionable feature of the discussion in the House. I do know that the Secretary of State is very strong in the opinion that the affairs of the Commission should not be discussed on the floor of this House. I think I pointed out in the Select Committee that in the House of Commons the Public Services Commission's name is never mentioned at all. There is either a convention or a rule that the acts of the Public Services Commission should not be discussed and that is scrupulously observed. I can understand the reason for this and that is, to adopt again the argument of my hon. Friend, Mr. Ramaswami Ayyar, that Public Services Commissions must be outside politics. Discuss the Minister's action by all means if you like, but do so under the ordinary power which the Legislative Council has to discuss a motion on the Minister's salary, and do not lay down in an Act passed by the Legislative Council as a power to discuss the action of the Public Services Commission. That I know will be strongly objected to by the Government of India and the Secretary of State. Even if you leave clause 12 (a), we may have the Governor-General refusing to certify the Bill as a whole. If hon. Members will carefully consider these points, they will understand that their power to discuss the affairs of the Commission will not be abrogated in any way even if we omitted this clause. So, I beg to move that clause 12 (a) be omitted."

The amendment was duly seconded.

* The Hon. the PRESIDENT:—"Both the amendments of Mr. Nachiyappa Gounder and the Hon. the Revenue Member are for discussion."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I agree with most of the remarks of the Hon. the Revenue Member, but there is this difficulty of finding out later on whether the Minister took action on the recommendation of the Commission or not. There is no doubt the Minister's conduct can be criticised in the Council. But how are we to know whether the Ministers followed the advice of the Commission or not, or acted against the wishes of the Commission. There are no means of knowing these things. There will be a report. It may not be available to the House unless there is a provision in this Bill for placing the report on the table of the House. That seems to

514 THE MADRAS PUBLIC SERVICE COMMISSION BILL (BILL NO. 19 OF 1935)

[Mr. T. A. Ramalingam Chettiyar] [4th February 1936]

be an important matter. We all agree that the conduct of the Services Commission itself cannot be discussed in this House, but the treatment which the Commission has received at the hands of the Government is a matter which is certainly within the ambit of discussion of this House. All that the clause as laid down in the Select Committee Report says is that copies of the report should be supplied to Members. There is nothing more. I do not see why the Governor-General or the Secretary of State should object to a provision like this. It does not provide for a discussion of the report in the Council. If it does, I can understand the objection of the Hon. the Revenue Member. All that it provides for is only the placing of the report on the table. It does not give any power to discuss the conduct of the Commission and it is always open to the Secretary of State and the Government to say that the conduct of the Commission cannot be a matter of debate in the Legislative Council. Probably the Government may frame a rule in those terms. Such being the case, I do not see why there should be a motion for the deletion of this clause. After hearing the Hon. the Revenue Member it seems to me that there is some force in the argument that section 20 of the existing Services Commission Act should not be reintroduced in this present Bill; but I cannot see any objection to the retention of this clause as framed by the Select Committee."

The Hon. Sir CHARLES SOUTER:—"I think there is a way out of the difficulty. I am prepared to withdraw my motion and leave this clause as it is."

Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, I am prepared to withdraw my motion as a matter of compromise."

Both the amendments of Mr. Nachiyappa Gounder and the Hon. the Revenue Member were by leave withdrawn.

The Hon. Sir CHARLES SOUTER:—"Mr. President, I move—
'that clauses 12-A, 13 and 14 be renumbered as clauses 13, 14 and 15 respectively.'"

The motion was duly seconded.

The amendment was put and carried.

Clauses 12-A, 13 and 14, as renumbered were put and carried.

The schedule was put and carried.

5 p.m. The preamble was put and carried.

The Hon. Sir CHARLES SOUTER:—"I now move—

'that the Bill as now amended be passed into law.'"

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

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

The House then adjourned to meet again at 11 a.m. on Wednesday, the 5th February 1936.

4th February 1936]

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

^a (1) *Note of the Public Works and Labour Department, dated the 20th January 1936, in connexion with the answer to a supplementary question to question No. 378 answered on the 1st November 1935 regarding preference to Coimbatore cement.*

^b (2) *G.O. No. 1688, Development, dated 3rd December 1935—Industries—Industrial Engineering Workshops, Madras—Audit report of the accounts—Year ending 31st March 1935—Recorded with remarks.*

D. K. V. RAGHAVA VARMA,
Acting Secretary to the Legislative Council.

^a Printed as Appendix IX on page 534 infra.

^b Printed as Appendix X on pages 534-540 infra.

[4th February 1936]

APPENDIX I.

[Vide answer to question No. 711 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 4th February 1936, page 445 supra.]

Memorial of voters of Panchayat Board, Devakottai, dated 21st September 1934.

In support of the following resolutions of the rate-payers of Devakottai passed at the public meeting held on 20th September 1934 in Devakottai, we the citizens and rate-payers of Devakottai have put our signatures to this mahazar to testify to the fact that there was absolutely no publication whatsoever in connexion with the dates fixed for nomination or election, etc., of members to the Panchayat Board of Devakottai and appeal to you to cancel at once and set aside the proceedings so far taken by the Election Officer in connexion with the election of members to the Panchayat Board of Devakottai and cause a fresh publication in accordance with law and call for a fresh nomination:—

Resolutions passed at the public meeting held on 20th September 1934 at Devakottai.

- 1 In view of the want of proper publication according to law of the date of submitting the nomination form of candidates for the membership of Panchayat Board, Devakottai, the so-called nomination purported to have taken place yesterday is illegal and on that account the same is fit to be cancelled and steps should be taken to declare the same as ultra vires and a fresh publication according to law should be caused to be made by bringing this to the notice of the Local Self-Government.
- 2 A committee should be appointed to operate upon the above resolutions and the said committee shall consist of the following persons:—
 - 1 Mr. Al. Vr. P. Pethaperumal Chettiyar, Zamindar of Rettaiyambodi and sitting member.
 - 2 „ T. S. Pl. P. Chidambaram Chettiyar, Keelakkottai Zamindar.
 - 3 „ Muthu Kr. M. Muthiah Chettiyar.
 - 4 „ M. G. Muhundaraja Ayyangar, Vakil.
 - 5 „ S. K. Nagaswami Ayyar, Advocate.
 - 6 „ S. L. Bharathi, Advocate.
 - 7 „ R. Sankaran Pillai.
 - 8 „ M. S. M. Manikkavasagam Chettiyar.
 - 9 „ R. N. E. Naina Muhammad Ravuttar.
 - 10 „ D. V. Muthiah Chettiyar.
 - 11 „ Muthu K. A. Rm. Annamalai Chettiyar.
 - 12 „ Kr. K. Kr. Sornanathan Chettiyar.
 - 13 „ Kt. Shanmugam Servai.
 - 14 „ D. V. Arunachalam, convenor of the Committee.

and the committee is empowered to co-opt if it finds necessary.

[4th February 1936]

APPENDIX II.

[Vide answer to question No. 712 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 4th February 1936, page 446 supra.]

(1)

Letter from C. T. Mullings, Esq., Chief Engineer for Irrigation, to the Secretary to Government, Public Works Department, dated the 28th October 1925, No. 1189/21-B-3.

[Projects—Salem district—Badathalav Project.]

There was a proposal of ancient date to cut a channel from the Kurumbapalle alias Markandanadi river to supply the Badathalav tank in the Krishnagiri taluk of the Salem district. The scheme was condemned in 1891 as not being feasible, but the reasons for this decision are not on record. As the tank was stated to be a good one and as the advantage would be undoubted if a supply channel could be made at a reasonable cost the Superintending Engineer then on special duty recommended the re-investigation of the project.

2. In reviewing the famine relief programme of the Salem district for 1909–10 it was observed that very little progress had been made in the direction of reinvestigating the project and that the records of such work as had been done had been mislaid. The Superintending Engineer was therefore requested to submit a preliminary report on the project with a view to decide whether it was worth further investigation. It was also suggested that the question of water-supply might be examined in the first instance because the Krishnagiri project (since abandoned) had been held over on this account pending the results of the gaugings of the Ponnar river of which the Markandanadi is a tributary.

3. A preliminary report on the scheme was submitted by the Superintending Engineer in October 1910. The works proposed were—

- (a) An anicut 250 feet long across the Markandanadi at Marasamudram village.
- (b) A supply channel, with no headsluice, about 12 miles long to irrigate about 2,000 acres in all under the Badathalav and some other tanks.
- (c) Fifteen cross drainage works with aqueducts.
- (d) Pipe sluices for supplying mitta tanks.

The project proposed to bring an additional area of only 250 acres of Government dry land under wet cultivation and its cost was roughly estimated at Rs. 1.50 lakhs excluding indirect charges. The project was calculated to yield a return of 2 per cent with a water-rate of Rs. 4 per acre on the additional area. It was considered doubtful whether a productive project could be evolved at this cost, as there would probably be insufficient demand for water if the water-rates were enhanced.

[4th February 1936]

4. Pending the examination of the preliminary report, the collection of data as regards the water-supply available was put in hand as there were no records of the discharge of the Markandanadi. The river was gauged at Marasamudram and gauge readings for 12 years from 1910-11 to 1921-22 are now available. An examination of the results show that there would have been sufficient water for an area of 2,000 acres in all these 12 years except 1918-19 which was a year of bad rainfall practically everywhere.

5. On examining the preliminary report it is observed that the estimated cost of Rs. 1.50 lakhs for the project is based on very rough data. With the same data the cost of the project estimated at current rates amounts to Rs. 3 lakhs including direct and indirect charges. To admit of its being sanctioned as a productive work there should be a net revenue of Rs. 18,000 or a gross revenue of Rs. 20,900 or say Rs. 21,000 (including maintenance and collection charges). In the preliminary report of 1910, the revenue anticipated was stated to be as follows:—

	RS.
I Remission which would be saved	1,800
II Revenue due to improved supply from an area of 2,816 acres of ayacut wet at Rs. 2-8-0 per acre	7,040
III Water-rate at Rs. 4 per acre on 250 acres of Government dry land	1,000

As regards item III above, it is observed that though 550 acres of Government and mitta land could be brought under wet, the Executive Engineer and the Superintending Engineer were of opinion that it would not be possible to irrigate the mitta area of 300 acres.

To get the gross revenue of Rs. 21,000 referred to above a water-rate of Rs. 48½ per acre as indicated below would have to be levied and this is out of the question:—

	RS.
Gross revenue	21,000
Deduct items I and II above	8,840
Water-rate on 250 acres	12,160
Water-rate per acre	48½

On detailed investigation the cost of the project may even go up by about 25 to 50 per cent.

6. The project is thus quite impracticable if it must be financed on mercantile lines, i.e., to yield a reasonable return on the capital outlay. Equally of course it cannot be protective as the failure of rains for the local crops must synchronize with the failure of this stream, on which the crops are expected to rely.

7. In the circumstances set forth it is recommended that the project may be abandoned on financial grounds.

4th February 1936]

(2)

G.O. Ms. No. 70 I., dated 3rd February 1926.

The Government accept the recommendation of the Chief Engineer for Irrigation that the project be abandoned.

(By order of the Governor in Council)

F. B. EVANS,
Secretary to Government.

APPENDIX III.

[Vide answer to question No. 713 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 4th February 1936, page 447 supra.]

Statement showing the resettlement commutation rates and the commutation rates based on the prices of January 1936 (up to the week ending 18th January 1936).

Name of the district and the year of the introduction of current resettlement.	Commutation rate on which the current resettlement is actually based (Rupees per garce).	Commutation price based on price in January (week ending 18th January 1936) (Rupees per garce).
(1)	(2)	(3)
	RS.	RS.
1 Ganjam (1909-15)—		
Chicacole, Aska and Ghumsur	95	167
Berhampur and Chatrapur	101	167
2 Vizagapatam (1919-20)	125	167
3 East Godavari (1931-32)	140	160
4 West Godavari (1931-32)	140	175
5 Kistna (1931-32)	140	
6 Guntur (1904-07)	122	182
Ongole (1906-07)	127	
7 Bellary (1923-25)—		
Black soil—		
Tungabhadra	165	
Non-Tungabhadra	156	190
Red soil—		
Thungabhadra	167	
Non-Tungabhadra	159	
8 Trichinopoly (1924-26)	147	205
9 Anantapur (1923-28)—		
Black soil	156	198
Red soil	132	
10 Tanjore (1923-24)	143	175
11 Kurnool (1905-10)—		
Proper	139	
Koilkuntla, Cumbum and	141	190
Markapur	140	
12 Cuddapah (1907-12)	141	198
13 Chittoor (1912-16)—		
Vayalpad and Madanapalle	126	
Chittoor and Chandragiri	119	182
Palmaner	114	

[4th February 1936]

Name of the district and the year of the introduction of current resettlement.	Commutation rate on which the current resettlement is actually based (Rupees per acre).	Commutation price based on price in January (week ending 18th January 1936) (Rupees per acre).
(1)	(2)	(3)
14 North Arcot (1913-20)	Rs.	Rs.
15 South Arcot (1917-23)—	119	198
Coleroon tracts		
Non-Coleroon tracts	140	190
16 Malabar (1931-32 to 1933-34)	129	
17 Nellore (1906-07)	148	167
18 Madura (1915-19)—	127	210
Periyar		
Non-Periyar	162	234
19 Coimbatore (1909-13)	154	
20 Chingleput (1909-11)	145	242
21 Ramnad (1911-13)	121	188
22 Tinnevely (1908-12)	122	203
23 Salem—	122	196
Southern taluks (1934-35)—		
First-class sources	134	
Second-class sources	126	208
Northern taluks	103½	
24 South Kanara	150	150

APPENDIX IV.

[Vide answer to question No. 717 asked by Rao Bahadur Subadar-Major S. A. Nanjappa Bahadur at the meeting of the Legislative Council held on the 4th February 1936, page 450 supra.]

Scheduled classes.

[See Definition (25).]

Race, tribe or caste.

1 Adi-Andhra.	30 Hasla.	59 Nalakayava.
2 Adi-Dravida.	31 Holeya.	60 Nayadi.
3 Adi-Karnataka.	32 Jaggali.	61 Pagadal.
4 Ajila.	33 Jambuvulu.	62 Paldi.
5 Aranadan (also P.T.*).	34 Kadan (also P.T.*).	63 Pailda.
6 Arunthuthiyar.	35 Kalladi.	64 Paky.
7 Balra.	36 Kanakkan.	65 Pallan.
8 Bakuda.	37 Karimpalan (also P.T.*).	66 Pambada.
9 Bandi.	38 Kattunayakan (also P.T.*).	67 Pamidi.
10 Bariki.	39 Kodalo.	68 Panchama.
11 Battada.	40 Kooa.	69 Paniyan.
12 Bavuri.	41 Koraga.	70 Panniyandi.
13 Bellara.	42 Kudlya (also P.T.*).	71 Pano (also P.T.*).
14 Byagari.	43 Kudibi (also P.T.*).	72 Paraiyan.
15 Chachati.	44 Kudumban.	73 Paravan.
16 Chakkiliyan.	45 Kuravan.	74 Pulayan.
17 Chalavadi.	46 Kurichehan (also P.T.*).	75 Puthirai Vannan.
18 hamar.	47 Kuruman (also P.T.*).	76 Raneyar.
19 Chandala.	48 Madari.	77 Relli.
20 Charuman.	49 Madiga.	78 Samagara.
21 Dandasi.	50 Malia.	79 Samban.
22 D-vandrakulathan.	51 Mala.	80 Sapari.
23 Dombo (also P.T.*).	52 Mala Dasu.	81 Semman.
24 Ghasi.	53 Malasar (also P.T.*).	82 Thoti.
25 Godagali.	54 Matangi.	83 Tiruvalluvar.
26 Godari.	55 Mavilan (also P.T.*).	84 Valluvan.
27 Godda.	56 Moger.	85 Valrakki.
28 Gosangi.	57 Muchi.	86 Vettuvan.
29 Haddi.	58 Mundala.	

* P.T. = Primitive Tribe.

[4th February 1936]

APPENDIX V.

[Vide answer to question No. 718 asked by Mr. G. Rameswara Rao at the meeting of the Legislative Council held on the 4th February 1936, page 451 supra.]

(F) Sales.—(1) Official Receivers should under no circumstances bid at sales of the properties of insolvents nor should they acquire, either directly or indirectly, any interests in the purchase of such properties.

(2) It has been brought to the notice of the High Court that parties are liable to inconvenience and hardship if Official Receivers conduct sales of properties of insolvents during the summer recess or other holidays including Sundays, as the parties cannot move the Courts concerned to stay or revise the Official Receivers' acts while the Courts are closed. The High Court considers that the practice, where it exists, should be stopped, and accordingly directs that Official Receivers should not conduct sales or proceed with execution work generally during holidays including the recess allowed to them.

(3) The High Court is opposed to the holding of sales of property by Official Receivers during the summer recess or on a holiday and therefore declines to modify its Circular Dis. No. 1238, dated 25th July 1918.

(4) In auction sales, a right to adjourn an auction should always be reserved in the conditions of sale if there are not sufficient bidders or if the highest bid is not adequate. If there are not sufficient bidders, the High Court directs that, except when creditors with substantial interests are present and agree that the amount of the bid is adequate,

(a) the first auction should always be adjourned to secure more bidders; and

(b) a second auction should also be adjourned if the amount of the bid is less than half the upset price.

(5) When a sale is adjourned for more than a week there ought to be a fresh proclamation. If not a fresh proclamation, at least there ought to be fresh notices to the creditors. There ought to be something to convince one that the amount realized in the sale did not suffer a diminution for want of publicity of the adjourned date.

APPENDIX VI.

[Vide answer to question No. 719 asked by Mr. G. Rameswara Rao at the meeting of the Legislative Council held on the 4th February 1936, page 452 supra.]

4. (b) A second auction should also be adjourned, if the amount of the bid is less than half the upset price.

[4th February 1936]

5. When a sale is adjourned for more than a week there ought to be a fresh proclamation. If not a fresh proclamation, at least there ought to be fresh notices to the creditors. There ought to be something to convince one that the amount realized in the sale did not suffer a diminution for want of publicity of the adjourned date.

APPENDIX VII.

[Vide item IX on page 505 supra.]

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

The Select Committee appointed to consider the Bill further to amend the Madras Forest Act, 1882, for certain purposes (Bill No. 22 of 1935), has the honour to make the following report.

2. The Bill was published in the *Fort St. George Gazette*—

in English on the 29th October 1935,	} on the 5th November 1935
in Tamil,	
in Telugu,	
in Kanarese,	
in Malayalam,	
in Hindustani,	

and in Oriya on the 12th November 1935.

3. The Committee met on the 11th November 1935 and on the 7th January 1936 and considered the provisions of the Bill.

4. In clause 3 of the Bill, a new section is sought to be enacted which provides that where the Local Government redefine the limits of a reserve forest without extending or altering its limits in any way it is unnecessary to follow the elaborate procedure laid down in sections 4 to 16. The Committee, however, thinks that even in such a case a notice should be published in the official gazette of the district in the manner provided in section 6 specifying the corrections proposed to be made and calling for objections. if any, within thirty days of the publication of the notice. It has amended the proposed new section 17-A accordingly.

4th February 1936]

5. For the rest the Committee approves the provisions of the Bill.

6. The Committee considers that the Bill as amended by it need not be republished.

7. A copy of the Bill, as amended, is annexed to this report.

FORT ST. GEORGE, C. S. RATNASABAPATHY,
7th January 1936. Chairman.

[Note.—Changes made by the Select Committee are shown in clarendon type.]

BILL No. 22 OF 1935.

A Bill further to amend the Madras Forest Act, 1882, for certain purposes.

(As amended by the Select Committee.)

Madras Act
V of 1882.

WHEREAS it is expedient further to amend the Madras Forest Act, 1882, for the purposes hereinafter appearing; AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

1. This Act may be called the Madras Forest (Amend-Short title. ment) Act, 1936.

2. In section 2 of the Madras Forest Act, 1882 (hereinafter referred to as the said Act), for the words "Sub-Assistant Conservator" occurring in the definition of "Forest-officer" the words "Extra Assistant Conservator" shall be substituted.

3. After section 17 of the said Act, the following section shall be inserted, namely:—

Insertion of
new section
17-A in
Madras Act
V of 1882.

" 17-A (1) Where the description of the limits of any reserved forest notified under section 16 is defective or is not clear in reference to existing facts, the Local Government may, by notification in the *Fort St. George Gazette*, redefine the limits of such reserved forest so as to remove the defect or make the description clear in reference to existing facts.

Power of
the Local
Government
to redefine
the limits of
reserved
forests in
certain
cases.

[4th February 1936]

(2) A notice shall be published in the manner provided in section 6, in the official gazette of the district specifying as nearly as possible the correction proposed to be effected and calling for objections, if any, from persons interested to be submitted in person or in writing to the District Forest Officer within thirty days of the publication of the notice. After the date specified, if there is no objection, or on the disposal of the objections, if any, a notification confirming the correction shall be published for general information. Except as aforesaid it shall not be necessary to follow the procedure laid down in sections 4 to 18 before issuing a notification under this section."

Amendment
of section
34, Madras
Act V of
1882.

4. To section 34 of the said Act, the following paragraph shall be added at the end, namely:—

"The Local Government shall also have power to appoint any person to discharge any function of a Forest Officer under any of the provisions of this Act which have been extended to any land or to any forest or waste land or produce thereof by a notification under section 32 or section 33 or under any rule made in pursuance of any provision so extended."

Amendment
of sections
41 and 43,
Madras Act
V of 1882.

5. In sections 41 and 43 of the said Act, for the word 'carts', the word 'vehicles' shall be substituted.

Substitution
of new
section for
section 46,
Madras Act
V of 1882.

6. For section 46 of the said Act, the following section shall be substituted, namely:—

Procedure in
regard to
perishable
property
seized under
section 41.

"46. (1) Notwithstanding anything hereinbefore contained—

- (a) the Magistrate may direct the sale of any property seized under section 41 which is subject to speedy and natural decay; and
- (b) if, in the opinion of the officer seizing such property, it is not possible to obtain the orders of the Magistrate under clause

4th February 1936]

(a) in time, such officer may sell the property himself, remit the sale-proceeds into the nearest Government treasury, and make a report of such seizure, sale and remittance to the Magistrate and thereupon the Magistrate shall take such measures as may be necessary for the trial of the accused.

(2) The Magistrate may deal with the proceeds of the sale of any property held under clause (a) or clause (b) of sub-section (1) in the same manner as he might have dealt with the property if it had not been sold."

APPENDIX VIII.

[Vide item X on page 507 supra.]

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

On 31st October 1935, the Madras Legislative Council appointed the following persons to constitute a Select Committee to consider and report on the Madras Public Service Commission Bill, 1935 (Bill No. 19 of 1935):—

- (1) The Hon. Sir Charles 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.

The Select Committee thus constituted has the honour to make the following report.

[4th February 1936]

2. The Bill was published in the *Fort St. George Gazette* in English on the 22nd October 1935.

3. The Committee met on the 16th December 1935 and considered the provisions of the Bill. It is meeting to-day to pass its report.

4. The Committee considers that it is desirable that the Public Service Commission appointed for this Presidency should work from now under the conditions under which it would work when the Government of India Act, 1935, comes into operation and that the necessary regulations which would have to be made under that Act should be made now so that any defects in their working might be noticed and necessary modifications made in the regulations as soon as the Government of India Act, 1935, comes into force. The Committee therefore approves of the main provisions of the Bill. It has subjected the clauses of the Bill to careful scrutiny and has made the following changes:—

- (i) *Clause 3.*—The various definitions in this clause have been re-arranged so that they may follow one another in logical order.
- (ii) *Clauses 5 and 6.*—These clauses are based on section 265 of the Government of India Act, 1935. The Committee thinks that it is desirable to follow the wording of that section with such modifications as may be necessary to make it applicable to the local Public Service Commission. The Committee has accordingly redrafted the clauses so as to follow, as far as possible, the wording of section 265 of the Government of India Act, subject to the requirements of sub-rule (3) of rule 13 of the Civil Services (Classification, Control and Appeal) Rules.
- (iii) *Clause 10.*—This clause corresponds to section 17 of the Madras Services Commission Act, 1929. The said section however gives a right to the officer or officers concerned to have the opinion of the Commission communicated to them along with the orders of the authority empowered to pass orders on the case. The Committee considers that there is no sufficient ground for omitting this provision and has accordingly added the necessary words at the end of clause 10.

4th February 1936]

(iv) *Clause 12.*—This clause as introduced enabled the Local Government to certify that any record, report or information called for by the Public Service Commission either from themselves or from any head of a department or other authority subordinate to them cannot be furnished without undue labour or should be withheld in the public interest. The Committee considers that so far as any record, report or information is called for from an authority subordinate to the Local Government, the provision is unobjectionable; but where the record, report or information is called for from the Local Government themselves, they should not be empowered to refuse to furnish it and that in such a case a higher authority should have the power to judge whether the Local Government should furnish the same or not. The Committee has, therefore, provided that in such a contingency unless the Governor certifies that the record, report or information cannot be supplied, the Local Government should furnish the same. Necessary alterations have accordingly been made in clause 12.

(v) The existing Act contains a provision, namely, section 20, by which within six months of the end of each financial year, the Commission shall present a report of its proceedings to the Local Government and the report shall be brought up by the Local Government for the consideration of the Legislative Council. This provision finds no place in the present Bill. The Committee, by a majority, considers that the Public Service Commission of the future should be under an obligation to make a report to the Local Government of its proceedings every year and that the report should be placed on the table of the Legislature. The Committee has accordingly inserted a new clause to this effect.

5. The other changes made by the Committee do not require special mention.

6. The Committee does not think it necessary that the Bill as amended by it should be republished.

Fort St. George,
10th January 1936.

C. A. SOUTER,
Chairman.

[4th February 1936]

[Note.—Changes made by the Select Committee are shown in clarendon type and the portion omitted are shown by dots.]

BILL No. 19 OF 1935.

The Madras Public Service Commission Bill.

(As amended by the Select Committee.)

Preamble. WHEREAS the Secretary of State for India in Council has made a rule authorizing the local legislature, subject to certain conditions and restrictions, 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 services;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows :—

CHAPTER I.—PRELIMINARY.

Short title and extent.

1. (1) This Act may be called the Madras Public Service Commission Act, 1936.

(2) It extends to the whole of the Presidency of Madras.

Repeals.

2. The enactments mentioned in the schedule are hereby repealed.

Definitions.

3. (1) In this Act unless there is something repugnant in the subject or context—

(a) 'Public Service Commission' means the Commission established under section 96-C of the Government of India Act;

(b) 'Commission' means 'The Madras Public Service Commission' established under this Act;

(c) 'Chairman' means the Chairman of the Commission referred to in clause (b);

(d) 'Governor' means the Governor of Madras;

(e) 'Member' means a member of the Commission referred to in clause (b);

(f) 'Presidency' means the Presidency of Madras; and

4th February 1936]

(2) In this Act, the terms 'all-India service,' 'provincial service,' 'specialist service' and 'subordinate service' shall have the same meaning as they have in the rules made under sub-section (2) of section 96-B of the Government of India Act by the Secretary of State for India in Council, the Governor-General in Council or the Local Government.

CHAPTER II.—CONSTITUTION OF THE COMMISSION.

4. There shall be established for the Presidency a Commission named 'The Madras Public Service Commission' consisting of a Chairman and such number of other members as the Governor may by regulation determine, for performing the functions hereinafter specified in this Act in respect of the public services in the Presidency.

5. (1) The Chairman and other members of the Commission shall be appointed and may be removed from office by the Governor:

Provided that at least one-half of the members of the Commission shall be persons who at the dates of their respective appointments have held office for at least ten years under the Crown in India.

(2) The Governor may, by regulations, determine the number of members of the Commission, their tenure of office and their conditions of service.

(3) No Chairman or member shall hold, during his service on the Commission, any other office under the Crown in India:

Provided that nothing in this sub-section shall bar the Chairman or other member having a lien on his post on the Commission while temporarily holding the office of Chairman or member of the Public Service Commission or the office of Chairman, as the case may be.

(4) A person who has been the Chairman or a member shall, on vacating his office, be ineligible to hold any office under the Crown in India other than the Office of Chairman or member of the Public Service Commission or of a Commission set up by any law enacted under the authority of rule 13 of the Civil Services (Classification, Control and Appeal) Rules.

[4th February 1936]

Power of the Governor to make regulations regarding strength, salaries and staff of the Commission.

6. (1) The Governor may, by regulations, make provision with respect to the numbers of the staff of the Commission and their conditions of service.

(2) He may, by regulation, also make provision—

- (a) for the allowances including the travelling allowances payable to the Chairman and members of the Commission and to the members of the staff of the Commission; and
- (b) for such other expenses as may be incidental to the work of the Commission, including contingencies, supplies and services.

CHAPTER III.—FUNCTIONS OF THE COMMISSION.

Functions of the Commission.

7. (1) Subject to the regulations, if any, made by the Governor under sub-section (3) and subject also to the provisions of sub-section (4), the Commission shall be consulted—

- (a) on all matters relating to methods of recruitment to any provincial, specialist or subordinate service;
- (b) on the principles to be followed in making appointments to any provincial, specialist or subordinate service and in making promotions and transfers from one such service to another;
- (c) on the suitability of candidates for such appointments, promotions or transfers;
- (d) on all disciplinary matters affecting a person serving His Majesty in any provincial, specialist or subordinate service, including memorials or petitions relating to such matters;
- (e) on any claim by, or in respect of, a person who is serving or has served His Majesty in any provincial, specialist or subordinate service that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the revenues of the Presidency;

[4th February 1936]

- (f) on any claim for the award of a pension in respect of injuries sustained by a person while serving His Majesty in any provincial, specialist or subordinate service and any question as to the amount of any such award;

and it shall be the duty of the Commission to advise on any matter so referred to them and on any other matter which the Governor may refer to them.

(2) It shall also be the duty of the Commission to conduct all examinations for appointments to any provincial, specialist or subordinate service.

(3) The Governor may make regulations specifying the matters on which either generally or in any particular class of case or in any particular circumstances it shall not be necessary for the Commission to be consulted.

(4) Nothing contained in sub-section (1) shall require the Commission to be consulted as respects the manner in which appointments and posts are to be allocated as between the various communities in the Presidency or, in the case of the subordinate ranks of the police forces in the Presidency, as respects any of the matters mentioned in clauses (a), (b), (c) and (d) of sub-section (1).

8. In the exercise of their functions under section 7, the Commission shall observe the rules, if any, made by the Local Government under sub-section (2) of section 96-B of the Government of India Act regarding the constitution of, or recruitment to, the provincial, specialist or subordinate service concerned.

9. Where any examination is to be held in India to determine whether probationers or officers already in the service of the Local Government have sufficient knowledge of any language or of any law, rules or orders which they may be called upon to administer, or possess any other qualifications including sufficient skill in equitation, which can be tested by examination, to justify their appointment to or promotion in an all-India, provincial, specialist or subordinate service, the Commission shall—

- (i) advise the Local Government in regard to the rules prescribing
- (a) the conditions of admission to the examination,

[4th February 1936]

- (b) the syllabus of the examination, and
- (c) the percentage of marks to be obtained for passing the examination;
- (ii) make all arrangements for the actual conduct of the examination; and
- (iii) publish the results in the *Fort St. George Gazette* :

Provided that the Commission shall not exercise any functions under this section in respect of any person in the Civil Service of the Crown in India other than a member of a provincial, specialist or subordinate service save with the general or special approval of the Secretary of State in Council in the case of persons appointed by him and of the Governor-General in Council in other cases :

Provided further that the Governor may by regulation exclude any examination from the scope of this section.

Records in disciplinary cases to be sent to the Commission.

10. In any case in which the Commission are consulted under clause (d) of sub-section (1) of section 7 on any disciplinary matter or on any memorial or petition relating to such matter, the record of the case shall be forwarded to the Commission and the opinion given by the Commission shall form part of the record, **and shall be communicated to the officer or officers concerned along with the orders of the authority empowered to pass orders on the case.**

CHAPTER IV.—MISCELLANEOUS.

Vacancy not to invalidate proceedings of Commission.

11. The proceedings of the Commission shall not be invalidated by reason of any vacancy in the office of the Chairman or a member.

Commission's powers to call for information.

12. The Commission may, at any time, call for any record, report or information which may in their opinion be necessary to enable them to discharge their functions, from the Local Government or from any head of a department or other authority subordinate to the Local Government; and such record, report or information shall be furnished to the Commission without undue delay by the Local Government or authority concerned, unless **where the record, report or information is called for**

4th February 1936]

from the Local Government, the Governor, and where the same is called for from the head of a department or any other authority,

the Local Government, certify that the same—

- (a) cannot be furnished without undue labour, or
- (b) should be withheld in the public interest.

12-A. Within six months of the end of each financial year, the Commission shall present to the Local Government a report of its proceedings during such financial year and the report shall be laid on the table of the Madras Legislative Council while in session.

13. (1) The Governor may make regulations to carry out all or any of the purposes of this Act and not inconsistent therewith. General power of the Governor to make regulations.

(2) 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. Publication of regulations.

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

Year.	No.	Short title.
1929	XI	The Madras Services Commission Act, 1929.
1931	IV	The Madras Services Commission (Amendment) Act, 1931.
1932	VIII	The Madras Services Commission (Amendment) Act, 1932.

[4th February 1936]

APPENDIX IX.

[Vide item XI (1) on page 515 supra.]

PUBLIC WORKS AND LABOUR DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

[SUBJECT.—*Preference to Coimbatore cement.*]

With reference to interpellation No. 378 answered on 1st November 1935, the following note is laid on the table of the House:—

The Chief Engineer (General, Buildings and Roads), has reported that the cement manufactured in the Coimbatore Cement factory, viz., the “Nilgiri” Brand cement has been used on Government works and that its quality has been found to be satisfactory. This cement is one of the brands included in the Indian Stores Department annual contract. The price is fixed by the Cement Marketing Company of India and is governed by the rate contract entered into with the Company by the Indian Stores Department but it is not in any way more favourable than the price of cement manufactured elsewhere. In fact the price is higher within 50 miles of the factory than at ports hundreds of miles away which is presumably due to the necessity to keep down prices at ports to meet outside competition.

No special instructions have been issued to the officers of the Public Works Department and of other departments asking them to give preference to the Coimbatore cement, but a letter of the Chief Controller of Stores, Indian Stores Department, dated 9th January 1935, authorizing the inclusion of this cement as an approved brand of cement for supply against Indian Stores Department rate contracts has been communicated to the officers of the Public Works Department for information.

20th January 1936.

W. SCOTT BROWN,
Secretary to Government.

APPENDIX X.

[Vide item XI (2) on page 515 supra.]

G.O. No. 1688, Development, dated 3rd December 1935.

READ—the following papers:—

I

G.O. No. 1513, Development, dated 31st October 1935,

4th February 1936]

II

Letter from T. K. RAJAGOPALAN, Esq., B.A., Accountant-General (O.A.D. section), to the Secretary to Government, Development Department, dated 28th August 1935, No. O.A. 33 (f) 7/35-36/902.

I have the honour to forward herewith the audit report and accounts of the Industrial Engineering Workshops, Madras, for the year ended 31st March 1935.

2. Copies of this report and of the accounts have been sent to the Director of Industries, Madras, for necessary action.

3. Copies of the report and of the accounts have also been sent to the Secretary to the Government of Madras, Finance Department, the Industrial Engineer, Madras, and to the Assistant Industrial Engineer-in-charge of the Workshops.

ENCLOSURE.

Industrial Engineering Workshops, Madras—Audit report on the accounts for the year ended 31st March 1935.

The accounts of the workshops for the year ended 31st March 1935 have been audited and the manufacturing and profit and loss account for the year is attached hereto, the balance sheet having been discontinued as the result of the changes introduced with effect from 1st April 1934 in G.O. No. 1407, Development, dated 20th November 1933. A schedule showing the depreciation revenue account as on 31st March 1935 is also attached hereto.

2. The loss for the year as per the profit and loss account is Rs. 13,760. This includes the sum of Rs. 5,578—(vide details given in the margin) relating to previous years debited to the profit and loss account of the year under audit. If this item is left out of account the loss for the year is Rs. 8,182 against the net loss of Rs. 10,288 as per last year's profit and loss account (which should have normally borne this additional debit Rs. 5,578).	
* Repairs to buildings ..	Rs. A. P. 624 14 0
Loss on sale of surplus stores written off in G.O. Ms. No. 339, Development dated 4th March 1935	4,953 0 3
Total ..	5,577 14 0
or ..	5,578 0 0

3. The comparative figures of prime cost, turnover, loss, etc., for the two years ending 31st March 1935 are given below:—

	1934-35.	1933-34.
	RS.	RS.
Turn over	59,284	71,818
Prime cost { Labour	13,713	15,262
{ Materials	25,473	35,115
Difference representing recovery for overheads.	20,098	21,441
Expenditure on overheads	35,947	33,926
Loss	15,849	12,485
Deduct other miscellaneous receipts.	2,089	2,197
Net Loss ..	13,760	10,288

[4th February 1936]

	1934-35.	1933-34.
(a) Percentage of overheads to labour	262.1	222.3
(b) Percentage of overheads to prime cost ..	91.7	67.4
(c) Percentage of recovery for overheads to labour	146.6	140.5
(d) Percentage of recovery for overheads to prime cost	51.3	42.5
(e) (i) Percentage of loss (Rs. 13,760) to turnover	23.2	14.3
(ii) Percentage of loss (Rs. 8,182) to turnover	13.8	

(Vide paragraph 2 above.)

It will be seen from the figures furnished above that the turnover fell from Rs. 71,818 in the previous year to Rs. 59,284 during the year under review. The decrease is chiefly noticeable under "work done for the pumping and boring section" while there is an appreciable increase in the work done for other departments as indicated below:—

	1934-35.	1933-34.	1932-33.
	RS.	RS.	RS.
Pumping and Boring section	56,970	70,541	59,914
Industries Department	253	158	1,016
Other Departments	998	125	
Private parties	1,063	994	5,585
	<u>59,284</u>	<u>71,818</u>	<u>66,515</u>

The decrease in the turnover indicates that the paucity of orders from private parties referred to in paragraph 3 of the last year's report continued during the year under review. Further there has been a decrease of nearly 20 per cent in the works entrusted by the pumping and boring section.

The percentage of overheads to labour was 262.1 for the year under review as against 222.3 for the previous year. The actual recovery rose, however, to 146.6 per cent as against 140.5 per cent during the year 1933-34.

4. *Overheads.*—There was an increase of Rs. 2,021 in the overhead charges during 1934-35 as compared with those of the previous year as indicated below:—

	1934-35.	1933-34.
	RS.	RS.
Depreciation	4,673	4,673
Workshop maintenance	2,672	3,346
Interest on capital	6,977	8,767
Salary, leave and pensionary contribution ..	12,662	12,079
Other items	8,903	5,061
	<u>35,947</u>	<u>33,926</u>

Actual increase .. 2,021

The decrease of Rs. 1,790 under "Interest on capital" is due to the reduction of Rs. 29,270 in the mean capital of the year and a reduction in the rate of interest on capital from 5.38 per cent adopted in the previous year to 5.21 in the year under review.

The increase under "other items" is chiefly due to the extra debits referred to in paragraph 2 above set off by the reduction in the audit fee from Rs. 1,080 to Rs. 840 as per G.O. Ms. No. 213, Development, dated 9th February 1935.

4th February 1936]

5. The workshop has been working at a loss for the past five years as will be seen from the statement furnished below:—

Year.	Expenditure on over-head.	Amount recovered on account of overheads.	Deficiency.	Net trading loss.
	RS.	RS.	RS.	RS.
1930-31	47,827	29,182	18,645	17,592
1931-32	43,883	20,847	20,036	22,714
1932-33	36,582	17,171	19,411	15,184
1933-34	33,926	21,441	12,485	10,288
1934-35	35,947	20,098	15,849	13,760

The net loss for 1934-35, however, is only Rs. 8,182 (vide paragraph 2 above) and it is far less than the loss in any previous year.

The percentage of overheads to labour has gone up to 262.1 in the year under report and with the levy of the 300 per cent ordered in G.O. Ms. No. 1537, Development, dated 8th November 1934, to take effect from 1st April 1935, the loss to the workshop may go down.

6. The amounts of Rs. 32-13-0 and Rs. 634-1-0 being the losses due to the revaluation of stores and loose tools respectively and debited to the profit and loss account of the year under report require to be written off under the orders of the Government.

7. The annual physical verification of stock is stated to be now going on and the result of verification may be reported.

8. *Paragraph 9 (b) of the last audit report.*—Orders of Government are awaited. Vide paragraph 6 of G.O. No. 370, Development, dated 9th March 1935.

9. *Stock book of pumping and boring articles.*—(a) There is no indication in the stock book of the stock having been periodically verified. This may be done and a certificate of verification recorded.

(b) There were several instances in which the dimensions of articles issued from stock to the jobs did not tally with those noted on the indents. These were explained as due to the lack in stock of the articles of the dimension noted on the indents. In such cases the dimensions of articles actually issued may be noted on the indents to facilitate check.

10. *List of unused and surplus stores.*—An up-to-date list of unused and surplus stores has been prepared by the Assistant Industrial Engineer including those omitted to be included in the list for 1933-34. The list is likely to be altered as the result of the stock verification now going on. Orders are awaited for the disposal of the articles shown in the list and of the stock, purchased prior to the issue of the standing orders, forming the excess over the sanctioned reserve.

MADRAS,
23rd August 1935.

T. K. RAJAGOPALAN,
Examiner, Outside Audit Department.

[4th February 1936]

4th February 1936]

(2)

Schedule A—Depreciation Reserve Account as on 31st March 1935.

	RS.	A.	P.		RS.	A.	P.
Amount invested with Government during 1933-34.	39,737	4	1	Depreciation on—			
Balance remaining to be adjusted.	18,847	15	1	Buildings	23,924	11	5
				Electric installation ..	503	13	8
				Plant and Machinery ..	29,487	12	3
				Furniture	4,668	13	9
	58,585	3	1		58,585	3	1

III

Letter from L. B. GREEN, Esq., M.B.E., acting Director of Industries, to the Secretary to Government, Development Department, dated 24th October 1935, No. 2184-E/35.

I submit the following remarks on the audit report on the accounts of the Industrial Engineering Workshop, Madras, for the year ending 31st March 1935.

Paragraph 6 of the audit report—Loss due to revaluation of stores and loose tools—Rs. 666-14-3.—Proposals have been submitted to Government separately in this office letter No. 2580-Eng./35, dated 11th October 1935, for sanction to the writing off of this loss.

2. Paragraph 7 of the report—Stock verification.—There were no excesses or deficits in the stock as reported by the Stock Verifying Officer.

3. Paragraph 8 of the audit report—Paragraph 9 (b) of the last audit report—Book debts.—Orders of Government are awaited.

4. Paragraph 9 (a) of the audit report—Stock book of pumping and boring articles.—The Assistant Industrial Engineer reports that a percentage verification of extra heavy pipes and other articles has since been made by the Stock Verifying Officer and his signature is affixed against the items verified by him.

5. Paragraph 10 of the audit report—Disposal of unused and surplus stores.—The list of surplus stores received from the Assistant Industrial Engineer includes a few articles which are likely to be consumed by the workshop in the course of the year. This is being examined by the Industrial Engineer. Proposals in this regard will be submitted to Government separately.

Order—No. 1688, Development, dated 3rd December 1935.

Recorded.

2. Paragraph 6 of the audit report and the Director's remarks thereon—Loss due to revaluation of stores and loose tools.—Orders have already been issued in G.O. No. 1513, Development, dated 31st October 1935.

Sub-enclosures.

(1)

Manufacturing and Profit and Loss Account for the year ended 31st March 1935.

	Labour.	Materials.	Total.	By work done for—	RS.	A.	P.
To work in progress at commencement.	747 12 7	1,109 9 0	1,857 5 7	Pumping and boring section ..	5,697	2	6
Detected erroneous debit in 1933-34.	2 0 0	..	2 0 0	Industrial department ..	252	14	0
..	745 12 7	1,109 9 0	1,855 5 7	Other departments ..	998	3	0
..	13,244 1 3	24,803 8 0	38,047 9 3	Private parties ..	1,062	9	0
..	13,989 13 10	25,913 1 0	39,902 14 10	Interest on Depreciation Reserve ..	59,283	12	6
Less work in progress at close ..	276 10 11	440 0 6	716 11 5	.. Miscellaneous receipts ..	2,070	0	0
Prime cost ..	13,713 2 11	25,473 0 6	39,186 3 5	.. Balance (net loss) ..	19	7	0
..	..	..	..		13,760	0	2
Overheads—Depreciation—	..	..	..				
Buildings ..	..	1,864 0 0	1,864 0 0				
Plant and Machinery ..	..	2,497 0 0	2,497 0 0				
Electric installation ..	..	42 0 0	42 0 0				
Furniture and fixtures ..	..	270 0 0	270 0 0				
Workshop maintenance—	..	..	..				
Labour ..	..	717 0 2	717 0 2				
Materials ..	..	1,954 10 3	1,954 10 3				
Salaries and allowances ..	..	10,686 2 0	10,686 2 0				
Leave contribution ..	..	1,012 10 0	1,012 10 0				
Pension contribution ..	..	1,903 11 0	1,903 11 0				
Interest on Capital ..	..	6,977 0 0	6,977 0 0				
Wages of menials ..	..	689 14 10	689 14 10				
Electric charges ..	..	59 13 0	59 13 0				
Rents, rates and taxes ..	..	285 0 0	285 0 0				
Stationery and forms ..	..	245 6 0	245 6 0				
Audit fees ..	..	340 0 0	340 0 0				
Boiler inspection fees ..	..	35 0 0	35 0 0				
Renewals and repairs to buildings ..	..	624 14 0	624 14 0				
Renewals and repairs to plant and machinery ..	..	232 4 1	232 4 1				
Value of stores written off due to revaluation ..	..	32 13 0	32 13 0				
Value of loose tools written off ..	..	634 1 0	634 1 0				
Value of surplus stores written off ..	..	4,953 0 0	4,953 0 0				
Miscellaneous charges ..	..	380 13 11	380 13 11				
Total ..	..	28,602 5 10	28,602 5 10				
		75,133 3 8	75,133 3 8				

Examined and found correct subject to my report of even date.

MADRAS,
23rd August 1935.T. K. RAJAGOPALAN,
Examiner, Outside Audit Department.

[4th February 1936]

3. *Paragraph 8 of the audit report and the Director's remarks thereon—Book debts.*—The attention of the Director is invited to Government Memorandum No. 4239-II/34-2, dated 3rd April 1935, in which orders have already been issued. A copy of the memorandum is furnished to the Accountant-General for information.

4. *Paragraph 9 (a) of the audit report and the Director's remarks thereon—Stock book of pumping and boring articles.*—The Director is requested to issue necessary instructions for the periodical verification and certification of the stock by the Assistant Industrial Engineer-in-charge of the Workshops. In cases where the dimensions of articles issued from stock to the jobs do not tally with those noted on the indents, the dimensions of articles actually issued should, in future be noted on the indents to facilitate check.

5. *Paragraph 10 of the audit report and the Director's remarks thereon—Disposal of unused and surplus stores.*—The Director's proposals are awaited.

(By order of the Government, Ministry of Public Works)

C. A. HENDERSON,
Secretary to Government.

To the Director of Industries.

- „ Accountant-General, through the Finance Department (with a copy of Official Memorandum No. 4239-II/34-2, dated 3rd April 1935).
- „ Finance Department.
- „ Secretary, Legislative Council, for placing the Government Order on the Council Table.
- „ Librarian, Legislative Council.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Wednesday, the 5th February 1936.

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.	Moses, Mr. P. C.
Pannirselvam, The Hon. Rao Bahadur A. T.	Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Souter, K.C.I.E., C.S.I., I.C.S., The Hon. Sir Charles.	Muniswami Pillai, Rao Sahib V. I.
Bracken, C.S.I., C.I.E., I.C.S., The Hon. Mr. G. T. H.	Muthiah Chettiyar of Chettinad, Raj Kumar M. A.
Raja of Bobbili, K.C.I.E., The Hon. the Rajan, The Hon. Mr. P. T.	Muthu Chettiyar, Rao Bahadur P. C.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.	Nachiyappa Gounder, Mr. K. A.
Abdul Hameed Khan Sahib Bahadur.	Nanjappa Bahadur, Rao Bahadur Subadar-Major S. A.
Ahmed Meeran Sahib Bahadur, A. M.	Narasa Reddi, Mr. T.
Alamelumangathayaramma, Mrs. K.	Narasimhaswami, Rao Sahib D. V.
Annamalai Chettiyar, Mr. S. A. A.	Natesa Mudaliyar, Diwan Bahadur C.
Appadurai Pillai, Diwan Bahadur A.	Obi Reddi, Mr. C.
Arasu, Mr. V. T.	Palat, Mr. R. M.
Ari Gowder, Mr. H. B.	Parthasarathi Ayyangar, Mr. C. R.
Basheer Ahmed Sayeed Sahib Bahadur.	Patnaik Mahasayo, Sriman M. G.
Basu Dev, Mr. C.	Patro, K.C.I.E., Rao Bahadur Sir A. P.
Boag, C.I.E., I.C.S., Mr. G. T.	Pattabhiramayya, Mr. K.
Devadasan, Mr. M.	Peddi Raju, Mr. P.
Dharmalingam Pillai, Rao Sahib V.	Pocker Sahib Bahadur, B.
Ellappa Chettiyar, Diwan Bahadur S.	Premayya, Mr. G. R.
Foulkes, Mr. G. F. F.	Rajagopala Pillai, Mr. P. V.
Gopalaswami Mudaliyar, Diwan Bahadur M.	Raja of Khallikote, The.
Harischandrudu Nayudu, Mr. A.	Ramachandra Padayachi, Mr. P. K.
Indrayya, Mr. C.	Ramakrishna Reddi, Mr. A.
Iswaran Pillai, Mr. I. C.	Ramalingam Chettiyar, Diwan Bahadur T. A.
Jagannatha Raju, Rao Bahadur G.	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-ul-lah 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.
Krishnamurti, Rao Bahadur D.	Ratnavelu Thevar, Mr. P.
Kumararaja of Venkatagiri, The.	Reid, Mr. D. M.
Langley, Mr. W. K. M.	Rukmani Lakshmipathi, Mrs. A.
Madanagopal Nayudu, Mr. R.	Russell, I.C.S., Mr. T. B.
Maharaja of Parlakimedi, The.	Schamnad Sahib Bahadur, Khan Bahadur Mahmud.
Mahboob Ali Baig Sahib Bahadur.	Scott Brown, I.C.S., Mr. W.
Manikkavelu Nayakar, Mr. M. A.	Shetty, Mr. A. B.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Siva Raj, Rao Sahib N.
	Smith, Mr. J. M.
	Soundarapandian, Mr. W. P. A.
	Sreshta, Mr. M. S.
	Srinivasan, Diwan Bahadur R.

[5th February 1936]

PRESENT—cont

Sriramulu, Mr. G.
 Subbarayan, Dr. P.
 Subrahmanya Chetti, Rao Sahib P.
 Subrahmanya Bhatt, Mr. U. C.
 Sundara Rao Nayudu, Mr. T.
 Syed Tajuddin Sahib Bahadur, Khan Sahib.
 Thangal, Mr. P. M.

Uzielli, C.I.E., I.C.S., Mr. H. R.
 Vasudeva Pillai, Mr. V. G.
 Venkatachala Reddiyar, Mr. K. C. M.
 Venugopal Nayudu, Rao Bahadur R. K.
 Yakub Hasan Sahib Bahadur.
 Zamindar of Bodinayakkanur, The.
 Zamindar of Kirlampudi, The.
 Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Electricity

Details of the scheme regarding the electrification of Rasipuram in Salem district.

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

(a) whether it is a fact that funds have been allotted for undertaking the scheme of bringing in electric power to Rasipuram in Salem district during the coming year;

(b) if so, how much;

(c) when the scheme is likely to be completed and actual supply made;

(d) what the towns included in this scheme are;

(e) what the rates proposed to be levied for the consumption of electric current for various purposes under this scheme are;

(f) whether this scheme is to be worked out by the Government themselves departmentally or whether it is to be entrusted to any private agency; and

(g) what the anticipated percentage of income on this scheme is?

A.—(a) & (b) The proposal is one of the Part II Schemes for 1936–37 and it is proposed to provide a sum of Rs. 1,05,000 for expenditure in that year.

(c) In a year.

(d) The proposal relates only to Rasipuram.

(e) The standard Pykara retail rates.

(f) The scheme will be worked by the Government.

(g) 12.7 per cent of the capital outlay.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know, Sir, from which place the town of Rasipur is to receive its electric supply? ”

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

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know, Sir, whether the proposal to take the line from the Karur-Trichinopoly line has been dropped? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I cannot say offhand, Sir.”

5th February 1936]

Mr. K. A. NACHIYAPPA GOUNDER:—“ Sir, the percentage of income on the capital outlay is expected to be 12.7; may I ask the Hon. Member whether the percentage cannot be reduced so that the scheme may be made more popular? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I believe, Sir, that that has been the standard.”

Prisons and Prisoners

Health condition of Narayana Nambiyar, prisoner, Madras Conspiracy Case.

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

(a) whether one Narayana Nambiyar, prisoner, Madras Conspiracy case, has been brought down to Madras for medical examination;

(b) whether the medical examination is over and whether any report has been submitted to Government; and

(c) what his present state of health is?

A.—As the prisoner, Narayana Nambiyar, was suffering from dyspeptic symptoms and abdominal pain he was brought down to Madras for medical examination in October last. The radiological report revealed the existence of a duodenal ulcer. He was admitted into the General Hospital, Madras, on 1st November 1935 for operative treatment and a report was submitted to Government. As the prisoner refused to undergo the operation he was discharged from the hospital and re-admitted into the jail. He was put on alkaline treatment and liquid diet. The latest medical report shows that he has no gastric symptoms now and that he is having good sleep at nights. His weight before he was sent to the General Hospital was 109 lb. His weight on 11th January 1936 was 111 lb.

Mrs. A. RUKMANI LAKSHMIPATHI:—“ Sir, may I ask whether it does not look peculiar that the majority of political offenders suffer from stomach troubles when they are in jails; may I know whether it is due to the bad food supplied in these jails or whether political offenders are prone to such diseases? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ It is not for me to say whether it is due to their constitution or to the food supplied in jails, but I can assure the hon. Member that the food supplied to these prisoners is just the same as that supplied to the other prisoners of their class and is believed to be the right sort of food.”

Mr. U. C. SUBRAHMANYA BHATT:—“ May I ask whether the Hon. Member will call for a report as to why among political prisoners there is such a large number of people suffering from stomach complaints? ”

[5th February 1936]

The Hon. Sir K. V. REDDI NAYUDU:—"In the first place, Sir, it is not correct to say that there is a large number of them."

Mr. U. C. SUBRAHMANYA BHATT:—"May I ask whether he will call for a report as to the number of political prisoners who have suffered from stomach troubles during the last four or five years?"

The Hon. Sir K. V. REDDI NAYUDU:—"No, Sir, for if there has been anything serious in the matter, it would certainly have been reported to the Government already."

Mr. ABDUL HAMEED KHAN:—"May I ask for what was the prisoner asked to undergo an operation in the hospital, Sir?"

The Hon. Sir K. V. REDDI NAYUDU:—"It is stated in the answer itself, Sir,—duodenal ulcer."

Mr. ABDUL HAMEED KHAN:—"Did the Medical Officers say that operation was absolutely necessary in his case?"

The Hon. Sir K. V. REDDI NAYUDU:—"I do not know whether they said that it was absolutely necessary or not. He was advised to undergo an operation but he refused to undergo the operation."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether in this particular case the ailment complained of is due to the fact that the prisoner is put in a lower class and subjected to a lower standard of food than that to which he is accustomed in normal life?"

The Hon. Sir K. V. REDDI NAYUDU:—"I do not think so, Sir."

Control of Vehicles

Progress in the matter of the amendments of Motor Vehicle Rules.

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

(a) whether the opinion invited from the Automobile Association of Southern India, the Madras Motor Vehicles Importers and Allied Merchants' Association, and the Indian Roads and Transport Development Association on the draft of the new motor rules has been received;

(b) if so, whether a copy of the opinion of each of those bodies will be placed on the table;

(c) whether persons attached to those bodies were already serving on the committee appointed to get up these draft rules.

(d) whether the district boards have been consulted in the matter of these draft rules;

(e) if so, whether and when the opinions of those bodies have been received; and

(f) whether the Government have considered the draft rules, and when they are likely to be published for public criticism and made final and brought into force?

[5th February 1936]

A.—(a) Yes, except from the Madras Motor Vehicles Importers and Allied Merchants' Association.

(b) No.

(c) Yes.

(d) Yes.

(e) Presidents of most of the district boards have forwarded their opinions.

(f) The draft rules are under consideration. It cannot now be stated when the draft rules will be published for public criticism and made final and brought into force.

Mr. K. A. NACHİYAPPA GOUNDER:—"Sir, in answer to clause (b) the Government say 'No.' May I ask why the opinions received are not placed on the table of the House for the House to study them and get the necessary information?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The opinion was called for for the information and guidance of the Government."

Mr. K. A. NACHİYAPPA GOUNDER:—"With reference to clause (c), may I know where was the necessity to consult these bodies again when persons representing them have already served on the Committee?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Individual members of those Associations were members of the Committee, but the Government thought it might be useful to get the opinion of those Associations as a whole."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether this Committee considered the question of third party insurance in the case of every car?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Yes, Sir, I understand the question was considered."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know what was the result of such consideration?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The matter is under the consideration of the Government and they will pass orders on it later on."

Mr. K. A. NACHİYAPPA GOUNDER:—"May I ask when the rules are likely to be published for public criticism?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"As soon as the exigencies of official business enable us to consider the matter."

Uniformity in regulating bus traffic in the province.

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

(a) whether a Government Order has been issued constituting a committee consisting of the District Magistrate, the District Superintendent of Police and the District Board President of each district

[5th February 1936]

and suggesting the fixing of fixed timings, and the number of buses on each road in the matter of regulation of hire buses;

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

(c) in which of the districts the system of fixing regular timings for the arrival and departure of hire buses, and the system of limiting the maximum number of hire buses on each road are followed;

(d) what the reasons are for not adopting the same policy in the rest of the districts;

(e) whether representations have been received for adopting a regular timing system in Salem district, and, if so, from whom and how they have been disposed of; and

(f) what the system now in force in Salem district is with regard to the hire bus traffic?

A.—(a) Yes, but it is left entirely to the local authorities in each district whether or not to arrange a fixed schedule of timings for buses.

(b) A copy of the G.O. No. 1741, Law (General), dated the 7th June 1934, on the subject is in the Legislative Council Library.

(c) & (d) Government have no information. The matter is left to the discretion of the local authorities in each district.

(e) Yes. A representation was received from the hon. Member himself and it was forwarded to the District Magistrate, Salem, who has full discretion to act in the matter.

(f) The Government have no information.

Mr. K. A. NACHIYAPPA GOUNDER:—"With reference to clauses (c) and (d) the Government say they have no information. May I ask why the Government have not called for the information to know the exact position in each of the districts and then pass necessary orders so that there may be some uniformity in the matter?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"As I have repeatedly said, to obtain uniformity in all the districts is an impossibility. Each Committee is given discretion. The Government do not propose to interfere with the discretion of the local committees which consist of the District Magistrate, the District Superintendent of Police and the President of the District Board. I do not think any useful purpose will be served by the Government calling for the information."

Mr. ABDUL HAMEED KHAN:—"May I ask whether it is open to any one of these three local authorities individually to fix the timings or make rules?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I do not think so, Sir; it is for the Committee to do it."

[5th February 1936]

Mr. U. C. SUBRAHMANYA BILATT:—"May I ask whether it is open to the Committee to fix the rates of fares also?"

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

Police

Names and places of posting of the 52 Sub-Inspectors of Police recruited recently.

* 726 Q.—Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur: Will the Hon. the Home Member be pleased to state—

(a) the names of the 52 persons appointed recently as Police Sub-Inspectors showing the community to which each belonged and the places to which each is posted (vide his reply to questions—Council Proceedings, pages 354 and 355, dated 1st November 1935);

(b) how many Vanniyakula Kshatriyas have sent their applications for this post and their names also; and

(c) the subject in which a candidate should pass (qualify) before the Public Services Commission, to be selected for the post of Police Sub-Inspector?

A.—(a) The information is not readily available and the Government see no reason to call for it.

(b) Three qualified Vanniyakula Kshatriyas applied for the post and their names are—

- (1) M. Krishna Rao,
- (2) A. Arumugam, and
- (3) A. V. Loganathan.

(c) Candidates who apply to the Madras Services Commission for selection for appointment as Sub-Inspector of Police are not required to sit for any examination.

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—"With reference to the answer to clause (a) may I ask why the Government see no reason to call for the information asked for?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The Government thought that no useful purpose would be served by calling for information as to where these 52 sub-inspectors have been posted."

Rao Bahadur Subadar-Major S. A. NANJAPPA Bahadur:—"Considering that the population of Vanniyakula Kshatriyas is about 35 lakhs, may I ask why no one from this community has been appointed although 52 appointments were made?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I am afraid I cannot answer this question. The Services Commission can do it."

Mr. M. A. MANIKKAVELU NAYAKAR:—"Sir, when qualified applicants are not available from this community, the Government say that qualified applicants are not available and therefore no one from this community

[5th February 1936]

has been appointed. When in this case qualified applicants were available, may I ask why the Government did not give necessary directions to the Services Commission to select candidates from this community? If the Government do not do so, may I ask why they should not scrap the communal Government Order altogether?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The House is aware of the instructions of Government in the matter of communal representation. As the Hon. the Revenue Member stated the other day, it is certainly not possible for the Government to go on subdividing communities into infinitesimal fractions."

Land Revenue Administration

Extent of damage to Tanjore district due to cyclone.

* 727 Q.—MR. G. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the extent of damage caused by the recent cyclone in Tanjore district has been ascertained;

(b) whether the Government will be pleased to lay on the table of the House the report of the Collector of Tanjore about the damage and the remedies proposed by him;

(c) what the taluks are that have been affected by the cyclone;

(d) the following details with regard to each of the taluks that have been affected by the cyclone—

(i) the number of dwelling houses that have been damaged and the number of people that have been rendered homeless;

(ii) the number of fruit-bearing and taxable trees that have been damaged;

(iii) the number of other trees that have been damaged;

(iv) the extent of damage caused to livestock;

(v) the extent of damage caused to the standing crops in the fields; and

(e) the remedial measures that have been taken till now to grant relief to the ryots in the affected areas and also the measures of relief that are proposed to be given?

A.—A copy* of the detailed report of the Collector is laid on the table. The Government have no other information.

MR. T. S. RAMASWAMI AYYAR:—"Sir, in the Collector's report which is printed as an appendix to the answer given by the Government it is stated:

'It is too soon now to say definitely about the extent of remission of revenue that may have to be granted. No appreciable damage was done by the cyclone to paddy or other crops and no special remission is called for.'

* Printed as Appendix I on pages 616-619 infra.

[5th February 1936]

May I ask whether the Government have received any later report from the Collector regarding the damage done to paddy crops? Or have any representations been made to Government by individuals or associations pointing out the extent of the damage done to the paddy crop by the cyclone and stating that the crop has failed to a large extent and that what little was gathered contained more of chaff than paddy?"

The Hon. Sir CHARLES SOUTER:—"No, Sir."

MR. T. S. RAMASWAMI AYYAR:—"May I ask whether any representation has been received from the Mirasidars' Association and if so, what orders the Government have passed thereon?"

The Hon. Sir CHARLES SOUTER:—"Representations have been received regarding a certain pest and they have been sent for report."

MR. T. S. RAMASWAMI AYYAR:—"May I know whether the damage said to be caused by the pest is really the damage caused by the cyclone?"

The Hon. Sir CHARLES SOUTER:—"The Government have not sufficient information about it."

MR. C. R. PARTHASARATHY AYYANGAR:—"With reference to what is contained in paragraph 6 of the Collector's Report, may I ask whether the Government have given any assistance to the owners of houses which fell in cyclone?"

The Hon. Sir CHARLES SOUTER:—"I have no further information than what is given in the answer."

MR. K. A. NACHIYAPPA GOUNDER:—"May I ask whether any representations have been received from Hon. Members of this House representing the Tanjore district?"

The Hon. Sir CHARLES SOUTER:—"Not that I am aware of, Sir."

Government Order for the demolition of the mosque at Repalle (Guntur district).

* 728 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 the Government have passed final orders to demolish the mosque at Repalle (Guntur) on the ground that it was built on poramboke land;

(b) whether it is a fact that the then tahsildar granted permission to construct the mosque on the site in question as it was purely in the Muslim locality and that the panchayat board also by a majority of votes passed a resolution granting permission;

(c) whether it is a fact that five Muslim M.L.Cs. approached the Hon. the Revenue Member and fully represented the case and the Hon. Member promised to enquire into the matter at once; and

(d) on what grounds have the Government passed the above orders?

[5th February 1936]

4.—(a) & (d) The Government considered the encroachment very objectionable and directed its removal.

(b) No such permission was granted by the tahsildar. The panchayat board passed a resolution on 31st August 1935, recommending the assignment of the land occupied by the mosque.

(c) Yes.

11-15 a.m. Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—" May I ask whether it is the policy of the Government to destroy mosques and places of worship like this and whether the Government are aware that their action has caused much alarm among the Muhammadan community? "

The Hon. Sir CHARLES SOUTER:—" There is no policy in this matter, Sir. This is only a particular case and the Government have dealt with this accordingly."

Mr. ABDUL HAMEED KHAN:—" May I ask whether the Government or the officer concerned gave serious consideration to the matter before resorting to the severe step of destroying a mosque on the flimsy ground of encroachment and thereby wounding the religious susceptibilities of a whole community? "

The Hon. Sir CHARLES SOUTER:—" I should say, Sir, that the Collector personally went down to the spot and he gave it as his considered opinion that the construction of the mosque in that locality was most objectionable."

Mr. MAHBOOB ALI BAIG:—" May I ask whether it is not a fact that there will be no objection to the existence of the mosque there if the mosque authorities are willing to give up the site south of the mosque? "

The Hon. Sir CHARLES SOUTER:—" Sir, I can say that this mosque is built in close proximity to a Hindu burial ground and the Collector thought that on that ground it was most objectionable to have it there."

Mr. C. BASU DEV:—" Arising out of the supplemental question of Mr. Schamnad Sahib, may I ask whether the Muhammadans are such a community as to be easily alarmed at these things? "

The Hon. Sir CHARLES SOUTER:—" That is a contention which has to be fought out between the Muhammadans and the other communities."

Mr. MAHBOOB ALI BAIG:—" May I know whether, if the portion to the south of the mosque is given up by the mosque authorities, the objection raised by some people will go? "

The Hon. Sir CHARLES SOUTER:—" Sir, I do not think it is necessary to pursue the matter further."

[6th February 1936]

Co-operation

Procedure regarding the preparation of property statements of rural co-operative societies?

* 729 Q.—Mr. G. RAMESWARA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(a) who the officer or authority required to prepare property statements of rural co-operative societies is;

(b) whether there is any higher authority that checks them or scrutinizes them at any time;

(c) whether the Registrar (or his subordinates) takes these statements as a basis for fixing the maximum borrowing power of the societies concerned;

(d) who the authority is who fixes the maximum borrowing power of a society and whether the property statement of the members of the society is a factor in fixing the maximum borrowing power of the society;

(e) whether the said statements include the total of debts including interest up to date of the members of the said societies;

(f) whether only the principal of the debts due—either to the society or the other creditors—is shown in the said statements and all the interest is omitted; and

(g) if the answer to clause (f) is in the affirmative, whether there are any steps contemplated to change that practice, so that a correct estimate of the net assets of the members may be available, before the loan applications of such societies are dealt with by the financing banks?

4.—(a) & (b) Under rule V of the rules issued under the Madras Co-operative Societies Act, 1932, rural co-operative societies with unlimited liability are required to maintain a property statement of their members. The officers of the society prepare it and it is passed at a meeting of the general body. The union supervisor usually helps in the preparation and the revision of these statements every year. The departmental auditor test-checks the property statement at the time of the final audit of the society.

(c) & (d) Yes. The Registrar (the Deputy Registrar).

(e) & (f) The debts due by the members to the society and other creditors *exclusive of interest dues* are shown in the statement.

(g) No. The maximum borrowing power of a society is fixed at a figure not exceeding one-eighth of the net assets as exhibited in the property statement. No change in this

[5th February 1936]

practice is contemplated. The property statement of the society is not the only factor taken into consideration before the financing bank grants a loan to a society. The general working of the society, its management, its past history and the repaying capacity of borrowers are all taken into consideration before loans are granted.

Mr. G. RAMESWARA RAO:—" May I remind the Hon. Minister that what was in my mind when I put the question was that a circular was issued by the Registrar in 1928 or so that all debts inclusive of interest due up to date must be shown? May I ask whether it is ignored in actual practice or whether any steps are taken to enforce that circular? "

The Hon. Mr. P. T. RAJAN:—" I am not aware of it; as my hon. Friend has now brought it to my notice, I am prepared to look into the matter."

Mr. C. R. PARTHASARATHI AYYANGAR:—" May I know whether any steps are taken every year to check the solvency of persons, with reference to the statement furnished? "

The Hon. Mr. P. T. RAJAN:—" Every year the statement is revised."

Mr. C. R. PARTHASARATHI AYYANGAR:—" May I ask whether it is carried out in practice or whether it merely exists on paper? "

The Hon. Mr. P. T. RAJAN:—" I do not think it is not done in the proper way. Every year the officer concerned revises the statement."

Veterinary

Cattle mortality in North Arcot due to rinderpest and other diseases.

* 730 Q.—Mr. M. A. MANIKKAVELU NAYAKAR: Will the Hon. the Minister for Public Works be pleased to state the number of cattle destroyed by rinderpest and other diseases in the North Arcot district every year during the last five years?

A.—The attention of the hon. Member is invited to Appendix I of the Annual Administration Report of the Madras Civil Veterinary department for the last five years.

Education

Principles governing the allotment of grants to district boards for the construction of secondary school buildings.

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

(a) what the conditions are under which local bodies are allowed grants for the construction of secondary school buildings;

[5th February 1936]

(b) what the amounts are of grants for secondary school buildings paid to each district board in each year for the past five years ending 1934-35;

(c) what the amounts applied for by each district board for such purpose in each year for the past five years are; and

(d) on what principles these distributions are made?

A.—(a) The conditions imposed are—

(1) that the school in respect of which a building grant is applied for was in existence on 12th June 1930, the date on which orders were issued by Government determining the policy to be followed in respect of subsidies to local bodies for secondary schools;

(2) that the necessity for the building is admitted by the Education department;

(3) that detailed proposals with plans and estimates are forwarded to the Director of Public Instruction and reach Government after scrutiny by the Consulting Architect before October 1st in each year;

(4) that the subsidy from Government does not exceed one-half of the cost;

(5) that the building is constructed and subsidy claimed before the end of the third financial year beginning with that in which the subsidy is promised; and

(6) that necessary funds are available with Government.

(b) The attention of the hon. Member is invited to the answer given to question No. 472 on 6th November 1935.

(c) The information asked for is not readily available.

(d) Payment of subsidies is sanctioned in respect of sanctioned schemes with reference to the actual expenditure incurred on them from time to time, the actual amount being restricted to one-half of the expenditure incurred.

Mr. K. A. NACHİYAPPA GOUNDER:—" With reference to answer (c), may I ask the Hon. Minister to get the information? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think any useful purpose is going to be served by getting the information."

Working of the Provident Fund Scheme in aided institutions.

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

(a) whether school teachers in aided institutions have the benefit of provident fund scheme in all schools (secondary as well as lower), whether managed by local boards, municipalities or private agency;

[5th February 1936]

(b) whether the teachers are allowed to adjust from the provident fund towards life insurance policies in all such institutions where the scheme exists or whether the systems differ and if so, in what respect;

(c) whether the provident fund can be invested only in Government securities or savings bank (postal) or in postal cash certificates;

(d) what the rules are that govern the investment of provident funds, their conversion and withdrawal and whether they would be placed on the table of this House;

(e) whether the Government have received any representations that the machinery which deals with these funds is very slow to act and that steps should be taken to expedite work so as to prevent losses to teachers in investing, reinvesting and withdrawing; and

(f) what, if any, are the steps taken or proposed to be taken in this connexion?

A.—(a) It is presumed that the reference is to the Provident Fund for teachers in non-pensionable service. This fund is for the benefit of teachers in recognized educational institutions under private management; teachers in institutions managed by local bodies are not allowed to subscribe to this fund.

(b) to (d) The hon. Member is referred to the rules relating to the fund published at pages 73-79 of Part I-B of the *Port St. George Gazette*, dated 21st February 1933.

(e) & (f) No representations of the kind have been received.

Mr. G. RAMESWARA RAO:—“ May I know whether any resolution of the South Indian Teachers' Association has been sent up to the Government in that connexion? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The answer says that no representation has been received.”

Delay in the disposal of applications from teachers for closing their provident fund accounts.

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

(a) the number of applications in the Presidency in each of the last three years received from teachers in non-pensionable service in aided secondary schools for permanent closure of their provident fund accounts;

(b) the number of applications in each of the said years, on which full claims have been paid together with contributions from the Government;

(c) the number of applications in which contributions from the Government alone, are pending payment; and

[5th February 1936]

(d) the normal amount of period in dealing with such applications and the maximum delay and minimum delay in the last three years?

A.—The Government have no information and do not consider the subject to be of sufficient importance to justify the time involved in obtaining the information asked for.

Mr. G. RAMESWARA RAO:—“ My only idea in sending up this question is not to get the figures for any fancy purposes but to point out to the Government the delay . . . ”

The Hon. the PRESIDENT:—“ Order, order; the hon. Member has to put only the supplementary question; I have been observing that the hon. Member is invariably making a speech every time.”

Mr. G. RAMESWARA RAO:—“ I was premising my interpellation. May I ask the Hon. Minister to see that the matter is expedited so that there will not be any delay? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I shall consider if any further steps are required for expediting these applications.”

Amount of grant allotted under Elementary Education during the years 1934-35 and 1935-36.

* 734 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) the amount of Elementary Education grant allotted to each district during the years 1934-35 and 1935-36;

(b) the amount of Elementary Education grant which has remained unspent in each district during the period; and

(c) how the allotment to each district is made by the department and what the principles followed are when the grant is allotted to each district?

A.—(a) & (b) It is presumed that the reference is to the teaching grant allotment. The particulars relating to the year 1934-35 are given in the appended statement.* Similar figures for the year 1935-36 are not yet ready.

(c) Figures relating to the assessed grant for each district are supplied by the District Educational Officer in the case of boys' schools and the Inspectress of Girls' Schools in the case of girls' schools and the available budget provision is distributed with reference to these figures in the same proportion to all District Educational Councils.

Representations for the reduction of tuition fees in the Law College, Madras.

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

(a) whether any representations have been received for reducing the rate of tuition fees in the Law College at Madras; and

* Printed as Appendix II on page 620 infra.

[5th February 1936]

(b) if so, from whom and what action has been or is proposed to be taken thereon?

A.—No such representations have been received.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask whether the Government are proposing to examine the question of reducing the tutorial fees in view of the fact that there is a surplus of income every year? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ If it is the hon. Member's idea that the tuition fees must be reduced, I must say that I am opposed to that.”

Mr. C. R. PARTHASARATHI AYYANGAR:—“ Will the Hon. Minister be pleased to give us a statement showing the expenditure incurred every year in the college? ”

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

Mr. V. T. ARASU:—“ May I know whether the Hon. Minister is aware of the fact that at a students' meeting a resolution was passed requesting the Government to reduce the fees? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I do not think any such representation has been received by the Government.”

Mr. K. KOTI REDDI:—“ If the Hon. the Education Minister is opposed to the reduction of fees in the Law College, will there not be a fall in the strength of the students? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ We have got enough lawyers; no useful purpose is going to be served by unduly increasing their number.”

Mr. T. S. RAMASWAMI AYYAR:—“ May I ask if it is not the duty of the Government to see that the administration of the Law College should not be considered from the point of view of a commercial proposition but that only as much fee as they would require to be spent on the College should be levied and that they do not penalize legal education? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ They do not regard it as a commercial proposition. If the hon. Member will look at education as a whole, the Government are put out of pocket to a very large extent.”

Mr. ABDUL HAMEED KHAN:—“ Will the Hon. Minister be pleased to state whether it is the policy of the Government to reduce the number of Law Graduates year after year and whether they have any such scheme? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ That is not a matter with which I am concerned; probably the Hon. the Law Member will have to deal with such a question.”

Mr. U. C. SUBRAHMANYA BHATT:—“ May I know if the Hon. Minister thinks that the increased fees has resulted in a reduced number of lawyers in the Presidency? ”

[5th February 1936]

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ To a small extent it has reduced the number; I would welcome a greater reduction.”

Mr. G. RAMESWARA RAO:—“ Will the Hon. Minister be pleased to state whether the Government are likely to recognize any private Law College provided it conforms to certain rules prescribed by the Government? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Such a proposal has not come in.”

Mr. M. DEVADASAN:—“ Is it not a fact that the members of the staff are underpaid in the Law College in spite of the increase in the income of the College? ”

* The Hon. the PRESIDENT:—“ That question does not arise.”

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Will the Hon. Minister be pleased to state whether there is any proposal to transfer the College to the Bar Council? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ There is no such proposal before the Government.”

Excise

Proposals for opening additional toddy and arrack shops during the ensuing year.

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

(a) how many toddy and arrack shops existed in each district in each year for the past five years including 1935-36;

(b) how many new shops are proposed to be opened in each variety during the coming year in each district; and

(c) what the reasons are for the opening of these proposed new shops?

A.—(a) The attention of the hon. Member is invited to the answer to question No. 95 answered on 3rd August 1934 and the answer to question No. 404 answered on 22nd January 1935, which give the information up to 1934-35. In 1935-36, the number of toddy and arrack shops sold was ten thousand one hundred and thirty-eight and five thousand seven hundred and one respectively. District-war particulars of toddy shops for 1935-36 are not available. A statement ^a is appended showing the number of arrack shops in each district for 1935-36.

(b) The Government have no information.

(c) The attention of the hon. Member is invited to the answer to question No. 667.

^a Printed as Appendix III on page 620 infra.

[5th February 1936]

Mr. K. A. NACHİYAPPA GOUNDER:—" May I ask the Hon. Minister whether he is aware that new shops are being opened in a number of districts including Salem? I wish to know whether the Government have any particular object in opening new shops? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It is a matter which is left to the Collector, the Advisory Committee and the Licensing Board in that particular area."

Mr. K. A. NACHİYAPPA GOUNDER:—" Will the Hon. Minister be pleased to say whether the opening of new shops does not conflict with the policy of the Government in connexion with the question of prohibition they have declared? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Not necessarily; with a view to prevent illicit practices, it is necessary to open additional shops."

Mr. T. S. RAMASWAMI AYYAR:—" Will the Hon. Minister be pleased to state whether he is aware that the promised millennium of total prohibition has not been reached although the period during which total prohibition was sought to be reached, is mostly over? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think that such a general question as that arises out of this simple question."

Mr. V. M. RAMASWAMI MUDALIYAR:—" In view of the policy to which the Government are committed, may I ask why the Government did not circularize the Excise Officers as regards the desirability of restricting the number of shops? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" They know the policy of the Government very well."

Mr. V. M. RAMASWAMI MUDALIYAR:—" In view of the increase in the number of shops cropping up, may I ask whether the Government are prepared to refresh the memories of these officers? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Whenever new shops are being opened, it is done with a view to stop illicit practices and I do not think the Government should stand in the way of having new shops opened, for that purpose."

Opening of liquor shops in the City of Madras on forbidden days.

* 737 Q.—Diwan Bahadur R. SRINIVASAN: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether the Government have issued orders to close liquor shops on Sundays, public holidays and election days in accordance with the resolution passed by this Council on the 8th August 1929; and

[5th February 1936]

(b) if the answer be in the affirmative, whether the Government are aware that the following shops were kept open in the City of Madras on Sunday, the 19th January 1936:—

At Triplicane, Shop No. 6 at 11-35 a.m.

At Triplicane, Shop No. 15 at 11-30 a.m.

At Chintadripet, Shop No. 9 at 12-15 p.m.

At Periamet, Shop No. 11 at 12-25 p.m.

At Vepery High Road, Shop No. 4 at 1-40 p.m.

At Seven Wells Street, Shop No. 2 at 2-35 p.m.

At Audiappa Naik Street, Georgetown, Shop No. 3 at 3 p.m.

At Pudupet, Shop No. 12 at 3-30 p.m.

At Royapetta, Shop No. 16 at 5 p.m.

A.—(a) The attention of the hon. Member is invited to the answer to question No. 1474 answered on 24th February 1930. The restrictions imposed in 1930 have been removed subsequently in certain cases as they have proved ineffective, have stimulated illicit practices and have affected the Government revenues.

(b) The Government have no information.

Mr. ABDUL HAMEED KHAN:—" When the Government accepted the resolution of this House with regard to the restriction of non-opening of the shops on holidays and festival days, may I ask whether the Government did not realize at that time that the revenues of the Government would be affected? After having accepted that policy, why should the Government say now that they have given up that policy because the Government revenues are affected? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The Government did pass orders in pursuance of the resolution accepting to a great extent what this Council wanted."

Mr. ABDUL HAMEED KHAN:—" May I ask whether the Government did not realize at the time of accepting that resolution, that there would be a fall in the revenues? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" That was not the only reason for the relaxation of the Government Order; in certain specific areas illicit practices grew up and there was a public demand for these shops being kept open and the report of the officers was to the effect that by reason of the illicit practices revenue which ought to come to the Government was being lost."

Mr. M. A. MANIKKAVELU NAYAKAR:—" What is the data on which the Government say that the closure of toddy shops has affected Government revenues? The fall in revenue may be due to the general economic depression? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" That was not the only reason for the relaxation of that rule; there were many other reasons which made the relaxation of the rule necessary."

[5th February 1936]

Rao Sahib V. I. MUNISWAMI PILLAI:—“ May I ask whether the Government would reconsider that decision and give full effect to the resolution passed on 8th August 1929? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ If it is found that in any specific case it has become now possible to put the original order in force, we will consider it.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ Are we to take it that it is the policy of the Government to open more shops in places where there is illicit traffic? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ That is the only way to stop illicit traffic.”

Mr. T. S. RAMASWAMI AYYAR:—“ May I ask if it is the policy of the Government that, if crime increases, they should not try to put a stop to it but to relax the provisions of the Indian Penal Code punishing crime? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I do not quite follow the hon. Member.”

Mr. T. S. RAMASWAMI AYYAR:—“ When there is illicit traffic, will not the Government stop it? Will they permit people to take to more drinking? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Where there is illicit traffic, offenders are prosecuted also.”

Mr. K. KOTI REDDI:—“ May I know how the Government propose to reach the supposed goal of total prohibition within twenty years? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ This question can well be taken up at the time of the budget discussion.”

UNSTARRED QUESTION

Territorial Changes

Representations for the location of a Deputy Tahsildar's Office at Sompeta, Ganjam.

738 Q.—Rao Bahadur Sir A. P. PATRO: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it was proposed to establish a Tahsildar's office and a Sarishtadar-Magistrate at Ichchapur in the portion of the Ichchapur taluk remaining in the Madras Province;

(b) whether the conditions in Sompeta are more favourable for locating a Deputy Tahsildar's office;

(c) whether this matter was investigated by the District Collector and, if so, what his report was;

[5th February 1936]

(d) whether there were representations from the several villages in Sompeta taluk praying for location of a Deputy Tahsildar's office at Sompeta; and

(e) what orders were passed by the Government thereon?

A.—(a) In November last the Government tentatively approved certain proposals for the reconstitution into a single district of the portions of the Ganjam and the Vizagapatam districts that would remain in this Presidency after the formation of the Orissa Province, and asked the Collectors of the two districts to publish these proposals for criticisms in their respective district gazettes and submit a report through the Board of Revenue after the 31st December 1935 on any objections received. The proposals contemplate the formation of a new taluk of Ichchapur with a Tahsildar and a Sarishtadar-Magistrate at Ichchapur. The reports of the Collector and the Board of Revenue have been received and the matter is under consideration.

(b) & (c) The Government considered the arrangement for a Taluk office at Ichchapur proposed by the Collector, Ganjam, to be the best.

(d) Certain representations to this effect have been received.

(e) The matter is under consideration.

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

II.—THE MADRAS DEBT CONCILIATION BILL (BILL No. 9 OF 1934).

* The Hon. the PRESIDENT:—“ The House will proceed to consider item No. 1 on the agenda before them—the Debt Conciliation Bill of Mr. Ramalingam Chettiyar.”

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Sir, I beg to move that the Madras Debt Conciliation Bill (Bill No. 9 of 1934) be further considered.”

The motion was duly seconded.

The motion was put and carried.

Preamble.

* The Hon. Sir K. V. REDDI NAYUDU:—“ Sir, I wish to move a few amendments which are found necessary in the Bill as considered by the Council. I beg to move the following amendment:—

‘ In lines 2 and 3 of the second paragraph of the preamble, omit the words, figures, brackets and letter “ required by sub-section (3) of section 80-A of the Government of India Act ”.’ ”

[5th February 1936]

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I second it."

The amendment was put and carried.

The preamble, as further amended, was put and carried.

Clause 1.

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I beg to move—

'(1) In sub-clause (1) for the figures "193" substitute the figures "1936."

(2) In sub-clause (3) for the word "direct" at the end, substitute the word "appoint".'

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I second it."

The amendment was put and carried.

Clause 1, as further amended, was put and carried.

Clause 2.

11-30
a.m.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

'For sub-clause (a), substitute the following:—

"(a) 'landholder' means a person holding land under a Sanad-i-Milkiyat-i-istimrar, a zamindar, shrotriyamdar, jagirdar, or inamdar, a person farming the land revenue under Government, and a holder of any land under ryotwari settlement or in any way subject to the payment of revenue direct to Government."

(2) In sub-clause (b), omit the words "The expression" at the commencement.

(3) In line 2 of sub-clause (c), omit the word "and" and in line 4 of that sub-clause, omit the word "and" before the word "sericulture."

(4) In sub-clause (j), for the words "is one for whose debt he holds," substitute the words "means a creditor who holds for his debt".'

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 2, as further amended, was put and carried.

Clause 6.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

'In line 1 of sub-clauses (1) and (2), for the word "presented," substitute the word "made".'

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I second it."

The amendment was put and carried.

Clause 6, as further amended, was put and carried.

[5th February 1936]

Clause 6-A.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

'Renumber the clause as clause 7 and in line 4 of that clause, for the word "presenting" substitute the word "making".'

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 6-A, as further amended, was put and carried.

Clause 7.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

'(1) Renumber the clause as clause 8.

(2) In line 3 of sub-clause (1), for the word, figure and letter "section 6-A," substitute the word and figure "section 7."

(3) In line 1 of sub-clause (3), for the word "filed," substitute the word "made" and in line 2 of the same sub-clause, for the words "on his appearance shall," substitute the words "shall, on his appearance".'

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 7, as further amended, was put and carried.

Clause 7-A.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

'Renumber the clause as clause 9.'

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 7-A, as renumbered, was put and carried.

Clause 8.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

'Renumber the clause as clause 10.'

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 8, as renumbered, was put and carried.

Clause 9.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

'Renumber the clause as clause 11 and in line 3 of sub-clause (1), for the word and figure "section 8," substitute the word and figures "section 10".'

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 9, as further amended, was put and carried.

[5th February 1936]

Clauses 10 and 11.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

‘Renumber the clauses as clauses 12 and 13 respectively.’”

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clauses 10 and 11, as renumbered, were put and carried.

Clause 12.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

‘(1) Renumber the clause as clause 14 and in line 1 of sub-clause (2), for the words “thus made,” substitute the words, figure and brackets “made under sub-section (1).”

(2) In line 3 of sub-clause (4), for the word and figure “section 8,” substitute the word and figures “section 10.”’”

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 12, as further amended, was put and carried.

Clause 12-A.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

‘Renumber the clause as clause 15.’”

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 12-A, as renumbered, was put and carried.

Clause 12-B.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

‘Renumber the clause as clause 16 and for the words and figures “the first day of June 1933” at the end, substitute the words “the said date.”’”

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 12-B, as further amended, was put and carried.

Clause 14.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

‘Renumber the clause as clause 17 and for the word and figures “section 12,” substitute the word and figures “section 14.”’”

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 14, as further amended, was put and carried.

5th February 1936]

Clause 15.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

‘(1) Renumber the clause as clause 18.

(2) In line 2 of sub-clause (3), for the word and figures “section 12,” substitute the word and figures “section 14” and in line 11, for the words “assets provided if any in the agreement for the agreed debts,” substitute the words “assets, if any, set apart in the agreement for the satisfaction of the agreed debts.”’”

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 15, as further amended, was put and carried.

Clause 16.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

‘(1) Renumber the clause as clause 19.

(2) In sub-clause (a) (3), for the word and figures “section 12,” substitute the word and figures “section 14.”

(3) In sub-clause (a) (4), for the word and figure “section 8,” substitute the word and figures “section 10,” for the words “under the proviso to that sub-section,” substitute the words, figure and brackets “under sub-section (3) of that section,” and at the end insert the word “or.”

(4) In sub-clause (b), for the word and figures “section 15,” substitute the word and figures “section 18.”’”

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 16, as further amended, was put and carried.

Clause 17.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

‘Renumber the clause as clause 20.’”

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 17, as renumbered, was put and carried.

Clause 17-A.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

‘Renumber the clause as clause 21 and in line 3, for the word and figures “section 12,” substitute the word and figures “section 14.”’”

[5th February 1936]

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 17-A, as further amended, was put and carried.

Clauses 18 to 22.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

(1) Renumber the clauses 18, 19, 20, 21 and 22 as clauses 22, 23, 24, 25 and 26 respectively.

(2) In clause 25 as so renumbered, for the words "shall be suspended," substitute the words "shall not be proceeded with".

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clauses 18, 19, 20, 21 and 22 as further amended, were put and carried.

Clause 23.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

(1) Renumber the clause as clause 27.

(2) In line 5 of sub-clause (1), for the words "had continued," substitute the words "were pending."

(3) In sub-clause (2), for the words and figures "shall be excluded from computation under section 48 of the Code of Civil Procedure or the Limitation Act in all proceedings taken to recover debts in civil courts," substitute the words and figures "shall, in all suits filed or proceedings taken, in civil courts to recover debts, be excluded from computation under section 48 of the Code of Civil Procedure, 1908, or under the Indian Limitation Act, 1908".

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 23, as further amended, was put and carried.

Clause 24.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

'Renumber the clause as clause 28'.

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 24, as renumbered, was put and carried.

Clause 25.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

(1) Renumber the clause as clause 29, and for the opening paragraph substitute the following, namely:—

[5th February 1936] [Sir K. V. Reddi Nayudu]

"(1) The Local Government may make rules to carry out all or any of the purposes of this Act and not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power, they shall have power to make rules . . ."

(2) Omit sub-clause (b) and for sub-clause (a) substitute the following sub-clauses, namely:—

"(a) with reference to all matters expressly required or allowed by this Act to be prescribed;

(b) regulating the procedure before a board;"

(3) In sub-clause (f), for the words and figures "under section 11," substitute the words and figures "and the production of documents under section 13" and at the end insert the word "and".

(4) In sub-clause (g), for the word and figures "section 12," substitute the word and figures "section 14."

(5) Omit sub-clauses (h) and (i)."

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 25, as further amended, was put and carried.

Clause 26.

* The Hon. Sir K. V. REDDI NAYUDU:—"I move—

(1) Omit sub-clause (1) and renumber sub-clauses (2) and (3) as sub-clauses (3) and (4) respectively of clause 29.

(2) In sub-clause (3) as so renumbered, after the word "rules" insert the words "made under this Act" and for the words "previous publication," substitute the words "the rules being made after previous publication."

(3) In sub-clause (4) as so renumbered, for the words "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," substitute the words "in case of a continuing breach with fine which may extend to ten rupees for every day during which the breach continue after the first breach".

Diwan Bahadur T. A. Ramalingam Chettiyar seconded the motion.

The amendment was put and carried.

Clause 26, as further amended, was put and carried.

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I now 11-45 move, Sir, that this Bill be passed into law. It is now nearly three a.m. years since I made an application to the Government for sanction to introduce this Bill. Sir, much water has flown under the bridge since then. But in spite of it, Sir, on account of the rules of procedure and also

[Mr. T. A. Ramalingam Chettiyar] [5th February 1936]

of the attitude of Government it has not been possible to bring the Bill up to date. Sir, at the time when I gave notice the only Government that had moved for the relief of the agriculturist was the Central Provinces Government and it has passed a Bill on the lines of which I drafted mine for the purpose of avoiding difficulties, as mine was a non-official Bill. Sir, unfortunately our Local Government did not see its way to help me. On the other hand I had to run a sort of obstacle race and had at every turn to fight for some facility or other. Thus there has been a long delay extending over two years. If the attitude of the Government had changed I do not know whether it was due to the fact that the personnel of the Government has changed since then, or whether it was due to the fact that the other Local Governments in India were then moving much faster and they had been introducing legislation; or, it may be, I do not know for certain, due to the pressure from the Government of India itself. Whatever the reason, for over two years no progress could be made and even after the present Law Member took charge he could only meet me by saying that he would have the whole matter examined by a special officer. Sir, it was lucky that the special officer was able to report within a few months and his report strengthened my hands very much indeed. I also have to acknowledge that since the receipt of the report of the special officer the attitude of the Government changed very much in favour of this Bill and they have been giving me facilities which I did not get earlier. At the same time, I should say that the Government after reading the report ought to have seen that the present Bill was not enough. Probably seeing what the other Governments are doing and the requirements of the ryots something further may be done. Sir, in the Select Committee several attempts were made especially by my friends, Mr. Peddi Raju, Mr. Koti Reddi and Mr. Krishnayya Choudari, to improve the Bill on the lines of the Agriculturists' Relief Acts passed in the Punjab and in the United Provinces and now under consideration in Bengal. Sir, I along with the Government had to oppose those amendments not because I was not in sympathy with the objects of the amendments that were proposed, not because I thought they were not required in the circumstances of the country but because those amendments did not come under the scope of the Bill and it was said that if any of those amendments were to be accepted, the sanction of the Governor-General would have to be obtained afresh for the further progress of the Bill. Situated in that position I thought after waiting 2½ years for the progress that was made in the course of this Bill, it was not safe to wait still further and get a fresh sanction from the Governor-General and re-introduce the Bill. So I pressed for its early passage through the Select Committee. If any supplementary Bill or Act is necessary, I think a fresh measure will have to be introduced in this Council. I may say at once that I did not consider that this Bill is quite enough to meet the situation arising out of the depression and also the very sad condition in which the agriculturists are in this province. But at the same time I consider that this Bill is a move forward and so it ought to be passed at once and any supplementary provision or

[5th February 1936] [Mr. T. A. Ramalingam Chettiyar]

additional provisions may be introduced by an amending measure or by a new measure. That is the attitude with which I proceeded with this Bill and ask that the Bill be passed into law. Well, Sir, I said at the outset itself that this Bill if it was to give relief even to the limited extent I hope it will give relief financial backing was necessary. I said that unless there was some financial backing, unless there was some agency coming forward to pay the conciliated amount, there was no chance for the successful working of this measure. I thank the Hon. the Revenue Member and the Hon. the Finance Member for having introduced the necessary amendment in the Agriculturists' Loans Act so that the poorer ryots can be helped. If their debts are cleared through the means of the Debt Conciliation Board, for that the thanks will be due to the Government. That is really a forward measure and in the other provinces they have not come forward to give even this sort of relief. To this extent we are blessed. For the rest the Government have not taken the responsibility to give further relief which the other Local Governments are giving, especially in Bengal and the Punjab. So, Sir, I am glad that the position is better than what it was when I introduced the Bill or when the Bill came before the Council for being referred to the Select Committee; because it has got a financial backing at least with reference to the poorer ryots whose needs can be met by a loan of Rs. 2,000 which the Government have fixed as the maximum now. Sir, as I said yesterday that the Government can go still further and reduce the rate of interest from what they have fixed under the rules framed under the Agriculturists' Loans Act. Government are aware that the position of the agriculturist is very bad indeed. Sir, on account of the depression and the lower prices he has been hard hit. He has been hard hit not in the same way in which others are hard hit. For instance, if we take persons like wage-earners, employees of Government and other persons who get regular money income, their position, if anything, has become better by the prices going down. On the other hand, the prices of agricultural produce have gone down and the net result is the ryot has to pay the debts he borrowed, as represented by the coin of the realm, which at the present moment is worth more than what it was worth at the time he borrowed. Not only that, he has to pay Government tax at the same rate. The labourers and others whom he has to pay, he has to pay as he used to do in the old days. But the income has gone down. The whole burden is now thrown on the poor agriculturist. That has been the result. Such being the case it is up to Government to show the concession that is possible and reduce the rate of interest which they are asking at present. Sir, so I appeal to the Government to reduce the rate of interest as soon as possible. Not only that; if this Bill becomes law, as I said yesterday, the financial backing which is necessary to the Bill, i.e., the relief under the Agriculturists' Loans Act should be available throughout the Presidency. If the Government are going to work it only in some selected areas the benefit of this Bill and the provisions of the Agriculturists' Loans Act won't be available to the whole province.

[Mr. T. A. Ramalingam Chettiyar] [5th February 1936]

So I appeal to Government again that the applications for relief from ryots throughout the province may be received through the ordinary channel and the deputy collectors and the tahsildars may be instructed to give relief as early as possible. In cases where the number of applications is large, the Government may appoint special agency. It is only in that way that the benefit of this Bill would be widely spread. The benefit of the amendment already passed under the Agriculturists' Loans Act can also be widely spread. So I appeal to Government once again that they should consider this matter and make the applications receivable in every district in the province without restricting them only to the areas selected.

Well, Sir, there are some provisions which we could have introduced in the Bill. There is one matter which has been persistently urged, namely, the question of giving power to the boards to pass awards of their own in case there was no agreement. That is a matter on which legislation has been introduced in Bengal and passed in the Punjab. That is a matter which is for the further consideration of Government—whether they ought to bring legislation on the same lines as in the Punjab and the Bengal.

Well, Sir, having said about these provisions, there is one matter which I will have to refer to. I have seen some notices in the press that the Bill has been changed out of recognition by this Council and by the Select Committee by the amendments that have been carried. I beg to submit that is a very much exaggerated view of the matter. There is only one amendment which has been passed and which will affect in any way the working of the Bill as originally proposed. I am very sorry indeed that the amendment has been passed. At the time it was passed I protested. But in spite of my protest it was passed and there was no chance of the Bill being passed except with the amendment. I mean, Sir, the amendment which took away rent as one of the items of debts which have to be taken into consideration under this Bill. Sir, as a result of the amendment that has been carried, as in all zamindari areas the ryots will be indebted to the zamindar for the rent that became payable and as the rent according to the amendment that has been carried is not to come under the scope of this Bill, conciliation won't be possible in the case of the debts of the zamindari ryots. "Now, if the debts of a person are to be conciliated, all his debts will have to be included—the Government themselves have adopted this in the rules issued under the Agriculturists' Loans Act—and now if rent is taken away from the category of debts, it is not possible to conciliate all the debts of the ryot. So, Sir, a very considerable part of the ryots in the zamindari areas will not be able to come under the scope of the Bill. So, the benefit, if any, coming out of this Bill will be denied to the ryots in the zamindaris. To that extent an inroad has been made in the provisions of the Bill by the amendment that has been passed. That is no doubt a very serious matter. But I say that except for that particular amendment, no other amendment has been passed

12
noon.

5th February 1936] [Mr. T. A. Ramalingam Chettiyar]

either in the Select Committee or in the Council which goes to minimize the effect of the Bill or to change in any way the shape of the Bill.

"So, Sir, that is the position. I hope the Press will give publicity to my remarks because I have heard in several quarters that a misapprehension or a mistaken impression has been created and people are thinking that the amendments passed have changed the whole aspect of the Bill and that the Council has done a lot of mischief. I shall have to refer to one matter to which the zamindars were parties. For instance, the Hon. the Raja of Bobbili, the Kumararaja of Venkata-giri and others were present at a conference at Tiruttani, and they told the ryots who were gathered there that they were going to support my Bill as well as the Bill of my hon. Friend, Mr. Patnaik, which is going to be taken up presently. They said they agreed with the principle of the Bill if not the wording. With reference to the concessions to the ryots due to the economic depression or for scarcity or things like that, these zamindars and their party promised to give their support. That is what they said in Tiruttani. Only two or three months later, they come here to the Council and introduced this amendment. Thereby the very thing they promised to the ryot was denied to them. They say, 'so far as we are concerned, do not bring in any legislation, do not have any conciliation, we want to be free to settle our claims with the ryots. You better have your Bill applied to others than zamindari ryots.' That is the sort of self-sacrifice I suppose they are capable of, whatever they may say. Well, Sir, after having said all that at Tiruttani, that they should come and press for an amendment of that sort and have it passed in the Council is a thing for which they will have to give an account to their own followers and to the ryots in their own zamindaris. (Sriman M. G. Patnaik Mahasayo: 'This is not the time for preaching against zamindars.') Sir, that is a thing which we will have to take into consideration, namely, the professions of the zamindars and their practice. Well, Sir, as I said, except to that extent, the Bill has not been changed.

"Now, Sir, I have only got to thank the officers of the Council office as well as the Law (Drafting) Department for the interest they have taken and the speed with which they got the papers prepared at the several stages of this Bill. Especially the Law (Drafting) Department have, within the last two or three days, been able to get through the whole thing and bring out the amendments that were necessary at the third reading. With these words, I move that the Bill be passed into law."

Mr. K. A. NACHYAPPA GOUNDER:—"I beg to second the motion."

* The Hon. the PRESIDENT:—"May I point out to the hon. Members that we have got a very long agenda and only a very few hours more before us? If every hon. Member wants to speak with regard to this particular Bill, we shall not be able to make any appreciable progress in the agenda put down for to-day. If any hon. Member is particularly anxious to speak, I can only recommend to him to speak with restraint and take only a few minutes."

[5th February 1936]

Rao Bahadur Sir A. P. PATRO:—"Sir, may I rise to express the feeling and attitude of this House that they have only one non-official day available while there is so much non-official work to be got through? You said, Sir, the only day the Government have allotted for that work is this day and no more. So, we non-officials will have to rest content with what the Government have allotted to us, and we must make the best use of the very limited time at our disposal."

* The Hon. the PRESIDENT:—"I may also remind the hon. Member that his colleague, the hon. Member from Ganjam, has got his Bill to get through to-day."

Rao Bahadur Sir A. P. PATRO:—"I am only concerned with the present Bill before us, namely, the Debt Conciliation Bill. The Debt Conciliation Bill is not an ordinary measure. It is a very important measure which affects the interests of the ryot population of this province, and I really appreciate the great interest taken and the very sincere effort put forward by the hon. Member from Coimbatore, Mr. Ramalingam Chettiyar, in bringing forward this Bill. Surely it requires a great deal of courage in one to bring up a Bill and to see that the measure which is introduced is altogether changed out of shape when it has been amended up to the third reading. That is the one phenomenon which the hon. Members of this House will observe, and we do not know whether the Bill originally introduced is identifiable with the one which has been passed finally. I do not know whether its change of shape is due to the hand of the Government or whether it is the hon. Member from Coimbatore who invited it. But we cannot realize that it would be to the great advantage of the people of this province as was promised by my hon. Friend, the Mover of the Bill, in the earlier stage. He has made every endeavour to see that the shape and form which he has given to the Bill were retained in the course of the discussions here. I must congratulate him on the work he put forward in the Select Committee for maintaining his position. But the Select Committee thought otherwise, and therefore we see that the Bill is not what it was originally but has assumed a very different form altogether."

"But, Sir, what is the effect of this Bill? Has the object with which this Bill was introduced been served in any way? Debt conciliation—a very alluring expression indeed! But what is it that we are going to provide in the Bill? Nothing. (Laughter.) A Board! What are the powers of the Board? Nothing. (Laughter.) Some debtors may rightly or wrongly combine together with their friends and relations and create a number of debts, which we do not know are real or unreal, and yet for satisfying the rule they may be debts. It may be that 50 per cent of the debtors or creditors may appear before a Board and ask for conciliation. What has the Board to do? Are there any sanctions provided in the Bill for the purpose of giving effect to the decisions of the Board or to the provisions of this Bill or to the recommendations of this House? There being no sanction whatever behind, no power will be vested in the board for carrying out

[5th February 1936] [Sir A. P. Patro]

its decisions. What is the use of making a provision which is only nominal? We do not want such a Bill. The hon. Member from Coimbatore referred to the next Bill that is coming up. Even there, if the ryots have been asking for bread, a stone is given to them. That is what I am going to say later on when I have a chance on that Bill. As for this Bill, a number of creditors have to come together and apply to the board. The board has simply to enquire into the debts and say 'if you do not care to carry out what we are going to decide, all that you are entitled to is to go to a court of law.' The right to the entire amount of the pro-note remains with the creditor, and he has got the right to realize every penny of the debt. Therefore, if any benefit is given to the debtor in the form of reduction of his debt, that decree of the board will be valid only to the extent that the creditor cares to follow it. There is nothing compulsory or obligatory in the Bill to enforce its recommendation or conciliation. It is said that in a conciliation Bill no obligatory provision can be introduced. But compare this with what is done in certain other provinces. The hon. Member from Coimbatore framed his Bill exactly on the lines of the Central Provinces Act. That Act contains very salutary provisions. But the Act we are going to pass is really a different thing. Again, take the provisions of the Debt Conciliation Bill in Bengal which go far to meet the points referred to by the hon. Member from Coimbatore in regard to zamindari tenants. In Bengal, the whole tract is zamindari area and therefore the Bill is made applicable to zamindari tenants mainly. The exemption of zamindari tenants in our Bill is a very great mistake. I know the hon. Mover has endeavoured his best to bring them in, but his effort has been of no avail. Then, what is the effect of this Bill? When an important section of debtors is exempted and the Bill is only confined to the smallest limits possible, what is the use?

"Then, there is another defect in the Bill which will have to be considered at least at a later stage, namely, exemption of mortgage debts. It is very easy for a creditor to obtain a mortgage instead of getting a pro-note. Is this Bill going to give any relief to mortgage debts? No. Therefore, I say that it is not possible to achieve anything by this Bill, whose provisions are all optional, and it will give no benefit to the ryot population in general. But I congratulate the hon. Mover of this Bill that he has introduced it as a first instalment of legislation in this matter, as an introductory piece of legislation. Later on, it can be improved and developed. As occasion arises and if experience shows that the previous provisions are ineffectual, more drastic and obligatory measures should, I think, be introduced. In that way, we are grateful to the hon. Member from Coimbatore for having introduced this Bill as the first instalment of legislation for conciliation of debts."

* The Hon the RAJA OF BOBBILI:—"I did not intend to intervene at this the final stage of the passing of the Bill into law. But in my absence, I am told, my hon. Friend, Mr. Ramalingam Chettiyar, charged me with bad faith with reference to his Bill. Of course, as I

[The Raja of Bobbili] [5th February 1936]

have not heard him, I shall be glad to be corrected if in the remarks I make there is any mistake. He appears to have said that we supported the Bill at the conference at Tiruttani and subsequently I, on behalf of my party, created difficulties for him in its later stages."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I said, that when an amendment was introduced taking away 'rent' from the definition of 'debt,' the result would be that the ryot would be denied the benefit of the Bill."

The Hon. the RAJA OF BOBBILI:—"In my opinion, that is putting a very wrong interpretation on the effect of that amendment. I may state for the information of this House that when my hon. Friend wanted to move the first reading of the Bill and wanted the support of the party, he gave an undertaking that land revenue and rent would be excluded from the scope of the Bill and he was prepared to even agree to modifications of the provisions in that direction, if found necessary. I may state that the whole object of this Bill is to give relief in the case of debts created by borrowing, and I do not think by any stretch of imagination it could be said that the idea of debt conciliation was to extend the principle to rents also. You cannot say, Sir, that if the ryots do not pay any rents, the landholders should not recover them. That is not at all the purpose of the Bill as I understood it, and I thought it better I made the position clear."

* The Hon. Sir K. V. REDDI NAYUDU:—"Mr. President, Sir, speaking on behalf of the Government, I think I must say that I am pleased very much that we are at the third reading and the Council is soon going to pass this Bill. Unfortunately, speeches on this have taken a personal turn which perhaps could have been avoided on both sides. I am only, however, concerned with the remarks that have been passed against Government, that they were not as helpful as they should have been—a statement for which there is absolutely no foundation. I expected, Sir, that the hon. Member, who moved and introduced this Bill, would have made a more graceful acknowledgment of the help, of the willing help, which the Government were prepared to give to him."

"As the hon. Member has referred to the delays in the earlier stages of this Bill, I have to explain how they arose. The Bill has been acknowledged by the Mover himself as a reproduction, word for word, of the Central Provinces Bill. And the question naturally arose in the mind of Government whether the conditions in our province are such that we could adopt the provisions of that Bill wholesale. I can assure the House that from the beginning to this day, and I hope it will be so hereafter too, Government have endeavoured their best to see that some Bill of this kind is introduced to give relief to the agriculturists as far as it is possible to do; and the earlier delay is due to the circumstance that Government wanted to have some hold, some

5th February 1936] [Sir K. V. Reddi Nayudu]

evidence before them, something on which they can come to this House and ask it to help in the passing of the Bill. And that is why a special officer was appointed. I am thankful to the mover of the Bill for the acknowledgment he has made of the services rendered to Government and to the people of this province, by this special officer. As soon as the special officer's report was received, my hon. Friend acknowledged that the Government were perfectly willing to help him in the course of the passage of this Bill.

"My hon. Friend, Sir, referred to the condition of the ryots. I may assure the House that this Government are as solicitous as any Member of the House to attend to the welfare of the people of this province. They know as much as anybody else, perhaps more than others, what the exact condition of the ryot is at present due to various causes, due to indebtedness, due to depression, due to their own social customs of spending lots of money for various causes and so on. It is not necessary for us to be told what the condition of the agriculturists of this province is. It is in pursuance of that knowledge and it is with a view to help them that this Government have met the hon. Member who brought in this Bill half-way, that they passed the Agriculturists' Loans Act even before this Bill was passed, which can be said to afford real relief to the ryots enabling them to find the sinews of war, if I may use the expression. Government came forward, not because my hon. Friend introduced this Bill or because there is a demand for it. Government knew it, and it must be said to the credit of my hon. Colleagues, the Hon. Sir Charles Souter and the Hon. Mr. Bracken, that they of their own accord, no doubt with the assistance of his friends in the Ministry, suggested the amendment to the Act and came forward to find the money necessary for the purpose. After that, Sir, it does not rest with anybody to say that the Government have been lukewarm in their support or caused delay in the passing of the Bill. To say so is certainly not correct."

"I do not propose, Mr. President, to make any observations as regards the question of rent being excluded from the debts covered by this Act. That question arose in the course of the debates in this House and the answer has been given. The Government could not see how rent can be called a debt which we always understand to mean that which is borrowed and which the creditor wants to get back. Rent is something which is due to the zamindar for the occupation of the land and for having enjoyed the fruits thereof. It is unnecessary to refer to that any more than to the attitude of the zamindars. The zamindars can defend themselves; the Hon. the Chief Minister has replied and I do not propose in the least to refer to that matter."

"The question of mortgages also has been referred to by my hon. Friend, Sir Patro. It would be noticed that mortgages were excluded even in that Bill which was the original of this Bill—I mean the Central Provinces Act; and we found difficulty in including mortgages because it would be a negation of what has been promised by the

[Sir K. V. Reddi Nayudu] [5th February 1936]

Transfer of Property Act, not merely by any statement made by Government but by a solemn statute passed by the legislature, which has given a right to the mortgagees and told them in effect: 'You can lend your money on mortgage and Government will protect you; all that is required is you must register your bonds, then your money is safe so long as the value of the property mortgaged is safe.' Now, after these mortgages have been brought into existence, to say that we can take away those rights given by statute will be considered not only illogical but even immoral. That is the reason why mortgages have been excluded from this Act.

"Sir, having said all that, I must say one word about the Select Committee and Mr. Ramalingam Chettiyar. The credit of introducing this Bill certainly belongs to him; whether at later stages it has been altered or not or whether it has been so altered as to be beyond recognition, are matters of no consequence. That he has introduced the Bill is there. I must also thank the Members of the Select Committee for having gone into it so deeply, for having discussed every point that has arisen in the course of the debates, for having given their best attention to the Bill and put it in the form in which finally it appears to-day. For all practical purposes there might have been some changes made by this House. To this House really belongs the credit of having got this Bill in its present form—to this House which has been so very anxious to see that the Bill is passed, though of course opinions may differ as to the exact value of the different provisions in the Bill. Whatever it may be, something has been done and the House has to be congratulated on the work it has done."

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, the Hon. the Chief Minister said that I gave him a promise to exclude rent from this Bill. I never gave any such promise. All that I told them, when he and the Kumara Raja of Venkatagiri asked me about the position of rent in the Bill, was that rent is a debt for which there is a charge and will come under section 15 as originally provided, and that rent will be in the same position as mortgage, and if the landholder is not willing to have his debt conciliated then he would not be barred from bringing a suit. As they wanted that that matter should be made clear, it was made clear in the Select Committee by the introduction of a definition of secured debt. 'Secured debt' was to include not only debt secured by mortgage but also any debt for which there was a charge under a statute or under a deed or under an agreement. That was what I agreed to introduce and it was introduced. I never agreed that rent should be taken away from the ambit of the Bill altogether. I never gave any such promise."

* The Hon. the PRESIDENT:—"The question is that the Bill be passed into law."

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

5th February 1936]

III.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL No. 2 OF 1935).

Sriman M. G. PATNAIK Mahasayo:—"Sir, I beg to present the 12-30 report^a of the Select Committee on the Bill further to amend the Madras P.^m. Estates Land Act, 1908, for certain purposes (Bill No. 2 of 1935) and move that the Bill as amended by the Select Committee be taken into consideration."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second the motion."

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

Clause 1.

Mr. P. PEDDI RAJU:—"Sir, I beg to move:—

'Add the following paragraph at the end of clause 1:—

"It shall come into force on the 1st day of March 1936."

My object in moving this amendment is this: We have been passing through a period of economic depression for some years now. My hon. Friend brought in this Bill long ago. It was originally thought that, at the time of the amendment of the Act in 1933, such an amendment as the Bill now provides for, would be carried out in the amending Bill itself. But it has been delayed and now only we have reached the stage of passing the Bill into law. I want to see that the provisions of the Act come into force even in the current year. According to the provisions of the current Bill, the ryots will be entitled to ask for remission of rent; soon after the end of March 1936, they can give notice to the zamindar and apply to the Collector a little later. If we make the Bill take effect retrospectively, it will enable the tenants in the presidency to apply its provisions even now. I am afraid, Sir, that it may take a little time to get the assent of the Viceroy before this Bill becomes an Act and therefore I am suggesting that the tenants may be enabled to give notice. My point is this: anyhow the Bill is shortly coming into force. Why not in the circumstances enable the tenants to get the benefit of it even in the current year?"

Mr. K. KOTI REDDI:—"I second it."

* The RAJA OF KHALLIKOTE:—"Mr. President, I wish to oppose this motion. The zamindar's financial year is always the fasli year, i.e., from July to June. His budget and his administration of the estate will certainly be upset if he has to give remissions in the middle of his official or financial year. It will certainly be a great hardship to the zamindar to give effect to the provisions of the Bill as from 1st March this year. Further, it is not usual to give retrospective effect to legislation of this kind. Then there is a technical difficulty. I do not think it is fair to force the hands of His Excellency the Governor and His Excellency the Governor-General to hurriedly give their assent to the Bill at once, giving up all their other work. With these few words, I oppose the motion."

^a Published in the Fort St. George Gazette, dated 21st January 1936.

[5th February 1936]

* The Hon. Sir CHARLES SOUTER:—" Mr. President, I think myself that this proposed amendment is not well-advised. I think that it would be much better if an amendment is moved in more general terms such as that this Act shall come into force from a date to be notified by the Local Government and so on. I think that the Raja of Khallikote's objection to it is based on good grounds. It seems to be anomalous that they should bring in a motion of this kind in the middle of a fasli year. If the hon. Mover had proposed an amendment to the general effect that this Act shall take effect from a date to be notified by the Local Government, I should have been prepared to accept it; but Sir, I must oppose this amendment that it shall take effect from 1st March 1936."

Sriman M. G. PATNAIK Mahasayo:—" Sir, I am really sorry to say that the objection of the Hon. the Revenue Member and of the Raja of Khallikote is not well-founded. They have really forgotten the later provisions of this Bill in putting forward this objection. Of course so far as this Bill is concerned, the provision is that the average of the twelve months should be taken from the 1st April of the preceding fasli to the 31st March of the succeeding fasli. Therefore the usual revenue year cannot apply here. You have on the other hand to take into consideration the rent prevailing between 1st April and 31st March. Notice has to be given to the landholders of the intention of the ryot to claim remission. In these circumstances, I am really surprised that they should have based their objection on the ground that the fasli year commences later. I think there is a good deal of reason for accepting the amendment to fix 1st March 1936 as the date when the Act should come into force. If the assent is received at any time in April, it would be difficult for the ryots to give notice. There are also other reasons why this amendment should be accepted, though of course my hon. Friend the Mover did not want to refer to them. But, so far as I am concerned, I may state that one of those reasons is that, as everybody knows, a portion of Ganjam is going into the Orissa province shortly and the estate of the Raja of Khallikote will be the first to go over to that new province. Therefore, naturally, if the Bill does not receive assent before 1st April, it may not apply to this estate in spite of the fact that if any ryots in any estate require any relief, it is the ryots in the estates of Khallikote and Attagada. I think they are the hardest hit by the settlement recently made under the orders of Government and under the supervision of the Board of Revenue. Sir, this Bill was introduced so long ago as January 1931 and was sought to be referred to a select committee in August. You all know that there was some trouble about it and that ultimately it was referred to a select committee and has reached this stage. Therefore, unless some such provision is made, there is a likelihood of this Bill not applying to certain parts of zamindari areas to which they ought to apply. I therefore heartily support this amendment."

Rao Bahadur Sir A. P. PATRO:—" Mr. President, Sir, I am constrained to oppose the amendment. The hon. Member from Ganjam

5th February 1936]

[Sir A. P. Patro]

is a very enthusiastic champion of the ryots' claims. I quite appreciate it. But I do not think this amendment can command my support because, as he said, it affects an individual. I therefore oppose it. The hon. Member, Mr. Mandhadhatha Patnaick said that it was his intention that this Bill should affect the Khallikote estate because of the higher rate of rent prevailing there according to him or according as he is instructed to say. Is that the main object of the Bill?"

Sriman M. G. PATNAIK Mahasayo:—" A word of personal explanation, Sir. I never said that the Bill was brought forward only to give relief to the ryots of Khallikote and Attagada. I only said that those ryots are the hardest hit. I know it from my personal experience. I do not require anybody's instruction for that. I appeared before the settlement officer in several settlement proceedings. My hon. Friend, Sir Patro, though he represents Ganjam, has been out of Ganjam for a long time and knows very little of Ganjam now."

* The Hon. the PRESIDENT:—" That does not form part of a personal explanation." (Laughter.)

Rao Bahadur Sir A. P. PATRO:—" I appreciate the enthusiasm of Mr. Mandhadhatha, but I cannot appreciate his wisdom in bringing forward this Bill with the object that he stated.

" Now, Sir, we have made it lawful that the rent payable after remission shall bear to the rent lawfully payable for the time being, the same proportion as the average prices during the twelve months ending with the 31st March of the revenue year, in respect of which such remission of rent is claimed, bear to the average prices, on the basis of which the rent had been previously fixed. We have also made provision that in case of fall in prices, failure of crops, etc., the ryot is entitled to make an application to the Collector. Between the date of bringing in that application to the Collector and the date on which the Act comes into force there is no connexion at all. [Mr Patnaik: Read sub-clause (3).] My hon. Friend is too much obsessed with this Bill that he oftentimes gets into a sort of frenzy. I can only forgive him his frenzy."

* The Hon. the PRESIDENT:—" But I would advise the hon. Member not to work him up to that frenzy." (Laughter.)

Rao Bahadur Sir A. P. PATRO:—" Sir, I accept your kind advice. I do not want to give room to let him so far forget himself. But at the same time, I must say that no application under sub-section (1) shall be maintainable unless sixty days' notice in writing has previously been sent to the landholder by registered post on or before the 30th day of April of the revenue year. Sir, whatever may be time when the Bill comes into operation, the ryot has got the right to make an application within those dates. Those dates are in the Act itself and 12-45 they cannot be altered. But to say that because the Khallikote Estate p.m. is going to be tacked on to Orissa, therefore the amended Act must come into force immediately before Khallikote goes over to Orissa, is not at

[Sir A. P. Patro] [5th February 1936]

all understandable. Khallikote is going away to Orissa, fortunately or unfortunately, and the hon. Member Mr. Patnaik knows the reasons better than anybody else. Whatever it is, if Khallikote goes away to Orissa and if this Bill is not made applicable to Khallikote before it goes to Orissa, who is to be blamed for that? Why was the Bill delayed from 1931? What reason could the mover of the Bill advance to convince this House for the delay in the disposal of this Bill, a private Bill? It is not a Government measure, but it is a private Bill brought forward with the sole desire of giving relief to the ryots of this province as a whole. What was it that stood in the way of his bringing this very desirable remedy earlier to the ryot population of this province? Who is responsible for it? It is criminal negligence on the part of the individual who is responsible for this Bill that he did not bring it forward much earlier. I pause for an explanation."

Sriman M. G. PATNAIK Mahasayo:—"I will give you an explanation." (Loud laughter.) (Cries of 'order, order'.)

Mr. T. S. RAMASWAMI AYYAR:—"Is the House interested in these personal matters? There are live questions awaiting the decision of this Council. I do not know how we are justified in proceeding like this."

* The Hon. the PRESIDENT:—"It is unfortunately the personal matter that has been brought up by Mr. Patnaik that is being replied to."

Rao Bahadur Sir A. P. PATRO:—"The hon. Member for the University is an intellectual person . . ."

* The Hon. the PRESIDENT:—"I hope the hon. Member will pursue his arguments, instead of pursuing members."

Rao Bahadur Sir A. P. PATRO:—"This Bill was before the Select Committee only a few weeks before and at that time also the fact of the bifurcation of Ganjam was known to the hon. Member who sponsored this Bill. The reason that has been adduced by my hon. Friend for the introduction of this amendment at this stage did not strike him at the time it was discussed in the Select Committee. No reason has been assigned in the report of the Select Committee for an amendment of this nature. No reference whatever was made in regard to the particular difficulty which is now imagined or is now argued to exist. That is my first argument. My second argument is that the privileges of the ryot are retained in clauses (1) and (2), viz., that he has got the right of application to the Collector for the purpose of reduction of revenue when the particular circumstances justifying reduction come into existence, viz., a phenomenal fall in prices. These two rights are there and nothing has been taken away. I do not see any reason why the Bill should be brought into operation so soon. For the purpose of the Governor giving his assent to the Bill to be made applicable to the presidency as a whole, he must have the privilege of consultation and consideration as regards the effect of this Bill on all the estates existing in the whole province. That is sought to be taken away now and

5th February 1936] [Sir A. P. Patro]

he is being hustled. Secondly the Governor-General is to be asked to give his assent to the Bill and it appears as if you are asking him thus: 'I have introduced this Bill and therefore, you must give your assent to the same.' These are the two large orders which this amendment proposes and to which as an ordinary Member I am not able to subscribe. We have agreed on the principle of the Bill that protection should be given to the ryot whenever there is a fall in prices below a certain level. I strongly support the principle of the Bill but to introduce other provisions in the Bill which will affect the rights or interests of other people and to deprive them of their existing rights seems to be going too far. I am therefore not in favour of this amendment."

Mr. T. S. RAMASWAMI AYYAR:—"I move that the question be now put."

* The Hon. the PRESIDENT:—"Let the hon. Member, Mr. Peddijaraju, answer."

Mr. P. PEDDI RAJU:—"Unfortunately the personal quarrel between the hon. Members representing Ganjam has interfered with the discretion of other hon. Members in coming to a decision on this matter. I do not care whether this Bill, if brought into force as I have suggested, applies to the ryots of the Khallikote and Attagada estates or whether it applies only to the rest of the presidency. As I said, on account of the economic depression owing to which the ryots are suffering, if the Bill is brought into operation on the first day of March 1936, it may enable them to apply to the Collector for a reduction in rent. On the other hand, the Hon. the Revenue Member suggests that Government should have power to put in a date as they like. That is much more injurious. They may not put the Act into force at all. They may put in a notification, if they want to do so, whenever they like. Therefore I would ask the House whether my amendment is not beneficial to the tenants. We ought not to be guided by the arguments of our hon. Friends from Ganjam, because this House is interested more in the rest of the presidency than a portion of it which is likely to go to Orissa."

The amendment was put and declared lost.

A poll was demanded which was taken and the House divided as follows:—

Ayes.

- | | |
|---------------------------------------|--------------------------------------|
| 1 Diwan Bahadur C. Natesa Mudaliyar. | 9 Mr. W. P. A. Soundara Pandian. |
| 2 A. Appadurai Pillai. | 10 „ P. K. Ramachandra Padayachi. |
| 3 Mr. K. C. M. Venkatachala Reddiyar. | 11 Rao Bahadur D. Krishnamurti. |
| 4 Mr. G. Ranganatha Mudaliyar. | 12 Sriman M. G. Patnaik Mahasayo. |
| 5 Rao Sahib N. Siva Raj. | 13 The Kumararaja of Venkatagiri. |
| 6 The Maharaja of Parlakimedi. | 14 The Zamindar of Mirzapuram. |
| 7 Mr. P. C. Moses. | 15 The Zamindar of Bodinayakkanur. |
| 8 „ V. G. Vasudeva Pillai. | 16 Mr. G. Sriramulu. |
| | 17 „ C. Indrayya. |
| | 18 Rao Sahib C. Jayaram Nayudu. |
| | 19 Mr. S. A. A. Annamalai Chettiyar. |

[5th February 1936]

20 Rao Sahib D. V. Narasimhaswami.	37 Mr. U. C. Subrahmanya Bhatt.
21 „ Pandit Ganala Ramamurti.	38 Mrs. Rukmani Lakshmiopathi.
22 Mr. A. Harischandrudu Nayudu.	39 Mr. P. Ratnavelu Thevar.
23 „ K. Kesavaramamurti Nayudu.	40 „ C. Obi Reddi.
24 „ Yakub Hasan.	41 Raj Kumar M. A. Muthiah Chettiar of Chettinad.
25 „ Abdul Hameed Khan.	42 Mr. M. S. Sreshta.
26 „ T. S. Ramaswami Ayyar.	43 Rao Bahadur G. Jagannadha Raju.
27 „ A. B. Shetty.	44 Rao Sahib V. I. Muniswami Pillai.
28 „ Ahmed Meeran.	45 Mr. A. Ramakrishna Reddi.
29 „ P. Peddi Raju.	46 „ H. M. Jagannatham.
30 „ K. A. Nachiyappa Gounder.	47 „ T. Narasa Reddi.
31 „ C. R. Parthasarathi Ayyangar.	48 Diwan Bahadur M. Gopalaswami Mudaliyar.
32 „ G. R. Premayya.	49 Rao Bahadur Subadar-Major S. A. Nanjappa Bahadur.
33 „ K. Koti Reddi.	50 Diwan Bahadur S. Ellappa Chettiar.
34 „ G. Rameswara Rao.	
35 „ C. Basu Dev.	
36 Rao Bahadur R. K. Venugopal Nayudu.	

Noes.

1 The Hon. Sir K. V. Reddi Nayudu, Kt.	13 Mr. R. Madanagopal Nayudu.
2 „ Rao Bahadur A. T. Panirselvam.	14 „ T. B. Russell.
3 The Hon. Sir Charles Souter.	15 „ T. Sundara Rao Nayudu.
4 „ Mr. G. T. H. Bracken.	16 Khan Sahib Syed Taj-ud-din Sahib Bahadur.
5 „ Diwan Bahadur S. Kumaraswami Reddiyar.	17 Diwan Bahadur R. Srinivasan.
6 The Hon. Mr. P. T. Rajan.	18 Mr. W. K. M. Langley.
7 „ The Raja of Bobbili.	19 „ G. F. F. Foulkes.
8 Mrs. K. Alamelumangathayaramma.	20 Rao Sahib V. Dharmalingam Pillai.
9 Mr. W. Scott Brown.	21 Sir A. P. Patro.
10 „ H. R. Uzielli.	22 The Raja of Khallikote.
11 „ C. E. Jones.	23 Rao Bahadur P. C. Muthu Chettiar.
12 „ G. T. Boag.	24 Mr. K. P. Raman Menon.
	25 „ P. M. Thangal.

Ayes. 50. Noes. 25.

The amendment was carried.

Clause 1 as amended was put and carried.

Clause 2.

The RAJA OF KHALLIKOTE:—“ Mr. President, Sir, I beg to move the amendment given notice of by me, namely:—

‘ that in clause 2, new section 39-A (1), in line 2, after the words “ notwithstanding anything contained in this Act ”, the words “ and without prejudice to the rights or liabilities of the landholders or ryots under this Act ” be added.’

Where rent is commuted under section 40 of the Act, it cannot be altered for 20 years thereafter as per section 41, except on grounds mentioned in clause 2 and clause 3 of section 30 or on the ground of alteration in the area of the holding under clause 1 (a) and (b) of section 38. Similarly where rent is settled under Chapter XI it cannot as per section 177 be altered for 20 years thereafter except on the same grounds on which a commuted rent could be altered. The effect

5th February 1936] [The Raja of Khallikote]

of these two sections, namely, sections 41 and 177, is that rents commuted or settled cannot be altered for 20 years on the ground that there has been subsequently a rise or fall in prices, but that the said rents can be altered on other grounds, namely:—

(a) that the productive powers of the lands have increased on account of improvements effected at the expense of the landholder or decreased owing to some natural or extraordinary causes;

(b) that irrigation works have been improved at the expense of the landholder or have deteriorated; or

(c) that the area of the holding has been altered.

“ This Bill is intended to meet the hardship to the ryot on account of the prohibition contained in sections 41 and 177, namely, that he cannot ask for reduction of rent on account of fall in prices.

“ But there is no reason to do away either with the rights or liabilities of either the landholder or the ryot under the other provisions of sections 41 and 177. That is, there should not be, owing to this Bill, any changes either in the rights or liabilities of either party, if for example an irrigation work is improved at the expense of the landholder or the fertility of the soil is improved at the expense of the landholder. Take a practical illustration. Suppose a holding normally yields ten cart-loads of paddy and the paddy sells at Rs. 20 a cart-load. The value of the yield on that holding would be Rs. 200. In the hope that normal conditions would continue the landholder effects improvements either in the irrigation works or in the fertility of the soil at great expense to himself. After such improvements had been effected, the holding yields 20 cart-loads of paddy instead of ten, but in a particular year the price of paddy falls from Rs. 20 to Rs. 15. Then even if the value of the yield has gone up in that year from Rs. 200 to Rs. 300, the ryot would be entitled to ask for reduction of rent on the ground of a fall in prices, though he gets very much more than what he did before the improvements were effected. I submit that this state of things would be a real injustice and hardship to the landholder. He puts himself to enormous expense to improve the yielding capacity of land but has to suffer at the same time owing to extraordinary circumstances which bring about a temporary fall in prices. This state of things would not only work an injustice on the landholder but would scare him away from effecting any improvements. It should not be the aim of the Bill to prevent the landholder from taking interest in the improvement of the land and its yielding capacity. I, therefore, submit that the rights and liabilities of both the landholder and the ryot given to them under the existing permanent provisions of the Act be preserved.

“ Besides, there is one other peculiarity. If you do not have the amendment suggested by me, even the main provisions of the Civil Procedure Code will not apply to this new Bill. A party should not be deprived of his general right of suit to obtain redress, where he has

[The Raja of Khallikote] [5th February 1936]

suffered a grievance. As far as I know this is not the case in any other tenancy law of India and it is not fair that this new section 39-A (1) alone should be exempted from all other general laws of India. The Select Committee's report admits the fact that the provisions of this Bill would certainly affect the rights and liabilities of both parties. I do not think it is fair that such general rights and liabilities provided for in the ordinary laws of the country should be made inapplicable to this new section alone.

"Sections 30 and 38 make provision for enhancement and reduction of rent under different causes, viz., rents may be enhanced owing to increased productive capacity of land, owing to special irrigation sources that have been constructed and on the ground that the land has improved through fluvial action, etc. Similarly section 38 provides for reduction of rent if the land has deteriorated or if the landholder fails to supply water, etc. The Bill as drafted will deprive both parties of the benefits of relief provided for under the permanent provisions of sections 30 and 38. After all, if relief is sought to be given for any particular year entirely due to fall in prices there is no reason why both parties should not resort to other permanent provisions of the Act, where there may be enhancement or reduction of rent due to causes other than prices only. This amendment I am moving existed in the original draft of the Hon. the Revenue Member and there is no reason why it should be deleted now. With these words, I move my amendment."

Sir A. P. PATRO:—"I second it."

Sriman M. G. PATNAIK Mahasaya:—"Sir, I do not know with what object this amendment has been moved. I submit that if this amendment is accepted by this House, there will be no use for the Bill at all hereafter. If all the rights and liabilities of the landholder and the ryot which exist under the present Act are to be preserved, I do not see what use there will be for this Bill. His proposal amounts to asking that this Bill be shelved, though he does not say so in so many words."

"Sir, this amendment that has just now been moved was very carefully examined in the Select Committee both by the Hon. the Revenue Member and the Advocate-General. Both of them were of opinion that this amendment was unnecessary and that it ought not to be there. It is stated here: 'Notwithstanding anything contained in this Act . . . ' That is to say whatever may be the provisions of the Madras Estates Land Act, the present provisions are going to be introduced to make some slight changes in them. The scheme of this Bill is to grant remissions for one year only. Therefore the permanent rights and liabilities of the landholder or the ryot will never be affected by these provisions. I hope that the hon. the Mover of the amendment will withdraw his amendment."

Mr. K. P. RAMAN MENON:—"Sir, I am at a loss to understand the real situation and that is why I rise to intervene in this debate. As far

5th February 1936] [Mr. K. P. Raman Menon]

as I have been able to gather from reading the provisions of the Estates Land Act, I understand that there are provisions there which enable the landholder to increase the rent on account of the money which he has invested in improving irrigation works or in improving the fertility of the soil. Whether as a matter of fact by virtue of the provisions which we are introducing in this Bill by which the ryot can claim reduction of rent on account of fall in prices, the right of the landholder to enhance his rent under certain circumstances is taken away, is a point on which I want to have a clear answer. As far as I have been able to understand, the Raja of Khallikote's point is this. He says there are sections which provide that if a landholder lays out a certain amount of money on the improvement of his land, he is entitled to get enhanced rent. He has also given a concrete example. For instance suppose one holding gives ten cartloads of paddy. Suppose also the price of a cartload is Rs. 20. Then the value of the yield from the land is Rs. 200. Then what the Raja of Khallikote says is this. Suppose the landholder invests Rs. 1,000 or Rs. 2,000 on the land and increases the yield of the land, either by constructing an irrigation work or by improving the fertility of the soil. Suppose the land yields 20 cartloads of paddy where it originally yielded only ten cartloads. If the price remained the same, Rs. 20, the value of the total yield would be Rs. 400. On the other hand, suppose instead of the price remaining the same, it went down to Rs. 15. Then what the Raja of Khallikote says is that this section authorizes the tenant to apply for a reduction of rent on the ground of fall in prices although the total yield from the land has risen from Rs. 200 to Rs. 300. Is that logical? That is the question that has been propounded and unless a definite answer is forthcoming to that question, I am afraid, Sir, hon. Members like myself who have no experience of the working of the Estates Land Act in their districts will not be in a position to give a vote on this question. I want to know definitely whether as a matter of fact when the rent has been commuted into money, the ryot will be able to apply for reduction of rent on the ground of fall in prices although, as I have pointed out, the money value of the total yield of the land has gone up on account of the improvements effected by the landholder. If that is so, it seems to me to be an untenable position to take up. We must make provision for cases where the landlord has made improvements in the land and made it fit to bear enhanced rent. (Interruption.) Yes, I am talking of commuted and settled rents, rents settled according to the provisions of this Act. We require some explanation on the point raised."

Mr. P. PEDDI RAJU:—"Sir, this amendment was considered by the Select Committee and the hon. the Advocate-General also was consulted on the point and asked to give his considered opinion about it. He said at first that it was unnecessary and finally gave it as his considered opinion that the clause was bad in drafting and that if embodied in the Bill it would create complications and that it ought not to be there. My submission to this Council is when the learned

[Mr. P. Peddi Raju] [5th February 1936]

Advocate-General has said that the amendment would create difficulties in the working of the Act and that it ought not to be there, we ought not to accept it.

"As regards the doubts raised by my hon. Friend, Mr. Raman Menon, as to whether the Bill will affect certain rights of the landholder, I have to say, Sir, that so far as we can see, it would not affect them in any way. On the other hand, the introduction of this clause will not help anybody, but it may create difficulties and complications. So far as the remaining clauses are concerned, when a landholder effects improvements to irrigation works or improves the fertility of the soil, he is not deprived of the right to enhance his rent. The only thing that the Bill says is: if the rent is commuted it takes place on the basis of the prices existing at the time of the commutation; if there is a settlement of rent under Chapter XI, the settlement is made on the basis of the prices then prevailing. If under these circumstances, when money rents are fixed on the basis of the prices prevailing at the time of the commutation or settlement, it is but right that the ryot should get remission when the prices fall. The difficulties raised by the Raja of Khallikote will in no way help him or anybody else. On the other hand, as the Advocate-General has said—I am sorry he is not here to-day to explain the legal position clearly; he has considered the matter carefully; he has taken time over it—the provision ought not to be there. I oppose the amendment."

* The Hon. Sir CHARLES SOUTER:—"Sir, I also must oppose the amendment. I think it has been moved under a misapprehension. Let me now state the situation as it really is. Under the Act, in certain special cases, the zamindar can get increase of rent for certain moneys specially spent by him on the land. Under other provisions of the Act, when the zamindar neglects the land the ryot can get a reduction of rent. Those rights, either of the landholder or of the ryot, are in no way interfered with by this present Bill.

1-15 P.M. "Let me give a concrete example. Suppose now that under Section 30—or Chapter XI—varam rent has been converted into money rent, say Rs. 10 an acre. Subsequent to the commutation, the landholder effects improvements to his land or to his tanks or in other ways and consequent on these improvements he can, under the Act as it stands at present, claim a rent of Rs. 15. Rupees 15 would, under the Act, be fixed as legitimate rent on that piece of land. Suppose now that after that rent has been fixed, prices fall down abnormally in which condition this present Bill is to apply, and the ryot would be entitled to a reduction of Rs. 2. The ryot will then have to pay Rs. 15 minus Rs. 2 and not Rs. 10 minus Rs. 2. In other words the zamindar's right to that Rs. 15 still subsists. If this Bill is passed, the consequence will be the reduction he will have to allow to the ryot owing to fall in prices will be from Rs. 15 and not from Rs. 10. I think to introduce this amendment in these general terms, as Mr. Peddi Raju stated, will lead to legal quibbles. This Bill proposes that the rent should be collected at a certain rate if abnormal condition

5th February 1936] [Sir Charles Souter]

exists, that is to say, if there is a large fall in prices. That condition will apply to all rents fixed, whether in consequence of improvements of the zamindar or in consequence of the neglect of the zamindar, both in the case of increased rent or in the case of reduced rent. The object of this Bill is that the ryot should get the benefit of a reduced rent if there is fall in prices. Therefore I think this amendment is unnecessary."

* The RAJA OF KALLIKOTE:—"In view of the most convincing answer of the Hon. the Revenue Member, I beg to withdraw my amendment."

The amendment was by leave withdrawn.

Mr. P. PEDDI RAJU:—"Sir, I beg to move the amendment standing in my name:—

"In clause 2—Section 39-A (1) after the words "where the rent of any land has been," insert the following:—

"enhanced under Section 30 or ".

Hon. Members of this House will see from the report of the Select Committee that such a provision was sought to be introduced in the Select Committee. It was negatived by a majority. I wish to deal with the effect of my amendment. Under the present amending Bill the ryot may apply to the Collector for remission. There are several Members of this House who are not conversant with the Estates Land Act. Some Members may be under the impression that this is a question of only remission of rent for a particular field dependant upon the fall in prices. So, the ryots and the landholder are not affected at all by the introduction of this Bill. All that you are asking the zamindars by this Bill is, just as the Government are giving us remission on account of economic depression, on account of fall in prices, they should also give remission to their tenants. No doubt some zamindars are said to be actually giving. This Bill will apply only in cases where the zamindars do not care for the interest of the tenants. This Bill will apply in cases where the zamindar owns a single village and he cannot afford to allow remission to his tenants. This Bill will apply to zamindars who are autocratic and do not care for the tenants. It will not affect the prudent, economical and well-managed estate at all. When the varam tenure was commuted, the average prices were taken into consideration. Hon. Members of this House know that prices were rising from the year 1908 onwards. This commutation took place when the rise in prices was very high, that is, during the last ten years. These rates were fixed when the prices were high. Some estates have not been surveyed. Settlement operations went on in some estates. These settlement operations went on during the last decade. So, they took into consideration the average prices during the last 20 years and fixed the rent. We are providing for these two cases. Therefore it is quite necessary that my amendment should be accepted. Hon. Members of this House ought to know very well that before the

[Mr. P. Peddi Raju] [5th February 1936]

passing of the Estates Land Act there was no provision for enhancement of rent by the zamindar. The Act of 1908 gave permission to the zamindar to apply to the Collector to enhance rent. The rent might have been fixed taking into consideration the high level of prices in some years past. From the year 1919 to 1930 the prices were high. The zamindars took advantage of this rise in prices and applied to the Divisional Officers to enhance the rent in their estates and these enhancements were made. Because they took the average of the years 1919 to 1930, the average price came to Rs. 7 or Rs. 8 per bag. Now the price may be Rs. 3 or Rs. 4. Such cases are not covered by the Bill as revised by the Select Committee. My submission is that such cases also—cases under Section 30 also—should be included. Otherwise, as has been stated already, it will look as if we are only legislating for a part of the Province. I take it we are legislating for the benefit of the tenants throughout the whole presidency. Rents were fixed under section 30 when the price was Rs. 10. If the price is low now, the rent also should be reduced proportionately. The rent should be reduced to Rs. 5. The tenants are entitled to some relief. To meet any objection from the zamindars I propose to move another amendment to sub-section (2) of section 39-A to the effect that the reduced rent should not be less than the rent payable by the ryot before the enhancement made under section 30. If you read the reports on the working of the Madras Estates Land Act, you will find that there have been a large number of cases where the rent was enhanced. Several hon. Members might have read this fact from the newspapers also. The Maharaja of Pithapuram has filed thousands of petitions for enhancement of rent and the *Mail* and the *Hindu* published the judgment of the Divisional Officer to the effect that according to law existing, you will have to increase the rent in spite of the falling prices. There is no scope for reducing the rent, because the Divisional Officer will have to take into account the average price for the last ten years. During the last ten years prices were high. Therefore the ryot has to apply for remission according to the provision of this Bill. There are several thousands of such cases. As I read through the report, I found that there are a number of cases in the Vizianagram Estate. I have quoted the instances of two big estates. If you care for the interest of the tenants generally in the whole presidency, you must have a reference to section 30 in this clause, and get some sort of concession in the shape of remission as other tenants would get under Chapter XI or under section 40. With these observations I commend this amendment to the vote of the House. In doing so, I would make an appeal to the Hon. the Revenue Member; of course this is not a matter between the zamindar and the tenant; as I say, I am not a zamindar or a tenant; personally I am not affected. But all that I ask the Hon. the Revenue Member is to consider this question from the aspect of the interests of the people at large and to see that the interests of the general population do not suffer. After all, this remission is to be given only for a single year. If the zamindar is kind enough, prudent enough, he would not allow the thing to go to the Collector; he will

5th February 1936] [Mr. P. Peddi Raju]

grant the remission himself; he would enable the tenant to get some relief. I appeal to the Hon. the Revenue Member to see that the interest of the general population is safeguarded."

The RAJA OF KHALLIKOTE:—"As I have given notice of a similar amendment, I have great pleasure in seconding this amendment. With your permission, I shall continue my speech after lunch."

The Council then adjourned for lunch.

(After Lunch—2-30 p.m.)

IV.—STATEMENT RE LAND REVENUE REMISSIONS.

* The Hon. the PRESIDENT:—"The Hon. the Revenue Member desires to make a statement."

The Hon. Sir CHARLES SOUTER:—"Mr. President, Sir, I have decided to interrupt the proceedings of this House on a day allotted for non-official business, because in the course of the debate, I think perhaps I should not have time to make any statement subsequently. All I have to say is that the Government have decided to grant land revenue remissions—not mere postponement of collections—to the same extent as they granted last year."

III.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL NO. 2 OF 1935)—cont.

* The RAJA OF KHALLIKOTE:—"The Bill is made applicable only to cases in which rent has been commuted under section 40 or settled under Chapter XI. My amendment is to enlarge the scope of relief to be given to the tenant and therefore make the bill applicable to all cases where the rents have been fixed on the basis of prices and where they cannot be altered for 20 years thereafter.

"Take for example section 40. Under section 40 (3) (a) the Collector shall have regard in commuting rent to the average value of the rent actually accrued due. The expression 'average value' can only mean value in money. And such value in money can only be ascertained by first ascertaining the rate at which paddy was selling in a particular year. It means that the prices of paddy or any other produce will be a very large factor in proceedings under section 40. Now if we take section 41 we find that the rent fixed under section 40 cannot be altered for 20 years thereafter on the ground of rise or fall in prices, because you will find that section 30, clause I is excluded under the section (section 41) as one of the grounds for alteration.

"The general effect of commutation proceedings is, therefore, that prices will largely enter into calculation in fixing the amount of rent and such amount cannot be altered for 20 years thereafter.

"Now take Chapter XI. Under section 168 under which rents are settled the Collector shall have regard as per sub-section (2) to rent or rates of rent previously existing. And under rule 18 of the rules made under the Act the Revenue Officer shall have regard to the provisions of Chapter III. Now Chapter III begins with section 24 and

[The Raja of Khallikote] [5th February 1936]

ends with section 49. It, therefore, includes sections 30 and 40. Therefore in settling rents under Chapter XI, the Collector will have to take prices into consideration. And as under section 41 the rents so settled cannot be altered for 20 years thereafter on the ground of rise or fall in prices—vide section 177.

“ Now take section 30. Under this section sub-clause 1 the landholder may apply for enhancement of rent on the ground that during the currency of the existing rent there has been a rise in average local prices. I emphasize the words ‘ local prices ’ to show that prices are the main and only consideration for getting relief under this sub-section.

“ Under section 39 the ryot can apply for reduction of this enhanced rent only once. But if once he gets a reduction and subsequently there has been an abnormal fall in prices, he cannot ask for further reduction for 20 years thereafter. This is really a calamitous state of things for the ryot. The whole object of this bill is to give relief in cases of abnormal and extraordinary fall in prices. Prices are as much an important consideration in commutation and settlement proceedings as under proceedings under section 30. The rent enhanced under section 30 are nearly as unalterable for 20 years thereafter as rents commuted or settled. As a matter of fact the legislature requires the Collector to keep in view provisions under Chapter III in settling rents under Chapter XI. And section 30 is in Chapter III. It would be incongruous if you refer in this bill to section 40 and Chapter XI only and omit section 30. While you are making provision to give relief in comprehensive cases covered by Chapter XI, you are making provision for only one subsidiary case, namely, commutation proceedings under section 40. My amendment is intended to make provision for relief in all subsidiary cases. This is the only logical and honest way of framing the Bill.

“ Although the acute situation of prices has improved during the last few months, there is no denying of the fact that recent times have been such that the ryot deserves some relief, in spite of the fact that this is given invariably through the good will of the landholder who is, after all, more interested in the welfare of his ryots than anybody else. As there seems to be agreement on this point the only difficulty raised is this. In what way can this temporary relief, to meet the exigencies of the situation, be provided for successfully, so that whatever provisions are made they will give the ryot the speedy and required relief, without, at the same time, embarrassing the landholder and creating complications in the working of the existing Act. We have to also see that the measure gives the ryot concerned the real benefit which it is intended to do, and that the relief given is universal, that is, applicable to all Estates in the Presidency. I am surprised that while a greater measure of relief to the ryots was proposed the hon. Member from Ganjam, pretending to be championing the cause of the ryots, should be lukewarm about the larger relief for reasons

5th February 1936] [The Raja of Khallikote]

best known to himself. The Bill of my hon. Friend from Ganjam may perhaps only benefit a very small section of the ryot population, confined to a very small area and cannot be called a comprehensive measure intended to give relief to the entire ryot population, wherever they deserve it. Besides, the Bill as drafted now may only give relief to a very few Estates in the Ganjam district which are going into the Orissa Province very soon and will not apply to other Estates of the Presidency where cash rents prevail.

“ Sir, only a few hours ago the cat has been really let out of the bag in the honest confession my hon. Friend, Mr. Mandhatha Gorachand Patnaik made on the floor of this House that the Bill is intended for me and none else. I leave it to the good sense of the House to judge how far it is fair that the Bill should be introduced for the sake of individuals only, or whether it would be fair to shape the Bill in such a way so that it will apply to all the Estates in the Madras Presidency where cash rents prevail. As I have already stated I am not against the main principles of the Bill and as for the question whether there should be a Bill for individuals or for the entire Presidency of Madras this question I am sure hon. Members of this House will decide fairly and equitably. My hon. Friend made certain allegations that the rents in my estates alone are very high. I wish to contradict this statement. Rents in some of the other estates are much higher than mine and particularly enhancement of rents made in some other estates have even gone to the extent of 100 per cent over and above the existing rents. I am speaking from authority when I say that my average rentals are Rs. 8 to Rs. 9 per acre and the highest rental in a few villages is about Rs. 12 per acre. Since the time settlement operations under Chapter XI were taken up in my estates about ten years ago I admit there has been some increase in my rentals but this increase is only about 15 per cent and is entirely due to the fact that large extents of extra lands which were discovered as a result of the survey have been assessed the usual rents.

“ Sir, if I am permitted to divulge the proceedings of the Select Committee I wish to state that when I moved this very amendment there under the instructions you gave me, Sir, last time this subject came up before this hon. House, and pressed it for a division, I was shocked to notice that my hon. Friend, the champion of the ryots' cause from Ganjam, I mean, Sir, the hon. the original Mover of Bill No. 2 of 1935, remained neutral along with some others and as for those supporters of the Bill who have been proclaiming from house tops that the principles of the Bill have the entire support of their party, I was much more shocked to observe that they voted against my amendment. I really wonder if there was any need to shed such crocodile tears!

“ The main principle ought to be that where prices formed the basis of fixing rent under any provision of the Act there should be scope for reduction when there is a fall in these prices already fixed.

[The Raja of Khallikote] [5th February 1936]

The Hon. the Revenue Member and my hon. Friend from Ganjam have overlooked a provision in the Act under which prices entered into consideration for fixing the rent. This is section 30. I think that the ryots should get relief also when proceedings have been successfully taken under this section. I also feel sure that if the object of the hon. the Mover of the Bill is to see that relief should be granted universally wherever the ryot deserves it he will not object to my amendment, whatever may be his difficulties or delicacies as I might put them. I also feel perfectly sure that the supporters of this main principle will agree to my amendment.

"It would be destroying the very fundamental idea underlying this Bill if this amendment is not accepted, and if this amendment is not accepted the Bill will be a dead letter and credit will attach to no one. It might appear that influential interests are being safeguarded, while pretending at the same time to give relief to the ryots. It would be a negation of the fundamental idea of the Bill, it would be highly unfair to the ryot, it would be a special pleading for particular interests, it would be kissing or kicking the ryot according to your interests if this amendment is not accepted.

"I have heard that there is a pact that the Bill should go so far and no more. I am not a party to any such pact. I am sure that many hon. Members are not aware of it. Whatever the real implications of that pact are, and whoever are parties to it, all I can say is that it is an undesirable pact and the sooner we back out of it, the better it is for the interests of fair play and justice. Do not pretend to shed tears for the ryot while you are undermining him and destroying his chances of getting any relief.

"Before I conclude, Sir, I think it is desirable that this Hon. House should be in possession of certain important facts that have led up to the present stage of this Bill. Hon. Members will remember some months ago when my hon. colleague from Ganjam introduced his original Bill, the Hon. the Revenue Member stated on the floor of this House that the Bill as drafted is not acceptable to Government and that he would summon a conference of representative landholders and ryots to thoroughly thrash out the question, with himself as President, so that a measure agreeable and acceptable to all parties concerned, viz., the ryots, landholders and Government may be reached and on these points the hon. Member said he would redraft a Bill. As far as I remember, on this assurance, my hon. Friend from Ganjam did not press for further consideration of his Bill at that time. According to this assurance my Hon. Friend the Revenue Member summoned a Conference of representative landholders and ryots who met in his room upstairs during the latter part of October last. At that Conference the Hon. the Revenue Member explained to the Conference fully and clearly the Government's policy on the matter and as there was no agreement among ourselves he asked us to try to come

5th February 1936] [The Raja of Khallikote]

to some agreement not only among ourselves but on the points concerning Government about which he expressed himself quite clearly to us. Consequent to this, one or two days later, the Conference met at the residence of the Hon. the Raja Sahib of Bobbili."

* The Hon. the PRESIDENT:—"I wish to know how all this is relevant to the amendment under discussion."

* The RAJA OF KHALLIKOTE:—"I wish to place the facts before the House to judge how far it is fair and I am only defending and speaking in favour of my amendment."

* The Hon. the PRESIDENT:—"If the hon. Member wants to do it, it must be at the time when the Bill is started or at the time when the Bill is closed."

Mr. T. S. RAMASWAMI AYYAR:—"When it is closed it will be post-mortem."

* The RAJA OF KHALLIKOTE:—"At this meeting the Hon. the Revenue Member was not present. Anyhow at this meeting at the residence of my hon. Friend the Raja Sahib of Bobbili, there was no talk or reference to special difficulties expressed by my hon. Friend the Revenue Member, but only the Bill as originally drafted by the hon. the Mover was taken up for consideration. At that time the question was raised that all sections of the Act under which money rents have been fixed, based chiefly on the consideration of prices, may be considered and if necessary the question may be further examined as to the effect of this legislation on all the Estates of the Madras Presidency, to see how far the cash settlements made so far under the different provisions of the Act, would affect the various Estates of the Presidency. This was overruled and we were told that everybody would be satisfied if the Bill only applied to cases under section 40 or Chapter XI and that the Bill need not go further. After that there was a protracted discussion on the Bill as drafted by my hon. Colleague from Ganjam and as it was the sense of friends who met there that some note should be made of points, etc., discussed and as nobody else offered to render this service, I came forward to write down certain points that were discussed. After all this would have really been the duty of some official stenographer, but as there was no such person present and as an idea was expressed that some notes should be made and as we were all by that time suffering from empty stomachs and dry throats, keen to close down this wonderful conference, I offered my humble services to jot down a few points with the only object of closing the meeting quickly. Besides, Sir, I am not an expert in précis-writing and I must admit I have not noted fully all the discussions that took place although I remember distinctly that these points were raised and we were overruled.

"Anyhow, I do not know what transpired subsequently between the heavenly powers of this Government here, but the fact remains that on the 6th November last the Select Committee reported that the Bill

[The Raja of Khallikote] [5th February 1936]

as originally introduced might be dropped. The Hon. the Revenue Member gave an assurance as I have already stated that if agreement was reached among all parties concerned at the conference, he would straightaway redraft the Bill and allow it to be introduced in this Hon. House. Now the facts are and in fact they are proved through subsequent events that there was no unanimous decision at the Conference that was called, if there was an unanimous decision where was the need for a separate Select Committee to be appointed and for this Select Committee to say on 6th November last that the Bill be dropped? In spite of this recommendation of the Select Committee I do not know what again transpired among the heavenly powers of this place, but this unfortunate Bill which cannot even claim a step-mother or an adoptive father was redrafted, entirely as a new Bill and reintroduced on the 9th November last by my hon. Friend the Revenue Member and subsequently remitted to the Select Committee. It is this Select Committee's Report and this life of this little unfortunate orphan that we are considering now in the shape of this Bill. This child has no doubt no parents—not even a step-mother!

“Sir, I am one of those who feel that the time has come when the ryot should be given some universal relief that will apply to the entire Presidency of Madras, but if this relief is sought to be given, in the name of fair play and justice, and in the pretence of shedding crocodile tears, confined only to a very small area, the effect of which will be that no ryot population in the Madras Presidency will get any relief, I cannot help being sarcastic in the matter.

“With these words, Sir, I commend my amendment for the acceptance of the Hon. House in the sincere hope that whatever relief is granted to the zamindari ryots of this Presidency it may be universal but not confined to particularly small areas.”

* Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil and the following is an English summary of his speech:—“I am not prepared to enter into details. Things have come to such a pass that whatever strikes the mind is passed into law. When it is a question of giving room, Government sit tight and the parties fight. It is the practice of Royalty to allow two people to break their heads in a duel and then confer a medal on one. The Hon. the Revenue Member says that remission will occur very rarely and so it is not harmful. Will fire or poison not affect if it is touched for the first time?

3 p.m. “I appeal to the Hon. the Revenue Member particularly that in this *tamasha* he should bear in mind that both the parties are trusting the Government in the conflict and are looking up to the Government for help. I do not think this Bill will afford any help to anybody, but it will only create a lot of difficulties and differences. The Government should realize what the consequences of these amendments would be, and should not allow things to go too far.”

* The Hon. Sir CHARLES SOUTER:—“Mr. President, Sir, I rise to support this amendment on these grounds. I think the House will

5th February 1936] [Sir Charles Souter]

remember that when Mr. Patnaik's Bill first came up for consideration my main objection to it was that as drafted it was certainly discriminatory in character; in other words, it was a Bill which, whether designedly or not, certainly in effect, would apply only to a very small portion of this Presidency, and in that small portion only to a very small number of zamindars. That seemed to me, Sir, a procedure which was certainly not to be commended. When a Bill affecting the relationship of zamindars and their ryots is brought forward, it ought to be a Bill, unless very special reasons otherwise are given, which will affect the relationship of all zamindars and the ryots. I feel that very strongly, and a Bill, which if brought into law would affect only that small portion of the Presidency and in that small portion only a limited number of zamindars, was not to my mind a proper Bill.

“Now, Sir, take section 30 of the Estates Land Act. There is very little to add to the detailed criticism which the Raja of Khallikote has given in his speech. But section 30 of the Act is a most important means by which the zamindar can increase his rents. It is a means by which, solely on the ground of rise in prices, he can ask the court to increase the rent by two annas in the rupee, that is to say by 12½ per cent. Note particularly that this increase in rent is on the ground of a rise in prices. Now, compare that, Sir, with the present Bill. The present Bill purports to enable the ryot to have his rent reduced on exactly the same ground, namely, fall in prices. But where in logic, in reason, while the zamindar has his rent raised on the ground of rise in prices, should the ryot not have a claim to a reduction of rent in this case when the price has fallen? Let us put the issue squarely and fairly before the House. How in logic can you refuse to the ryot the remedy which the zamindar or the landholder himself has got when there is a rise in prices?

“Then, Sir, if section 30 is introduced as the amendment proposes, we all know the result will be that the Bill if passed into law will apply practically to all zamindars, to all landholders who have applied to the courts for increase of rents under section 30. All have not done so, but a great many have. I do not wish to particularise as my hon. Friend Mr. Peddi Raju did. But it is undoubted that since the landholder was given this power to increase his rent under section 30, that power and privilege will be very widely taken advantage of, and I must say in most cases, with some justification, because in a great many of these estates the rents have not been altered for some fifty or hundred years and even more, and when there was a large increase in prices, legitimately the zamindar would turn to the ryot and say that some of the benefit as a result of the increase in the price ought to come to him. Conversely and logically, when there is a large fall in prices, the ryot can come to the zamindar and say, ‘let me be given the advantage of the fall in prices.’ That will be the result of the introduction of section 39-A of the Bill into the Estates Land Act. Personally, I hold personally that where we pass legislation of this kind it must be legislation which should apply generally. Secondly, I

[Sir Charles Souter] [5th February 1936]

accept this amendment on what I consider a stronger ground and that is one of logic and pure justice to the other party. With these words, Sir, I strongly support the amendment."

* The KUMARARAJA OF VENKATAGIRI:—" Mr. President, Sir, as one of the zamindars belonging to a political party, namely, the Justice Party, which claims always the credit of striving its best to hold the scales evenly between the various conflicting interests, and in this particular case between the landholder and the tenant, it is my melancholy duty to deal with certain personal reflections and aspersions cast quite unwisely by some speakers during to-day's debate. Sir, it pained me to notice charges being made in connexion with the proceedings of an informal meeting held in the private residence of the Hon. the Raja Sahib of Bobbili. Perhaps it is the decree of fate that to-day should have been the day when two similar allegations should have been made by them in connexion with this Bill and also with another Bill which preceded this. Of course, it is not my purpose nor can I refer to the other charge, having lost the opportunity to catch the Presidential eye at the proper moment. As I started saying, the zamindars realize that it is their imperative duty to recognize every legitimate demand of the tenant while at the same time also discharging the duty which they owe to the class they belong and in whose usefulness they still believe, namely, the protection of the vital interests of that class. I take also this opportunity of expressing my gratification, barring this unfortunate measure, at the general recognition which the zamindars have received to their representations to the various Members and groups in this House. It has been alleged, Sir, that the scope of the proposed measure is very narrow, and the charge has been made that the supporters of this Bill, having nothing to lose by it, can afford to be generous at others expense. I consider it my duty to remove any such wrong impression by stating that this Bill affects the Venkatagiri estate considerably and very substantially the Bobbili estate. For this reason, I hope that all the hon. Members who have made that allegation will now revise their opinion.

" Coming now, Sir, to the reference made by my hon. Friend, the Raja Sahib of Khallikote, to the proceedings of the meeting held in ' Branson Bagh,' I may at once state that while sympathizing with his inability to be as good a shorthand or precis writer as a professional could be, I cannot but repudiate the allegation, namely, that even in that meeting this question was raised by him.

3-15 p.m. " This was raised in the Select Committee meeting and it was also proposed by my hon. Friend, the Raja Sahib of Khallikote, and we considered it our duty to vote it down. But, Sir, to say that this was raised by him at ' Branson Bagh ' and that he was not a party to what he described as a pact does indeed pass my comprehension. Suffice it now for me to say that it is very unfortunate that these personal aspersions have been cast in this debate. I think it is the duty of every legislator to view every question on its merits and not to consider it on purely personal grounds.

5th February 1936] [The Kumararaja of Venkatagiri]

" Again, Sir, we claim the credit of having considered the various proposals affecting the relationship between the landlords and tenants which have come before this House, basing my claim on the testimony given by the late lamented Diwan Bahadur Muniswami Nayudu Garu who was a very zealous and unyielding champion of the tenants' cause, that we always to the best of our ability endeavoured to do justice to the tenant. In connexion with this amendment which is now before the House I wish to submit that injustice may be done to certain zamindars who have not given effect to this provision, namely, section 30 of the Estates Land Act and enhanced their rent. Even in cases where such an attempt was made, the courts might not have given to the fullest extent the benefit that was due to them on the basis of the prices. In such cases, even if the increment that was given has to be reduced, certainly it would be an injustice to the legitimate claims of the landholder coming under that category if enhanced amount is reduced. Being a zamindar in whose zamindari there has not been any enhancement for the last forty or even more years, and where commutation took place under section 40 and also resettlement under Chapter XI and therefore liable to be affected by the changes made, I still feel that what is now proposed, namely, to give benefit in those cases which come under section 30 also is unjust. But the second amendment of my hon. Friend, Mr. Peddi Raju, would, I think, minimize the injustice that may be caused to the zamindars. There is a consequential amendment which Mr. Peddi Raju has promised the House to move provided that amendment is accepted. With these words, I resume my seat with the confidence that when we go to the electorate we can claim to have done our best to do justice to the various conflicting interests."

Rao Bahadur Sir A. P. PATRO:—" Mr. President, Sir, I think on this occasion Government have shown themselves to be very impartial and willing to do justice all round. I am very much gratified and would compliment them on this occasion.

" The question before the House is the amendment moved by my hon. Friend, Mr. Peddi Raju. This is not a new amendment but it has come up for the first time here. The hon. the Mover has himself stated that the scope of this Bill is limited to temporary fall in prices. It is a very elastic provision made by the hon. Member who is a clever lawyer. This provision has been considered for a long time. The reasons which led me in the first instance to support my hon. Friend's Bill were that since 1930-31 there has been a fall in prices and therefore relief is needed for the ryots. The ryots in many cases have not been able to pay their rent at all. The produce of the land was not sufficient to meet the rent. Then again, the landholders of this Presidency have been granting remissions and showing concessions to ryots from time to time, but there was no legal obligation on them to continue them; therefore, the hon. Mover thought that what is in practice which the zamindars have been following all these years, should be embodied in the statute. Therefore, I said that there is nothing new in the Bill but the Bill as it came out of the Select Committee is

[Sir A. P. Patro] [5th February 1936]

rather of a restricted scope. I do not think that it is intended that it should have any restricted scope for this reason. There are three classes of cases under the Estates Land Act. First there are cases coming under section 40 where there may be commutation of rent where rents were paid by ryots at the interference of the middleman—I have experience of this in my own district—and the happy relations that subsisted between the landlord and tenant in many cases became strained on the interference of this middleman. The second class of cases come under Chapter XI where the ryots thought that by means of this survey and settlement, they would be in an advantageous position. The ryots were not willing to undergo all these troubles but the agitators or middlemen instigated them, and this act of theirs is responsible for the present unhappy state of things. In addition to these two classes of cases, there is a third class of cases. Section 30 of the Estates Land Act says:

‘Where for any land in his holding a ryot pays a money-rent the landholder may institute a suit before the Collector to enhance the rent on one or more of the following grounds:—

“The first ground is ‘that during the currency of the existing rent there has been a rise in the average local prices of staple food crops in the taluk zamindari division’;

“The second ground is ‘that during the currency of the existing rent, the productive powers of the land held by the ryot have been increased by an improvement effected by, or at the expense of, the landholder’;

“The third ground is ‘that a work of irrigation or other improvement has been executed at the expense of Government, and the landholder has been lawfully required to pay in respect of the holding an additional revenue or rate to Government in consequence thereof’; and

“The fourth ground is ‘that the productive powers of the land held by the ryot have been increased by fluvial action.’”

These are the conditions under which a landholder is entitled to enhance the rent, the chief being rise in prices. Now in the local areas of various estates, prices have fallen and it is but natural that remissions should be given where such conditions prevail. Therefore it should be of universal application. There is another point. A recent order was issued by the Government on the fasli 1344 review. In that review, the Government have pointed out that a very large number of applications have been made in the several districts under section 30 for enhancement of rent and this has given rise to a large volume of work. Therefore, Sir, it seems to me that a remedy is absolutely necessary to the ryots in the estates who have been subjected to such enhancement, whether on commutation grounds or on the ground of survey and settlement. The case for the ryot is very strong, and the House which has carried the first amendment to clause (1), viz., that there should be a universal application immediately of this Act, should extend that principle to this amendment also, so that they may not be doing injustice to anybody. The two being connected, there is no reason why this amendment should not be accepted. I know the amendment may cause hardship to many estates. But the whole Bill is intended not as a permanent measure, not as a measure which will affect the landlord and tenant for ever and ever, but only when such

5th February 1936] [Sir A. P. Patro]

conditions prevail, namely, fall in prices and the conditions mentioned in the Bill. And only if those conditions are satisfied, relief would be given. I am not in favour of those restrictions, because the ryot wants relief urgently; why should we place these restrictions on him? Anyhow, so far as the Bill goes, with this amendment, I think it will be a very useful measure and will help the ryots very much.”

Mr. T. S. RAMASWAMI AYYAR:—“Mr. President, Sir, while some 3-30 of us appreciate this move for an agreed amendment, speaking for P.m. myself, I am not able to see how some of us can agree to the other amendments which Mr. Peddi Raju proposes to move. I do not want that it should be understood that the House is going to accept this amendment with any condition attached with regard to the later amendments.”

Mr. P. PEDDI RAJU:—“Sir, I am very thankful to the Hon. the Revenue Member and to the Kumararaja of Venkatagiri for having supported this motion. As I said, there is a feeling among the zamindars that this would be a great inconvenience to them. But I submit that it is not correct because if there is a rise in prices it would not apply at all. It is a matter of give and take. When the prices are very low, the zamindars are helping the ryots. From the Administration Report it will be seen that they are helping their tenants even now and so helping themselves. In spite of this policy of give and take, you will see from the report that 14,000 holdings have been sold in the last fasli for sums which are below 50 per cent of the estimated value. In such cases, in the case of zamindars who do not care for the interests of the tenants, the Government can come in and better the relations and help the poor tenants. So, Sir, my appeal to this House is that nobody should labour under a misapprehension regarding the scope of this measure. Both in the interests of the zamindars as well as in the interests of the tenants, this amendment should be accepted.”

* The Hon. the PRESIDENT:—“I will put the amendment to the vote of the House. The question is:

‘In clause 2, section 39-A (1), after the words “where the rent of any land has been” insert the following:—“enhanced under section 30 or”’

The amendment was put and carried.

* Mr. P. PEDDI RAJU:—“I beg to move—

‘Add the following proviso to sub-section (2) of section 39-A in clause 2 of the Bill:—

“Provided that the rent after remission shall not be less than the rent payable by the ryot before the enhancement made under section 30.”

Sub-clause (2) runs as follows:—

‘The rent after remission shall bear to the rent lawfully payable for the time being, the same proportion as the average prices during the twelve months ending with the 31st March of the revenue year, in respect of which such remission of rent is claimed, bear to the average prices, on the basis of which the rent had been previously fixed.’

[Mr. P. Peddi Raju] [5th February 1936]

"I want to add a proviso to this in the manner proposed by me. My idea is this: supposing the rent on the land is Rs. 10 and section 30 is applied and it is raised. That means that there has been a rise in prices. Subsequently prices fall. I suggest that in such a contingency the remission that is to be granted should be only to the extent of the enhancement made and not more than that. Of course there will be difficulties in the way. But I gave notice of this amendment because in the private conferences when the representatives of the ryots claimed that this section 30 should be introduced, it was argued on behalf of the zamindars that there will be a difficulty. Supposing the rent is about Rs. 10 and there is an enhancement of Rs. 2. The price will then be Rs. 7 a bag. Supposing later the price comes down to Rs. 3-8-0 per bag and if the rent is to be reduced in proportion to the fall, it would be much less than what it used to be for half a century. In those cases also you should be entitled to ask for remission. It is for meeting such cases that I have suggested this proviso.

"I understand from my hon. Friend, Mr. Ramaswami Ayyar, that he is not agreeing with my view. His argument is that supposing the prices fall much below those prevailing at the time the rents were originally fixed, is it fair that the tenant should continue to pay the same rent or get only a reduction of two annas in the rupee? There is no doubt some logic in that argument. But as practical men we must recognise that there has been no enhancement prior to 1908 and that subsequently rents have been raised only when there has been rise in prices. The present prices also are not much below the 1908 level. That is why I suggested that this will work. I do not know whether future contingencies will make the rent go up further. Anyway, we are not providing for future contingencies. If such contingencies arise in after years, we can suitably amend the Act then. Sir, I have given my reasons for including this proviso and explained to the House that there is nothing wrong in introducing this proviso now. If it works hardship there will be time enough to suggest subsequent amendments."

Sriman M. G. PATNAIK Mahasayo:—"I second the motion. The hon. Mover has elaborately explained the need for this proviso. I therefore wish to say that no doubt if pure logic is to be adopted in all these matters, we cannot arrive at a satisfactory solution. So far as the Settlement Chapter is concerned, the Estates Land Act has been pronounced to be very satisfactory by a Full Bench. Somebody has to overhaul the Estates Land Act some time or other; but until that is done we have to be satisfied with some patchwork. We have to give relief wherever temporary relief is considered necessary and for that purpose this Bill has been introduced. So far as section 30 is concerned, no doubt, Mr. Ramaswami Ayyar thinks that the ryots should be at liberty to apply for reduction of rent even if the rent is below that prevailing half a century ago. But my hon. Friend must bear in mind the fact that we have practically no data as to how that rent was fixed and no materials to show what the prices then were. Therefore there would be a good deal of difficulty to work

5th February 1936] [Sriman M. G. Patnaik Mahasayo]

out such a provision. That being the case we must leave the provisions as they are. We cannot take a very long view of the matter. This must be taken only as a patchwork as explained by the hon. Mover. When the time comes for overhauling the entire Act we can have a more satisfactory Act. Now of course the objection of the landholders with regard to the enhancement under section 30 being governed by this Bill has disappeared with this proviso. They cannot say now anything against this proposition that this Act should affect only the amounts enhanced under section 30 and not the rent originally fixed. Of course if the original rent had been fixed under section 40 or under Chapter 11, then it would be affected by the first part of the section and, if it had been fixed some years ago, then it would not be affected at all. That would be the effect of the provisions of this Bill. I therefore support the amendment."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, the arguments ably advanced by the hon. Mover and the seconder of the amendment have left me unconvinced. It has been said by the hon. Member from Ganjam that this is only patchwork. He also said that there is logic in my position. Both the Mover and the seconder have anticipated my remarks. I find that my apprehensions have not been dispelled by their arguments. If some years ago, the rise in prices had necessitated the rise in rent, it is logic that when the prices topple down the ryots must have the right to get the rates reduced. We have now for some years fought the Government on this issue and I think we have fairly won. For a long time it was said that a reduction in the land revenue, merely because of fall in prices, was an inroad on the whole land revenue system which was invulnerable. But in the last few years the Government have seen that they could not stick to that point and that justice requires that the ryots at critical periods deserve sympathy and agreed that fall in prices was a reason for remission. The Government have also made necessary modifications in the Board's Standing Orders. That reason applies equally in the case of the zamindaris. If a ryot's rent has been increased abnormally, certainly the ryot is entitled to relief when the prices come down.

"The hon. Member from Ganjam said that it is not likely that there would be many cases where prices have come down and that there might not be data. We are not now legislating for a position of which we are not sure. We merely say that the ryot is entitled to remission if it is said that the commutation rates that were fixed long ago were not based on correct data and that prices that rule now are very low. The ryot has to prove his case. If he has not proved his case already, it is now necessary for him to prove that years ago the commutation rate was very high when compared with the prevailing prices now. We cannot say that there are no data. It is for the ryot to furnish data. It is our duty to say that he has got to prove his case in a Revenue Court. That is the position that I take up. If hon. Members can convince me, certainly I do not want to create

[Mr. T. S. Ramaswami Ayyar] [5th February 1936]

difficulties. I feel that the ryot's privilege should not be lightly brushed aside. If you accept the principle enunciated in the Bill, this is the only conclusion that we should come to and no limit should be placed on the remission that the ryot is entitled to. I therefore oppose the amendment."

* The Hon. the RAJA OF BOBBILI:—"I am afraid the hon. Member for the University has intervened in this debate without understanding the whole position. Similarly he thought yesterday, when we were discussing the Public Services Commission Bill, that we were discussing the report of the Public Accounts Committee. If hon. Members have followed the various stages of the Bill, they are entitled to express their opinion. Whether we differ or agree, it is a different matter. Now it is not a case of the ryot being shut out of the benefit in reduction. There are three classes of estates which will be benefited under this Bill. Firstly, there are estates where rents have increased under section 40, secondly there are estates where grain rents have been commuted into cash rents and thirdly there are estates which come under the amendment of the hon. Member, Mr. Peddi Raju, where rents have been increased under section 30. In the case of estates which have been settled under section 40 or Chapter XI, this Bill does not lay any restriction or limit the powers of the court in granting any reduction or remission of rent in proportion to the fall in prices. But in the third class of cases, it is admittedly estates where rents were fixed half a century or before and where it will be impossible for the court to arrive at basic figures on which the previous rents were fixed. In such cases it is proposed by this amendment to extend the benefit to the ryot by enabling him to apply to the court. But at the same time it has to be pointed out that by providing for this right, you should not allow the old rates also to be opened. For example, if the rents were Rs. 8 an acre and there has been an enhancement by Re. 1, now that the prices have fallen, it is but fair that there should be a reduction of Re. 1 and that we should revert to the old rent. There is no reason behind the argument that we should also reduce the old rents. As a matter of fact even under section 30 the number of estates that have taken advantage of that section is only a small percentage of the estates in the Presidency and if my hon. Friend, Mr. Ramaswami Ayyar's contention is upheld it would really mean that in these few estates you will be not only reducing the enhancement which they are legitimately entitled to under the old conditions, but you would also be cutting the old rents, and at the same time in the case of rents in other estates you will be leaving them alone though they did not have recourse to courts. I do not understand how the landholders, in whose cases the courts have found there was a case for enhancement under section 30, could be placed under any disability of not applying to a court for enhancement and at the same time the old rents which have been existing for generations should be further cut down. It may be asked what is the remedy to the tenants if there is a permanent fall in prices. I may state that the only object of this Bill is to provide temporary

5th February 1936] [The Raja of Bobbili]

relief to meet the present phenomenal fall in prices and it is not sought to provide for conditions where there is a permanent rise or a permanent fall in prices. If as my hon. Friend, Mr. Ramaswami Ayyar said, there is a permanent fall in prices, there is already a provision in the Act by which the ryots can get a permanent reduction in rent, and the consequential amendment to the amendment which my hon. Friend, Mr. Peddi Raju, has now moved is not necessary. Otherwise, we will be creating a great deal of confusion in the courts for it is admitted on all hands that the old rates were not based on any average prices or any basic figures. There are neither data, nor any guidance for the courts or the parties to arrive at any basis if this amendment is not carried out. I therefore feel that the objection raised by my hon. Friend, Mr. Ramaswami Ayyar, is really untenable. I hope the House will now unanimously pass the amendment of my hon. Friend, Mr. Peddi Raju."

* The Hon. Sir CHARLES SOUTER:—"My difficulty about this amendment is this: it makes no difference between estates in which rents are high and those in which they are not high. In some estates the rents are considerably higher than rents in other estates. It really resolves itself into this: are those rents which are high proper rents? As my hon. Friend, the Chief Minister, said, it is impossible for us, with the data at our disposal, to say what is high rent, and what is not. I recognize that this amendment is in the nature of a compromise and it is more or less a make-shift. I think that that the relief afforded to the ryot in this case is anyhow something which perhaps in some cases may not be altogether adequate and I am prepared to accept the amendment."

The amendment was put and carried.

* The Hon. Sir CHARLES SOUTER:—"Sir, I beg to move—

'In line 10 of sub-section (5), for the words "the rest of the rent," substitute the words "the remaining portion of the rent".'

This is merely a drafting amendment."

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

The amendment was put and carried.

Clause 2 as amended was put and carried.

Clause 3—Section 215.

* The Hon. Sir CHARLES SOUTER:—"I beg to move the amendment that stands in my name and which runs as follows:—

'(1) For the opening paragraph of sub-clause (i), substitute the following:—

*"(1) in clause (1) of the second paragraph—
(a) the word "and" at the end of sub-clause (b) shall be omitted and at the end of sub-clause (c), the word "and" shall be inserted; and*

[Sir Charles Souter] [5th February 1936]

(b) after sub-clause (c), the following sub-clause shall be added, namely:—

(2) In line 4 of sub-clause (ii), before the word “determining” insert the word “for”.

Sir, these are only drafting amendments and I think no comment is needed.”

The amendment was duly seconded.

The amendment was put and carried.

Clause 3 as amended was put and carried.

Preamble.

4 p.m. * The Hon. Sir CHARLES SOUTER:—“Sir, I beg to move—
‘In line 2 of the first paragraph, for the word “purpose”
substitute the word “purposes”.’

This again is only a drafting amendment.”

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

The amendment was put and carried.

The Preamble as amended was put and carried.

Sriman M. G. PATNAIK Mahasaya:—“Sir, I beg to move that the Bill be passed into law. In doing so I thank the Hon. the Chief Minister and the Hon. the Revenue Member for having facilitated the passage of the Bill through all its stages. I do not wish to speak at length on this motion and detain the House, for hon. Members who are waiting to move resolutions standing in their names will curse me, including also those hon. Members whom I want to thank for the help they have rendered in this connexion.”

Mr. C. BASU DEV:—“I second the motion.”

* The Hon. the RAJA OF BOBBILI:—“Sir, I feel it my duty to answer some of the accusations made on the floor of this House by my hon. Friend the Raja Sahib of Kallikote. I thought you might rule them out of order as being irrelevant if I made those observations in connexion with the amendments to the Bill. I have followed your advice and taken this opportunity to say a few words, as otherwise I might be misunderstood if I recorded a silent vote. On more than one occasion during the various stages this Bill has gone through both in the Select Committee and in the Council I have explained to the best of my ability the origin of this Bill. Even at the risk of repetition, I wish, if hon. Members will bear with me, to say a few words.

“As the records of the Legislative Council will prove, the principle underlying this Bill which has just been enacted by this Hon. House was embodied in the list of amendments given notice of by members of the Justice Party in 1933 to the amending Bill then being piloted by Sir Archibald Campbell. At the suggestion of the then Hon. Member in charge of Revenue a conference was called at my residence in 1933.

5th February 1936] [The Raja of Bobbili]

We considered the various outstanding problems which required solution regarding the difficulties of both zamindars and tenants. As a result of that, a number of amendments were given notice of in this House. Those amendments had been accepted at a Party meeting. But subsequently during the Council stage of the Bill, the amendment to clause 8 was ruled out of order by you, Sir, on the ground of its being outside the scope of the Bill then introduced. Subsequently, my hon. Friend Mr. Patnaik brought forward a separate amending Bill to give effect to the previous decision of the Party. There is therefore nothing strange or unnatural in the Party which has sponsored the changes in the earlier stages giving wholehearted support to this measure.

“Sir, I need not repeat particulars regarding the further stages of the present Bill, but I will only state a few facts about the conference which was held, if I remember aright in November last, to consider the present Bill at the suggestion of my Hon. Colleague the Hon. the Revenue Member. Several hon. Members were present there and after a great deal of discussion we arrived at certain conclusions which were embodied in amendments given notice of in connexion with that Bill. As far as I could remember, the only point on which there was no agreement was with reference to the deposits to be made by the ryots on application. My hon. Friend the Raja Sahib of Khallikote insisted that the ryots should deposit 75 per cent of the rents with their application. He also insisted that the application must be by not less than 25 per cent of the ryots of the village. Of course this proposal did not command any support from various Members of the House. Apart from that, various other proposals had been agreed to by the various Members present there. In this connexion I may also state that those hon. Members who claimed to represent the tenants were very reasonable, understood the viewpoint of the landholders also and we left the conference with the impression that by our labours we had been able to find a happy solution to the immediate problems presented to us in the Bill. But to-day I am painfully surprised to note from the speech of my hon. Friend the Raja Sahib of Khallikote that he was not a party to any of those agreements and that he was only playing the part of a stenographer in recording them. I may state that this statement is absolutely untrue and I am sure the various hon. Members who were there will also agree with me. I may also state that the other statement that he raised the point that section 30 should be included is not correct. It was raised by Mr. Peddi Raju. . .”

* The RAJA OF KHALLIKOTE:—“On a point of personal explanation, Mr. President, as far as I could remember, even at the beginning of the conference I raised the question of the other sections of the Act and the general effect of the Bill on all the estates of the Presidency and said that they also must be included within the scope of the Bill, but we were overruled and told that the conference wanted only section 40 and Chapter XI to be dealt with and not the other sections. It does not mean that I gave up the idea. It was only after that that

[The Raja of Khallikote] [5th February 1936]

I began jotting down notes. I think the hon. Members Mr. Ramalingam Chettiyar and Mr. Peddi Raju will bear me out when I say that this question was moved at the beginning of the conference."

The Hon. Sir CHARLES SOUTER:—"May I just suggest that these recriminations are unnecessary and they need not be pursued further? I do not think it is going to help either this side or that side, this Gentleman or that Gentleman. Therefore I do not think these matters need be gone into."

The Hon. the RAJA OF BOBBILI:—"Sir, I never wanted even to intervene in this debate. However I thought I would be failing in my duty to myself as well as to this House if I did not place these facts before the House. I am sure my hon. Friends Mr. Peddi Raju and Mr. Ramalingam Chettiyar will support me in my statements. However, in deference to the wishes of the Hon. the Revenue Member, I do not want to meet the other charges made against us by the Raja Sahib of Khallikote. I will only, if you will permit me, deal with some of the general aspects of the question.

"Sir, unfortunately I have not got the facts and figures before me, and it is not possible except for the Government to collect the data. However, it is not correct to say that there are only a few estates in Ganjam district which are now going away to Orissa Province which would be affected by this Bill. There are numerous important estates which have been surveyed and settled and whose rents have been commuted under Chapter XI. Apart from the amendment of Mr. Peddi Raju which has now been accepted by the House, this Bill will certainly affect all those estates if the prices during the fasli for which the application is made are lower than the average prices at which the old commutation rates or the settlement rates were adopted. Therefore it is rather unfair that a charge should be made that this Bill is commanding this amount of support in the party because it is only going to affect a few landholders and not others. I do not know whether this hon. House has realized that by this Bill we are agreeing to a very far-reaching principle that rents should vary in proportion to the market prices of the produce. If this Bill has been supported and—I am now happy to say—has reached the final stage, it is not because I wanted to get any political *kudos* for me personally or to satisfy myself for any grievance against any particular individual, but it is because I felt that it was not only in the interests of the ryots but also in the interests of the landholders that every reasonable effort should be made on both sides to make the position of the tenant as comfortable as possible, consistent of course with the right of self-preservation of the landholders themselves. I for one can state I have no personal axe to grind nor will I be in any way benefited by furthering any legislation which would affect only certain persons against whom I really bear no grudge and to whom all these years I have done everything possible by way of assistance and help. Perhaps in view of the future constitutional changes, politically speaking it was considered

5th February 1936] [The Raja of Bobbili]

lightly to make these unfounded charges, but I may advise my friend that whether now or in future, such attitude and such actions will not benefit anybody."

* The RAJA OF KHALLIKOTE:—"I wish to state that the Hon. the Revenue Member mentioned the defects of the Bill much more vehemently than myself. Anyhow I am glad that better sense has at last prevailed and the amendment has been accepted by which the provisions of the Bill will apply to all cases in the Presidency. I am sure the original intention was different."

The Hon. the RAJA OF BOBBILI:—"The original intention was that the Bill should apply to as many estates as possible."

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

V.—A BILL FOR THE PROTECTION OF VILLAGE OFFICERS IN THE MADRAS PRESIDENCY.

Mr. A. RAMAKRISHNA REDDI:—"Sir, I beg to move for leave to introduce a Bill for the protection of village officers in the Madras Presidency."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"I second it."

The motion was put and carried.

Mr. A. RAMAKRISHNA REDDI:—"I introduce the Bill."

VI.—THE MADRAS EMPLOYEES' PROTECTION BILL.

Mr. C. BASU DEV:—"Sir, I beg to move for leave to introduce the Madras Employees' Protection Bill."

Mr. A. RAMAKRISHNA REDDI:—"I second it."

The motion was put and carried.

Mr. C. BASU DEV:—"I introduce the Bill."

VII.—MOTION UNDER STANDING ORDER No. 33.

Mr. T. S. RAMASWAMI AYYAR:—"Sir, under Standing Order No. 33 I move that all the other items of business on the agenda be passed over until resolutions Nos. 9 and 10 are disposed of."

Mr. K. A. NACHAYAPPA GOUNDER:—"I second it."

Mr. M. S. SRESHTA:—"Sir, I beg to oppose the motion; there is one important item in the agenda. This is the third time that the resolution regarding the aided elementary schools has been balloted (I have already given my reason for opposing this motion). I can understand the importance of the motion which is sought to be moved at once. But at the same time the resolution in regard to elementary schools has been pending for the last two or three years. Conferences have been held everywhere in the Madras Presidency and some opportunity may be given to move this resolution. I promise I shall not take much time over this resolution. The matter is not controversial. The resolution can be considered in 15 or 20 minutes and there will be time enough to take up the other items. I am very sorry I have to oppose this motion."

[5th February 1936]

Rao Sahib V. I. MUNISWAMI PILLAI:—"I second the motion, Sir. I have great sympathy for the ryots and with the matter referred to in resolutions 9 and 10. Elementary education also is a very important matter. I think it is high time that some time should be allowed for its discussion and so this resolution can be taken up first."

The motion was put and declared lost.

A poll was demanded and the House divided thus:—

Ayes.

1 Mr. G. Ranganatha Mudaliyar.	13 Mr. K. A. Nachiyappa Gounder.
2 " P. C. Moses.	14 " H. B. Ari Gowder.
3 " K. Pattabhiramayya.	15 " G. R. Premayya.
4 Khan Bahadur Mahmud Schamnad Sahib Bahadur.	16 Rai Sahib C. Kolanda Reddi.
5 Mr. M. B. Rangaswami Reddi.	17 Mr. K. Koti Reddi.
6 Diwan Bahadur T. A. Ramalingam Chettiyar.	18 " G. Rameswara Rao.
7 Mr. Abdul Hameed Khan.	19 Rao Bahadur R. K. Venugopal Nayudu.
8 " Basheer Ahmed Sayeed.	20 Mrs. A. Rukmani Lakshmipathi.
9 " T. S. Ramaswami Ayyar.	21 Mr. T. Narasa Reddi.
10 " A. B. Shetty.	22 " C. Obi Reddi.
11 " A. M. Ahmed Moeran.	23 Mr. Mahboob Ali Baig.
12 " P. Peddi Raju.	24 Mr. M. A. Manikkavelu Nayakar.

Noes.

1 The Hon. Sir K. V. Reddi Nayudu.	19 Diwan Bahadur A. Appadurai Pillai.
2 " Rao Bahadur A. T. Pan-nirselvam.	20 Mr. D. M. Reid.
3 " Sir Charles Souter.	21 " W. K. M. Langley.
4 " Mr. G. T. H. Bracken.	22 " G. F. F. Foulkes.
5 " The Raja of Bobbili.	23 " W. P. A. Soundrapandian.
6 " Diwan Bahadur S. Kuma-raswami Reddiyar.	24 " P. K. Ramachandra Padayachi.
7 " Mr. P. T. Rajan.	25 Rao Sahib V. Dharmalingam Pillai.
8 Diwan Bahadur C. Natesa Mudali-yar.	26 Rao Bahadur D. Krishnamurti.
9 Mrs. Alamelumangathayaramma.	27 The Kumararaja of Venkatagiri.
10 Mr. W. Scott Brown.	28 Rao Sahib Pandit Ganala Rama-murti.
11 " H. R. Uzielli.	29 Mr. P. M. Thangal.
12 " C. E. Jones.	30 " C. Basu Dev.
13 " G. T. Boag.	31 " M. S. Sreshta.
14 " R. Madanagopal Nayudu.	32 Rao Bahadur G. Jagannatha Raju.
15 " T. B. Russell.	33 Rao Sahib V. I. Muniswami Pillai.
16 " T. Sundara Rao Nayudu.	34 Diwan Bahadur M. Gopalaswami Mudaliyar.
17 Khan Sahib Syed Tajuddin Sahib Bahadur.	35 Rao Bahadur Subadar-Major S. A. Nanjappa Bahadur.
18 Diwan Bahadur R. Srinivasan.	

Neutral.

1 Mr. R. M. Palat.	4 Rao Sahib D. V. Narasimhaswami.
2 Zamindar of Mirzapuram.	5 Mr. A. Ramakrishna Reddi.
3 " Bodinayakkanur.	6 " I. C. Iswaran Pillai.

Ayes 24. *Noes* 35. *Neutral* 6.

The motion was lost.

Mr. BASHEER AHMED SAYEED:—"Sir, may I, with your leave, move that all the other items of business on the agenda be passed over until resolution 10 is disposed of? The Council has given its decision with

[5th February 1936] [Mr. Basheer Ahmed Syeed]

regard to resolutions 9 and 10. It may agree to allow precedence to resolution No. 10. I therefore move that resolution No. 10 may be taken up for discussion now."

* The Hon. the PRESIDENT:—"The hon. Member cannot try chances. I would not allow any such motion to be moved now. We had a vote just now on the previous motion which included reference to resolution No. 10 also. If the Member wanted, he could have moved an amendment to the previous motion before it was put to vote."

VIII.—RESOLUTION *RE* ESTABLISHMENT OF HOMŒOPATHIC SCHOOL OF MEDICINE AND DISPENSARIES—*cont.*

* The Hon. the PRESIDENT:—"The House will now take up Mr. G. Rameswara Rao's resolution* which was under discussion on the last non-official day, i.e., 8th August 1935."

* Mr. G. RAMESWARA RAO:—"Sir, I thank the House for giving me an opportunity for speaking on my motion as early as this. I make a recommendation to the Government that they might enquire into the merits of the Homœopathic system of medicine and consider the possibility of adopting that system of medicine. The Hon. Minister told me when I moved a cut motion, that the subject was a new one. He said he would consider the matter if it was brought up separately. Therefore I propose to give a short history of the movement; I shall show how the system is practised in India and elsewhere including the British Isles. With regard to the history of the movement, I wish to preface by saying that the system was started by Christian Samuel Hahnemann who was born on 11th April 1755 and died on 2nd July 1843; he lived to a very ripe age. We should recognize the system which he has founded for the benefit of posterity.

"He was himself an eminent allopathic doctor well-versed in modern science and was responsible for about 150 publications on Chemistry and Medicine. That will show to the House how efficient he was as a recognized member of the medical profession as it existed in those days. Curiously enough, he was not only a research scholar but an eminent scientist also, and he was a man who was fully alive to the calls of conscience and the calls of God within. The curious incident of his life was that when he felt himself unable to cure fever among his own children, he said to himself: 'If I am unable to cure my children of fever, it is absolute want of honesty in me to go to others and tell them that I can cure them of their ills and enrich myself at their cost.' So he said his conscience won't allow him to practise medicine any more because of his thorough failure in his own domestic circle. Then having no other means of livelihood, he took to translating medical books from

* This Council recommends to the Government that a Committee consisting of some non-official Members of this House and some officials and some homœopathic practitioners be constituted to report to the Government on the advisability of starting a Homœopathic School of Medicine and Homœopathic Dispensaries in our Presidency.

[Mr. G. Rameswara Rao] [5th February 1936]

one language to another, as he was a well-known linguist. And in the course of translating Cullen's *Materia Medica*, he came across a passage dealing with cinchona bark, to the effect that this bark when given to a healthy man, produces chills and temperature. He was rather surprised when he found it, because in common experience, this cinchona bark was given to cure fevers of a malarial type. When he saw that passage he paused at that stage and wanted to verify the statement by performing an experiment upon himself. So, he took a few doses of this cinchona bark and the result was that he developed symptoms of fever. Then again, he pondered over the matter, and said to himself: 'Well, if this principle is illustrated in the case of fever with cinchona bark, can this principle be extended to cases of gonorrhœa, syphilis, and other diseases of the sort?' Being himself an efficient doctor, he knew what medicines were applied for what diseases, and consequently he began proving the truth for himself to see whether he could develop a logical theory in the administration of drugs. And to his wonder, he found that each drug usually given to cure a particular disease in those days—as in these days also—was capable of developing in a healthy man the very symptoms of the disease for which the drug was given to a patient as a cure. Then, not being satisfied with an experiment upon himself, he collected a coterie of friends, all medical men of repute, and put it to them to verify his own experience; he asked them to take drugs with a view to publish to the world, if the results proved satisfactory, this theory and to have it demonstrated. Then, every member of the medical profession proved that the experiment led only to one logical conclusion, i.e., that like cures like—that is to say that a drug which develops a certain disease if taken by a healthy man, is the only drug which can be given to a patient suffering from such a disease as a cure. That is the fundamental theory. This is a scientific theory which has been developed by scientists in the West and accepted by eminent people in the West as a theory very well demonstrated.

"It is said, Sir, that homœopathy is a symptomatic treatment. The symptoms are taken to be the voice of the inner man. The system of homœopathy goes to the very root of the man and gives him a complete cure as opposed to a temporary cure of certain evils one at a time and not for all the ills—all at a time. That is a virtue which is inherent in homœopathy. Another important point to be remembered is that the system does not involve vivisection, and it is the most humane system that can be devised for the benefit of humanity. Not only this: these tiny pills are developed from an infinitesimally small proportion of medicine. The idea is that the less the medicine the greater the effect. The medicine is expected to operate on the mind, so that the whole man in all regions such as physical and mental is taken together and the medicine goes to the very root and cures the man effectively. Above all these things, Sir, this is the cheapest system. For all these reasons, I commend, Sir, that this system should be tried and that the Government, after investigating the question, should take advice from a properly constituted committee.

5th February 1936] [Mr. G. Rameswara Rao]

"Sir, the history of this system in India begins in the year 1839 when Maharaja Ranjit, in his last throes of agny, all available means having failed, consulted Dr. John Martin Honigberger who only was able to give him any relief. But homœopathy was little known to our country at that time. Some time later, it began to draw the attention of the public in Bengal, and mention can be made of Sir John Litler, a Deputy Governor of Bengal, Mr. Ironside, a Sessions Judge and Dr. Fabre, who did much towards the establishment of hospitals, charitable dispensaries and helping associations in many places. Further on, Mr. Rajendra Lal Dutta, another notable Bengalee, gave a great impetus to this system. Again, another gentleman, Dr. Sarkar, at first the Secretary and later on the Vice-President of the British Medical Association of Calcutta, became a convert to homœopathy and he gave it the very best impetus that was possible in those days. This system has been in vogue in India to a lesser or a higher degree from the year 1839 onwards, and for nearly a century now we have not recognized the virtues of this system which are recognized all over the world. The Government should take steps to find out what benefit this system is capable of giving to the people.

"As a last argument, I shall instance the case of His Majesty. During the penultimate illness of His Majesty King George V, when his blood was found to be full of streptococci, it was given to a homœopath to clear the blood of streptococci within twenty-four hours and then hand over the patient to the other doctors, to carry on their cure. Again, the Prince of Wales, our present Emperor, is himself a notable man, having great faith in the efficacy of homœopathy; in fact, in the Royal Household, homœopathy is allowed to be freely used along with allopathy. When such is the recognition given all over the world to homœopathy, the best thing for the Government is to appoint a committee to go into the matter, and to take the opinion of eminent people in the West as well as in the East. About eight years ago a similar motion was moved in the Travancore Legislative Assembly, and I am glad to tell hon. Members that the motion was carried by a large majority. The Travancore Government has introduced the homœopathic system as a State system of medicine. About two months ago I also read in the papers that during the cholera epidemic, the Government of Travancore specially allotted a particular area where this system was to be given a trial. That is the way in which homœopathy is recognized even in the Native States. The matter being one of such great importance and especially when the medicine is so cheap and our medical budget can be easily cut down and when our vital statistics can be very well made to compare favourably with those of any foreign country if we introduce this system, it is up to this hon. House to agree to this resolution. Sir, I commend this proposal to the acceptance of the Government."

Rao Sahib V. I. MUNISWAMI PILLAI:—"I second the resolution, Sir."

[5th February 1936]

- * Mr. A. B. SHETTY:—"Mr. President, Sir, I move—
that in the resolution of my hon. Friend, Mr. Rameswara Rao,
for all the words after the word "Committee" in line 1, the
following be substituted:—
"including some homœopathic practitioners be constituted
to report to Government on the advisability of providing a
course of practical instruction in the homœopathic system
of medicine in our medical institutions."

Sir, I am heartily in sympathy with the resolution. My object in moving this amendment is to make it more easy for the Government to accept the resolution. I think, Sir, that no separate school for teaching this system of medicine is necessary. The subjects to be studied are almost the same. A practitioner of homœopathy will also have to study anatomy, physiology, pathology and such other subjects. Any graduate who comes out of our medical institutions could pick up a knowledge of homœopathy in a very short time. I do not think it is necessary to start a separate school of homœopathy alone, and the question of our starting homœopathic dispensaries can be taken up later on.

"Sir, allopathic physicians give medicines in large doses and strong doses. They apply palliatives according to symptoms; but homœopathic physicians believe in helping nature's healing process by giving minute doses of medicines which are akin to the disease. There are only two points of difference between allopathy and homœopathy. The homœopathic doctors believe that substances which cause diseases can cure them when they are given in minute doses. Hahnemann, the founder of homœopathy, while carrying on researches about the effects of quinine, tried the peruvian bark upon himself and found, to his surprise, that he developed fever. This led him to propound his theory of *similia similibus curentur*—that like cures like. In modern days, the vaccine treatment that we give, the results of serum therapy also show us how diseases can be cured by the same substances which in other circumstances cause them. Professor Bier, the world-famous surgeon of Germany, was led, as a result of his observations and his researches, to believe in the despised doctrine of homœopathy and he was instrumental in starting a chair of homœopathy in the medical faculty of the University of Berlin. Allopathic physicians generally ridicule and doubt the efficacy of giving very minute doses of medicine and curing diseases by that means. But the progress of medicine and recent discoveries have proved that small doses also can act. Allopathic doctors too have been led by experience to reduce their doses. They have found that medicine given through injections, even of 1/1000000 gramme is sufficiently efficacious. We all hear so much nowadays about vitamins. Vitamins are extremely minute substances which it is impossible to discover, but these substances when they are lacking in our food, cause deficiency diseases or diseases of malnutrition. The results of experiments made by Sir J. Bose show that poisons in normal doses kill plants.

5th February 1936] [Mr. A. B. Shetty]

but when given in extremely minute doses, accelerate the growth of the same plants. There are several other instances which also go to show that drugs when given in extremely minute doses prove very efficacious. They have found, for instance, that adrenaline when given in 1/10000 part of a milligram, can effectively contract the muscles of the bladder. The efficacy of the infinitesimal doses of homœopathic medicines has been proved in many hospitals where such medicines are given. The science of homœopathy has stood the test of time; it is nearly 150 years old; it has made vast strides in the United States of America where they have not only homœopathic colleges in places like New York, Philadelphia and Cleveland, but also a large number of homœopathic hospitals and sanatoriums.

"They have got homœopathic hospitals and doctors in other American countries also—in countries like Brazil, Mexico and Canada 4-45 P.M. and in European countries like Italy, France, Germany, Switzerland. There are several homœopathic hospitals and eminent medical men practising homœopathy in England. The biggest hospital is said to be in London and there they have the British Homœopathic Association. In India, in Calcutta and in my own town of Mangalore we have several homœopathic doctors who are successfully practising this system of medicine. Not only doctors but there are a large number of laymen particularly Missionaries, who practise this system in India and China. It is claimed by the practitioners of this system of medicine that it is simple, it is cheap and it is pleasant to take. It is willingly taken by children. More than anything else homœopathic medicine has no injurious secondary effects as we sometimes find when allopathic medicines are administered. We know many allopathic doctors who have condemned the poisonous effects of their own drugs. I hope, Sir, that the Hon. Minister will give his serious consideration to this matter and see whether he cannot accept the resolution in the form in which it has been amended by me. I think in our medical institutions we must teach different systems of medicine. We must provide optional courses of study. Without much extra expenditure Government can create a special chair for the teaching of this system of medicine for such people as like to study them. We shall be wise if we keep our minds open and adopt whatever is good in other systems. It is not right for any man of science or any doctor to be dogmatic and believe in only one system."

Mr. M. A. MANIKKAVELU NAYAKAR:—"I second it."

Khan Sahib SYED TAJUDDIN SAHIB Bahadur:—"Mr. President, as we all know India is a strange country. It is a land of castes and colours and religions. It is a land of languages. Sir, it is also a land of many systems of medicine. We are already having about five systems of medicine in our country, namely, the allopathic system, ashtanga hridayam, ayurveda, siddha and unani. I should like to draw the attention of the House to one fundamental fact. The allopathic and homœopathic systems are diametrically opposed to each other. They

[Mr. Syed Tajuddin] [5th February 1936]

are as poles asunder in the basic principles themselves. As our learned friend just now said the system of homœopathy is based upon what they call the basic principle '*Similia similibus curentur*' whereas the system of allopathy is based on the opposite principle *contra contrariis curentur*. Therefore in the fundamentals themselves they are diametrically opposed. The homœopaths accuse the allopathic system by saying that the dosage is too large whereas the allopathic practitioners find fault with the homœopaths by saying that the dosage is infinitesimally small. It is next to water, they say, and cannot produce any effect in the body or counteract any symptoms. After all they contend that homœopathy is next only to mental healing. You may as well chant a mantram and say it will cure you. If you have faith in medicine it will cure you. Otherwise not. I cannot discuss the relative merits of any of these systems just at present because it is already too late. But my point is whether we can take up on hand the system of homœopathy immediately. Sir, the Indian systems of medicine which had fallen into disuse are just now brought to light once again and the research section of the Indian School of Medicine is almost starving. There are various points which are very important which require our present attention. We must cut our coat according to our cloth and where are we to go for the sinews of war. If we go on doing things haphazardly and without any proper regard to our finances it won't be any good at all. We must place the Indian systems of medicine on a stable basis and then only think of helping the homœopathic system which is a foreign system. After all homœopathy is still in its leading strings and I cannot subscribe to what Mr. Shetty said that it has stood the test of time. After all this system was brought into being only the other day. In India it has been in vogue only during the last few years and that in certain corners. For these reasons I oppose the motion."

MR. BASHEER AHMED SAYEED:—"I would like to add a few words to what the Muslim Member from Tanjore stated. It is not a matter of sentiment at all. It is not a matter on which we ought to take a step if we are convinced of the step we are taking. As has been pointed out we have got three or four important systems. The Muslim Member pointed out the fifth one, of which I am not aware at all. They have proved themselves to be of certain efficacy and in some respects of greater efficacy than the allopathic system. Those systems were explored only very recently. When they were dying an attempt was made by the Raja of Panagal and a committee was appointed and that committee made very elaborate recommendations to resuscitate these systems. Most of the recommendations of that committee are still to be given effect to. Government have no funds to give effect to them. These are very necessary and urgent. I may give one instance. The establishment of herbaria to develop our own materia medica, our own pharmacopia and our own medical store and very many similar suggestions have been made in that report. But no step has been taken in that

5th February 1936] [Mr. Basheer Ahmed Sayeed]

direction. It is necessary that there should be a standardization of the medicines which are used in the Unani and other systems of medicine. Before we can attempt it what is the good of being drawn away to many other systems. I am not opposed to researches. It has been the policy to improve the sphere of activity in the educational department through private effort even after long years of education. Even so it must take pretty long time before Government can take this foreign and alien system of medicine into this country. Let there be more and more private interest in this regard and let the result be tested by the allopathic system to see how far this could be given precedence, not even precedence but to see whether money could be spent on it. So instead of diverting attention to new spheres of activity let the old be encouraged, augmented and strengthened. There is the Indian School of Medicine. What is being done? Every time the Finance Member says, 'no funds.' We cannot get buildings. We cannot get assistance. We cannot increase the number of beds in the Indian School of Medicine which is most inefficient. I do not cast any aspersions on the officers there. But in the matter of equipment, in the matter of the number of beds, in the matter of medicines and in the matter of several requirements of a decent hospital it is utterly lacking. Those systems deserve far more encouragement than the allopathic system. Indian systems of medicine are far cheaper than the allopathic system and it has been proved that the medicines of the Unani and Ayurvedic systems are far more efficacious. When the Government is not able to do that much towards the existing systems of medicine what justification is there for the Government or even any one of us to ask the Government to go on spending money on the investigation of this. Let private effort attend to this. Let the initial stage be over and after it has become deep-rooted and after it has secured reputation in the country then it will be time for the public or the Government to take up that system to see how far it can be taken up by the people of this country. I do not really want that investigation should not be made. But this is not the stage. We shall have to wait for some years to see how far the system justifies to fulfil the legitimate functions. I therefore say we need not devote more time on this."

* The Hon. the PRESIDENT:—"Hon. Members are aware that the House is assembling on the 26th instant when the budget will be presented. It is proposed that we should meet a day earlier to transact business connected with the final stages of the City Municipal Bill. The House will therefore adjourn and meet again at 11 o'clock on the 25th instant."

IX.—PAPER LAID ON THE TABLE OF THE HOUSE.

* Settlement—Resettlement—Supplement to the Scheme Report of the Kurnool district—Proposals for revision of water-cess in the Kurnool district.

D. K. V. RAGHAVA VARMA,
Acting Secretary to the Legislative Council.

[5th February 1936]

APPENDIX I.

[Vide answer to question No. 727 asked by Mr. G. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 5th February 1936, page 548 supra.]

Resolution of the Board of Revenue, No. Mis. 78, dated 9th January 1936.

READ—the following:—

Letter from M.R.Ry. Rao Bahadur M. V. VELLODI Avargal, B.A., Collector of Tanjore, dated 23rd December 1935, No. Rc. A. 2/16837/35.

[Cyclone—November 1935—Tanjore district—Detailed report—Submitted. Reference.—(i) Board's Reference No. M. 7760/35-1, dated 20th November 1935, and (ii) Board's Reference No. M. 7760/35-3, dated 27th November 1935.]

I submit herewith my detailed report on the damage done by cyclone on the 14th and 15th November 1935.

2. *The time and duration of the cyclone and the area affected by it.*—The cyclone began at about 6 p.m. on 14th November 1935. High wind accompanied by heavy rain started by 9 p.m. and continued till about noon the next day. Tiruturaipundi taluk and portions of all other taluks except Tanjore, Papanasam and Kumbakonam were affected, Vedaranniyam union and some villages around it in Tiruturaipundi taluk being the worst affected. In Vedaranniyam which is on the sea coast, there was a rainfall of about 9 inches on the 14th, and the sea rose up by about 3 feet and came as far as the railway line at about 1 a.m. on 15th November 1935 and receded only at 9 a.m. that day. The sea made inroads into the villages of Sathanangudi and Porayar in Mayavaram taluk also and inundated the adjoining fields.

3. *The total number of lives lost and of families that have been rendered homeless.*—The total number of lives lost is only seventeen—ten in Tiruturaipundi, six in Pattukkottai and one in Negapatam taluks. The one case in Negapatam taluk was of a child three years old, in Tiruvalur town, as a result of the collapse of a mud house. Of the six who died in the Pattukkottai taluk, three were fishermen who had gone out to the sea to fish. Their bodies were washed ashore on the 15th November in the limits of Eripurakarai village. Five thousand and fifty houses in Tiruturaipundi taluk, 2,975 in Pattukkottai, 377 in Negapatam, 142 in Mannargudi and 35 in Arantangi taluks were damaged. Most of the houses were only thatched and they were owned by poor Adi-Dravidas, fishermen and cultivating tenants, who were rendered thereby temporarily homeless.

4. *Extent of damage done.*—(a) *To Government property (other than irrigation works).*—The damage done to Government property was neither extensive nor serious. Eight cattle-pounds, three in Tiruturaipundi, two in Arantangi, one in each of the taluks of Pattukkottai, Mannargudi and Negapatam were damaged. Besides the three pounds

[5th February 1936]

in Tiruturaipundi, the taluk office building, the Deputy Tahsildar's office, Vedaranniyam, and the forest rest-house and out-houses in Point Calimere were also damaged, and the approximate cost of repairs to all the buildings including the cattle-pound has been estimated to Rs. 700. In Arantangi taluk, besides the two pounds, the compound wall of the taluk office and a portion of the roof of the sub-jail kitchen were also damaged, and the total cost of repairs is about Rs. 140. The taluk office buildings at Pattukkottai also suffered damage, and the cost of repairs to them and to the cattle-pound is estimated at Rs. 150. Ten thousand maunds of salt stored in the platforms in the Salt Factories at Adirampatnam and Maravakkadu are reported to have been either washed away or rendered unfit for use, as the sheds were blown off by the winds. The loss to Government by way of duty is estimated to be nearly Rs. 75,000. The cost of repairs to the pound in Mannargudi taluk will be about Rs. 150 and to that in Negapatam taluk about Rs. 100. The northern pillar showing the Port limits of Tranquebar also collapsed as a result of the erosion caused by the sea water. No appreciable damage was caused to the minor irrigation works, except to three eris (tanks) in Pattukkottai taluk the bunds of which have been washed down on account of the rains. There were no breaches. The probable cost of the earthwork that has to be done to the three eris is estimated at Rs. 500.

(b) *Damage to crops and fields.*—In Pattukkottai taluk, paddy crops on an extent of about 7,000 acres are reported to have suffered, and the loss by way of diminution in yield is estimated at one kalam per mah or three kalams per acre on an average. The total estimated money value of the reduction in yield is estimated by the Tahsildar as Rs. 21,000. About 1,700 acres of land suffered by inundation; but the Tahsildar reports that the crops have improved in almost all the cases, and that it is not likely that anything more than 500 acres will ultimately come up for remission.

Standing crops in the Talanayar group of villages in Tiruturaipundi taluk are reported to have been affected and the remission of revenue anticipated is about Rs. 3,500.

In Negapatam taluk it is reported that kar crop (paddy) which was ready for harvest was blown down and had to remain under water for some time. Almost the whole of the crop has been harvested, and there must have been some reduction in the yield. The samba crops in Karapadagai North and South villages where the drainage facilities were already defective have been affected. The Tahsildar estimates the remission of revenue at Rs. 3,000 in these two villages.

As regards the damage caused by submersion to the lands in the villages of Sathanangudi and Porayar in Mayavaram taluk, the Deputy Tahsildar, Tranquebar, states that it was too soon to say whether the fields would eventually come up for remission. He, however, estimates the amount of remission at Rs. 614. In Shiyali taluk also paddy crops on an extent of about 200 acres in Perunthottam village were reported

[5th February 1936]

to have been damaged as a result of the flow of sea water into the fields, but I have not heard anything since from the Revenue Divisional Officer, Mayavaram, regarding the anticipated remission of revenue in Mayavaram and Shiyali taluks.

In Mannargudi taluk, remission of water-cess to an extent of Rs. 115 is anticipated as a result of the affection of betel vines by the cyclone and the consequent damage to the betel leaves in Sekarai village.

In other areas crops have not been damaged. Fortunately, the cyclone came at a time when the first crop paddy (kuruvai) had been harvested, and the second crop (Samba) paddy had not begun to be in ears.

Trees.—Reports received show that about 52,000 trees consisting of cocoa, mango and other trees in Tiruturaipundi taluk and 100,600 cocoa trees in Pattukkottai taluk had fallen down. In other taluks also trees were uprooted here and there, but the number blown down is reported to be not appreciable.

(c) *Damage to other private property including houses and live-stock.*—As stated in paragraph 3 above, the number of houses damaged are—

Tiruturaipundi taluk	...	...	...	...	5,050
Pattukkottai taluk	...	...	...	...	2,975
Negapatam taluk	...	...	...	...	377
Mannargudi taluk	...	...	...	...	142
Arantangi taluk	...	...	...	...	35

About 800 cattle in Pattukkottai taluk, 230 in Tiruturaipundi taluk and 2 in Kumbakonam taluk were lost.

(d) *Damage to communications.*—Telegraph and telephone communications from and to Tiruturaipundi were held up for about a day. Railway communications between Tiruturaipundi and Arantangi and between Tiruturaipundi and Vedaranniyam were also dislocated for a day. There was a breach of the railway line between Negapatam and Nagore also.

5. *The measures to be taken for the relief of the distress and the probable cost to Government.*—The houses of the poor people to the east of the railway line in Vedaranniyam were submerged under water and the people who were rendered homeless were mostly Adi-Dravidas. They were housed in various madams, water pandals, etc., in Vedaranniyam town. The Pasumatam Swamiar and the trustee of the temple at Vedaranniyam arranged to feed them on the 15th November 1935. It is reported that the houses affected were mostly thatched ones, and that the owners took the necessary steps to rebuild them. In Pattukkottai taluk also, the owners of the damaged houses have since renewed them in almost all the cases. The owners of six houses who are Adi-Dravidas are reported to be really in need of financial help and the cost is estimated at Rs. 5 × Rs. 6 or Rs. 30. Steps are being taken to afford this

[5th February 1936]

relief. In Negapatam taluk the owners of about 180 houses are reported to be in need of help. The Municipal Council, Negapatam, has provided a sum of Rs. 500 for the relief of the persons living within the municipal limits. The Sub-Collector, Negapatam, reports that he will arrange to help the rebuilding of the houses in other places. In Mannargudi taluk the house owners have executed the necessary repairs. The damage to houses is not such as would require any general relief. Advances to cultivators will be given wherever necessary under the Agriculturists Loans Act.

It is too soon now to say definitely about the extent of remission of revenue that may have to be granted. No appreciable damage was done by the cyclone to paddy or other crops and no special remission is called for. Remission under ordinary rules (Board's Standing Order No. 13) will be granted wherever necessary.

A large number of petitions are being received from toddy renters in Tiruturaipundi and Pattukkottai taluks for remission of toddy kist and tree-tax as a result of the coconut trees having been uprooted, and of diminution in the yield of toddy due to cyclone. The Assistant Inspector of Excise, Pattukkottai, is attending to the matter of affording relief by substitute marking of trees for tapping. In cases in which it is not possible to mark substitute trees, the question of granting partial remission of tree-tax and shop rental will be taken up.

6. At first sight it may perhaps appear curious that I am not recommending Government relief towards the amelioration of the apparent distress caused to the owners of over 8,500 houses. The accounts received by me show that in every case the house damaged consisted of mud walls and thatched roof. It is a common feature in these parts for many such houses to collapse during the rainy season and if a census were taken of the annual loss of such houses throughout the whole district as has been done this year, the number would not be very much less than those reported now. The roofs of these huts were blown over, but in Tiruturaipundi Union where I got stuck up after the cyclone, I noticed that the very same materials were used and the expense that the owners were put to consisted only of some string and some new thatch, the old thatch being dried and mostly used again. This must have occurred in almost all cases where damage was caused.

[5th February 1936]

APPENDIX II.

[Vide answer to question No. 734 asked by Mr. U. C. Subbaramanya Bhatt at the meeting of the Legislative Council held on 5th February 1936, page 555 supra.]

Name of the District Educational Council.	Amount sanctioned.	Unspent balance of grants paid in previous years.	Name of the District Educational Council.	Amount sanctioned.	Unspent balance of grants paid in previous years.
(1)	(2)	(3)	(1)	(2)	(3)
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Teaching grants—Day schools—1934-35.					
1 Ganjam ..	2,45,477	10,000	16 South Arcot ..	1,42,145	..
2 Vizagapatam ..	2,88,080	341	17 Tanjore ..	2,50,802	..
3 East Godavari ..	1,66,977	313	18 Trichinopoly ..	1,82,700	103
4 West Godavari ..	1,54,977	..	19 Madura ..	1,32,121	..
5 Kistna ..	2,17,226	1,647	20 Ramnad ..	2,35,690	..
6 Guntur ..	8,67,356	..	21 Tinnevely ..	4,88,486	100
7 Kurnool ..	1,08,729	2,821	22 Coimbatore ..	97,547	23
8 Bellary ..	58,621	..	23 Salem ..	68,530	667
9 Anantapur ..	46,443	985	24 The Nilgiris ..	48,165	..
10 Cuddapah ..	1,21,281	..	25 Malabar ..	9,81,452	1,468
11 Nellore ..	1,62,298	..	26 South Kanara ..	2,06,087	..
12 Madras ..	1,32,039	47			
13 Chingleput ..	1,14,657	1,103			
14 North Arcot ..	1,30,624	..			
15 Chittoor ..	84,485	201			
			Total ..	51,16,945	19,700

Teaching grants—Night schools—1934-35.					
1 Ganjam ..	874	..	16 South Arcot ..	3,759	..
2 Vizagapatam ..	11,350	..	17 Tanjore ..	2,492	..
3 East Godavari ..	10,485	42	18 Trichinopoly ..	1,177	..
4 West Godavari ..	1,600	..	19 Madura ..	1,568	..
5 Kistna ..	3,909	4	20 Ramnad ..	635	..
6 Guntur ..	1,016	..	21 Tinnevely ..	1,940	11
7 Kurnool ..	2,093	..	22 Coimbatore ..	2,307	..
8 Bellary ..	976	..	23 Salem ..	558	..
9 Anantapur ..	894	..	24 The Nilgiris ..	631	..
10 Cuddapah ..	2,317	..	25 Malabar ..	2,474	..
11 Nellore ..	3,272	..	26 South Kanara ..	525	..
12 Madras ..	4,052	..			
13 Chingleput ..	1,527	..			
14 North Arcot ..	2,002	..			
15 Chittoor ..	911	..			
			Total ..	65,220	57

APPENDIX III.

[Vide answer to question No. 736 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 5th February 1936, page 557 supra.]

Statement showing the number of arrack shops sold in 1935-36.

District.	Number of arrack shops sold in 1935-36	District.	Number of arrack shops sold in 1935-36.
Ganjam ..	223	South Arcot ..	427
Vizagapatam ..	258	Tanjore ..	89
East Godavari ..	211	Trichinopoly ..	219
West Godavari ..	136	Madura ..	154
Kistna ..	272	Ramnad ..	146
Guntur ..	316	Tinnevely ..	222
Nellore ..	207	Coimbatore ..	321
Cuddapah ..	251	The Nilgiris ..	4
Anantapur ..	223	Salem ..	311
Bellary ..	179	South Kanara ..	303
Kurnool ..	175	Malabar ..	420
Madras ..	18		
Chingleput ..	160		
Chittoor ..	191		
North Arcot ..	265		
		Total ..	5,701

V211, 32 N 36

N 36. 77

~~25/8/8~~
29/9/8